Nonpublic Nonsectarian School & Agency Services for Special Education

Adopted: 12/08/1998 **| Last Revised**: 08/20/2024 **| Last Reviewed**: 08/20/2024

The Board recognizes its responsibility to provide all district students, including students with disabilities, a free appropriate public education 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 other nonpublic, nonsectarian schools or agencies to meet the students' needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

Prior to entering into a contract to place any student in a nonpublic, nonsectarian schools or agency, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities 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 nonpublic, nonsectarian school with which the district has a contract to ensure that the school or agency's certification has not expired.

No district student shall be placed in a nonpublic, nonsectarian school or agency unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the nonpublic, nonsectarian school or agency placement is appropriate for the student.

In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of their IEP. During the period when any student with disabilities is placed in a nonpublic, nonsectarian school or agency, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in their IEP.

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.

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.

Legal References:

STATE

CALIFORNIA CODE OF REGULATIONS

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

EDUCATION CODE
56034-56035 Definitions of nonpublic, nonsectarian school and agency
56042 Placement not to be recommended by attorney or advocate with conflict of interest
56101 Waivers
56163 Certification
56168 Responsibility for education of student in hospital or health facility school
56195.8 Adoption of policies
56342.1 Individualized education program; placement
56360-56369 Implementation of special education
56711 Computation of state aid
56740-56743 Apportionments and reports
56760 Annual budget plan; service proportions
56775.5 Reimbursement of assessment and identification costs
56836.20-56836.21 Special education funding; SELPA contracts with nonpublic nonsectarian schools
FAMILY CODE
7911-7912 Interstate compact on placement of children
GOVERNMENT CODE
7570-7587 Interagency responsibilities for providing services to children with disabilities
7572.55 Seriously emotionally disturbed child; out-of-state placement
WELFARE & INSTITUTIONS CODE
362.2 Out-of-home placement for IEP
727.1 Out-of-state placement of wards of court

FEDERAL

UNITED STATES CODES
20 USC 1400-1487 Individuals with Disabilities Education Act
CODE OF FEDERAL REGULATIONS
34 CFR 300.129-300.148 Children with disabilities in private schools

MANAGEMENT RESOURCES

COURT DECISICION
Agostini v. Felton (1997) 521 U.S. 203, 117 S.Ct. 1997
WEBSITES
CSBA District and County Office of Education Legal Services https://legalservices.csba.org/
U.S. Department of Education, Office of Special Education and Rehabilitative Services http://www.ed.gov/about/offices/list/osers
California Department of Education http://www.cde.ca.gov/

Policy Adopted:	12/08/1998
Revised:	04/04/2000 (technical)
Revised:	05/21/2002
Revised:	05/01/2007
Revised:	01/12/2016
Revised:	08/20/2024