

## **Instruction**

### **NONPUBLIC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION**

**BP 6159.2**

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area. The Governing Board recognizes the value of cooperative relationships with other schools, colleges and educational organizations. It encourages members of the school staff to work with their counterparts in such organizations on educational matters within the framework established by the statutes, state regulations and Board policy.

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code 56366 and 56366.1. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has not expired.

No district student with a disability shall be referred to, or placed in, an NPS/A unless the student's individualized education program (IEP) team has determined that the placement is appropriate for the student. (Education Code 56342.1)

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A pursuant to the contract. (Education Code 56365)

In accordance with law, any student with disabilities placed in an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

During the period when any student with disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

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The Superintendent or designee shall ensure that any contract with an NPS/A contains a requirement for the NPS/A to comply with district policy, procedures, and practices related to student rights, health, and safety, including the use of seclusion and restraint. All NPS/A staff that serve district students shall be made aware of, and trained in such policies, procedures, and practices.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

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#### *Policy Reference Disclaimer:*

*These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

<b>State</b>	<b>Description</b>
5 CCR 3001	Definitions
5 CCR 3051-3051.24	Special education; standards for related services and staff qualifications
5 CCR 3060-3070	Nonpublic, nonsectarian school and agency services
Ed. Code 56034-56035	<a href="#"><u>Definitions of nonpublic, nonsectarian school and agency</u></a>
Ed. Code 56042	<a href="#"><u>Placement not to be recommended by attorney or advocate with conflict of interest</u></a>
Ed. Code 56101	<a href="#"><u>Waivers</u></a>
Ed. Code 56163	<a href="#"><u>Certification</u></a>
Ed. Code 56168	<a href="#"><u>Responsibility for education of student in hospital or health facility school</u></a>
Ed. Code 56195.8	<a href="#"><u>Adoption of policies</u></a>
Ed. Code 56342.1	<a href="#"><u>Individualized education program; placement</u></a>
Ed. Code 56360-56369	<a href="#"><u>Implementation of special education</u></a>
Ed. Code 56711	Computation of state aid
Ed. Code 56740-56743	Apportionments and reports
Ed. Code 56760	Annual budget plan; service proportions
Ed. Code 56775.5	Reimbursement of assessment and identification costs
Ed. Code 56836.20-56836.21	<a href="#"><u>Special education funding; SELPA contracts with nonpublic nonsectarian schools</u></a>
Fam. Code 7911-7912	<a href="#"><u>Interstate compact on placement of children</u></a>

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### NONPUBLIC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

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Gov. Code 7570-7587

[Interagency responsibilities for providing services to children with disabilities](#)

Gov. Code 7572.55

*Seriously emotionally disturbed child; out-of-state placement*

W&I Code 362.2

[Out-of-home placement for IEP](#)

W&I Code 727.1

[Out-of-state placement of wards of court](#)

#### **Federal**

#### **Description**

20 USC 1400-1487

*Individuals with Disabilities Education Act*

34 CFR 300.129-300.148

*Children with disabilities in private schools*

#### **Management Resources**

#### **Description**

Court Decision

*Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997*

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[U.S. Department of Education, Office of Special Education and Rehabilitative Services](#)

Website

[California Department of Education](#)

#### **Cross References**

#### **Policy**

#### **Description**

0430

[Comprehensive Local Plan For Special Education](#)

0430

[Comprehensive Local Plan For Special Education](#)

0500

[Accountability](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3-E(1)

[Uniform Complaint Procedures](#)

1312.3-E(2)

[Uniform Complaint Procedures](#)

1431

[Waivers](#)

3541.2

[Transportation For Students With Disabilities](#)

3580

[District Records](#)

3580

[District Records](#)

4112.23

[Special Education Staff](#)

5125

[Student Records](#)

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[Student Records](#)

6146.1

[High School Graduation Requirements](#)

6146.3

[Reciprocity Of Academic Credit](#)

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[Reciprocity Of Academic Credit](#)

6146.4

[Differential Graduation And Competency Standards For Students With Disabilities](#)

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[Individualized Education Program](#)

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[Individualized Education Program](#)

6159.1

[Procedural Safeguards And Complaints For Special Education](#)

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6159.1	<a href="#"><u>Procedural Safeguards And Complaints For Special Education</u></a>
6159.3	<a href="#"><u>Appointment Of Surrogate Parent For Special Education Students</u></a>
6159.3	<a href="#"><u>Appointment Of Surrogate Parent For Special Education Students</u></a>
6162.51	<a href="#"><u>State Academic Achievement Tests</u></a>
6162.51	<a href="#"><u>State Academic Achievement Tests</u></a>
6164.4	<a href="#"><u>Identification And Evaluation Of Individuals For Special Education</u></a>
6164.4	<a href="#"><u>Identification And Evaluation Of Individuals For Special Education</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.2	<a href="#"><u>Education Of Children Of Military Families</u></a>
6173.2	<a href="#"><u>Education Of Children Of Military Families</u></a>

**Policy**

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**PASADENA UNIFIED SCHOOL DISTRICT**

Pasadena, California