

## **Fresno Unified Board Policy (BP) 6159.2**

### **Nonpublic Nonsectarian School And Agency Services For Special Education**

The Governing Board recognizes its responsibility to provide a free appropriate public education (FAPE) 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 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.

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

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 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 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 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.

*(cf. 6159 - Individualized Education Program)*

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

*(cf. 1431 - Waivers)*

*Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

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  
56836.20-56836.21 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 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  
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

Management Resources:

#### WEB SITES

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

US Department of Education, Office of Special Education and Rehabilitative Services:  
<http://www.ed.gov/offices/OSERS>

#### Policy FRESNO UNIFIED SCHOOL DISTRICT

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*Policy Section: 1000 Community Relations*