

# ***GUIDELINES & RESOURCES***



## ***NON PUBLIC SCHOOLS (NPS) & RESIDENTIAL TREATMENT CENTERS (RTC)***

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# INTRODUCTION

*“Each child is a unique person, with unique needs, and the purpose of the education system of this state is to enable each child to develop all of his or her own potential.” -Purpose of the Educational System (EDC §33080)*

The Individuals with Disabilities Education Act (IDEA) ensures that all students with disabilities have access to a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). The intent of the Individualized Education Program (IEP) is to meet the unique needs of a student in order to allow meaningful access to FAPE and prepare for post-secondary education, employment, and independent living. In some cases, a student may experience significant emotional, behavioral and/or academic challenges that impede access to educational benefit in the current program and setting. When this occurs, an IEP team must consider the full continuum of service and placement options to ensure meaningful access to FAPE based on the individualized needs of the student.

This handbook provides procedural guidance and considerations to IEP teams when considering a Non-Public School (NPS) and/or Residential Treatment Center (RTC) setting as the Least Restrictive Environment (LRE) for a student.

## EARLY INTERVENTION: MULTI-TIERED SYSTEM OF SUPPORTS

*“MTSS encompasses the continuum of need, enabling schools to promote mental wellness for all students, identify and address problems before they escalate or become chronic, and provide increasingly intensive, data-driven services for individual students as needed.” -National Association of School Psychology (NASP)*

All schools must establish a system to identify a wide range of supports to address their students’ diverse needs. A Multi-Tiered System of Supports (MTSS) framework is crucial for ensuring appropriate and timely attention to the range of challenges experienced by students. Schools must look closely at their systems to ensure that universal supports, targeted supports, and intensive supports are in place. This approach is critical for supporting students in the LRE. For more information related to tiered social-emotional supports within an MTSS framework, please refer to the EDCOE Charter SELPA ERMHS Program Guidelines.

U.S. Department of Education. (2014). 35th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2013. Washington, DC: U.S. Department of Education. Retrieved January 16, 2015, from <http://www2.ed.gov/about/reports/annual/osep/2013/parts-b-c/35th-idea-arc.pdf> - See more at <http://www.nami.org/Learn-More/Mental-Health-By-the-Numbers#sthash.UZF0iM5j.dpuf>

Sanford, C., Newman, L., Wagner, M., Cameto, R., Knokey, A.-M., and Shaver, D. (2011). The Post High School Outcomes of Young Adults With Disabilities up to 6 Years After High School. Key Findings from the National Longitudinal Transition Study-2 (NLTS2) (NCSE 2011-3004). Menlo Park, CA: SRI International.

# PLACEMENT OPTIONS IN THE LEAST RESTRICTIVE ENVIRONMENT (LRE)



The Least Restrictive Environment (LRE) mandate of the IDEA requires that students with disabilities receive their education in the “regular education environment” to the maximum extent appropriate or, to the extent such placement is not appropriate, in an environment with the least possible amount of segregation from the students’ non-disabled peers and community (34 CFR 300.114 through 34 CFR 300.120). LRE not only applies to instruction taking place in the classroom but also broadly to all aspects of a student’s special education program, as well as to students who are not educated in traditional settings (e.g., independent study or virtual programs).

The continuum of alternative placements reflects a range of potential placements for which an Local Education Agency (LEA) can implement a student’s IEP. The continuum begins with the general education setting and continues to become more restrictive with each placement on the continuum (34 CFR 300.114).

The IDEA requires that each LEA ensure:

1. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are non-disabled; and
2. Special classes, separate schooling, or other removal(s) of children with disabilities from the general education environment occurs only if the nature or severity of the disability is such that education in the general education setting, with the use of supplementary aids and services, cannot be achieved satisfactorily.

The corresponding image may assist the IEP team when considering the continuum of placement options to establish LRE for a student. It is essential that the IEP team makes data-informed decisions based on the individual student’s needs when determining the appropriate educational placement. The IEP team must consider various placement options and document these options on the Offer of FAPE Services Page of the IEP (see Appendix B).

## UNILATERAL PLACEMENT

A unilateral placement occurs when a parent believes that their child’s current program has failed to provide FAPE and therefore places the child in a private placement where they believe FAPE can be achieved. This may occur either against the agreement of or unbeknownst to the IEP Team. The parent either notifies LEA/district of this unilateral placement at the last IEP meeting before the placement was made or via a letter 10 business days prior to the unilateral placement change.

For more information in responding to unilateral placements, please refer to the [Unilateral Placement](#) section in the EDCOE Charter SELPA’s Procedural Guide.

## CONTINUUM OF ALTERNATIVE PLACEMENTS

*The **continuum of alternative placements** is the range of potential placements in which a district/LEA can implement a student’s IEP. The continuum begins with the regular classroom and proceeds to progressively more restrictive placements.*

(34 CFR §300.115 (a))

*Each public agency shall ensure that individuals with exceptional needs, to the maximum extent appropriate, are educated with their nondisabled peers within the **Least Restrictive Environment (LRE)**. Special classes, separate schooling, or other removal of individuals with exceptional needs from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.*

(34 CFR §300.114)



# IEP TEAM CONSIDERATIONS PRIOR TO NON-PUBLIC SCHOOL (NPS) PLACEMENT



(a) Specific educational placement means that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the IEP, in any one or a combination of public, private, home and hospital, or residential settings. (b) The IEP team shall document its rationale for placement in other than the pupil’s school and classroom in which the pupil would otherwise attend if the pupil were not disabled. The documentation shall indicate why the pupil’s disability prevents his or her needs from being met in a less restrictive environment even with the use of supplementary aids and services. (EDC §3042)

If a student is not accessing FAPE in their current setting, the LEA has an obligation to convene an IEP team meeting to discuss the student's identified needs and progress towards their current IEP goals. This may include initiating additional assessments to gain information about at student's present levels of performance to drive identified needs, goals, and supplementary aids/supports/services. For more information regarding the referral process and NPS/RTC placement please refer to page 13 of this document. Such concerns may be related to safety, chronic attendance issues affiliated with the student’s disability, recent hospitalizations and/or being at risk for suicide. For information addressing self-harm, suicide, and student re-entry after a mental-health-related hospitalization please refer to the EDCOE SELPA/Charter SELPA’s handbook, [Suicide & Self-Harm: A Prevention & Response Toolkit for Educators](#).

The following considerations are designed to assist the IEP team in determining barriers to FAPE in the student’s current setting. These considerations are by no means exhaustive, nor should this list be utilized as a checklist of criteria to be met. It is at the discretion of the IEP team to determine what the primary factor(s) inhibiting a student’s access to FAPE may be.

