

Instruction

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

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.

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.

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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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

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](#)**WESTMINSTER SCHOOL DISTRICT**

Westminster, California

Policy Adopted: October 12, 2023