

Policy 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education

Status: ADOPTED

Original Adopted Date: 06/01/1995 | **Last Revised Date:** 03/01/2025 | **Last Reviewed Date:** 03/01/2025

CSBA NOTE: Education Code 56195.8 mandates districts to adopt policies for the special education programs and services they operate, including nonpublic, nonsectarian services provided to students with exceptional needs when no appropriate public education program is available to meet their special education needs. The nonpublic, nonsectarian school or agency (NPS/A) must be certified as meeting state standards pursuant to Education Code 56366 and 56366.1.

The following policy and accompanying administrative regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with exceptional needs in accordance with law. When the district is unable to provide direct special education and/or related services to students with exceptional needs, 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.

CSBA NOTE: Pursuant to Education Code 56366 and 56366.1, a district contracting with an NPS/A must verify that the NPS/A meets certification requirements. 5 CCR 3067 allows the district to request, in writing, that the California Department of Education (CDE) review the certification status of an NPS/A.

Education Code 56366.1 also requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

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 exceptional needs and complies with staff training requirements in accordance with Education Code 56366 and 56366.1.

CSBA NOTE: Pursuant to Education Code 56366.1, an NPS/A that is certified or seeking certification is required to provide assurances to CDE that for any foster youth it serves, the NPS/A will serve as the school of origin of the foster youth and that the foster youth will be allowed to continue the foster youth's education in the school. For such purposes, "school of origin" includes placement in an NPS/A.

Additionally, the Superintendent or designee, such as the district's liaison for foster youth, shall verify that for any student served by an NPS/A who is a foster youth, the NPS/A agrees to serve as the school of origin of the foster youth and allow the foster youth to continue the foster youth's education in the NPS/A in accordance with Education Code 56366.1.

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.

CSBA NOTE: Pursuant to Education Code 56366.45, within 14 days of becoming aware of any change to the certification status of an NPS/A, the district is required to notify parents/guardians of district students who attend the NPS/A of the change in certification status and include in that notice, a copy of procedural safeguards.

Within 14 days of becoming aware of any change to the certification status of an NPS/A, including, but not limited to, receiving notification of a determination to suspend or revoke the certification of the NPS/A pursuant to Education Code 56366.4, the district shall notify, through email or regular mail, the parents/guardians of any district student who attends the NPS/A of the change in certification status, which includes a copy of procedural safeguards. The district shall maintain a record of such notice and make the notice available for inspection upon request by the California Department of Education. (Education Code 56366.45)

No district student with exceptional needs 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)

CSBA NOTE: Pursuant to Education Code 56365, students enrolled in an NPS/A are deemed to be enrolled in public schools for state apportionment purposes. Districts then pay to the NPS/A the full amount of the school tuition or the agency fees for participating students pursuant to the contract.

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with exceptional needs 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 exceptional needs placed in an NPS/A shall have all the rights and protections to which students with exceptional needs 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 exceptional needs 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.

CSBA NOTE: The following optional paragraph may be modified to reflect district practice.

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)

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.

State	Description
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
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31-51225.32	Graduation exemption for students with exceptional needs
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 exceptional needs
Gov. Code 7572.55	Seriously emotionally disturbed child; out-of-state placement
W&I Code 362.2	Out-of-home placement for IEP

State

W&I Code 727.1

Description

[Out-of-state placement of wards of court](#)

Federal

20 USC 1400-1487

34 CFR 300.129-300.148

Description

Individuals with Disabilities Education Act

Children with disabilities in private schools

Management Resources

Court Decision

Website

Website

Website

Description

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

[CSBA District and County Office of Education Legal Services](#)

[U.S. Department of Education, Office of Special Education and Rehabilitative Services](#)

[California Department of Education](#)

Cross References

0430

0430

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1312.3

1312.3

1312.3-E(1)

1312.3-E(2)

1431

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5145.6-E(1)

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6146.3

6146.4

6159

6159

6159.1

6159.1

6159.3

6159.3

6159.3

6162.51

Description

[Comprehensive Local Plan For Special Education](#)

[Comprehensive Local Plan For Special Education](#)

[Accountability](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Waivers](#)

[Transportation For Students With Disabilities](#)

[District Records](#)

[District Records](#)

[Special Education Staff](#)

[Student Records](#)

[Student Records](#)

[Parent/Guardian Notifications](#)

[Parent/Guardian Notifications](#)

[High School Graduation Requirements](#)

[Reciprocity Of Academic Credit](#)

[Reciprocity Of Academic Credit](#)

[Differential Graduation And Competency Standards For Students With Disabilities](#)

[Individualized Education Program](#)

[Individualized Education Program](#)

[Procedural Safeguards And Complaints For Special Education](#)

[Procedural Safeguards And Complaints For Special Education](#)

[Appointment Of Surrogate Parent For Special Education Students](#)

[Appointment Of Surrogate Parent For Special Education Students](#)

[State Academic Achievement Tests](#)

Cross References

6162.51

6164.4

6164.4

6173.1

6173.1

6173.2

6173.2

Description[State Academic Achievement Tests](#)[Identification And Evaluation Of Individuals For Special Education](#)[Identification And Evaluation Of Individuals For Special Education](#)[Education For Foster Youth](#)[Education For Foster Youth](#)[Education Of Children Of Military Families](#)[Education Of Children Of Military Families](#)