

## **Lewis Center for Educational Research**

**AR 6159.2    INSTRUCTION  
NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY  
SERVICES FOR SPECIAL EDUCATION PLACEMENT AND  
SERVICES**

**Adopted:    3-28-07**

**Revised:**

Procedures specified in law shall govern the selection of appropriate nonpublic school or agency services.

Contracts with a nonpublic school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Individual services agreements shall be for the 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.

The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the AAE 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 for record keeping and documentation, and the maintenance of school records by the contracting AAE 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.

Note: The nonpublic school or agency must be certified as meeting state standards pursuant to Education Code 56366. Contracts may be terminated for cause with 20 days' notice; however, the availability of a public education program initiated during the period of the contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the program.

The master contract shall include a description of the process being utilized by the AAE to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether the student is making appropriate educational progress.

The AAE, IEP team shall annually review the IEP of a student placed in a nonpublic, nonsectarian school or agency. The student's IEP and contract shall specify the review schedules.

When a special education student meets the AAE requirements for completion of prescribed course of study and adopted differential proficiency standards as designated in the student's IEP, the AAE shall award the diploma.

## Out-of-State Placements

Before contracting with a nonpublic, nonsectarian school or agency outside California, the President/CEO or designee shall document the AAE's efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California.

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the President/CEO of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the AAE's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California.

If the AAE decides to place a student with a nonpublic, nonsectarian school or agency outside the state, the AAE 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.