

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES  
FOR SPECIAL EDUCATION**

The Board of Education 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 (*NPS/A*) to meet the students' needs *consistent with the comprehensive local plan of the Special Education Local Plan Area.*

*(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. (**Education Code 56366.2**)

*(cf. 1431 - Waivers)*

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES  
FOR SPECIAL EDUCATION (continued)**

*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  
56342.1 Individualized education program; placement  
56360-56369 Implementation of special education  
56711 Computation of state aid  
56740-56743 Apportionments and reports  
56760 Annual budget plan; service proportions  
56775.5 Reimbursement of assessment and identification costs  
*56836.20-56836.21 Special education funding; SELPA contracts with nonpublic nonsectarian schools*

GOVERNMENT CODE

7570-7588 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  
3061-3070 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

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

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

<http://www.ed.gov/offices/OSERS>

**Policy Amended: Date Pending**

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adopted: November 1, 2001

**ALVORD UNIFIED SCHOOL DISTRICT**

Riverside, California

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES  
FOR SPECIAL EDUCATION****Master Contract**

~~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.~~

*Every master contract between the District and a nonpublic, nonsectarian school or agency (NPS/A) shall specify the general administrative and financial agreements for providing special education and designated instruction and 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: (Education Code 56366; 5 CCR 3062)*

- 1. Student-teacher ratios*
- 2. Transportation specified in a student's individualized education program (IEP)*

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*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*

*(cf. 3580 - District Records)*

*(cf. 5125 - Student Records)*

*(cf. 6146.1 - High School Graduation Requirements)*

- 5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and 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/A, 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*

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES  
FOR SPECIAL EDUCATION (continued)**

9. *Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions*

*The contract may allow for partial or full-time attendance at the NPS/A. (Education Code 56366)*

*With mutual agreement of the District and NPS/A, 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 individual services agreement. (Education Code 56366)*

*The master contract or individual services agreement 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)*

**Placement and Services**

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)*

1. The District IEP team shall annually review the IEP of a student placed in a nonpublic, nonsectarian school or agency (NPS/A). The student's IEP and contract shall specify the review schedules. (5 CCR 3069)
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/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting*

When a special education student meets the District requirements for completion of prescribed course of study and adopted differential proficiency standards as designated in the student's IEP, the District which developed the IEP shall award the diploma. (5 CCR 3070)

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

## NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

### Out-of-State Placements

Before contracting with a nonpublic, nonsectarian school or agency outside California, the Superintendent or designee shall 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 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 Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the District does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)*

*At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A 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)*

- 1. A review of services provided to the student through the individual services agreement*
- 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*
- 5. A walkthrough of the facility*

*The District or Riverside County SELPA shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)*