## NON-PUBLIC SCHOOL (NPS) CONSIDERATIONS PRIOR TO PLACEMENT

General Considerations Prior to NPS Placement	Examples
<p><b>School Refusal, Truancy, or Ongoing Attendance Issues</b></p>	<ul style="list-style-type: none"> <li>• Is the student’s disability interfering with their ability to attend school?</li> <li>• How long have attendance issues been prevalent?</li> <li>• Is there a pattern or known cause identified related to absences?</li> <li>• Does the student require transportation with/without corresponding supplementary aids and services (e.g., FBA/BIP, social work services, etc.) to access FAPE?</li> <li>• Is there support and structure in the home to mitigate the impact of the disability that results in absences?</li> </ul>
<p><b>Suspensions, Removals, Expulsions</b></p>	<ul style="list-style-type: none"> <li>• How many days of suspension has the student acquired?</li> <li>• Is the student being removed from the general education setting due to emotional difficulties and/or behavior?</li> <li>• Is there a history of manifestation determination meetings in the current or previous school year?</li> <li>• Has the student been recommended for expulsion?</li> </ul>

General Considerations Prior to NPS Placement	Examples
<p><b>Physical Aggression</b></p>	<ul style="list-style-type: none"> <li>• How long has physical aggression been occurring?</li> <li>• Has the underlying need (or function) of physical aggression been identified? If yes, is this need identified in the student’s current IEP?</li> <li>• Does the student have a current FBA/BIP to address the underlying needs affiliated with the aggressive behaviors? If yes, has the IEP/BIP been implemented with fidelity?</li> <li>• What is the severity of harm that has occurred resulting from physical aggression?</li> <li>• How frequent are aggressive behaviors occurring?</li> <li>• Are staff equipped to manage aggressive behaviors?</li> <li>• Could aggressive behavior be addressed through additional staff training?</li> </ul>
<p><b>Atypical Behaviors</b> <i>*atypical refers to behaviors that are unusual or unexpected</i></p>	<ul style="list-style-type: none"> <li>• Has the student demonstrated atypical emotional, physical, sexual acting out, or substance abuse issues?</li> <li>• Are atypical behaviors occurring that exceed the expertise of our staff?</li> <li>• Does the student require 24/7 monitoring to manage atypical behaviors?</li> </ul>
<p><b>Safety Concerns to Self or Others</b></p>	<ul style="list-style-type: none"> <li>• Is this student currently presenting a danger to themselves or others?</li> <li>• Is there a history of suicidal ideation and/or suicide attempts?</li> </ul>
<p><b>Hospitalizations</b></p>	<ul style="list-style-type: none"> <li>• Is there a history of hospitalization(s) that have interfered with access to FAPE?</li> <li>• Is there a history of hospitalization(s) related to danger to self/others?</li> <li>• What recommendation(s) have been made upon discharge?</li> <li>• Is there a current recommendation of history of recommendation(s) for alternative placement?</li> </ul>
<p><b>Home Environment</b></p>	<ul style="list-style-type: none"> <li>• Is the student safe in their home environment?</li> <li>• Is the student exhibiting emotional and/or behavioral difficulties outside of school?</li> <li>• Are there community supports or agencies that would provide additional support?</li> <li>• Do parents have the support required to support the student’s needs in order to attend school?</li> </ul>
<p><b>Mental Health/ Educationally Related Mental Health Services (ERMHS)</b></p>	<ul style="list-style-type: none"> <li>• Is the student receiving ERMHS?</li> <li>• Are social-emotional goals based on a recent ERMHS assessment?</li> <li>• What level (duration/frequency) of mental health services is the student currently receiving?</li> <li>• Does the student require daily ERMHS?</li> <li>• What level of progress has been made towards ERMHS goals?</li> <li>• Has the student demonstrated an ability to generalize ERMHS skills outside of counseling sessions?</li> <li>• Is there a high level of mental health related services being provided that are interfering with the student’s ability to attend school?</li> </ul>
<p><b>Medical Health</b></p>	<ul style="list-style-type: none"> <li>• Is there a medical issue that cannot be monitored on a comprehensive school campus?</li> <li>• Does the level of medication the student is prescribed require monitoring throughout the school day?</li> <li>• Does the prescribed level of medication result in side effects that interfere with learning?</li> <li>• Does the student demonstrate noncompliance with prescribed medication?</li> </ul>



General Considerations Prior to NPS Placement	Examples
<b>Behavior Intervention Plan (BIP) Implementation and Fidelity</b>	<ul style="list-style-type: none"> <li>• How long has the student’s BIP been implemented?</li> <li>• Is the BIP addressing current behavior(s) that have been identified to impede learning?</li> <li>• Is the BIP based on a Functional Behavior Assessment (FBA)?</li> <li>• Does a pre-existing BIP require a new FBA?</li> <li>• Are there appropriate services to support the successful implementation of the BIP (e.g., teaching strategies)?</li> <li>• Is additional staff training required to successfully implement the current BIP?</li> </ul>
<b>Student’s Grades and Progress on IEP Goals</b>	<ul style="list-style-type: none"> <li>• What level of academic proficiency is this student currently demonstrating?</li> <li>• Is this student currently making progress towards their goals?</li> <li>• Are there any additional services that would support progress towards goals and increase academic proficiency in the current setting?</li> </ul>
<b>Student’s Response to Maximized Supports in the Current Placement</b>	<ul style="list-style-type: none"> <li>• Are there any additional areas of need that have not been addressed?</li> <li>• Is the student currently receiving services to support all identified areas of need?</li> <li>• Does the student have ERMHS services and a BIP? If yes, is the current duration/frequency of ERMHS adequate (see Mental Health/ERMHS considerations in the page above) and has the BIP been implemented with fidelity (see FBA/BIP considerations in the page above)?</li> <li>• How long have supports been in place and have they been provided with fidelity?</li> <li>• What percentage of time is the student participating in the general education setting?</li> <li>• Would the student’s needs be addressed through increased small group and/or one-on-one intensive interventions in their current setting?</li> </ul>

The considerations above are an integral part of the referral and placement determination processes. After discussing the considerations aligned with the unique needs of the student, the IEP team must determine whether all needs can be appropriately met in the student’s current setting, whether additional assessment is required, or whether existing data justifies an alternative placement.

NPS placements can be complex and require careful deliberation amongst the IEP team. When considering NPS/RTC placement, **a Program Specialist from the EDCOE Charter SELPA must be contacted** to provide additional programmatic guidance. *Please note: the EDCOE Charter SELPA Program Specialist may only provide programmatic support and is not a decision-making member of the IEP team.*



# IEP TEAM CONSIDERATIONS PRIOR TO RESIDENTIAL TREATMENT CENTER PLACEMENT



Residential placements are considered highly restrictive, therefore the IEP team must carefully consider all options within the [LRE continuum](#) as part of a discussion regarding residential placement. However, in instances when a student requires residential placement to receive educational benefit, a district must provide a residential placement at no cost to the parents 34 CFR 300.104.

