

## 2. RELATIONS WITH NON-PUBLIC SCHOOLS

### **Approval of Private Schools**

Under state law, any private school, including a school with a religious affiliation, must obtain the approval of the school committee of the city or town in which the school is located. In accordance with state recommended guidelines, the School Committee will approve the private school's application if the applicant meets the criteria and procedures established by the school district and the Superintendent of Schools recommends approval.

The approval function of the School Committee is fairly limited under state law. Acting reasonably and in good faith in carrying out its statutory responsibility, the School Committee and Beverly Public Schools, through their deliberations and votes on private school approval as well as in correspondence with interested parties about a particular private school, bear no responsibility or liability as a result of damages incurred by the private school or one of its students. The Superintendent of Schools shall establish and maintain approval criteria consistent with guidelines established by the Department of Elementary and Secondary Education. Such criteria are available at the Office of the Superintendent and on the district website.

### **Application Process & Timelines**

The private school seeking School Committee approval shall make written request to the Superintendent of Schools. Such written request shall include evidence that the school meets the established criteria as well a completed copy of the notification document required by the Department of Elementary and Secondary Education.

The Superintendent shall conduct a site visit and verify that all approval criteria have been met. In the case of approval of a private special education school, the Pupil Personnel Director shall also participate in the site visit and verification of approval criteria. Once the Superintendent has verified that the approval criteria have been met, the application shall be submitted to the School Committee at its next regularly scheduled meeting. A final vote of the School Committee shall be made at a regularly scheduled School Committee meeting no more than forty-five (45) days after this initial recommendation. Approval shall be by a two-thirds vote of the entire Committee.

If the school committee does not approve a private school, the private school may not operate as a school for Massachusetts students of compulsory school age for regular attendance purposes. G.L. c. 76, § 1, the Massachusetts compulsory school attendance law, requires private schools to obtain the prior approval of the local school committee. Thus, attendance by a Massachusetts student between the ages of 6 and 16 at a private school operating without such approval would not fulfill the requirements of the Massachusetts compulsory school attendance law, and the student would be considered truant. A private school that disputes the Committee's or Superintendent's decision may ask the School Committee to review the matter.

To ensure continued compliance with established criteria, the Superintendent shall conduct a review of approved private schools at least every ten years from the date of approval or as needed. In the event that not all criteria are being met, the Superintendent may continue approval for a reasonable period of time until substantial changes are made in the private school's program, at which point the private school must seek re-approval. As a condition of approval, private schools must agree to notify the Superintendent of any substantial change that relates to the approval criteria.

### **Public / Private Relationships**

It is the policy of Beverly Public Schools to implement all Massachusetts laws pertaining to public school/private school relationships and to maintain a clear and consistent line of communication with private schools located in the City of Beverly.

Private schools may expect to be notified of any changes in procedures regarding any of these

areas:

1. Eligibility for transitional kindergarten
2. Kindergarten registration
3. Transportation eligibility and districting plans
4. No-School announcements
5. Grants
6. Instructional programs

They shall also be informed of times and dates on hearings on any matters related to these changes.

The committee recognizes that many worthwhile contributions are made to this community by parochial and other private schools. Therefore, it will cooperate with these schools in matters of mutual benefit when law does not expressly prohibit this cooperation.

**M.G.L. Chapter 40, Section 4E; Chapter 46, Section 2; Chapter 71, Sections 34G, 48, 57 & 71D; Chapter 76, Section 1**  
**MA DESE Advisory on Approval of Massachusetts Private Schools October 2, 2007**  
**Massachusetts Special Education Regulations (603 CMR 28.00)**  
**Regulations on Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs (603 C.M.R. 18.00)**

Adopted: June 16, 2004

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