

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

Placement and Services

Note: As amended in Register 99, No. 13, 5 CCR 3060 and 3061 specify new requirements regarding special education classes offered in non-public, nonsectarian schools and agencies. These requirements detail the staffing requirements for instructors, including the credentials that instructors must hold; the eligibility requirements for such credentials; and the number of instructors required per school or agency. Pursuant to 5 CCR 30664, the California Department of Education may issue conditional certifications to allow agencies and schools time to comply with the new requirements.

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

Note: Additional requirements related to contracts and personnel with nonpublic schools or agencies are specified in Education Code 56366 and 56366.3

Contracts with a nonpublic school or agency 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)

The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the Charter LEA 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 record keeping and documentation, and the maintenance of school records by the contracting charter LEA 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)

Note: The nonpublic school or agency must be certified as meeting state standards pursuant to Education Code 56366. Contracts may be terminated for cause with 20 days notice; however, the availability of a public education program initiated during the period of the contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the program.

The master contract shall include a description of the process being utilized by the Charter LEA to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether the student is making appropriate educational progress.

(Education Code 56366)

The Charter CEO or designee of an elementary Charter LEA shall notify a high school district of all students placed in nonpublic school or agency programs prior to the annual review of the IEP for each student who may transfer to the high school district. (5 CCR 3068)

When a special education student meets the district requirements for completion of prescribed course of study as designated in the student's IEP, the district which developed the IEP shall award the diploma. (5 CCR 3069)

Out-of-State Placements

Note: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.i, as amended by SB 933 (Ch. 311, Statutes of 1998) relate to the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Before contracting with a nonpublic, nonsectarian school or agency outside California, the Charter CEO 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 Charter LEA decides to place a student with a nonpublic, nonsectarian school or agency outside the state, the Charter LEA 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)

Placement Procedures

The Charter LEA administrator or designee shall review all documented efforts to utilize all public school options prior to utilizing an NPS or NPA. The Charter LEA will process referrals and locate an appropriate nonpublic school to meet the student's needs. The Sonoma County Charter SELPA may assist and/or collaborate with the Charter LEA to locate an appropriate NPS.

Each Charter LEA agrees to use the Master Contract and Individual Service Agreement adopted

by the Sonoma County Charter SELPA. The SELPA office will ensure that the Master Contract has been approved by the Sonoma County Charter SELPA legal counsel and is updated per federal or state requirements. The NPS is required by the Master Contract and the IEP to annually evaluate the pupils (formally and informally) to determine if the student is making appropriate educational progress. As part of the IEP review process, each Charter LEA that contracts with a NPS shall evaluate the placement of its pupil(s) in such a school on at least an annual basis. The Charter LEA representative shall collaboratively review the NPS evaluation data to ensure that the results are appropriate, reliable, and valid for measuring pupil progress. The Charter LEA may determine to conduct the evaluation(s) and/or choose to administer additional assessments with parent consent.

Legal References:

EDUCATION CODE

56205(c)

56198(b)(1)