



**CITY SCHOOL DISTRICT OF ALBANY
PROVISION OF SPECIAL EDUCATION
AND RELATED SERVICES
TO STUDENTS WITH DISABILITIES
ENROLLED IN NON-PUBLIC SCHOOLS**

Pursuant to applicable federal and state law and regulations, the Board of Education of the City School District of Albany hereby adopts the following policies and procedures with respect to the provision of special education and related services to children with disabilities voluntarily enrolled by their parents in private or parochial (“non-public”) schools.¹

1. The district shall offer a free appropriate public education to all resident children with disabilities enrolled by their parents in non-public schools. This includes evaluation upon referral, annual review and development of an appropriate IEP for each student.
 2. Pursuant to Education Law §3602-c, the district shall offer special education services to students with disabilities enrolled in non-public schools if their parents request such services by June 1 of the preceding school year. The Board of Education directs the Director of Special Education to notify parents of this deadline by publishing the deadline in the school calendar, by letter or by attaching an addendum to the district’s Notice of Procedural Safeguards provided at least annually to parents of all students with disabilities. The determination of where these services will be provided shall be exclusively within the discretion of the school district. The district may provide these services: (i) at the public school; (ii) at the non-public school, or (iii) at some other site. For students enrolled in non-public schools outside the district, the district may cross-contract for provision of services with the district in which the non-public school is located. Where the district offers the service at a location other than the non-public school, the district shall provide whatever transportation is necessary to provide access to these services.
 3. The decision regarding the location of these services offered to a student with a disability enrolled in a non-public school shall not be made by the Committee on Special Education. Instead, that decision shall be made by the Director of Special Education on a case-by-case basis based on consideration of all relevant factors including financial and efficiency considerations. Under no circumstances shall a decision regarding the location of services provided obligate the school district to provide the same or similar services at a like location in any other case or in subsequent years. Furthermore, the district specifically retains the right, in its unfettered discretion, to change the location at which services shall be provided at any time.
 4. The Board of Education further directs the Director of Special Education to schedule an annual consultation meeting with representatives of all non-public schools within the district and those schools outside the district where resident children are enrolled and parents to meet the following obligations:
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¹This policy is not applicable to students who have been placed in non-public schools by the Committee on Special Education or by the Committee on Preschool Education.

- a. Advise and document how a non-public school or parent may refer a resident non-public school student for an evaluation if suspected of having a disability. The district's activities attendant to its non-public school Child Find obligations shall be comparable to activities undertaken for students with disabilities enrolled in the district.
 - b. Encourage attendance by representatives of the non-public school at district meetings of the Committee on Special Education (CSE) or Committee on Preschool Education (CPSE) for children enrolled in their schools. Their attendance, or the district's efforts to secure other means of participation, shall be documented by the CSE or CPSE chairperson, as appropriate.
 - c. Discuss the manner in which the district proposes to provide services to students with disabilities enrolled in the non-public schools, and to provide the private school representatives with a genuine opportunity to express their views regarding how and where services might be provided and how such services will be evaluated.
 - d. Advise representatives of the non-public school of the June 1 deadline for requesting such services and the parents' obligation to put such request in writing to the chairperson of the CSE.
5. The Board of Education directs the Director of Special Education to ensure that monies expended to provide special education and related services to non-public school children meets or exceeds as proportionate amount of federal funds received by the district relative to the number of non-public school disabled students residing in the district.