

**CLOVIS UNIFIED  
SCHOOL DISTRICT****INSTRUCTION****Alternative/Specialized Programs****NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL  
EDUCATION**

**PURPOSE:** To establish District policy, pursuant to Education Code section 56195.8, permitting the District to contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities under the terms and conditions set out in this policy and the accompanying administrative regulation.

**Definitions**

1. **Nonpublic, Nonsectarian School:** A nonpublic, nonsectarian school (NPS) shall have the meaning set forth in Education Code section 56034, which is a private, nonsectarian school that enrolls students with disabilities, pursuant to the student's individualized education program (IEP) and is certified by the California Department of Education (CDE). An NPS shall meet standards prescribed by the Superintendent of Public Instruction and the State Board of Education. (Education Code 56034)
2. **Nonpublic, Nonsectarian Agency:** A nonpublic, nonsectarian agency (NPA) shall have the meaning set forth in Education Code section 56035, which is a private, nonsectarian establishment or individual that provides related services necessary for an individual with exceptional needs to benefit educationally from the pupils' educational program pursuant to an IEP and that is certified by the CDE. An NPA shall meet standards prescribed by the Superintendent of Public Instruction and the State Board of Education. (Education Code 56035)

The Board recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with the 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 sections 56366 and 56366.1. In addition, 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.

No District student shall be placed in an NPS/A unless the student's IEP team has determined that an appropriate public education alternative does not exist and that the placement is appropriate for the student. (Education Code 56342.1)

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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. (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 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 sections 56365, 56366, and 56366.6. (Education Code 56366.2)

The Superintendent shall adopt an administrative regulation implementing this policy.

Adopted: 03/24/2010

Amended: 11/18/2020 (BP 3511 renumbered as BP 6159.2)

**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

56836-56836.21 Special education funding; SELPA contracts with nonpublic nonsectarian schools

**FAMILY CODE**

7911-7912 Interstate compact on placement of children

**GOVERNMENT CODE**

7570-7587 Interagency responsibilities for providing services to disabled children

## **CLOVIS UNIFIED SCHOOL DISTRICT**

### 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

3051-3051.24 Special education; standards for related services and staff qualifications

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

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