

INSTRUCTIONNonpublic, Nonsectarian School and Agency Services for Special Education

The Governing 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 a nonpublic, nonsectarian school or agency to meet the students' needs.

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 4112.23 - Special Education Staff)*

*(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)*

In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.

Prior to entering into a contract to place any student in a nonpublic, nonsectarian school 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. 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 his/her IEP. (Education Code 56195.8, 56342.1)

*(cf. 6159 - Individualized Education Program)*

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

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 his/her IEP.

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

In accordance with Education Code 56366.2, the Superintendent or designee may apply to the

Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, 56366.3, and 56366.6.

(cf. 1431 - Waivers)

*Legal Reference:*

*EDUCATION CODE*

56034-56035 *Definitions of nonpublic, nonsectarian school and agency*

56042 *Placement not to be recommended by attorney 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*

*FAMILY CODE*

7911-7912 *Interstate compact on placement of children*

*GOVERNMENT CODE*

7570-7587 *Interagency responsibilities for providing services to children with disabilities, especially:*

7572.55 *Seriously emotionally disturbed child; out-of-state placement*

*WELFARE AND INSTITUTIONS CODE*

362.2 *Out-of-home placement for IEP*

727.1 *Out-of-state placement of wards of court*

*CODE OF REGULATIONS, TITLE 5*

3001 *Definitions*

3060-3070 *Nonpublic, nonsectarian school and agency services*

*UNITED STATES CODE, TITLE 20*

1400-1487 *Individuals with Disabilities Education Act*

*CODE OF FEDERAL REGULATIONS, TITLE 34*

300.129-300.148 *Children with disabilities in private schools*

*COURT DECISIONS*

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

*Management Resources:*

*FEDERAL REGISTER*

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

*WEB SITES*

*California Department of Education: <http://www.cde.ca.gov>*

*U.S. Department of Education, Office of Special Education and Rehabilitative Services:*

*<http://www.ed.gov/about/offices/list/osers>*

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