In addition to the factors listed when considering NPS placement, the following factors should also be considered for potential Residential Treatment Center (RTC) placements:

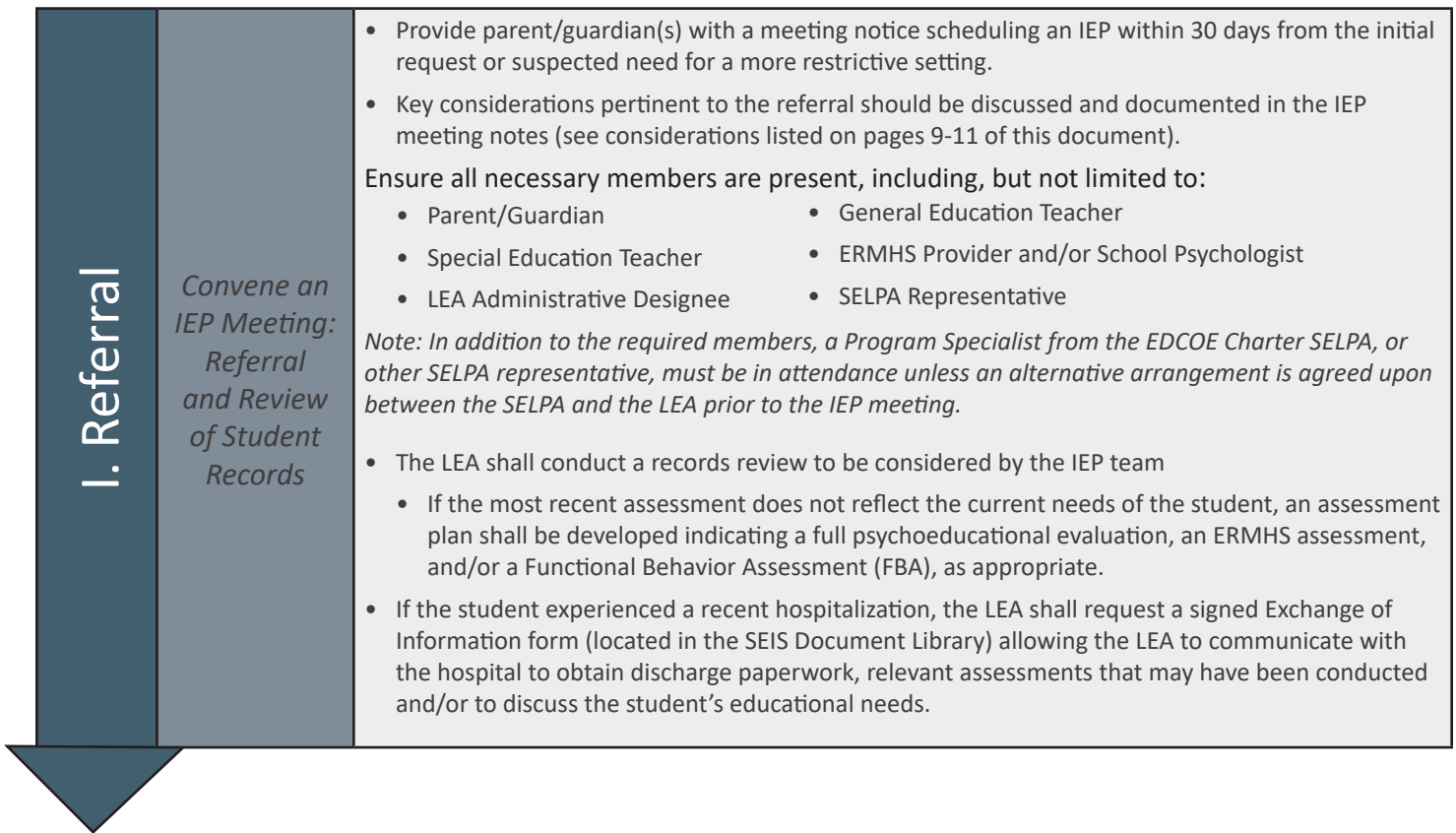
## RESIDENTIAL TREATMENT CENTER (RTC) CONSIDERATIONS PRIOR TO PLACEMENT

Educational needs and emotional needs are “inextricably intertwined” and residential care is necessary to provide special education and related services to a child with a disability (34 CFR 300.104).		
Student Requires 24/7 Support to Access FAPE	Student Safety	Student’s Response to Maximized Supports in the Current Placement
<ul style="list-style-type: none"> <li>The student’s needs require an educational program that consists of basic living skills so that habilitation and education are synonymous.</li> <li>The student will regress and lose acquired skills without 24-hour support.</li> <li>There has been an outside agency, or professional recommendation for residential treatment.</li> <li>Direct assessments support a residential treatment placement.</li> <li>The student experiences significant difficulty attending school which has interfered with their ability to make progress.</li> </ul>	<ul style="list-style-type: none"> <li>The student has been hospitalized, either on an inpatient or outpatient basis, to address mental health needs.</li> <li>The student is a flight risk from school.</li> <li>The student presents a risk of harm to self or others, if not supervised and monitored 24 hours-a-day.</li> </ul>	<ul style="list-style-type: none"> <li>The LEA has attempted to implement the student’s program with supplemental aids/supports and services (e.g., ERMHS, wraparound services, social work, behavior intervention plan, etc.) yielding minimal educational benefit to the student.</li> <li>Minimal progress made in a counseling enriched program.</li> <li>Attendance problems are related to the needs affiliated with the student’s disability and intensive interventions have been documented and exhausted in the current setting.</li> </ul>
<p><i>These considerations are by no means exhaustive, nor should this list be utilized as a checklist of criteria to be met.</i></p>		

RTC placements can be complex and require careful deliberation amongst the IEP team. When considering NPS/RTC placement, a **Program Specialist from the EDCOE Charter SELPA must be contacted** to provide additional programmatic guidance as needed. *Please note: the EDCOE Charter SELPA Program Specialist provides programmatic support and is not a decision-making member of the IEP team.*

# NON-PUBLIC SCHOOL (NPS) AND RESIDENTIAL TREATMENT CENTER (RTC) PLACEMENT PROCEDURES

Any person involved with a student’s IEP team may suggest NPS/RTC placement. However, it is the responsibility of the IEP team to determine whether the student requires NPS/RTC as part of FAPE. If any member of the IEP team becomes aware of a request for an NPS/RTC placement, the LEA must hold an IEP as soon as possible, but no later than thirty days following the date from which a need for a change of placement was suspected. When an NPS/RTC placement is being considered, the LEA shall reach out to their EDCOE Charter SELPA Program Specialist to discuss placement considerations and procedures. The following graphic outlines the process for considering and offering an NPS/RTC placement:



*Based on the information available at the time of referral (e.g., present levels, recent assessments, etc.), the IEP team may combine the referral (shown above), with the LRE Placement Determination and Change of Placement meeting(s) described below. Multiple IEP meetings are not required when the IEP team has all relevant information at the time of the referral and/or when a location for placement has already been identified.*

## II. LRE Determination

### *Convene IEP Team Meeting: Placement Determination*

- In addition to the required members listed above, a Program Specialist from the EDCOE Charter SELPA, or other SELPA representative, must be in attendance unless alternative arrangements are agreed upon between the SELPA and the LEA prior to the IEP meeting. The ERMHS provider and/or school psychologist must also be in attendance, as appropriate. If assessments are being discussed, the appropriately credentialed individual must be present to discuss results.
- Update Present levels of Academic Achievement and Functional Performance (“present levels”) to include a summary of the student’s records, current assessment(s), progress towards goals, service provider updates and any other relevant information.
- Based on the student’s identified needs, the IEP team shall determine whether additional goals, supplementary aids, services, and/or other supports are required for the student to access FAPE.
- The IEP team shall determine the student’s LRE by considering the full continuum of educational placement options and the harmful effects associated with each placement.

