

# **San Dieguito Union High School District**

## **Nonpublic, Nonsectarian School and Agency Services for Special Education**

BP 6159.2

### **Instruction**

The Governing Board recognizes its responsibility to provide all district students, including students with disabilities, a free appropriate public education 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 to meet the students' needs.

In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.

Prior to entering into a contract to place any student in a nonpublic, nonsectarian school or agency, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities in accordance with Education Code 56366. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any nonpublic, nonsectarian school with which the district has a contract to ensure that the school or agency's certification has not expired.

No district student shall be placed in a nonpublic, nonsectarian school or agency unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the nonpublic, nonsectarian school or agency placement is appropriate for the student. In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP.

During the period when any student with disabilities is placed in a nonpublic, nonsectarian school or agency, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in his/her IEP.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

In accordance with Education Code 56366.2, the Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, 56366.3, and 56366.6.

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  
56342.1 Individualized education program; placement  
56360-56369 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  
FAMILY CODE  
7911-7912 Interstate compact on placement of children  
GOVERNMENT CODE  
7570-7587 Interagency responsibilities for providing services to children with disabilities,  
especially:  
7572.55 Seriously emotionally disturbed child; out-of-state placement  
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  
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

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Special Education and Rehabilitative  
Services: <http://www.ed.gov/about/offices/list/osers>

(6/95 6/99) 4/13

**Board Adopted: September 19, 2019**