Nonpublic, Nonsectarian School & Agency Services for Special Education

Adopted: 12/08/1998 **| Last Revised**: 08/06/2024 **| Last Reviewed**: 08/06/2024

Master Contract

Every master contract between the district and a nonpublic, nonsectarian school or agency (NPS/A) shall specify the general administrative and financial agreements for providing special education and designated instruction and services. The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to:

1. Student-teacher ratios

2. Transportation specified in a student's individualized education program (IEP)

   The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the district for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.

3. Procedures for recordkeeping and documentation

4. The maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student

5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP

6. A description of the process to be utilized by the district to oversee and evaluate placements in the NPS/A, including a method for evaluating whether each student is making appropriate educational progress

7. Procedures and responsibilities for attendance and unexcused absences

8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements

9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions

The contract may allow for partial or full-time attendance at the NPS/A.

With mutual agreement of the district and NPS/A, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in the student's individual services agreement.

The master contract or individual services agreement may be terminated for cause if either party gives twenty days' notice. However, the availability of a public education program initiated during the period of the

contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program.

Placement and Services

For any student to be placed in an NPS/A, the Superintendent or designee shall develop an individual services agreement based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP.

At least once each year, the district shall:

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results

2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in an NPS/A.

When a special education student meets the district requirements for completion of the prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation.

Out-of-State Placements

Before contracting with an NPS/A outside California, the Superintendent or designee shall document the district's efforts to use public schools and/or to find an appropriate program offered by an NPS/A within California.

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the costs of the special education and related services provided, and the district's efforts to locate an appropriate public school or NPS/A within California.

If the district decides to place a student with an NPS/A outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California.

On-Site Visits

The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the district does not have any other students currently enrolled at the NPS/A.

At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the district has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to:

1. A review of services provided to the student through the individual services agreement

2. A review of progress the student is making toward the goals set forth in the student's IEP

3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable

4. An observation of the student during instruction

5. A walkthrough of the facility

The district shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit.

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

WEBSITE

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/

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