

**Instruction****NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION**

The Governing Board may contract with state-certified 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)
- (cf. 1312.3 Uniform Complain 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)
- (cf. 6159 Individualized Education Program)
- (cf. 6159.1 Procedural Safeguards and Complaints for Special Education)
- (cf. 6164.4 Identification of Individuals for Special Education)

When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

**Legal Reference:**

## 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
- 56360-56370 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

## GOVERNMENT CODE

- 7570-7588 Interagency responsibilities for providing services to children with disabilities, especially:
- 7572.55 Seriously emotionally disturbed child; out-of-state placement

## FAMILY CODE

- 7911-7912 Interstate compact on placement of children

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

3061-3069 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.400-300.487 Children with disabilities in private schools

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

**Management Resources:**

CDE LEGAL ADVISORIES

0317.99 Nonpublic School/Agency Waivers and Reimbursement to Parents

FEDERAL REGISTER

34 CFR 300.a Appendix A Part 300 - Questions and Answers

34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: <http://www.cde.ca.gov>

US Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/offices/OSERS>

Policy adopted: **January 9, 2001**

**FRUITVALE SCHOOL DISTRICT, Bakersfield, CA**

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