

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION POLICY

Nonpublic, nonsectarian school (NPS) and agency (NPA) services shall be available to pupils in the Shasta County SELPA. When no appropriate public educational services are available within the Shasta County SELPA, neighboring counties or SELPAs, or state special schools, a designated member of the IEP team or the Shasta County SELPA Director shall contact the LEA Superintendent/designee if this type of placement might be considered at an upcoming IEP meeting.

The LEA may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

When entering into agreements with nonpublic, nonsectarian schools or agencies, the LEA shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of student placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

Legal References: 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

56360-56369 Implementation of special education

56711 Computation of state aid

56740-56743 Apportionments and reports

56760 Annual budget plan; services proportions

56775.5 Reimbursement of assessment and identification costs

GOVERNMENT CODE

757-7588 Interagency responsibilities for providing services to children with disabilities, especially:

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

FAMILY CODE

7911-7912 Interstate compact on placement of children

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

3061-3069 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1482 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:

CDE LEGAL ADVISORIES

0317.99 Nonpublic School/Agency Waivers and Reimbursement to parents

FEDERAL REGISTER

Rules and Regulations, August 114, 2006, Vol. 71, Number 156, page 46539-46845

WEB SITES

CDE: <http://www.cde.ca.gov>

Us Department of Education, Office of Special Education and Rehabilitative Services:

[http://www. Ed.gov/offices/OSERS](http://www.Ed.gov/offices/OSERS)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION PROCEDURES ADMINISTRATIVE REGULATIONS

Placement and Services

Note: As amended in Register 99, No. 13, 5 CCR 3060 and 3061 specify new requirements regarding special education classes offered in non-public, nonsectarian schools and agencies. These requirements detail the staffing requirements for instructors, including the credentials that instructors must hold; the eligibility requirements for such credentials; and the number of instructors required per school or agency. Pursuant to 5 CCR 30664, the California Department of Education may issue conditional certifications to allow agencies and schools time to comply with the new requirements.

Procedures specified in law shall govern the selection of appropriate nonpublic school or agency services.

Note: Additional requirements related to contracts and personnel with nonpublic schools or agencies are specified in Education Code 56366 and 56366.3

Contracts with a nonpublic school or agency shall include an **individual services agreement (ISA) negotiated for each student**. Individual services agreements shall be for the length of time for which nonpublic, nonsectarian school services are specified in the student's individualized education program (IEP), not to exceed one year. Changes in educational instruction, services or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the LEA to provide the special education and designated instruction and services, as well as transportation specified in the student's IEP. The administrative provisions of the contract shall also include procedures for record keeping and documentation, and the maintenance of school records by the contracting LEA to ensure that appropriate high school graduation credit is received by the student. The contract may allow for partial or full-time attendance at the nonpublic nonsectarian school. (Education Code 56366)

Note: **The nonpublic school or agency must be certified** as meeting state standards pursuant to Education Code 56366. Contracts maybe terminated for cause with 20 days' notice; however, the availability of a public education program initiate during the period of the contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the program.

The master contract shall include a description of the process being utilized by the LEA to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall

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include a method for evaluating whether the student is making appropriate educational progress. (Education Code 56366)

The LEA Superintendent or designee of an elementary LEA shall notify a high school district of all students placed in nonpublic school or agency programs prior to the annual review of the IEP for each student who may transfer to the high school district. (5 CCR 3068)

When a special education student meets the district requirements for completion of prescribed course of study as designated in the student's IEP, the district which developed the IEP shall award the diploma. (5 CCR 3069)

Out-of-State Placements

Before contracting with a nonpublic, nonsectarian school or agency outside California, the LEA Superintendent or designee shall contact the SELPA Office and document the district's efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall complete the RTC placement packet and submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the district's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California (Education Code 56365)

If the LEA Superintendent decides to place a student with a nonpublic, nonsectarian school or agency outside the state, the LEA shall work collaboratively with the SELPA and 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)

Placement Procedures

The LEA Superintendent or designee shall review all documented efforts to utilize all public school options prior to utilizing an NPS or NPA. The LEA will process referrals and locate an appropriate nonpublic school to meet the student's needs. The Shasta County SELPA will assist and/or collaborate with the LEA to locate an appropriate NPS.

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Each LEA agrees to use the Master Contract and ISA adopted by the Shasta County SELPA. The SELPA office will ensure that the Master Contract has been approved by the Shasta County SELPA legal counsel and is updated per federal or state requirements. The NPS is required by the Master Contract and the IEP to minimally evaluate the pupils (formally and informally) to determine if the student is making appropriate educational progress. As part of the IEP review process, each LEA that contracts with a NPS shall evaluate the placement of its pupil(s) in such a school on at least an annual basis. The LEA representative shall collaboratively review the NPS evaluation data to ensure that the results are appropriate, reliable, and valid for measuring pupil progress. The LEA may determine to conduct the evaluation(s) and/or choose to administer additional assessments with parent consent.

Legal References:

EDUCATION CODE

56205(c)

56198(b)(1)