

TULARE COUNTY/DISTRICT SELPA	POLICY #	9350
SPECIAL EDUCATION –	Adopted:	12/06/00
SERVICES – MISC.		
SRP	Revised:	12/13/23

Nonpublic Schools and Agencies

This section applies specifically to individuals with exceptional needs who are or have been placed in or referred to nonpublic, nonsectarian schools (NPS), or recommended for services by a nonpublic agency (NPA), by a public entity as a means of providing the student a FAPE¹ as part of the SELPA's continuum of program options.

It shall be the policy of the District members of the Tulare County/District SELPA to provide students with exceptional needs with services from a NPS/A certified by the California Department of Education (CDE) as needed and only when the student's IEP team has made the determination that an appropriate public education program is not available. When utilized such services shall be provided under a Master Contract.

Placement recommendation of a student in a NPS is made by the IEP team only after it determines that a NPS is necessary to meet the needs of the student, and that the placement in a NPS is the least restrictive environment appropriate for the student. All available public school program options, however, must be considered and evaluated in an effort to meet the student's needs prior to a final placement recommendation. District of residence is to inform the SELPA Director/designee and District of service, prior to IEP team decision to refer to an NPS placement. Appropriate documentation must occur to assure utilization or consideration of program services provided by public education before NPS placement is considered.

Before recommending placement outside of the state, a survey shall be conducted that includes all NPS in the state. Only licensed NPS certified by the State of California will be considered.

The IEP Team shall notify the parents that they are responsible for keeping the placing District notified of any changes of residence when a pupil is placed in a NPS.

¹ Provisions related to parentally placed private school children is addressed in Policy No. 9700.

It is the responsibility of the District to communicate with the NPS during referral, evaluation, and placement of such students. Additionally, the IEP Team is responsible for communications with nonpublic schools as well as with individuals, organizations, and public private agencies.

The District IEP Team shall coordinate the annual reevaluation of NPS students. A representative from the District shall attend all IEP team meetings for students attending NPS programs and/or receiving services through an NPA. At the meeting, the IEP Team shall determine the future programming of the student. The student's program may be continued, modified, or discontinued at the option of the IEP Team. No modification, change or discontinuation of a student's program can be made without consent of the parent.

A Master Contract shall not be initiated with an NPS/A unless the NPS/A is certified as meeting the standardized relating to the required special education and related services and facilities for individuals with exceptional needs. Each District shall pay to the NPS/A the full amount of the tuition or educational costs for individuals with special needs that are enrolled in programs and services provided by an NPS/A pursuant to the NPS Master Contract which is a statewide document provided to SELPAs for use by LEAs. Districts that contract with the SELPA for ERMHS can invoice for reimbursement for costs associated with ERHMS received by the student while placed at the NPS/A.

PROCEDURES:

The Tulare County SELPA shall develop a Master Contract for use with NPS/A programs and providers to ensure special education and related services are available to eligible students with exceptional needs when an appropriate public education program is not available. All Master Contracts shall be developed in accordance with Education Code 56365 and 56366.

Contracts with nonpublic schools and agencies shall include, but not be limited to (Education Code 56366; 5 CCR 3062)::

- 1) Provide the services specified in the IEP including related services, as well as transportation and student-teacher ratios.
- 2) The length of time for which nonpublic, nonsectarian services are specified in each IEP and the anticipated date for the return for students placed in out-of-state nonpublic schools.
- 3) A provision to ensure that changes in instruction, services or placement provided under this contract may only be made through revisions to the student's IEP.
- 4) Assurances that there are appropriate credentialed/qualified teachers as specified by IEP and/or individual service agreement.

