

## **BOARD POLICY**

Placentia-Yorba Linda Unified School District

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Instruction

6171.3 - BP

### **NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES**

The Board of Education of the Placentia-Yorba Linda Unified School District reaffirms its commitment to provide educational opportunities to all pupils residing within the district. 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 to meet the students' needs.

The Superintendent or designee shall follow the procedures specified in law in selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities. Prior to entering into a contract to place any student in a nonpublic, nonsectarian school or agency, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities in accordance with Education Code 56366. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any nonpublic, nonsectarian school with which the district has a contract to ensure that the school or agency's certification has not expired.

No district student shall be placed in a nonpublic, nonsectarian school or agency unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the nonpublic, nonsectarian school or agency placement is appropriate for the student. In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency 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 his/her IEP. (Education Code 56195.8, 56342.1)

The district special education staff and the school IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

Contracts with a nonpublic school or agency shall be made on forms provided by either the California Department of Education or the Orange County Department of Education and shall include an individual services agreement negotiated for each student. The Master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the district to provide the special education and designated instruction and services, as well as transportation specified in the student's IEP. The administrative provisions of the contract shall also include procedures for record keeping and documentation, and the maintenance of school records by the contracting district to ensure that the student received appropriate credits toward graduation. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. Individual services agreements shall be for the length of time for which nonpublic, nonsectarian school services are specified in

the student's individualized education program not to exceed one year. Changes in educational instruction, services or placement shall be made only on the basis of revision to the student's IEP. Before contracting with a nonpublic, nonsectarian school or agency, the district shall make every effort to utilize district, SELPA or other public school educational programs.

LEGAL REFERENCE

<u>Education Code</u>	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
	56195.8	Adoption of policies
	56342.1	Individualized education program; placement
	56360-56370	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
<u>Government Code</u>	7570-7588	Interagency responsibilities for providing services to children with disabilities, especially:
	7572.55	Seriously emotionally disturbed child; out-of-state placement
<u>Family Code</u>	7911-7912	Interstate compact on placement of children
<u>Welfare and Institutions Code</u>	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

Federal Register

Rules and Regulations, August 14, 2006, Vol. 71, Number  
156, pages 46539-46845

Websites

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

US Department of Education, Office of Special Education and  
Rehabilitative Services:  
<http://www.ed.gov/about/offices/list/osers>

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