

Nonpublic Agency Services for Special Education

It may be necessary for the Solano County Office of Education (SCOE) or Solano Special Education Local Plan Area (SELPA) to contract with state-certified nonpublic agencies to provide special education services when an appropriate public education service is not available.

Prior to entering into a contract to have any student served by a nonpublic agency (NPA), the SCOE 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 (E.C.) sections 56366 and 56366.1. In addition, the SELPA or SCOE shall monitor, on an ongoing basis, the certification of any NPA with which the SELPA or SCOE has a contract to ensure that the certification has not expired.

Placement and Services (E.C. § 56366)

No student shall be served by an NPA unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the services are appropriate for the student. (E.C. § 56342.1)

During the period when any student with disabilities is served by an NPA, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

Procedures specified in law shall govern the selection of appropriate NPA services. In accordance with law, any student with disabilities served by an NPA 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.

Contracts with an NPA shall include an individual services agreement negotiated for each student. Individual services agreements shall be for the length of time for which NPA services are specified in the student's IEP, not to exceed one year. Changes in educational instruction, services or placement shall be made only on the basis of revisions to the student's IEP.

The master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services specified in the student's IEP.

The IEP team shall annually review the IEP of a student placed in an NPA. The student's IEP and contract shall specify the review schedules. (5 CCR 3068)

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

Legal Reference: *(Continued)*

EDUCATION CODE *(Continued)*

56711 Computation of state aid

56740-56743 Apportionments and reports

56760 Annual budget plan; service proportions

56775.5 Reimbursement of assessment and identification costs

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to children with disabilities, especially:

7572.55 Seriously emotionally disturbed child; out-of-state placement

FAMILY CODE

7911-7912 Interstate compact on placement of children

WELFARE AND INSTITUTIONS CODE

362.2 Out-of-home placement for IEP

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3061-3069 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1482 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

Policy Cross-Reference:

0430 Comprehensive Local Plan for Special Education

1312.3 Uniform Complaint Procedures

3541.2 Transportation for Students with Disabilities

4112.23 Special Education Staff

6146.4 Differential Graduation and Competency Standards for Students with Disabilities

6159 Individualized Education Program

6159.1 Procedural Safeguards and Complaints for Special Education

6164.4 Identification and Evaluation of Individuals for Special Education

6164.6 Identification and Education Under Section 504

6173.1 Education for Foster Youth