



EL DORADO
CHARTERSELPA
Special Education Local Plan Area



El Dorado County
Charter SELPA
6767 Green Valley Rd.
Placerville, CA 95667
(530) 295-2462

Nonpublic Agencies & Schools

Local educational agencies (“LEAs”) throughout the state utilize non-public schools (“NPS”) and non-public agencies (“NPA”) to provide educational placements and services to students who receive special education services. This document will alert you of the required elements of contracting with NPA/S. Adherence to the guidance below will help schools avoid funding and programmatic problems, and to prevent any disruption to the educational program of the students being served.

Distinction Between NPA and NPS Services

There are several important distinctions between NPA and NPS services.

NPS services are utilized when an **LEA needs to *place a student*** in a private school or facility, residential or non-residential, because an appropriate public school placement is not available.

NPA services **are not placements** but Designated Instruction and Services (“DIS”) (“Related Services” under federal law) such as speech therapy, occupational therapy, counseling, ABA, transportation, etc. which assist a student in benefitting from his/her education. (34 C.F.R. § 300.34(a); Ed. Code §§ 56035 and 56363 (a).)

Specialized Academic Instruction (“SAI”), which refers to special education rather than DIS or Related Services, may only be provided by an NPS. (Ed. Code § 56035; 34 C.F.R. § §300.34(a) and 300.39(b)(3).)

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 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, no matter the funding source. (Ed. Code § 56836.04, 56836.20)

CDE Certification

The California Department of Education (“CDE”) certification process is intended to ensure 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)

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:

- a. Has an “Active” designation with CDE. (Found in CDE database, see below.)
- b. Is certified for the grade level of the student(s) who will be served; and
- c. Is providing services in facilities certified by CDE.

The 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 (“ISA”) .

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:

- a. The general administrative and financial agreements, including teacher-to-pupil ratios, between the LEA and NPA/S;
- b. Procedures for recordkeeping and documentation, and maintenance of school records to ensure appropriate high school graduation credits;

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- c. A description of the process the LEA will use to oversee and evaluate NPS placements.

(Ed. Code § 56365)

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. Changes to the services being provided may only be made by the IEP team. (Ed. Code § 56366 (a)(3))

Resources

1. **CDE Database:** NPA/S Certification Information can be found at <http://www.cde.ca.gov/re/sd/>
2. SELPA approved Master Contract Templates and ISA are available at <http://www.edcoe.org/charterselpa/documents-and-forms/resource-documents/index>