

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

INFORMATION ITEM

April 4, 2011

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: Policy 7:40-Nonpublic School Students, Including Parochial and Home Schooled Students

This policy is revised to update all legal and cross-references. The section on Interscholastic Activities in our old policy says we do not allow homeschool or parochial school students to participate at all. We may allow them to do so if we wish, however. The BOE should discuss whether or not to allow this and determine how they wish to have the policy read. It should be noted that Central has allowed these students to participate when they were asked and this has occurred about every other year. West had a request once to do so and did approve that about 3 years ago.

We can use this as our first reading and place this on the consent agenda for next time.

Students

Nonpublic School Students, Including Parochial and Home-Schooled Students ¹

Part-Time Attendance

The District accepts nonpublic school students, including parochial and home-schooled students, who live within the District for part-time attendance in the District's regular education program on a space-available basis. ² Requests for part-time attendance must be submitted to the Building Principal of the school in the school attendance area where the student resides. All requests for attendance in the following school year must be submitted before May 1. ³

A student accepted for partial enrollment must comply with all discipline and attendance requirements established by the school. He or she may participate in any co-curricular activity associated with a District class in which he or she is enrolled. The parent(s)/guardian(s) of a student accepted for partial enrollment must pay all fees, pro-rated on the basis of a percentage of full-time fees. Transportation to and/or from school is provided on regular bus routes to or from a point on the route nearest or most easily accessible to the nonpublic school or student's home. This transportation shall be on the same basis as the District provides transportation for its full-time students. ⁴ Transportation on other than established bus routes is the responsibility of the parent(s)/guardian(s).

Students with a Disability

The District will accept for part-time attendance those students with disabilities who live within the District and are enrolled in nonpublic schools. ⁵ Requests must be submitted by the student's parent/guardian. Special educational services shall be provided to such students as soon as possible after identification, evaluation, and placement procedures provided by State law, but no later than the beginning of the next school semester following the completion of such procedures. Transportation for such students shall be provided only if required in the child's individualized educational program

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State or federal law controls this policy's content. The compulsory attendance law (105 ILCS 5/26-1 et seq.) requires that parent(s)/guardian(s) of a child between the ages of 7 and 17 years send their child to public school. An exception is provided for any child attending a private or parochial school "where children are taught the branches of education taught to children of corresponding age and grades in public schools, and where the instruction of the child in the branches of education is in the English language." (Id.) Home schooling is included in this exception if the teacher is competent, the required subjects are taught, and the student receives an education that is at least equivalent to public schooling (People v. Levisen, 404 Ill. 574, 90 N.E.2d 213 (1950)).

² As of January 1, 1996, many of the duties imposed on school boards became powers (105 ILCS 5/10-20). Thus, boards have the power to accept students enrolled in nonpublic schools for part-time attendance (105 ILCS 5/10-20.24). A board should consult its attorney before deciding not to accept nonpublic students for part-time attendance.

³ Id. The deadline for submitting a request is at the local district's option. Consult the board attorney if the district or a school receives a request after this deadline.

⁴ Such transportation is required by 105 ILCS 5/29-4.

⁵ This sentence comports with the federal requirement to develop and implement a system to locate, identify and evaluate children with disabilities who attend private schools (including religiously affiliated schools and home-schools) located within the district. Moreover, the district must conduct child find activities for private school children with disabilities that are similar to those for children with disabilities in public schools. See 34 C.F.R. §§300.130-300.144 (children with disabilities enrolled by their parents in private schools).

on the basis of the child's disabling condition or as the special education program location may require. ⁶

Extracurricular Activities, Including Interscholastic Competition

A nonpublic school student is eligible to participate in: (1) interscholastic competition, provided his or her participation adheres to the regulations established by any association in which the School District maintains a membership, and (2) non-athletic extracurricular activities, provided the student attends a District school for at least one-half of the regular school day, excluding lunch. ⁷ A nonpublic student who participates in an extracurricular activity is subject to all policies, regulations, and rules that are applicable to other participants in the activity.

Assignment When Enrolling Full-Time in a District School

Grade placement by, and academic credits earned at, a nonpublic school will be accepted if the school has a Certificate of Nonpublic School Recognition from the Illinois State Board of Education, or, if outside Illinois, if the school is accredited by the state agency governing education. ⁸

A student who, after receiving instruction in a non-recognized or non-accredited school, enrolls in the District will: (1) be assigned to a grade level according to academic proficiency, and/or (2) have academic credits recognized by the District if the student demonstrates appropriate academic proficiency to the school administration. ⁹ Any portion of a student's transcript relating to such instruction will not be considered for placement on the honor roll or computation in class rank. ¹⁰

Notwithstanding the above, recognition of grade placement and academic credits awarded by a nonpublic school is at the sole discretion of the District. All school and class assignments will be made according to School Board policy 7:30, *Student Assignment*, as well as administrative procedures implementing this policy.

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⁶ This paragraph restates State law (105 ILCS 5/14-6.01). For additional information, see the U.S. Dept. of Education publication titled "Provisions Related to Children with Disabilities Enrolled by their Parents in Private Schools", available at: www2.ed.gov/admins/lead/speced/privateschools/idea.pdf.

⁷ State law is silent on this issue; however, the Illinois High School Association Bylaws, 3.011 and 4.011, state that in order to be eligible to participate in interscholastic competition a student must be enrolled in a district school and take a minimum of 20 credit hours of work for which the district will grant high school credit upon the student's passing the course. If the board decides not to allow such participation, consider omitting this section of the policy and substituting:

Nonpublic school students, regardless of whether they attend a District school part-time, will not be allowed to participate in any extracurricular activities.

⁸ This paragraph is optional; districts are not required to accept the grade placement or academic credits from nonpublic schools. However, ISBE provides a *recognition* status to nonpublic schools in order to, among other things, provide assurance that the school's educational program meets at least minimum State requirements. See 105 ILCS 5/2-3.25o and ISBE's "Policy and Guidelines for Registration and Recognition of Nonpublic Elementary and Secondary Schools" available at www.isbe.net/accountability/pdf/np_guidelines.pdf, 23 Ill.Admin.Code Part 425. Nonpublic schools may seek a *Certificate of Nonpublic School Recognition* by complying with these guidelines. While nonpublic school certification is entirely voluntarily, only nonpublic schools that have met the voluntary registration recognition requirements are eligible to receive school safety and education improvement block grant funding. See 23 Ill.Admin.Code 425.8.

⁹ The question whether to award academic credit based on proficiency is complex. If credit is not given, any incoming secondary student from a nongraded school begins high school as a freshman, regardless of age or proficiency. On the other hand, to award credit based on a student's proficiency only if the student is transferring from a nongraded school will seem unfair to other students. State law is silent on this issue and boards should consult their administrative team for guidance.

¹⁰ Optional.

LEGAL REF.: 105 ILCS 5/10-20.24 and 5/14-6.01.

CROSS REF.: 4:110 (Transportation), 6:170 (Title I Programs), 6:190 (Extracurricular and Co-Curricular Activities), 6:320 (High School Credit for Proficiency), 7:30 (Student Assignment), 7:300 (Extracurricular Athletics)

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ADOPTED: May 20, 2002