

**Glenn County Special Education Local Plan Area****SELPA Administrative Regulation****Non-Public Schools and Agencies****Placement Procedures**

Local education agencies may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services when an appropriate public education program is not available. Nonpublic, nonsectarian schools or agencies will be utilized only when no appropriate public education program is available to meet the individual student's special education needs as determined through the IEP process.

In order to be eligible to receive financial assistance from the SELPA, LEAs must arrange NPS/A placements through the SELPA Director. The SELPA Director is designated the authority to arrange placements and enter into contracts with non-public schools and agencies on behalf of all LEAs within the SELPA. Requests for NPS/A placements and services for students enrolled in county operated programs will occur through the IEP process. Requests for students enrolled in district operated programs are the responsibility of the designated district special education representative.

If approved, the SELPA, in collaboration with the district of residence, will identify an appropriate nonpublic school/agency and hold an IEP meeting to confirm the arrangements and develop an appropriate IEP. The SELPA will develop the Master Contract and Individual Services Agreement and assume responsibility for the fiscal aspects of the contract. The district of residence will assume responsibility for the programmatic aspects of the master contract.

In the case of a transfer student who becomes a legal resident of the SELPA while attending a NPS/A pursuant to a current IEP, the SELPA Director will coordinate with the designated district special education representative to facilitate an interim placement of the student pending a proper review of the case and subsequent meeting of the IEP team.

**Contract Requirements**

Contracts with nonpublic schools or agencies shall be made on SELPA approved forms and shall include an individual services agreement negotiated for each student. Individual services agreements shall specify the services and length of time for which nonpublic, nonsectarian school services are specified in the student's individualized education program (IEP), 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 IEP. (Education Code [56366](#))

The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency, the district of residence and the SELPA to provide the special education and designated instruction and services, as well as transportation specified in the student's IEP. The administrative provisions of the contract shall also include procedures

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for recordkeeping and documentation, and the maintenance of school records by the district of residence to ensure that appropriate high school graduation credit is received by the student. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. (Education Code [56366](#))

The master contract shall include a description of the process being utilized by the district of residence to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether a student is making appropriate educational progress. (Education Code [56366](#))

**LEA Responsibilities**

LEA staff shall participate in IEP meetings to review the progress of a student placed in a nonpublic, nonsectarian school or agency according to the schedule set forth in the IEP and Master Contract but at least annually. LEA staff shall review evaluations conducted by the NPS/A to ensure that they are appropriate and valid for measuring student progress. The LEA may choose to administer additional assessments as necessary, with parent consent, to determine whether the student is making appropriate educational progress. Based on information provided regarding student progress, IEP Teams will ensure that the IEP is written or revised to meet the unique needs of the student.

When a special education student meets district requirements for completion of the prescribed course of study and adopted differential proficiency standards as designated in the student's IEP, the district which developed the IEP shall award the diploma. (5 CCR [3070](#))

At the pupil's discretion, members of the IEP team shall be available for private and confidential communication with the student. (E.C. Section [56366.12](#))

**Out-of-State Placements**

Before contracting with a nonpublic, nonsectarian school or agency outside California, the SELPA Director shall document efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California. (Education Code [56365](#))

Within 15 days of any decision for an out-of-state placement, 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 a nonpublic, nonsectarian school or agency outside the state, the district shall indicate the anticipated date of the student's return to a placement

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within California and shall document efforts during the previous year to return the student to California. (Education Code [56365](#))

**Funding**

The SELPA has created a Self-Insurance Pool for the purpose of providing financial support to LEAs for costs associated with current and potential cases of state mediation and/or due process and for the cost of non-public school and agency placements. Districts are assessed \$3.00 per ADA for mediation/due process and \$3.00 per ADA for non-public school and agency placements. Districts are assessed annually until a maximum of \$250,000 is accrued in the pool. Unused funds are carried over annually and maintained in the Pool. Once the pool has reached its maximum goal of \$250,000, it will be replenished as needed. The amount charged to replenish the pool will be prorated based on the actual amount needed, to a maximum of \$6.00 per ADA as explained above. This annual assessment may be increased or suspended as determined by the SELPA Governance Committee. A decision to increase or suspend the assessment shall apply to one fiscal year.

The insurance pool will be managed by the Glenn County Office of Education and utilized at the discretion of the SELPA Director. In the event that the cost of NPS/A placements exceeds the amount of available funds in the insurance pool, the excess costs will be charged on a pro rata basis according to ADA to all LEAs at the end of the succeeding year.

LEAs that do not receive approval from the SELPA are responsible for 100% of the cost associated with NPS/A placements and services.

**Compliance Responsibilities**

Although the nonpublic, nonsectarian school or agency is contracted to implement the IEP, responsibility for compliance with federal and state statutes and regulations remains with the district of residence. The district of residence will therefore monitor the placement of each student in a nonpublic school or agency to ensure that all contracted services are being delivered and that the IEP is being implemented accordingly. Upon request, the SELPA may assist with this process.