

**Regulation 6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education**

**Status: ADOPTED**

**Original Adopted Date:** 06/1994

**Last Revised Date:** 08/28/2024

**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: (Education Code 56366; 5 CCR 3062)

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. (Education Code 56366)

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. (Education Code 56366)

The master contract or individual services agreement may be terminated for cause if either party gives 20 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. (Education Code 56366)

### **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. (Education Code 56366)

At least once each year, the district shall: (Education Code 56366)

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. (5 CCR 3069)

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. (5 CCR 3070)

### **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. (Education Code 56365)

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. (Education Code 56365)

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. (Education Code 56365)

### **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. (Education Code 56366.1)

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: (Education Code 56366.1)

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. (Education Code 56366.1)

06/1994  
12/14/1994  
06/1995  
06/1994  
06/1995  
06/1999  
11/10/1999  
10/2013  
07/24/2019  
08/28/2024

**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.

**State**

5 CCR 3001  
5 CCR 3051-3051.24

5 CCR 3060-3070  
Ed. Code 56034-56035  
Ed. Code 56042

Ed. Code 56101  
Ed. Code 56163  
Ed. Code 56168

Ed. Code 56195.8  
Ed. Code 56342.1  
Ed. Code 56360-56369  
Ed. Code 56711  
Ed. Code 56740-56743  
Ed. Code 56760  
Ed. Code 56775.5  
Ed. Code 56836.20-56836.21

Fam. Code 7911-7912  
Gov. Code 7570-7587

Gov. Code 7572.55

W&I Code 362.2  
W&I Code 727.1

**Federal**

20 USC 1400-1487  
34 CFR 300.129-300.148

**Management Resources**

Court Decision  
Website  
Website

Website

**Cross References**

**Code**

0430  
0430  
0500  
1312.3  
1312.3  
1312.3-E(1)  
1312.3-E(2)  
1431  
3541.2  
3580

6159.2 AR

**Description**

Definitions  
Special education; standards for related services and staff qualifications  
Nonpublic, nonsectarian school and agency services  
[Definitions of nonpublic, nonsectarian school and agency Placement not to be recommended by attorney or advocate with conflict of interest](#)  
[Waivers](#)  
[Certification](#)  
[Responsibility for education of student in hospital or health facility school](#)  
[Adoption of policies](#)  
[Individualized education program; placement](#)  
[Implementation of special education](#)  
Computation of state aid  
Apportionments and reports  
Annual budget plan; service proportions  
Reimbursement of assessment and identification costs  
[Special education funding; SELPA contracts with nonpublic nonsectarian schools](#)  
[Interstate compact on placement of children](#)  
[Interagency responsibilities for providing services to children with disabilities](#)  
Seriously emotionally disturbed child; out-of-state placement  
[Out-of-home placement for IEP](#)  
[Out-of-state placement of wards of court](#)

**Description**

Individuals with Disabilities Education Act  
Children with disabilities in private schools

**Description**

Agostini v. Felton (1997) 521 U.S. 203, 117 S.Ct. 1997  
[CSBA District and County Office of Education Legal Services](#)  
[U.S. Department of Education, Office of Special Education and Rehabilitative Services](#)  
[California Department of Education](#)

**Description**

[Comprehensive Local Plan For Special Education](#)  
[Comprehensive Local Plan For Special Education](#)  
[Accountability](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Waivers](#)  
[Transportation For Students With Disabilities](#)  
[District Records](#)

3580	<a href="#">District Records</a>
4112.23	<a href="#">Special Education Staff</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
6146.1	<a href="#">High School Graduation Requirements</a>
6146.3	<a href="#">Reciprocity Of Academic Credit</a>
6146.3	<a href="#">Reciprocity Of Academic Credit</a>
6146.4	<a href="#">Differential Graduation And Competency Standards For Students With Disabilities</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6159.1	<a href="#">Procedural Safeguards And Complaints For Special Education</a>
6159.1	<a href="#">Procedural Safeguards And Complaints For Special Education</a>
6159.3	<a href="#">Appointment Of Surrogate Parent For Special Education Students</a>
6159.3	<a href="#">Appointment Of Surrogate Parent For Special Education Students</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6164.4	<a href="#">Identification And Evaluation Of Individuals For Special Education</a>
6164.4	<a href="#">Identification And Evaluation Of Individuals For Special Education</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>