

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

Status: DRAFT

Original Adopted Date: 05/24/2017 | **Last Revised Date:** 10/28/2020 | **Last Reviewed Date:** 09/09/2026

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.

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.

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 disabilities 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)

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 pursuant to the contract. (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 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.

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 3001

Description

[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 disabilities](#)

Ed. Code 56034-56035

[Nonpublic, nonsectarian school and agency; definitions](#)

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](#)

Ed. Code 97

[Emotional disability; definition](#)

Fam. Code 7911-7912

[Interstate compact on placement of children](#)

Gov. Code 7570-7587

[Interagency responsibilities for providing services to children with disabilities](#)

Gov. Code 7572.55

Seriously emotionally disturbed child; out-of-state placement

W&I Code 362.2

[Out-of-home placement for IEP](#)

W&I Code 727.1

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

Federal

20 USC 1400-1487

Description

Individuals with Disabilities Education Act

34 CFR 300.129-300.148

Children with disabilities in private schools

34 CFR 300.8

[Emotional disturbance definition](#)

Management Resources

Court Decision

[Agostini v. Felton \(1997\) 117 S.Ct. 1997](#)

U.S. Department of Education Publication

[Secretary's Letter on Restraint and Seclusion, January 2025](#)

Website

[California Department of Education, Guidance for LEA onsite visit to NPS](#)

Website

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

Management Resources

Website

Description

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

Website

[California Department of Education](#)

Cross References**Description**

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[Comprehensive Local Plan For Special Education](#)

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[Comprehensive Local Plan For Special Education](#)

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[Accountability](#)

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[Uniform Complaint Procedures](#)

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[Uniform Complaint Procedures](#)

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[Waivers](#)

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[Transportation For Students With Disabilities](#)

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[Transportation For Students With Disabilities](#)

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[District Records](#)

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[District Records](#)

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[Special Education Staff](#)

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[Student Records](#)

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[Parent/Guardian Notifications](#)

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[High School Graduation Requirements](#)

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[High School Graduation Requirements](#)

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[Reciprocity Of Academic Credit](#)

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

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

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[Individualized Education Program](#)

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[Individualized Education Program](#)

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

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

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

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

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[State Academic Achievement Tests](#)

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[State Academic Achievement Tests](#)

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[Identification And Evaluation Of Individuals For Special Education](#)

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[Identification And Evaluation Of Individuals For Special Education](#)

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[Education For Foster Youth](#)

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[Education Of Children Of Military Families](#)

[Education Of Children Of Military Families](#)