

**CLOVIS UNIFIED
SCHOOL DISTRICT****INSTRUCTION****Specialized Programs****NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL
EDUCATION****A. Master Contract**

The Board may contract with state-certified nonpublic, nonsectarian schools or agencies (NPS/As) to provide appropriate special educational facilities, special education, or designated instruction and services to a student with a disability if no appropriate public education program is available. (Education Code 56365) All applicable state and federal laws and regulations shall govern the selection of an appropriate NPS/A. (Education Code 56365-56366.12; 5 CCR 3060-3070)

The Board shall not enter into an agreement with any NPS/A unless the NPS/A has been certified by the California Department of Education. (Education Code 56034, 56366.1)

Every master contract between the District and an NPS/A shall be made on State forms and shall specify the general administrative and financial agreements for providing special education and designated instruction and services. The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062)

1. Student-teacher ratios.
2. Transportation specified in a student's individualized education program (IEP). The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the District for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.
3. Procedures for recordkeeping and documentation.
4. The maintenance of school records by the District to ensure that appropriate high school graduation credit is received by any participating student.
5. An individual services agreement (ISA) for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP.
6. A description of the process to be utilized by the District to oversee and evaluate placements in the NPS/A, including a method for evaluating whether each student is making appropriate educational progress.
7. Procedures and responsibilities for attendance and unexcused absences.

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8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements.
9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions.

The contract may allow for partial or full-time attendance at the NPS/A. (Education Code 56366)

With mutual agreement of the District and NPS/A, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in the student's ISA. (Education Code 56366)

The master contract or ISA may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

B. Placement and Services

For any student to be placed in an NPS/A, the Superintendent or designee shall develop an ISA that specifies the length of time the NPS/A shall provide services to the special education student as specified by the student's IEP, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

At least once each year, the District shall do all of the following and, to the extent possible, the following shall be conducted as part of the development and provision of an IEP: (Education Code 56366)

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results.
2. During the annual meeting held to review the student's IEP pursuant to Education Code section 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting. Each student's IEP and ISA shall specify the schedule for such review. (5 CCR 3068)

When a special education student meets the district requirements for completion of the prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070)

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Before contracting with an NPS or NP/A outside of California, the Superintendent or designee shall document the District's efforts to find an appropriate program offered by an NPS or NPA within California. (Education Code 56365)

Within 15 days of any decision for placement of a special education student in an out-of-state program, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the District's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California. (Education Code 56365)

If the District decides to place a student with an NPS or NPA outside of California, the District shall indicate the anticipated date of the student's return to a placement within California and shall document its efforts during the previous year to return the student to California. (Education Code 56365)

D. Travel Reimbursement for Out-of-Home Placements

If a student with a disability enrolls in an out-of-home placement in an NPS outside the District's boundaries in accordance with the student's IEP, the parent/guardian may receive reimbursement for certain costs associated with the parent/guardian's or student's travel necessitated by the following:

1. Parent/guardian travel and/or student's travel associated with student's initial placement.
2. Therapeutic visits by parent/guardian to meet with the student and the student's therapist at the NPS.
3. Student's therapeutic visits home.

Reimbursement for up to four trips per fiscal year (July 1 – June 30) may be provided in accordance with the following procedures:

1. Reimbursement will be provided only for two parents/guardians per trip to the NPS if the purpose of the visit is directly related to the student's education and/or reunification and is documented in the student's IEP. "Parent" means a natural or adopted parent. The number of round trips reimbursed by the District per fiscal year up to four is determined by the student's IEP in collaboration with the therapeutic staff at the NPS.
2. Parent/guardian and the NPS must notify the Special Education Local Plan Area (SELPA) Administrator at least 21 calendar days in advance of the proposed trip.

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3. The NPS must provide written documentation to the SELPA Administrator of the exact date(s) of therapy session(s) before travel approval may be granted. If more than one day of family therapy is requested, sessions must be on consecutive calendar days only (two days maximum). The cost of additional visitations that are not included in the student's IEP and approved by the SELPA Administrator will be at the sole cost of the parent/guardian.
4. The SELPA Administrator or designee will notify the parent/guardian if the proposed trip has been approved in its entirety or if only parts of the trip have been approved. If the proposed trip has been denied in whole or in part, the SELPA Administrator or designee shall provide parent/guardian with a written explanation.
5. If the proposed trip is approved by the SELPA Administrator, the parent/guardian and/or NPS is responsible for making all travel arrangements.
6. Parent/guardian must submit original, itemized receipts for allowable expenditures as defined below along with a District claim form. The receipts and claim form must be submitted to the SELPA Administrator within 15 days after the expense was incurred.

A parent/guardian may be reimbursed only for the following expenditures:

1. Airfare or Train Fare: Airfare/train fare must be for coach or economy (not business or first) class travel. If a trip is postponed, the parent/guardian must cancel reservations immediately. Maximum reimbursable cost for airfare or train tickets is \$400.00 without prior authorization.
2. Airport/Train Station Parking: Parking at the departing airport or train station will be reimbursed at a rate not to exceed \$15.00 per day.
3. Ground transportation to/from the departing airport or train station and to/from the destination airport or train station not to exceed \$25.00 one way will be reimbursed with submission of original receipts indicating the date, passenger name, destination, and cost. When an NPS provides ground transportation from the airport to their facility, parent/guardian is expected to use such transportation.
4. Automobile Mileage: Mileage must be for transportation by private automobile to and from the residence of the student and the NPS at the SELPA-approved rate of .575/mile. However, the total reimbursement for mileage travelled shall not exceed the cost of economy airfare to the NPS.
5. Hotel: The SELPA may reimburse a standard hotel accommodation at the rate determined by the U.S. Government Service Administration for the area in which the NPS is located. Maximum reimbursement is \$90.00 per night for two nights maximum without prior approval. Itemized original payment documentation must be submitted to the SELPA.

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6. Rental Car and Fuel: The car must be a mid-size or smaller. Itemized original payment documentation and receipts for fuel purchased on the trip must be submitted to the SELPA.
7. Meals: Reimbursement shall not exceed a maximum of \$36.00 per adult per day of travel. Itemized original payment documentation indicating the date, name, and location of the restaurant must be submitted to the SELPA.

Unless an expense is expressly permitted in this administrative regulation, it will not be reimbursed. Non-allowable expenditures include, but are not limited to:

1. First class/business class airfare/train fare.
2. Travel expenses for family members (e.g. siblings, etc.).
3. Luxury hotels/accommodations, amenities, luxury vehicle rentals.
4. Student meals.
5. Meals in Fresno County.
6. Entertainment (e.g. amusement parks, sporting events, movies, etc.).
7. Alcoholic beverages, snacks, tips, etc.
8. Room service, in-room personal expenses.
9. Phone calls.

Any altered or falsified receipts constitute fraud; therefore, all reimbursement requests shall be null, void, and denied.

E. On-Site Visits

The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the District does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)

At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the District has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)

1. A review of services provided to the student through the ISA.
2. A review of progress the student is making toward the goals set forth in the student's IEP.

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3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable.
4. An observation of the student during instruction.
5. A walkthrough of the facility.

The District shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)

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