**If the IEP team determines the student does require NPS/RTC placement**, the IEP document must be updated to reflect the new Offer of FAPE, including an NPS/RTC setting. The LEA must also provide the parent with prior written notice (PWN) outlining the updated offer of FAPE.

**If the IEP team determines the student does not require NPS/RTC placement**, evidence supporting a less restrictive placement must be reflected in the student’s IEP document through present levels and identified needs. If the request for a change in placement was initiated by the parent/guardian or a representative of the parent/guardian, the LEA must provide the parent with PWN denying their request. A PWN is also required if changes were made to the IEP that impact the student’s current educational placement.

*Note: For an overview pertaining to updating the IEP document to reflect an Offer of FAPE in an NPS/RTC setting, see Appendix B.*

## III. LEA Research Responsibilities

### *Identifying a Placement Location*

- The LEA must research and select NPS/RTC placements that are certified by the California Department of Education (CDE), have current openings and can meet the unique needs of the student. To verify if an NPS/RTC is certified by the CDE, please access the “Non-Public, Nonsectarian Schools and Agencies” worksheet available to download through the CDE’s website at <https://www.cde.ca.gov/sp/se/ds/>.
- When possible, the NPS/RTC placement shall be located within, or in the county adjacent to the county of residence of the parent/guardian. If no nearby placement options are identified to be appropriate, this should be documented. Under these circumstances, the LEA shall select an appropriate placement that is as close to the student’s residence as possible. *Please note: before contracting with placement outside of California, the LEA must document its efforts to utilize public schools or to locate an appropriate placement within the state ([EDC §56365](#)).*
- The LEA shall implement procedures to identify goodness of fit between the NPS/RTC and the unique needs of the student. Please refer to Appendix A for sample interview questions aligned with potential student needs. It is imperative that the NPS/RTC is equipped to support that the student’s identified needs, goals, and supplementary aids/services.
- Although not required, it is recommended that an Exchange of Information form (Appendix E) for each potential NPS/RTC location be provided to the student’s parent(s) for review and signature.
- The LEA shall submit a referral packet to potential NPS/RTC locations on behalf of the student. Typically, this will include a completed Exchange of Information form signed by the parent(s), the most recent annual and/or triennial IEP documents, the most recent assessments and any additional information to support the referral for NPS/RTC placement.
- An on-site visit to the NPS/RTC is required before the placement of a pupil if the LEA does not have any pupils enrolled at the school at the time of placement ([EDC §56366.1](#)).
- Upon receipt of response(s) from potential NPS/RTC locations, the LEA will schedule an IEP meeting to share the placement option(s) with the IEP team and in consultation with the parents, identify and recommend one specific NPS/RTC location.

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">IV. Offer of FAPE, Educational Setting</p>	<p><i>Convene IEP Team Meeting: Change of Placement</i></p>	<ul style="list-style-type: none"> <li>• As stated in the Referral and Placement Determination procedures, a SELPA representative must be in attendance unless alternative arrangements are agreed upon between the SELPA and the LEA prior to the IEP meeting. The ERMHS provider and/or school psychologist must also be in attendance, as appropriate. If assessments are being discussed, the appropriately credentialed individual must be present to discuss results.</li> <li>• The specific NPS/RTC location must be documented on the Offer of FAPE Services and Educational Setting pages of the IEP. If the NPS/RTC name is not listed in the SEIS “school of attendance” drop-down list, contact your LEA’s assigned SELPA Program Technician to add the identified school’s name.</li> <li>• Since the IEP team has determined that the student requires FAPE to be provided at a location apart from the LEA, the student is eligible for special education transportation. The IEP team must determine the most appropriate methods of transportation to/from the NPS/RTC.</li> <li>• For RTC placements, the IEP meeting notes must document how the LEA will support parent/guardian visits related to the needs of the student both logistically and fiscally. Please refer to Appendix C, for additional information.</li> <li>• The IEP team must consider what activities may be necessary to support the student’s transition to the NPS/RTC, these activities should be outlined in the “activities to support transition section” on the Offer of FAPE Education Setting page of the IEP document.</li> <li>• The IEP team should discuss that NPS/RTC is not a permanent placement and that the IEP team will continue to monitor progress so that the student may return to the LEA as soon as he or she acquires the skills needed to access FAPE in a less restrictive setting.</li> <li>• The IEP team must determine the roles for ongoing case management between the LEA and the NPS/RTC. A representative from the LEA must work in conjunction with a representative from the NPS/RTC.</li> <li>• If the student has a pre-existing behavior intervention plan (BIP), the team may consider completing a new functional behavior assessment (FBA) to align with the new setting.</li> <li>• The IEP team shall schedule a 30-day-interim IEP meeting within 30 days of the student’s first day of attendance to review the student’s transition to the NPS/RTC.</li> </ul>
	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">V. Post Placement Procedures</p>	<p><i>Master Contract &amp; Individual Service Agreement</i></p>
<p><i>Out-of-State Placement Report, if applicable</i></p>		<ul style="list-style-type: none"> <li>• If a student is placed in an RTC outside of California, the IEP team is required to submit a report to the CDE within 15 days of the placement decision. The report shall include information about the special education and related services provided by the out-of-state program placement and the costs of the special education and related services provided and shall indicate the efforts of the local educational agency to locate an appropriate placement, within the state. This report is accessed through the CDE’s website: <a href="https://www.cde.ca.gov/sp/se/ds/osplacmntprpt.asp">https://www.cde.ca.gov/sp/se/ds/osplacmntprpt.asp</a>.</li> </ul>
<p><i>Additional Responsibilities</i></p>		<p><i>For guidance related to additional LEA responsibilities following placement, please refer to the following section titled, “Responsibilities of the LEA following NPS/RTC Placement.”</i></p>

The graphic below includes questions and answers that frequently arise during the NPS/RTC placement process. However, should any unique circumstances or questions arise please contact the LEA's assigned EDCOE Charter SELPA Program Specialist.

