

Instruction

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with the law. When student with a disability requires an educational program or services unavailable in the District, the Board may enter into a contract with state-certified nonpublic, nonsectarian schools or agencies ("NPS/A").

(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)

(cf. 6159 Individualized Education Program)

(cf. 6159.1 Procedural Safeguards and Complaints for Special Education)

(cf. 6164.4 Identification of Individuals for Special Education)

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 to individuals with disabilities and complies with relevant staff training requirements. 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 certification has not expired.

No District student shall be placed in an NPS/A unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that placement is appropriate for the student.)

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.

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 notify the Board prior to approving an out-of-state placement for any District student.

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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.

Legal Reference:

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency
56042 Placement not to be recommended by an 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
56360-56369 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 Nonpublic, Nonsectarian School Contracts

GOVERNMENT CODE

7570-7587 Interagency responsibilities for providing service to children with disabilities, especially:

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
3051-3053 Standards for Related Services and Staff Qualifications
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

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

Management Resources:

WEB SITES

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

Policy

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CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California