

N. Nonpublic School and Agency Policy

The Solano County SELPA and member LEAs recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Solano County SELPA may, on behalf of the member LEA, enter into a contract with a nonpublic, nonsectarian school (NPS) or agency (NPA) (collectively NPS/A) to meet student needs consistent with the comprehensive local plan.⁶

Prior to entering into a contract to place any student in an NPS/A, the Assistant Superintendent, SELPA, 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 56366 and 56366.1. In accordance with Education Code 56026.3, a special education local plan area is considered a local education agency. When the Solano County SELPA is the contracting local education agency for NPS/A Master Contracts on behalf of its member districts, the Solano County SELPA must verify all contracted NPS/A compliance with the mandatory behavior training. In addition, the Assistant Superintendent, SELPA, or designee, shall monitor, on an ongoing basis, the certification of any NPS/A with which the Solano County SELPA has a contract to ensure that the school or agency's certification has not expired.

No district student shall be placed in an NPS/A unless the student's individualized education program (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)

The Solano County SELPA 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 student's IEP.

The Assistant Superintendent, SELPA, or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

⁶ See corresponding member LEA board policy and administrative regulation 6159.2

N1. Master Contract

Every master contract between the Solano County SELPA and an NPS/A 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
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 Solano County SELPA 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)

N2. Placement and Services

For any student to be placed in an NPS/A, the Assistant Superintendent, SELPA, or designee shall develop an individual services agreement based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the NPS/A services, 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 placing district shall: (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 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

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)

N3. Out-of-State Placements

Before contracting with a nonpublic, nonsectarian school or agency outside California, the Assistant Superintendent, SELPA, or designee shall document the Solano County SELPA's efforts to find an appropriate program offered by an NPS/A 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 costs of the special education and related services provided, and the district's efforts to locate an appropriate public school or NPS/A within California. (Education Code 56365)

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

N4. 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 Assistant Superintendent, SELPA, 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 individual services agreement
2. A review of progress the student is making toward the goals set forth in the student's IEP
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 Solano County SELPA shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)

N5. Participation in the Bay Area Collaborative

The Solano County SELPA is a member SELPA of the Bay Area Collaborative. As a member of the Bay Area Collaborative, master contract with an NPS/A shall follow the Bay Area Collaborative Master Contract Template.

N6. SELPA Notification of Placement

Within seventy-two (72) hours of an IEP meeting that places a student in an NPS, the district administrator shall complete the NPS Placement Form and submit it to the Solano County SELPA office. The district must provide access to the documents authorizing the placement (e.g., upload the IEP in special education database or provide a copy of pertinent portions of a settlement agreement).

For each student enrolled in an NPS, the Solano SELPA will develop an ISA based upon the NPS Placement Form and the current, consented to signed IEP; an interim placement form for transfer students; or pertinent documentation from a settlement agreement.

Information from the NPS Placement Form is consolidated into a report and presented to the COS for ratification on a regular basis.

N7. SELPA Assistance with NPS Placements

Member districts may place students in an NPS without assistance from the Solano County SELPA, however, the Solano County SELPA is available to assist member districts. Member districts may request assistance by submitting a Request for SELPA Program Assistance. Solano County SELPA program staff are available to assist member districts by:

1. Locating an appropriate NPS based upon the unique needs of a student
2. Conducting a case review to ensure that an NPS is the least restrictive environment for the student
3. Assist parents with arranging a site visit to proposed NPS placements with or without district staff

In addition to the monitoring requirements and reporting required under Education Code 56366.1, the Solano County SELPA provides assistance to member districts through ongoing monitoring as follows:

1. Conducting eight (8) site visits per school year; site visits may be unannounced or scheduled
2. Observe Solano County SELPA students during NPS sites
3. Review attendance and service logs of Solano County SELPA students to ensure all services necessary are being provided
4. Monitor/review teacher credentials of NPS staff at least 3 times a year
5. Review Solano County SELPA student files stored at NPS during site visits
6. Participating in CDE NPS monitoring

Member LEA special education directors and the COS will be provided a summary of NPS monitoring visits.

N8. Residential Placements

Solano County SELPA staff shall co-case manage all placements in residential settings act as a liaison between the NPS and the other agencies. The Solano County SELPA maintains a residential placement risk pool for the purpose of funding the board and care portion of residential placements. To access this pool, the placing district must coordinate the placement with the Solano County SELPA. The failure to include the Solano County SELPA in residential placement decisions precludes the member LEA from accessing the residential placement risk pool.

N9. Case management

LEA case manager responsibilities include the following:

1. Monitor and supervise the student's IEP, including scheduling and conducting IEP review meetings.
2. Monitor student academic achievement testing and progress towards either graduation or a certificate of completion.
3. Inform the Solano County SELPA Office within 72 hours of any IEP meeting to allow for development of updated ISAs.
4. During the period when any student with disabilities is placed in an NPS, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in his/her IEP.