NPS/RTC Placement Procedures Frequently Asked Questions	
Question	Response
<i>If safety is a concern, does the student have to remain in their current educational placement while assessment is underway?</i>	When the safety of the student is at-risk in the current educational placement, the IEP team must convene as soon as possible to review all information available at the time. If a thorough review of the student's current needs supports a more restrictive placement the IEP team may not delay the placement determination by deferring to the assessment process. Under these circumstances, it is recommended that the Placement Procedures outlined in this section be followed. Relevant information included in decision-making may include information obtained during a hospitalization, and/or outside assessment reports. For more information on the IEP team's responsibility for considering outside reports please refer to the Charter SELPA's procedural guide section titled, " <u>Assessment, Test Selection, and Reports.</u> "
<i>How are services and educational setting documented when the IEP team determines that the student requires an NPS/RTC placement, but has not yet identified a location?</i>	The Offer of FAPE Services page should be updated to reflect the NPS/RTC setting <b>at the time of the placement determination, even when a location has yet to be identified by the LEA. This includes updating the student's supplementary aids and services.</b> The date to begin new or revised services will be the day following the IEP meeting with and the end date aligning to the student's next annual IEP. However, if the IEP team has determined a higher level (e.g., duration/frequency) of any service(s) to support the student's transition to the new setting, end dates may align with the interim meeting date or another date agreed upon by the IEP team to support the student's need. On the comments line, the team should specify that these services will be implemented once a placement location has been secured. The team must also discuss what services and educational setting will be provided to the student until a specific NPS/RTC has been identified. Options for such interim services/Ed. Setting must be documented thoroughly in the IEP meeting notes and may include: <ul style="list-style-type: none"> <li>• Implementing the last signed IEP, or,</li> <li>• Determining an interim placement or set of services in an alternate setting that are closely aligned with the services that will be provided in the NPS/RTC setting.</li> </ul>
<i>What if the LEA has identified more than one appropriate location for placement but the parent will not agree to any of the options provided by the LEA?</i>	The LEA must ultimately identify one location for placement as the offer of FAPE. The LEA cannot consider several options for placement as a formal offer of placement. See <i>William S. Hart Union High School District v. Parent (9<sup>th</sup> Cir. 2019)</i>  A formal written offer provides parents with the opportunity to decide whether the offer of placement is appropriate and whether to accept the offer. <b>Even if it is anticipated that a parent will not agree, the LEA must still hold the meeting, give the parent the opportunity to discuss the placement and services, and make the offer.</b> An LEA cannot evade its obligation to make a formal offer on the basis that the parents had previously "expressed unwillingness to accept that placement." See <i>Union School District v. Smith (9<sup>th</sup> Cir. 1994)</i>

# **LEA RESPONSIBILITIES FOLLOWING NON-PUBLIC SCHOOL OR RESIDENTIAL TREATMENT CENTER PLACEMENT**

Students placed in NPS/RTC settings by an IEP team continue to be enrolled as students of the LEA. Therefore, NPS/RTC placements require a high level of communication and collaboration between the two agencies. The corresponding diagram provides an overview of responsibilities between the LEA and NPS/RTC following placement:

## **RESPONSIBILITIES OF THE LEA**

- Continued enrollment (responsible for all CALPADS reporting requirements) and adhering to parameters to collect average daily attendance (ADA)
- Convene an interim 30-day IEP meeting
- Convene ongoing IEP meetings
- Ongoing case management; ensure all timeline and compliance measures are met
- Determine criteria for returning to a less restrictive environment
- Site visits to the NPS/RTC annually, at minimum
- Ensure that the student participates in state wide assessments
- Provide parent/guardian with a copy of behavior emergency report(s)
- Ensure that the student receives FAPE to demonstrate educational benefit
- Updating an Individual Service Agreement (ISA) any time services per the IEP are changed

## **SHARED RESPONSIBILITIES**

- Ensure that the IEP is implemented with fidelity
- Progress monitoring
- Communication with family
- IEP Meeting Participation
- Activities to support transition to/from NPS/RTC placement
- Convene an IEP team meeting every six-months to evaluate progress towards short term goals
- Propose assessment if information is necessary to gain appropriate present levels
- Adhere to requirements pursuant to AB 1172 and set forth by the Master Contract, relevant educational code, code of federal regulations, etc.

## **RESPONSIBILITIES OF THE NPS/RTC**

- Provide attendance records to the LEA
- Implementation of the IEP
- Established point of contact for the LEA/student to support case management
- Maintain current certification with CDE
- Provide behavior emergency reports to the LEA within one school day



## ONGOING CASE MANAGEMENT

Upon NPS/RTC placement, the LEA remains responsible for the enrollment of the student placed by the IEP team. This includes adhering to all federal and state reporting requirements. It is ultimately the responsibility of the LEA to ensure case management responsibilities are adhered to. However, the LEA may work in conjunction with the RTC to determine who completes tasks related to case management. These tasks may include:

Additional Tasks Related to Ongoing Case Management	
IEP Development & Monitoring (see the following <a href="#">IEP Meeting section</a> for more information)	<ul style="list-style-type: none"> <li>• Drafting/affirming IEP meetings (if an NPS/RTC undertakes IEP development, the LEA must review and approve the IEP in its entirety, the LEA is responsible for all components of the IEP, including the Offer of FAPE)</li> <li>• Reporting progress on IEP goals.</li> <li>• Assuring that the student is assessed, either by the NPS or the LEA in accordance with the student’s triennial due date.</li> </ul>
Behavior & Discipline	<ul style="list-style-type: none"> <li>• Establishing communication procedures between the NPS and LEA if/when suspensions occur</li> <li>• Schedule IEP meetings when emergency interventions are used (<a href="#">EDC §56521.1</a>).</li> <li>• Holding a manifestation determination IEP meeting if the student acquires ten or more days of suspension (cumulatively for the current school year) despite being placed in a non-public school or residential treatment center setting.</li> </ul>

## IEP MEETINGS

When a student is placed at an NPS/RTC, the LEA maintains responsibility for ensuring that all required IEP meetings are held and in compliance. This includes ensuring that all required members of the IEP team are invited and participate. Required members include a parent/guardian/adult student, special education teacher, a representative from the LEA (the administrative designee), the student (when appropriate), and any individuals with special expertise regarding the pupil (e.g., related service providers, assessors to interpret evaluation results). General education teacher participation is required when a student is participating in the “regular education environment” ([34 CFR 300.321](#) & [EDC §56341](#)). Since students placed in an NPS/RTC setting are 100% outside of the general education setting, a general education teacher is not required under all circumstances. It is at the discretion of the LEA to determine whether a general education teacher will be included. Participation of a general education teacher is integral when planning to transition to the LEA; therefore it is recommended that the general education teacher attend meetings when student’s return to the comprehensive school site is discussed.

The following table includes the various IEP meeting types as well as key points to consider for each.

Type of IEP Meeting	Key Points
Interim 30-Day Meeting (Amendment)	<ul style="list-style-type: none"> <li>• The LEA is responsible for convening an IEP meeting no later than 30 days from the student’s first day of attendance at the NPS/RTC.</li> <li>• The Interim IEP meeting must include a review of the offer of FAPE as well as consideration of the student’s transition into the new educational setting and ensuring the appropriateness of the student’s goals/services/BIP etc.</li> </ul>
Annual & Triennial Meetings	<ul style="list-style-type: none"> <li>• Must be held in accordance with timelines.</li> <li>• The LEA may choose to utilize their own assessors or contract with the NPS for assessment.</li> </ul>



Other Amendment(s)	<p><i>Must be held for any of the following reasons:</i></p> <ul style="list-style-type: none"> <li>• If more frequent assessment of the student is required to gain appropriate present levels.</li> <li>• In response to a parent request for an IEP meeting.</li> <li>• To monitor progress towards short-term goals.</li> <li>• Following a behavior emergency intervention or serious property destruction.</li> <li>• Any changes in present levels that will impact the student’s needs.</li> <li>• To incorporate the students Individual Transition Plan (ITP) into their IEP prior to turning 16-years-old .</li> </ul> <p><i>Please note: This is a not an exhaustive list of amendment purposes. It is recommended that the LEA convene an IEP meeting when deemed necessary.</i></p>
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**..... DETERMINING CRITERIA FOR RETURNING TO A LESS RESTRICTIVE ENVIRONMENT .....**

The objective of a more restrictive placement is to support the student in acquiring the skills needed to return to a less restrictive setting, such as the comprehensive school site, as soon as possible and appropriate based on student progress. With that goal in mind, it is recommended that the IEP team define individualized criteria for transitioning to a less restrictive setting during the 30-day interim IEP meeting. Criteria is often focused on progress in the domains and questions listed in the following chart. Please note that this is not an exhaustive list, as considerations must be based on individual student rate of progress and level of need. Lastly, considerations for development of short-term goals to reflect this criteria are also included.

