



## NONPUBLIC AGENCIES/SCHOOLS:

# DID YOU KNOW



### **Nonpublic Agencies & Schools**

Local educational agencies (LEAs) throughout the state utilize nonpublic agencies (NPAs) and nonpublic schools (NPSs) to provide educational placements and services to students who receive special education services. This document will inform LEAs regarding the required elements of contracting with NPA/S. Adherence to the guidance below will assist LEAs in avoiding funding and programmatic issues and prevent potential disruption to the educational program of the students being served.

#### **NPA VS. NPS**

#### ***DISTINCTION BETWEEN NPA AND NPS***

Below are a few important distinctions exist between NPA and NPS services:

- NPA services **are not placements** but Designated Instruction and Services (DIS) (“Related Services” under federal law) such as speech therapy, occupational therapy, counseling, etc. which assist a student in benefitting from his/her education. (34 C.F.R. § 300.34(a); Ed. Code §§ 56035 and 56363(a))
- NPS services are utilized when an **LEA needs to place a student** in a non-public school or facility, residential or nonresidential, because an appropriate public school placement is not available.
- Specialized Academic Instruction (SAI), which refers to special education rather than Related Services, **may only be provided by an NPS**. (Ed. Code § 56035; 34 C.F.R. § §300.34(a) and 300.39(b)(3))

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#### ***SPECIAL EDUCATION FUNDING***

- LEAs may not use special education funding to pay for services provided by an NPA/S unless the NPA/S is certified by the state (this includes any services an NPA/S is not certified to provide) or for any services that an NPA or NPS is not certified to provide. While LEAs may use general funds to pay for NPA/S services, LEAs are advised to follow the requirements outlined in this document, regardless of the funding source. (Ed. Code § 56836.04, 56836.20)



## CDE CERTIFICATION

- The California Department of Education (CDE) certification process ensures that the NPA meets the standards prescribed in federal and state statutes and regulations. The CDE certification is approval for the NPA to contract with LEAs to provide related services to eligible students. NPAs may apply for initial certification at any time throughout the year. (Ed. Code § 56365)
- CDE maintains a spreadsheet with certification information regarding all of the NPS/As.<sup>1</sup>



## MONITOR CERTIFICATION

- LEAs are required to ensure that the NPA/S with whom it contracts has met state certification standards. (Ed. Code §§ 56366 (d), and 56366.1)
- Before entering or renewing a master contract or individual services agreement (ISA), the LEA should determine that the NPA/S has met the following criteria:
  - Has an “Active” or “Conditional” designation with CDE (found in CDE database<sup>2</sup>). The school can also check via the NPA/S presentation of the CDE approval letter.
  - Is certified for the specific related service(s) required by the student’s IEP.
  - Is certified for the grade level of the student(s) who will be served; and
  - Is providing services in facilities certified by CDE.
- The certification fee and Intent to Renew must be filed with CDE by October 31, or the renewal application will not be accepted. The master contract should state that the agreement is null and void if NPA/S certification lapses.



## MASTER CONTRACT AND INDIVIDUAL SERVICES AGREEMENT

- An LEA is required to develop and utilize a master contract** when procuring services through an NPA/S. The master contract must include the following:
- The general administrative and financial agreements, including teacher-to-pupil ratios, between the LEA and NPA/S;
  - Procedures for recordkeeping and documentation, and maintenance of school records to ensure appropriate high school graduation credits;
  - A description of the process the LEA will use to oversee and evaluate NPS placements. (Ed. Code § 56365)
  - NOTE: The El Dorado Charter SELPA Master Contract templates meets all compliance requirements.
- In addition, the LEA and NPA/S must sign an ISA **for each pupil being served by the NPA/S.** The ISA must include all services, including the cost and duration of each service that the NPA/S will provide for that student and should be reflected in an updated ISA. Changes to the services being provided may only be made by the IEP team. (Ed. Code § 56366 (a)(3)) The El Dorado Charter SELPA ISA template meets all compliance requirements.

## Resources

<sup>1</sup> California Nonpublic, Nonsectarian Schools and Agencies Certification Data Worksheet [www.cde.ca.gov/sp/se/ds/](http://www.cde.ca.gov/sp/se/ds/)

<sup>2</sup> CDE Database: NPA/S Certification Information can be found at <http://www.cde.ca.gov/re/sd/>