

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 the 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/NPA) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area (SELPA).

For the purposes of this policy and the accompanying administrative regulation, a nonpublic, nonsectarian school (NPS) shall have the meaning set forth in Education Code section 56034, which is a private, nonsectarian school that enrolls students with disabilities, pursuant to the student's individualized education program (IEP) and is certified by the California Department of Education (CDE). An NPS shall meet standards prescribed by the Superintendent of Public Instruction and the State Board of Education.

(Education Code 56034)

For the purposes of this policy and the accompanying administrative regulation, a nonpublic, nonsectarian agency (NPA) shall have the meaning set forth in Education Code section 56035, which is a private, nonsectarian establishment or individual that provides related services necessary for an individual with exceptional needs to benefit educationally from the pupils' educational program pursuant to an IEP and that is certified by the CDE. An NPA must meet standards prescribed by the Superintendent of Public Instruction and the State Board of Education.

(Education Code 56035)

Prior to entering into a contract to place any student in an NPS/NPA, the District must 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 sections 56366 and 56366.1. In addition, the ~~Superintendent or designee shall~~ District must monitor, on an ongoing basis, the certification of any NPS/NPA with which the District has a contract to ensure that the certification has not expired.

No District student shall be placed in an NPS/NPA unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the placement is appropriate for the student.

(Education Code 56342.1)

The District must pay to the NPS/NPA 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/NPA.

(Education Code 56365)

In accordance with law, any student with disabilities placed in an NPS/NPA 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/NPA, 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 notify the Board prior to approving an out-of-state placement for any District student.

The ~~Superintendent or designee~~ District may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code sections 56365, 56366, and 56366.6.

(Education Code 56366.2)

~~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

-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~~

~~Computation of state aid~~

~~-56743 Apportionments and reports~~

~~Annual budget plan; service proportions~~

~~Reimbursement of assessment and identification costs~~

~~-56836-56836.21 Special Education funding: SELPA contracts with nonpublic nonsectarian schools~~

FAMILY CODE

~~-7911-7912 Interstate compact on placement of children~~

GOVERNMENT CODE

~~-7570-~~7588 Interagency responsibilities for providing services to children with disabilities, especially:

~~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

~~-3051-~~3051.24 Special education: standards for related services and staff qualifications

~~-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>~~

PERRIS UNION HIGH SCHOOL DISTRICT

Perris, California

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