



# Board of Education Executive Summary

## Special Education

Proposed Board Policy (BP) 6159.2 Nonpublic, Nonsectarian School And Agency Services For Special Education  
December 16, 2021



### I. Overview/History of Department or Program

The Board desires 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.

Currently, the Sacramento City Unified School District board policy concerning the utilization of Nonpublic, Nonsectarian School and Agency services for special education is from 2002. By adopting this revised policy, the District will provide updated guidelines for adults for the



BP 6159.2

Nonpublic, Nonsectarian School and Agency Services for Special Education

~~Providing It is the responsibility of the District to~~ The Board of Education recognizes its responsibility for providing a free and appropriate public education to all district students is an essential responsibility of the Board of Education. This obligation is to district students both with and without exceptional needs. The Board recognizes the importance of providing students with exceptional needs access to the general education curriculum and the opportunity to be educated and to interact with students without disabilities in an understanding, cooperative and mutually respectful

and/or related services to students with disabilities, and as part of the full continuum of supports and services, ~~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 needs of the student's ~~needs~~.

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

(cf. 1312.3 -Uniform Complaint Procedures)

(cf. 3541.2 -Transportation for Students with Disabilities)

(cf. 4112.23 -Special Education Staff)

(cf. 6146.4 -Differential Graduation and Competency Standards for Individuals with Exceptional 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.

nonsectarian school or agency placement is appropriate for the student, in light of the students' unique circumstances. In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall continue to 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. (Education Code 56195.8, 56342.1)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

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

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, 56366.6.

(cf. 1431 - Waivers)

Legal References:

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

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56775.5 Reimbursement of assessment and identification costs

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to children with disabilities,

especially:

7572.55 Seriously emotionally disturbed child; out-of-state placement

FAMILY CODE

7911-7912 Interstate compact on placement of children

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

Agonstini 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

CDE: <http://cde.ca.gov>

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U.S. Department of Education,

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

Policy SACRAMENTO UNIFIED SCHOOL DISTRICT

adopted:

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