

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Master Contract

The Governing Board may contract with state-certified nonpublic, nonsectarian schools or agencies (NPS/NPA) to provide appropriate special educational facilities, special education, or and related ~~designated instruction and~~ services to a student with a disability if no appropriate public education program is available. ~~(Education Code 56365)~~—All applicable state and federal laws and regulations shall govern the selection of an appropriate NPS/NPA.

(Education Code 56365-56366.12; and Title 5 C.C.R. 3060-3070)

The District shall not enter into an agreement with any NPS/NPA unless the NPS/NPA has been certified by the California Department of Education

(Education Code 56034, 56366.1)

Every master contract between the District and an NPS/NPA shall be made on State forms and shall specify the general administrative and financial agreements for providing special education and ~~designated instruction and~~ related 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 (ISA) for each student, which will be negotiated for the length of time for which NPS/NPA special education and ~~designated instruction and~~ related 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/NPA, 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

(Education Code 56366; and Title 5 C.C.R. 3062)

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

(Education Code 56366)

With mutual agreement of the District and NPS/NPA, 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 ISA.

(Education Code 56366)

The master contract or ISA 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)

~~Every master contract with a nonpublic, nonsectarian school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student.~~

~~Each master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services, including student-teacher ratios, as well as transportation if specified in a student's individualized education program (IEP). The administrative provisions of the contract shall include procedures for recordkeeping and documentation, and the maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student.~~

~~The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. (Education Code 56366)~~

~~(cf. 3541.2—Transportation for Students with Disabilities)~~

~~(cf. 3580—District Records)~~

~~(cf. 5125—Student Records)~~

~~(cf. 6146.1—High School Graduation Requirements)~~

~~The master contract shall include a description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether each student is making appropriate educational progress. (Education Code 56366)~~

~~With mutual agreement of the district and a nonpublic, nonsectarian school or agency, 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 his/her individual services agreement. (Education Code 56366)~~

Placement and Services

For any student to be placed in an NPS/A, the District shall develop an ISA that specifies the length of time the NPS/NPA shall provide services to the special education student as specified by the student's IEP, 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 do all of the following and, to the extent possible, the following shall be conducted as part of the development and provision of an IEP:

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/NPA and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting. Each student's IEP and ISA shall specify the schedule for such review.

(Education Code 56366; and Title 5 C.C.R. 3068))

~~The Superintendent or designee shall develop an individual services agreement for each student to be placed in a nonpublic, nonsectarian school or agency based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for~~

~~the nonpublic, nonsectarian school 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)~~

~~(cf. 6159—Individualized Education Program)~~

~~The IEP team of a student placed in a nonpublic, nonsectarian school or agency shall annually review the student's IEP. The student's IEP and individual services agreement shall specify the review schedules. (5 CCR 3069)~~

~~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 a nonpublic, nonsectarian school or agency. (5 CCR 3069)~~

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 shall award the student a diploma of graduation.

(Title 5 C.C.R. 3070)

(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)

Out-of-State Placements

Before contracting with a nonpublic, nonsectarian school or agency outside California, the ~~Superintendent or designee shall~~District must document ~~the district's~~its 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 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 District decides to place a student with a nonpublic, nonsectarian school or agency 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 District must conduct an on-site visit to a nonpublic, nonsectarian school before the placement of a student at the school, if the District does not have any other students currently enrolled at the NPS.

(Education Code 56366.1)

At least once per year, the District must conduct an on-site monitoring visit to each nonpublic, nonsectarian school 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)~~

~~A review of services provided to the student through the ISA~~

1. ~~A review of services provided to the student through the ISA;~~
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; and
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)~~

(Education Code 56366.1)

PERRIS UNION HIGH SCHOOL DISTRICT
Perris, California

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