

**Instruction****NONPUBUC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION**

Note: Education Code 56221 mandates entities providing special education to adopt a policy related to nonpublic nonsectarian services for which they may contract, pursuant to Education Code 56365, when no appropriate public education program is available to meet an individual's special education needs. Standards for nonpublic nonsectarian schools are in the Code of Regulations, Title 5, Section 3062, and the nonpublic school or institution must be certified as meeting state standards. Procedures for the selection of an appropriate nonpublic school or nonpublic agency services are set forth in Title 5, Section 3066. Requirements related to contracts with nonpublic schools or agencies are specified in Education Code 56366 and Title 5, Section 3066. Districts using the following material should revise it for consistency with the policy and regulations of the SELPA in which the district participates.

Calaveras Unified School District may contract with nonpublic nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

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

Procedures specified in law shall govern the selection of an appropriate nonpublic school or nonpublic agency services. Contracts with the nonpublic school or agency shall contain assurances that the school or agency will comply with applicable federal and state laws and regulations.

Contracts shall set forth administrative and financial agreements negotiated 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 revisions to the student's individualized education program.

*(cf. 6159- Individualized Education Program (IEP))*

Note: Education Code 56366 states that contracts may be terminated for cause, with 20 days' notice. However, the availability of a public class initiated during the period of the contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to a public school program.

*(cf. 1312.3- Uniform Complaint Procedures)*

*(cf 3541.2- Transportation for Special Education Students)*

*(cf. 4112. 23 -Special Education Staff)*

*(cf. 5144.2- Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))*

*(cf. 6146.4 -Differential Graduation and Competency Standards for Individuals with Exceptional Needs )*

*(cf. 6159.1 -Procedural Safeguards and Complaints)*

*(cf. 6159.3- Surrogate Parent Program)*

**NONPUBUC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION** (continued)

*(cf. 6264.4- Identification of Individuals with Exceptional Needs)*

Legal Reference:

EDUCATION CODE

56160 *Apportionment of funds*

56168 *Responsibility for education of student in hospital or health facility school*

56221 *Adoption of policies*

56361 *Program options*

56365 *Nonpublic nonsectarian school services,' contracts,' allowances for services; tuition*

56365.5 *Placements exceeding cost threshold*

56366 *Nonpublic nonsectarian schools; legislative intent; alternative special education service; contracts; warrants; certification; standards*

56366, 1 *Waiver of requirements under 56365 and 56366*

56366.5 *Payment for contract services; request; penalty for unjustified nonpayment*

56711 *Computation of state aid*

56728.7 *Pilot program for returning nonpublic school pupils to public schools*

56740-56743 *Apportionments and reports*

56760 *Annual budget plan; service proportions*

56775.5 *Reimbursement of assessment and identification costs*

CODE OF REGULATIONS. TITLE 5

3001 *Definitions*

3061-3069 *Nonpublic nonsectarian school and agency services*