

CHILDREN IN NONPUBLIC SCHOOLS

To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in nonpublic elementary and secondary schools, provision is made for the participation of those children in special education and related services in accordance with the requirements contained in 92 NAC 51.

The district's policy relating to childfind activities applies with respect to children with disabilities who are enrolled in nonpublic, including parochial, elementary and secondary schools.

Children with disabilities in nonpublic schools and facilities are provided special education and related services in accordance with an individualized education program, at no cost to their parents, if the child is placed in, or referred to nonpublic schools or facilities by the district as a means of carrying out the requirements of IDEA or any other applicable law requiring the provision of special education and related services to all children with disabilities. Children served by nonpublic schools or facilities as a result of a referral by the district will have all the rights they would have if served by the district.

The district is not required to pay for the cost of education, including special education and related services, of a child with a disability at a nonpublic school or facility if the district made a free appropriate public education available to the child and the parents elected to place the child in such nonpublic school or facility.

If the parents of a child with a disability, who previously received special education and related services under the authority of the district, enroll the child in a nonpublic preschool, elementary or secondary school without the consent of or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of the enrollment if the court or hearing officer finds that the district had not made available a free appropriate public education to the child in a timely manner prior to that enrollment.

The cost of the reimbursement may be reduced or denied if at the most recent IEP team meeting that the parents attended prior to the removal of the child from the district, the parents did not inform the IEP team that they were rejecting the placement proposed by the district to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a nonpublic school at public expense; or at least 10 business days (including any holidays that occur on a business day), prior to the removal of the child from the school district, the parents did not give written notice to the district of the information required above. The cost of reimbursement will not be reduced or denied for failure to provide the information required above. The cost of reimbursement will not be reduced or denied for failure to provide the information required if the parent is illiterate and cannot write in English, if

compliance with the requirement would likely result in physical or serious emotional harm to the child, if the school prevented the parent from providing the information or if the parents had not received notice required by 92 NAC 51-009 of the parents' responsibility to provide notice to the district.

The reimbursement may also be reduced or denied if prior to the parents' removal of the child from the district, the school district informed the parents, through the notice requirements described in 92 NAC 51-009, of its intent to evaluate the child (including a statement of the purpose of the evaluation was that appropriate and reasonable), but the parents did not make the child available for the evaluation.

The reimbursement may also be reduced or denied upon a judicial finding of unreasonableness with respect to actions taken by the parents.

NDE document "Policies and Procedures for Special Education" shall serve as an administrative procedure to this policy. The entire document can be found at <http://www.education.ne.gov/sped/regulations/Policies%20and%20Procedure4-16-09.pdf>