

Policy 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education

Status: ADOPTED

Original Adopted Date: 01/23/2013 | **Last Revised Date:** 01/18/2023 | **Last Reviewed Date:** 01/18/2023

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 Chief Learning Officer 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 Chief Learning Officer 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 ~~an appropriate public education alternative does not exist and 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 Chief Learning Officer~~

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

The Superintendent Chief Learning Officer 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)
