

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

The Governing Board recognizes its responsibility to provide a free appropriate public education for 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.

*(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)*

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 practices and interventions specific to the unique behavioral needs of the student population and in accordance with Education Code 56366. 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 school or agency's certification has not expired.

No district student shall be referred to, or placed in (NPS/A) unless the student's individualized education program (IEP) team has determined 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, the procedural safeguards, due process rights, and periodic review of the student's IEP.

*(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)*

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

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

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, and 56366.6.

*(cf. 1431 - Waivers)*

*Legal Reference: (next page)*

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

*Legal Reference:*

*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*

*FAMILY CODE*

*7911-7912 Interstate compact on placement of children*

*GOVERNMENT CODE*

*7570-7588 Interagency responsibilities for providing services to children with disabilities, especially:*  
*7572.55 Seriously emotionally disturbed child; out-of-state placement*

*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*  
*3060-3070 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*

*California Department of Education: <http://www.cde.ca.gov>*

*U.S. Department of Education, Office of Special Education and Rehabilitative  
Services: <http://www.ed.gov/about/offices/list/oseers>*

Policy  
adopted: October 26, 1999  
revised: June 26, 2001  
revised: October 8, 2013  
revised: March 9, 2021  
revised: November 14, 2023

**VISALIA UNIFIED SCHOOL DISTRICT**  
Visalia, 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.

Each master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services, including student-teacher ratios, as well as transportation if specified in a student's individualized education program (IEP). The administrative provisions of the contract shall include procedures for recordkeeping and documentation, and the maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating 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)*

*(cf. 3580 - District Records)*

*(cf. 5125 - Student Records)*

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

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

The district shall pay to the nonpublic, nonsectarian school or agency the full amount of the tuition or fees, as applicable, for the students with disabilities who are enrolled in programs or receiving services provided by the nonpublic, nonsectarian school or agency. (Education Code 56365)

With mutual agreement of the district and a nonpublic, nonsectarian school or agency, 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 his/her individual services agreement. (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)*

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

The IEP team of a student placed in a nonpublic, nonsectarian school or agency shall annually review the student's IEP. The student's IEP and individual services agreement shall specify the review schedules. (5 CCR 3069)

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 shall award the student a diploma of graduation. (5 CCR 3070)

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

### **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)

Regulation  
approved: October 26, 1999  
revised: June 26, 2001  
revised: September 12, 2013  
revised: February 4, 2021

**VISALIA UNIFIED SCHOOL DISTRICT**  
Visalia, California