

Da Vinci Schools

Policies and Procedures

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The Board of Trustees recognizes its responsibility to provide all Da Vinci students, including students with disabilities, a free appropriate public education in accordance with state and federal law. When Da Vinci Schools is unable to provide direct special education and/or related services to students with disabilities, the Board of Trustees may enter into a contract with a nonpublic, nonsectarian school or agency to meet the student's needs.

In selecting a nonpublic, nonsectarian school or agency the Board may contract with for the placement of a student with a disability, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulations.

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.

No Da Vinci student shall be placed in a nonpublic, nonsectarian school or agency unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the nonpublic, nonsectarian school or agency placement is appropriate for the student. In accordance with law, any student with a disability placed in a nonpublic, nonsectarian school or agency shall 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).

During the period when any student with a disability is placed in a nonpublic, nonsectarian school or agency, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in his/her IEP.

The Chief Executive Officer or designee shall notify the Board when an out-of-state placement for any Da Vinci student is made.

In accordance with Education Code 56366.2, the Chief Executive Officer or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, 56366.3, and 56366.6.

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 Appointments and reports
56760 Annual budget plan; services proportions
56775.5 Reimbursement of assessment and identification costs

FAMILY CODE

7911-7912 Interstate compact on placement of children

GOVERNMENT CODE

7570-7588 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 REGULATION, 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

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct.1997

Approved and adopted by the Da Vinci Schools Board on January 15, 2020.