DATE: INSERT DATE

Re: Verification of Behavior Training

Dear NPS/A Partners,

We are reaching out to our partners in Nonpublic Schools and Agencies (NPS/A) regarding the implementation of Education Code 56366.1(a), which was amended by AB 1172 last year, to include verification of mandatory behavior training. As the contracting Local Education Agency (LEA) it is the obligation of INSERT LEA NAME to verify that the training described below has been provided in conformity with Education Code 56366.1(a)(4) and to return verification back to the NPS/A for your annual renewal.

**Required Behavioral Training**

As you are aware, the new requirements for NPS/A certification, including the annual renewal of certification, for NPS/A includes the following requirements as specified in Education Code 56366.1 (a), in pertinent part:

(4)  (A)

(i) Commencing with the 2020–21 school year, documentation that the nonpublic, nonsectarian school or agency will train staff who will have contact or interaction with pupils during the school day in the use of evidence-based practices and interventions specific to the unique behavioral needs of the nonpublic, nonsectarian school or agency’s pupil population. The training shall be provided within 30 days of employment to new staff who have any contact or interaction with pupils during the school day, and annually to all staff who have any contact or interaction with pupils during the school day.

(ii) For a nonpublic, nonsectarian school or agency that was in existence as of the January 1 immediately preceding a school year, documentation that the nonpublic, nonsectarian school or agency’s staff members who will have contact or interaction with pupils during the school day have received training that complies with the requirements of subparagraphs (B) and (C).

(B) The training described in this paragraph shall be selected and conducted by the nonpublic, nonsectarian school or agency and shall satisfy all of the following conditions:

(i) Be conducted by persons licensed or certified in fields related to the evidence-based practices and interventions being taught.

(ii) Be taught in a manner consistent with the development and implementation of individualized education programs.

(iii) Be consistent with the requirements of Article 5.2 (commencing with Section 49005) of Chapter 6 of Part 27, relating to pupil discipline.

(C) The content of the training described in this paragraph shall include, but is not limited to, all of the following:

(i) Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan, and implement behavioral supports.

(ii) How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors.

(iii) Evidence-based interventions for reducing and replacing challenging behaviors, including deescalation techniques.

(D)

(i) The contracting local educational agency shall verify the nonpublic, nonsectarian school or agency’s compliance with the requirements of this paragraph, and the nonpublic, nonsectarian school or agency shall report the contracting local educational agency’s verification to the Superintendent annually with the annual certification documents described in subdivision (h).

(ii) For a nonpublic, nonsectarian school or agency seeking initial certification, the contracting local educational agency shall verify that the plan and timeline for training provided pursuant to this paragraph are included in the master contract.

(iii) For a nonpublic, nonsectarian school or agency not in existence as of the January 1 immediately preceding a school year, the contracting local educational agency shall, 30 days following the commencement of the school year, verify that the nonpublic, nonsectarian school or agency provided the training required by this paragraph, and shall submit the verification to the Superintendent at that time.

(iv) The nonpublic, nonsectarian school or agency shall maintain written records of the training provided pursuant to this paragraph and shall provide written verification of the training upon request.

**Timeline for Submission of Documentation**

The annual recertification of all NPS/A is due to the CDE by October 31st of each year (Education Code 56366.1(h)). For this reason, in order for INSERT NAME OF LEA to be afforded the time necessary to complete the verification of behavioral training required for the renewal application, we request that current NPS/A provide the documentation of training to our office **no later than October 1** annually:

**Required Documentation**

In order to verify each required component of appropriate and complete behavior training has occurred, we require the following documentation:

1. A copy of the training materials utilized demonstrating that the training included:
   1. Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan, and implement behavioral supports.
   2. How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors.
   3. Evidence-based interventions for reducing and replacing challenging behaviors, including de-escalation techniques.
2. The Curriculum Vitae for all staff conducting the training demonstrating they are “licensed or certified in fields related to the evidence-based practices and interventions being taught.”
3. A staff roster that includes the name and position of all staff who have any contact or interaction with pupils during the schoolday.
4. Dated sign in sheet(s) for the training(s).
5. A declaration that the NPS/A met the specific requirements for this training requirement (attached is a sample).
6. The CDE provided Verification of Behavior Training form.

After receiving and reviewing the above documents, INSERT NAME OF LEA will complete the verification form provided by CDE and return a copy to your NPS/A.

**Subsequent Training Documentation for New Staff**

As noted above, Education Code 56366.1 (a)(4)(A) requires that the behavioral training described above, “…shall be provided within 30 days of employment to new staff who have any contact or interaction with pupils during the school day…” In order to comply with this required verification, please provide the documentation listed above for all new employees **within 30 days of their employment**.

This may result in our office receiving the notification of training for these new employees prior to our office being notified of the employment of new personnel. This is because, the notification timeline for changes in staffing at an NPS/A follow a different timeline:

* Education Code 56366.4, which authorizes the state to suspend or revoke the certification of an NPS for failing to report to the CDE, “Changes in credentialed, licensed, or registered staff who render special education and related services, ownership, management, or control of the NPS/A.”
* Section 48 of the Master contract stipulates, “… CONTRACTOR shall notify the … LEA in writing within forty-five (45) days when personnel changes occur which may affect the provision of special education and/or related services…”

Nevertheless, the notification of changes in personnel required by the master contract and Education Code 56366.4 are separate and distinct from the requirement for verification of behavior training for new employees of the NPS/A under Education code 56366.1.

After receiving and reviewing the behavioral training documentation for new personnel, INSERT NAME OF LEA will complete a Behavior Training Verification denoting the specific new staff members for whom training is being verified.

INSERT NAME OF LEA values our partnership and the service your school / agency provides to our students.  Thank you for your continued work on behalf of our students!

Sincerely,

***INSERT NAME, TITLE***