

Instruction

Board Policy No. 6159.2

Policy Adopted: March 20, 2000

Policy Reviewed: February 8, 2024

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 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.

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 staff training requirements in accordance with Education Code 56366 and 56366.1. 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 with a disability shall be referred to, or placed in, an 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, 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 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)

MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT
Mountain View, California

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References

State Code,

5 CCR 3001, *Definitions*

5 CCR 3051-3051.24, *Special education; standards for related services and staff qualifications*

5 CCR 3060-3070, *Nonpublic, nonsectarian school and agency services*

Education Code,

Ed. Code 56034-56035, *Definitions of nonpublic, nonsectarian school and agency*

Ed. Code 56042, *Placement not to be recommended by attorney or advocate with conflict of interest*

Ed. Code 56101, *Waivers*

Ed. Code 56163, *Certification*

Ed. Code 56168, *Responsibility for education of student in hospital or health facility school*

Ed. Code 56195.8, *Adoption of policies*

Ed. Code 56342.1, *Individualized education program; placement*

Ed. Code 56360-56369, *Implementation of special education*

Ed. Code 56711, *Computation of state aid*

Ed. Code 56740-56743, *Apportionments and reports*

Ed. Code 56760, *Annual budget plan; service proportions*

Ed. Code 56775.5, *Reimbursement of assessment and identification costs*

Ed. Code 56836.20-56836.21, *Special education funding; SELPA contracts with nonpublic nonsectarian schools*

Fam. Code 7911-7912, *Interstate compact on placement of children*

Gov. Code 7570-7587, *Interagency responsibilities for providing services to children with disabilities*

Gov. Code 7572.55, *Seriously emotionally disturbed child; out-of-state placement*

W&I Code 362.2, *Out-of-home placement for IEP*

W&I Code 727.1, *Out-of-state placement of wards of court*

Federal Code,

20 USC 1400-1487, *Individuals with Disabilities Education Act*

34 CFR 300.129-300.148, *Children with disabilities in private schools*

Management Resources,

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

Website, CSBA District and County Office of Education Legal Services

Website, U.S. Department of Education, Office of Special Education and Rehabilitative Services

Website, California Department of Education

Cross References,

0430, *Comprehensive Local Plan For Special Education*

0430, *Comprehensive Local Plan For Special Education*

0500, *Accountability*

1312.3, *Uniform Complaint Procedures*

1312.3, *Uniform Complaint Procedures*

1312.3-E(1), *Uniform Complaint Procedures*

1312.3-E(2), *Uniform Complaint Procedures*

1431, *Waivers*

3541.2, *Transportation For Students With Disabilities*

3580, *District Records*

3580, *District Records*

MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT
Mountain View, California

4112.23, Special Education Staff
5125, Student Records
5125, Student Records
6146.1, High School Graduation Requirements
6146.3, Reciprocity Of Academic Credit
6146.3, Reciprocity Of Academic Credit
6146.4, Differential Graduation And Competency Standards For Students With Disabilities
6159, Individualized Education Program
6159, Individualized Education Program
6159.1, Procedural Safeguards And Complaints For Special Education
6159.1, Procedural Safeguards And Complaints For Special Education
6159.3, Appointment Of Surrogate Parent For Special Education Students
6159.3, Appointment Of Surrogate Parent For Special Education Students
6162.51, State Academic Achievement Tests
6162.51, State Academic Achievement Tests
6164.4, Identification And Evaluation Of Individuals For Special Education
6164.4, Identification And Evaluation Of Individuals For Special Education
6173.1, Education For Foster Youth
6173.1, Education For Foster Youth
6173.2, Education Of Children Of Military Families
6173.2, Education Of Children Of Military Families