

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

The Governing Board may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

- (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 Individuals with Exceptional Needs)
- (cf. 6159 - Individualized Education Program)
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6164.4 - Identification of Individuals for Special Education)

When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

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
- 56360-56370 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

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

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

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3061-3069 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.400-300.487 Children with disabilities in private schools

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES
FOR SPECIAL EDUCATION****Placement and Services**

Procedures specified in law shall govern the selection of appropriate nonpublic school or agency services.

Contracts with a nonpublic 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. Individual services agreements shall be for the length of time for which nonpublic, nonsectarian school services are specified in the student's individualized education program (IEP), not to exceed one year. Changes in 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 master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the district to provide the special education and designated instruction and services, as well as transportation specified in the student's IEP. The administrative provisions of the contract shall also include procedures for recordkeeping and documentation, and the maintenance of school records by the contracting district to ensure that appropriate high school graduation credit is received by the 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)

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

The district IEP team shall annually review the IEP of a student placed in a nonpublic, nonsectarian school or agency. The student's IEP and contract shall specify the review schedules.

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)

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES
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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)