## Considerations for Returning to a Less Restrictive Environment

Academic	Social-Emotional	Adaptive	Other Considerations
<ul style="list-style-type: none"> <li>• What level of skill or mastery will be required to navigate instructional practices and academic expectations in a less restrictive environment (with appropriate supports)?</li> </ul>	<ul style="list-style-type: none"> <li>• What social-emotional skills should be mastered while in the NPS/RTC? How will mastery be determined?</li> <li>• Does the student require parent counseling and/or wraparound supports in order to achieve the independence necessary to transition to a less restrictive environment?</li> <li>• What safety, executive functioning, self-advocacy or coping skills are required for the student to access his/her education in a less restrictive setting?</li> <li>• If safety plan is needed, how will it be adapted to a less restrictive environment?</li> </ul>	<ul style="list-style-type: none"> <li>• Does the student understand what skills are necessary to transition to a less restrictive environment?</li> <li>• How will the student’s BIP be implemented in a less restrictive environment?</li> <li>• What is the expected rate of success in implementing replacement behaviors?</li> <li>• Is the student motivated to move to a less restrictive environment? If not, what is the function of that behavior?</li> </ul>	<ul style="list-style-type: none"> <li>• What are the steps to place the student in a less restrictive environment? How will the student/family/LEA be involved and updated in terms of progress?</li> <li>• Medication management services/needs: Is there a level of independence the student requires for medication management?</li> </ul>

### Use of Short-Term Goals to Support Transition to a Less Restrictive Environment:

**What:** Once the IEP team has determined the criteria required for the student to transition back to a less restrictive environment (*see domains and considerations listed above*), the acquisition of each required skill should be documented through thoughtful development of short-term IEP goals.

**How:** For example, if the transition criteria include the student utilizing conflict resolution strategies with peers to decrease the number of student-to-student interactions that involve aggression, then the associated IEP goal might be “by XX/XX/XXXX, in a small group setting, with structured role-playing activities, Johnny will demonstrate the use of restorative conversations with peers...” This would be the IEP team’s best estimate of the student’s ability to achieve said criteria by the next IEP meeting. Short-term objectives may also be utilized to assist the IEP team if further clarification or pre-requisite skills are required to achieve mastery.

**When:** Short-term goals should be written for every six-months in lieu of an annual timeline. The IEP team will need to meet at least every six months, therefore, an annual or triennial may require that the team meet before the six-month period has expired. If this occurs, IEP goals should be written to the next IEP that would be held.

## PROGRESS MONITORING

It is recommended that the IEP team meet every six months to review the student's progress towards meeting short-term transition goals. The following questions are intended to support the IEP team when monitoring student progress in the NPS/RTC placement.

Monitoring Progress during NPS/RTC Placement	
Questions for the IEP team to consider when determining the student's progress and readiness to return to a less restrictive environment:	<ul style="list-style-type: none"> <li>• Are the concerns that initiated placement still present? To what degree?               <ul style="list-style-type: none"> <li>• <i>What level of progress has the student demonstrated in areas that prompted the placement?</i></li> </ul> </li> <li>• What are the barriers to the student returning to a less restrictive environment?               <ul style="list-style-type: none"> <li>• <i>Do goals address these barriers?</i></li> <li>• <i>Are additional activities to support the transition required?</i></li> </ul> </li> <li>• Is the student's BIP current, being implemented, and is it showing evidence of progress?               <ul style="list-style-type: none"> <li>• <i>Is current data available?</i></li> <li>• <i>Does additional assessment need to be conducted?</i></li> </ul> </li> <li>• Are there additional areas of need that have been identified since most recent IEP meeting?               <ul style="list-style-type: none"> <li>• <i>Does the transition plan need to be adjusted?</i></li> <li>• <i>Is progress clearly documented?</i></li> </ul> </li> </ul>
Questions for the IEP team if the student is approaching the age of majority (18-years-old) or graduation:	<ul style="list-style-type: none"> <li>• What is the position of the NPS/RTC regarding attendance for adult students?</li> <li>• Is a waiver required for an adult student to continue in an NPS/RTC placement/ services?</li> <li>• Have community agencies (e.g. Department of Rehabilitation, Regional Center, local adult education agencies, etc.) been identified to support the student's transition plan and post-secondary goals?</li> <li>• Who is responsible for helping the student apply for disability benefits, medical insurance, county mental health, regional center, department of rehabilitation, etc.?</li> <li>• Are additional supports required to implement the student's transition plan?</li> </ul>

## TRANSITIONING FROM THE NPS/RTC TO A LESS RESTRICTIVE ENVIRONMENT

Transitioning from an NPS/RTC should occur gradually based on the student's overall present levels. In addition to the level of progress made towards short-term goals, the following consideration should also be considered by the IEP team:

Monitoring Progress during NPS/RTC Placement	
Planning Considerations for the IEP team:	<ul style="list-style-type: none"> <li>• What level of input will the student have in planning the transition?</li> <li>• Who will be responsible for communicating the transition plan to the student?</li> <li>• Does support need to be faded (or increased) to prepare the student for a return to a less restrictive placement?</li> <li>• Would the student benefit from establishing rapport and/or initiating services with ERMHS providers from their next placement prior to the change of placement? And/Or, could current service providers continue services for a short time in the students next placement?</li> <li>• Is the student able to attend a partial day in each placement?</li> </ul>

It is of utmost importance that LEA's are diligent in supporting a student's transition from an NPS/RTC to a less restrictive environment in order to generalize learned coping skills. Therefore, the IEP team should update the

“Activities to Support Transition” on the Offer of FAPE Education Setting page to reflect activities agreed upon by the IEP team to support the transition to the less restrictive environment.

### **ON-SITE MONITORING VISITS (AB 1172 REQUIREMENTS)**

Beginning in the 2020-2021 school year, LEAs are required to conduct on-site monitoring visit(s) consistent with [Assembly Bill 1172](#) as follows and as outlined by [EDC § 56366.1\(e\)\(3\)\(A\) and \(B\)](#) as follows:

- An on-site visit to the non-public, nonsectarian school before placement of a pupil if the local educational agency does not have any pupils enrolled at the school at the time of placement.
- At least one on-site monitoring visit during each school year to the non-public, nonsectarian school at which the LEA has a pupil attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to, a review of services provided to the pupil through the individual service agreement between the LEA and the non-public, nonsectarian school, a review of progress the pupil is making toward the goals set forth in the pupil’s individualized education program, a review of progress the pupil is making toward the goals set forth in the pupil’s behavioral intervention plan, if applicable, an observation of the pupil during instruction, and a walkthrough of the facility. The local educational agency shall report the findings resulting from the monitoring visit to the California Department of Education within 60 calendar days of the on-site visit.

