

Instruction

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 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 the student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

Beginning in the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019), requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

Prior to entering into a contract to place any student in an NPS/A, the Superintendent 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 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 shall be 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, as amended by AB 1172, the agency fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (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, the procedural safeguards, due process rights, and periodic review of the student's IEP. (Education Code 56195.8, 56342.1)

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

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive

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any of the requirements of Education Code 56365, 56366, 56366.3, and 56366.6. (Education Code 56366.2)

Legal Reference: Education Code, Sections 56034-56035; 56042; 56101; 56163; 56168; 56195.8; 56342.1; 56360-56369; 56711; 56740-56743; 56760; 56775.5; 56836.20-56836.21
Family Code, Sections 7911-7912
Government Code, Sections 7570-7587; 7572.55
Welfare and Institutions Code, Sections 362.2; 727.1
Code of Regulations, Title 5, Sections 3001; 3051-3051.24; 3060-3070
United States Code, Title 20, Sections 1400-1487
Code of Federal Regulations, Title 34, Sections 300.129-300.148
Court Decisions:
Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Policy Adopted: 8/15/2017

Policy Amended: 11/17/2020