- 5) A description of the process being utilized by the District to oversee and evaluate the placement of a student in the nonpublic, nonsectarian schools. The description shall include a method for evaluating whether each student is making appropriate educational progress.
- 6) Procedures and responsibilities for attendance and unexcused absences.
- 7) Procedures for record keeping and documentation, including maintenance of school records by the District to ensure that appropriate high school graduation credit is received by any participating student, and which tracks the provision of all services listed in the IEP.
- 8) An individual services agreement (ISA) 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, not to exceed one year.
- 9) A provision to ensure that the nonpublic school shall provide all services specified in the IEP unless the parties agree otherwise in the contract or ISA.
- 10) At any time during the term of the contract, the parent, NPS, District or SELPA may request a review of the student's IEP by the IEP team. Changes in the administrative or financial agreement of the contract may be made at any time during the term of the contract as mutually agreed by the NPS and districts, provided the change does not alter a student's educational instruction, services, or placement as outlined in the student's ISA. (Ed. Code 56366.)
- 11) Appropriate billing procedures in accordance with Education Code 56366(c)(1) and 56366.5.

The Master Contract or ISA shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by a local educational agency for pupils enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A. (Education Code 56366.)

The Master Contract or ISA 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.)

The District shall consider the needs of the individual student and the recommendations of the IEP team when entering into agreements with any NPS/A.

Monitoring of an NPS/A

The Master Contract shall include a description of the process being utilized by the District to oversee and evaluate placements in an NPS or receiving services through an NPA, which shall include a method for evaluating whether the student is making appropriate educational progress. (Education Code 56366.)

The District will ensure that a student's IEP team annually reviews the IEP of a student placed in an NPS or receiving services through an NPA. At each annual IEP team meeting for a student receiving services from an NPS/A, the IEP team shall include a representative of the District, and the NPS/A shall provide documentation as to the student's progress towards annual goals and objectives. The annual data provided by the NPS/A shall include authentic, curriculum-based measurements, in accordance with state-adopted grade level standards. The IEP team shall remain accountable for monitoring the progress of students placed in an NPS or receiving services through an NPA, and ensure that such programs work towards the goals identified in each student's IEP.

At least once every year, the District shall do the following as part of an IEP meeting for a student provided with special education and/or related services from an NPS/A (Education Code 56366):

- A. Evaluate the educational progress of each student placed in an NPS/A, including all state assessments.
- B. Consider whether the student's needs continue to be best met at the NPS/A and whether changes to the IEP are necessary, including whether the student should be transitioned to a public school setting .

The District may choose to administer additional assessments as necessary, with Parent consent, to determine whether the student is making appropriate educational progress.

At any time during the term of the contract or ISA, Parent, the NPS/A or the District may request an IEP team meeting to review student progress and to make determinations as to whether a change in placement or program is appropriate.

Ensuring Monitoring Requirements are met for NPS/NPA Staffing

The District [or SELPA] shall evaluate the NPS and NPA staffing qualifications and staffing levels required as set forth in the Master Contract at least annually, as part of the renewal of the Master Contract process, and also when new staff are added. The District [or SELPA] shall review and document these monitoring efforts to ensure that all services agreed upon and specified in the IEP are provided by highly qualified staff.

Out-of-State Placements

Before contracting with an NPS/A outside California, the District shall document its efforts to find an appropriate program offered by an NPS/A 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 NPS/A within California. (Education Code 56365.)

If the District decides to place a student with a NPS/A 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 District shall conduct an onsite visit to the NPS/A before placement of a pupil if the District does not have any pupils enrolled at the school at the time of placement.

At least once per year, the District shall conduct an on-site monitoring visit one onsite monitoring visit during each school year to the nonpublic, nonsectarian school at which the local educational agency has a pupil attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to, a review of services provided to the pupil through the ISA between the local educational agency and the NPS/A, a review of progress the pupil is making toward the goals set forth in the pupil's individualized education program, a review of progress the pupil is making toward the goals set forth in the pupil's behavioral intervention plan, if applicable, an observation of the pupil during instruction, and a walkthrough of the facility. The local educational agency shall report the findings resulting from the monitoring visit to the Department within 60 calendar days of the onsite visit. On or before June 30, 2020, the department shall, with input from SELPA administrators, create and publish criteria for reporting this information to the department.

References:

EC 56034-56035
EC 56042
EC 56101
EC 56168
EC 56195.8
EC 56205
EC 56360-56361
EC 56365-56366.12

5 CCR 3062

Title 34 C.F.R. 300.145-300.147

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