A link to CDE's LEA On-Site Visit for Nonpublic Schools form can be accessed at <https://www.cde.ca.gov/sp/se/ds/documents/leaonsitemonitoring.pdf>, or found within Appendix E of this document. The form includes recommended criteria for reporting information relevant to each required component of the onsite monitoring visit to the CDE. The use of this form is not required but is encouraged. Onsite monitoring visit information may be submitted to the CDE via the nonpublic schools email: [NPSA@cde.ca.gov](mailto:NPSA@cde.ca.gov).

Additional parameters set forth by AB 1172 include reporting and credentialing requirements mandated by the CDE. This includes specific parameters for NPS/RTC administrators. Regarding reporting requirements, the contracted NPS/RTC must notify the CDE any time law enforcement is contacted regarding any student involved incident. Under any circumstances, the CDE may suspend or revoke certification if findings from an investigation determine student health or safety has been compromised. Furthermore, NPSs serving students with significant behavioral needs must have an individual on-site who is qualified to implement behavior interventions. Lastly, the bill requires that NPSs train specified staff in evidence-based practices and interventions specific to students’ unique behavior needs. For additional information on this requirement, please refer to the following section: Mandatory Behavior Training for NPS/A Staff (AB 1172 Requirements).

### **MANDATORY BEHAVIOR TRAINING FOR NPS/A STAFF (AB 1172 REQUIREMENTS)**

#### **Training Requirements**

In addition to on-site monitoring requirements, Assembly Bill 1172 also [amended Education Code §56366.1\(a\)](#) to include mandatory behavior training for non-public, nonsectarian school or agency (NPS/A) staff. Beginning in the 2020-21 school year, AB 1172 requires that all NPS/A staff members who will have contact or interaction with students during the school day complete training on the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population. This training must be provided within 30 days of employment for new staff, and annually to existing staff. Adherence with this requirement must be verified and submitted to the CDE for NPA/S certification or annual recertification.

Education code §56366.1(a) specifies that the training selected and conducted by the NPS/A shall satisfy all of the following conditions (EDC §56366.1(a)(4)(B)):

- (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 \(commencing with §49005\) of Chapter 6 of Part 27](#), relating to pupil discipline.

The content of the training shall include, but is not limited to, all of the following (EDC §56366.1(a)(4)(C)):

- (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.

The NPS/A shall maintain written records of training provided in accordance with the requirements of AB 1172 and shall provide written verification of the training upon request.

#### **Required Documentation**

The contracting LEA is responsible for verifying the NPS/A’s compliance with the training requirements outlined above. The NPS/A shall report the contracting LEA’s verification to the Superintendent (via the California Department of Education (CDE) NPS/A verification process) annually. In order to verify that each required component of behavior training has occurred, it is recommended that the contracting LEA obtain the following:

1. A copy of the training materials utilized demonstrating that the training included:
  - a. Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan, and implement behavioral supports.
  - b. How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors.
  - c. 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 school day.
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.
6. The CDE provided Verification of Behavior Training form for [NPAs](#) or [NPSs](#).

After receiving and reviewing the above documents, the LEA shall complete the verification form provided by CDE and return a copy to the NPS/A. It is also recommended that the LEA maintain a copy of any verification paperwork for their records.

Please note that for an NPS/A seeking initial certification, the contracting LEA shall verify that the plan and timeline for training are included in the master contract. For NPS/As not in existence as of January 1 immediately preceding a school year, the contracting LEA shall, 30 days following the commencement of the school year, verify that the NPS/A provided the required training, and shall submit the verification to the

Superintendent at that time.

### Timeline for Submission of Documentation

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The annual recertification for NPS/A's is due to the CDE by October 31st of each year (EDC §56366.1(h)). In order for the contracting LEA to be afforded the time necessary to complete the verification of behavioral training required for the renewal application, it is recommended that the LEA request the documentation of training be provided no later than October 1 annually.

### Additional Requirements Related to Behavior

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NPS/As serving students with significant behavioral needs or students on behavioral intervention plans, must also certify in writing that they have an individual onsite during school hours who is qualified, and responsible for the design, planning, and implementation of behavioral interventions (EDC §56366.10(e)).

AB 1172 allows the CDE to immediately suspend or revoke the certification of an NPS/A, if an investigation conducted by CDE results in a finding that student health or safety has been compromised, or is in danger of being compromised, at the NPS/A.

### Supporting Resources

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Please refer to the Charter SELPAs website for resources including an NPS/A Behavior Training Verification Letter Template and CDE forms for LEA Verification of Behavior Trainings for a NPAs and NPSs.

## BEHAVIOR EMERGENCY INTERVENTIONS: RESTRAINT AND SECLUSION

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NPS/RTC placements are required to comply with all applicable federal, state, and local statutes, laws, ordinances, rules, policies, and regulations. The laws and regulations pertaining to restraint and seclusion are set forth by California and apply to all NPS/RTC settings within California. Even when implemented cautiously and correctly, behavioral emergency interventions may pose a risk of harm to the student. The seriousness of this risk was addressed in recent legislation (AB 2657, effective January 1, 2019) which added sections 49005-49006.4 to California's Education Code regarding the use of restraint and seclusion. Section 49005(a) states, "while it is appropriate to intervene in an emergency to prevent a student from imminent risk of serious physical self-harm or harm of others, restraint and seclusion are dangerous interventions, with certain known practices posing a great risk to child health and safety."

If an NPS/RTC implements an emergency intervention, parent(s) shall be notified within one school day. The NPS must also immediately complete a Behavioral Emergency Report (BER) form. The BER must be submitted to a designated, responsible administrator from the LEA and placed in the student's file. In all cases, it is required that an IEP meeting be scheduled within two days following the use of a behavioral emergency intervention.

If a BER is written regarding a student who **has** a BIP, an IEP meeting should be convened to review and determine if the incident constitutes a need to modify the plan. Similarly, an IEP meeting should be convened to review the BIP following an incident involving a previously unseen and serious behavior problem, or where a previously designed intervention is not effective.

If a BER is written regarding a student who does **not** have a BIP, the designated responsible administrator shall schedule an IEP team meeting within two days to review the BER.

- The IEP team shall decide if a Functional Behavioral Assessment (FBA) and/or Interim BIP is warranted.
- The IEP team must document a clear rationale if an FBA or development of an Interim BIP are not recommended, see California EDC §565.21.1 (g).

Beginning on January 1, 2019, LEAs are required to annually collect and report data to the California Department of Education (CDE) on the use of behavioral restraint and seclusion for students either enrolled in or served by the LEA for all or part of the prior school year (EDC §49006), this includes students placed in NPS/RTC settings.

For additional information pertaining to Behavioral Emergency Interventions, please refer to the EDCOE Charter SELPA Procedural Guide.

