

BRITTAN SCHOOL DISTRICT

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

BP 6159.2

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 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 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. (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 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)

Legal Reference:

EDUCATION CODE

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 school 56195.8

Adoption of policies

56342.1 Individualized education program; placement

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 Special education funding; SELPA contracts with nonpublic nonsectarian schools FAMILY CODE

7911-7912 Interstate compact on placement of children

GOVERNMENT CODE

7570-7587 *Interagency responsibilities for providing services to disabled children; especially: 7572.55*
Seriously emotionally disturbed child; out-of-state placement
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*
3051-3051.24 *Special education; 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

Date Policy was Adopted by the Board: January 11, 2005
Date Policy was Revised by the Board: 9/29/20