

Instruction

NONPUBLIC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

BP 6159.2

The Governing Board recognizes its responsibility to provide all district students, including students with disabilities, a free appropriate public education 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 to meet the students' needs.

[PUSD EXCLUSIVE] The Governing Board recognizes the value of cooperative relationships with other schools, colleges and educational organizations. It encourages members of the school staff to work with their counterparts in such organizations on educational matters within the framework established by the statutes, state regulations and Board policy.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.

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,

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but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP. (Education Code 56195.8, 56342.1)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

During the period when any student with disabilities is placed in a nonpublic, nonsectarian school or agency, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in his/her IEP.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

In accordance with Education Code 56366.2, the Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, 56366.3, and 56366.6.

(cf. 1431 - Waivers)

Legal Reference:

EDUCATION CODE

10400-10407 – Cooperative Improvement Program

11000-11007 – California Academic Partnership Program

35172 – Promotional Activities

56034-56035 - Definitions of nonpublic, nonsectarian school and agency

56040-56045 – Education and related services, special education

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

FAMILY CODE

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7911-7912 - Interstate compact on placement of children
GOVERNMENT CODE

7570-7587 - Interagency responsibilities for providing services to children with disabilities, 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

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

Management Resources:

FEDERAL REGISTER

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

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

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

Policy

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PASADENA UNIFIED SCHOOL DISTRICT

Pasadena, California