**CDE NOTIFICATION REQUIREMENTS FOR LAW ENFORCEMENT INVOLVEMENT**.....

An NPS/RTC is required to notify the CDE and the LEA with which it has a master contract of any pupil-involved incident at the school or agency in which law enforcement was contacted. This notification shall be provided in writing, no later than one business day after the incident occurred. To meet this requirement, all nonpublic, nonsectarian schools or agencies must notify the CDE using the email template provided in Appendix F of this document.

If you have any questions regarding guidance provided in this document,  
please contact the Charter SELPA at (530) 295-2462.



## ***APPENDICES***

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**A. SAMPLE INTERVIEW QUESTIONS FOR POTENTIAL PLACEMENT FACILITIES: NON-PUBLIC SCHOOL OR RESIDENTIAL TREATMENT CENTER**

Name of Non-Public School:	Date/Time of Interview:
Name/Role of person Interviewed:	Name of Interviewer:
Student:	

*These questions are to be used after an exchange of information form has been signed by the parent and are designed to provide an LEA with guidance in determining the goodness-of-fit in meeting a students' identified areas of need. This list is not exhaustive and may not align to the needs of all students. LEA's should use this form with discretion and align questions to the specific needs of their student.*

School Environment – Facilities	Comments:
<ul style="list-style-type: none"> <li>• Tell me about the location of your facility and the surrounding area?</li> <li>• How large is your campus? Overview of facilities?</li> <li>• Is there access to therapeutic space at all times?</li> <li>• Is the campus open to the street?</li> <li>• How does a person sign into the campus when arriving?</li> <li>• Is this a locked facility? Unlocked?</li> <li>• Do you use restraints? What type?</li> <li>• When do you deem it necessary to call the police? Do you have a policy?</li> </ul>	
<p><b>School Environment - Crisis Intervention</b></p> <ul style="list-style-type: none"> <li>• Are your staff trained in crisis intervention?</li> <li>• How do your staff respond to threats of harm to self?</li> <li>• How do your staff handle physically aggressive students?</li> <li>• How does your staff deal with elopement?</li> </ul>	
<p><b>Classroom Environment</b></p> <ul style="list-style-type: none"> <li>• What is the average class size?</li> <li>• What is the staff-to-student ratio?</li> <li>• Do mental health staff provide services in the classroom?</li> <li>• Can you describe your school wide behavior system?</li> <li>• Classroom behavior systems? Are they the same in each classroom or do they differ from classroom to classroom?</li> <li>• Do you have a behavior leveling system? Can you describe it to me?</li> </ul>	
<p><b>Curriculum Instruction - Level of Rigor</b></p> <ul style="list-style-type: none"> <li>• Are you WASC accredited?</li> <li>• Are A-G approved (high school only)?</li> <li>• What curriculum is used?</li> <li>• What is your instructional model? (i.e., self-paced, project based, hands-on technology)</li> <li>• How common are formative and summative assessments given?</li> </ul>	
<p><b>Behavior / Therapeutic Interventions</b></p> <ul style="list-style-type: none"> <li>• Who provides mental health services on a regular basis?</li> <li>• What training do staff receive on an on-going basis?</li> <li>• Teacher to Student Interactions</li> <li>• How many teachers would interact with my student?</li> <li>• What is the ratio of positive to negative interactions?</li> <li>• What is your attendance policy?</li> </ul>	

<p><b>Medical Intervention</b></p> <ul style="list-style-type: none"> <li>• Are you equipped to monitor medication?</li> <li>• How do you support students' medical needs?</li> </ul>	
<p><b>Student to Student Interactions</b></p> <ul style="list-style-type: none"> <li>• Are there opportunities for socialization?</li> <li>• Are most of your students internalizers or externalizers?</li> <li>• What extracurricular opportunities are available?</li> </ul>	
<p><b>Parental Involvement</b></p> <ul style="list-style-type: none"> <li>• How do you involve parents in treatment?</li> <li>• Is there a minimum level of parent participation required?</li> <li>• What are the procedures in place for students contacting their parents and vice versa?</li> </ul>	
<p><b>IEP Related Questions</b></p> <ul style="list-style-type: none"> <li>• What is the process for contacting the placing school?</li> <li>• When do you feel it is necessary to do so?</li> <li>• Does your facility have regular treatment meetings? Are the case managers from the placing school expected/ invited to be there?</li> <li>• What is your process for initial placement at your school?</li> <li>• Are there required assessments that take place in the first 30-60 days?</li> <li>• Do you have treatment plans? How do you update the school on progress regarding the treatment plan?</li> <li>• Can we use the treatment plan to form goals in the IEP?</li> <li>• Do you work with any other community agencies?</li> </ul>	
<p><b>Transition Related Questions</b></p> <ul style="list-style-type: none"> <li>• How do you support students in returning to a less restrictive environment?</li> <li>• Do you offer services such as wraparound for transitions back to the home? The placing school?</li> <li>• Do you have a job placement program?</li> <li>• Do you have a home placement program for students over 18?</li> <li>• Do you work with foster youth?</li> <li>• Do you work with students over 18?</li> <li>• How do you work with student's approaching the age of 22 or graduation?</li> </ul>	

Overall summary or comments:

## B. SEIS TIP SHEET: UPDATING THE IEP FOR NON-PUBLIC SCHOOL AND RESIDENTIAL TREATMENT CENTER PLACEMENTS

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### Information / Eligibility

- District of Residence: Authorizer of the Local Education Agency (LEA)
- Residence School: should be left blank
- Describe how the student's disability affects involvement and progress in general education curriculum: include a statement that describes the student's disability which should include characteristics and/or symptoms that interfere with the student making educational progress at the comprehensive school site.

### Present Levels

- Update present levels of academic and functional performance according to most recent assessments and data. Include data that supports placement in the NPS or RTC setting based on, but not limited to: direct assessment, parent report, teacher report, ERMHS service providers report, observations, current academic achievement.

### Special Factors

- Update special factors as appropriate. Determine whether the student's current behavior intervention plan and/or behavior goal is applicable in the new setting.

### Statewide Assessments

- Indicate student's participation in statewide assessments, as appropriate. Determine how the student will participate in statewide assessments while enrolled in NPS or RTC.

### Goals

- As appropriate, update progress related to student's annual goals.
- Add ERMHS goals, as appropriate, this may include the addition of six month goals developed towards criteria for transitioning back to the least restrictive environment.

### Offer of FAPE: Educational Setting

- District of Service: Name of the LEA
- School of Attendance: Use the pull-down menu to select the name of the NPS or RTC that coincides with the name of the LEA. Both the NPS/RTC and the LEA's name must be shown, if this is not an option contact your program technician.
- Program Setting: (300) Separate School for Nonpublic School Placements, or, (301) Residential Facility
- All Special Education Services provided at the student's school of residence? Check the box "No" and Include rationale.
- Percent of time student is in the regular class & non academic activities: 0%.
- Activities to support Transition: based on the criteria established by the IEP team for the student to transition to/from NPS or RTC, all activities to support the transition goals should be included.

### Offer of FAPE: Services

- The Service options that were considered by the IEP team (List all): include a statement regarding the continuum of supports that were discussed, be sure to list all the service options explored and the rationale for why the service was or was not an appropriate setting.
- In selecting LRE, describe the consideration given to any potential harmful effect on the child or on the quality of services that he or she needs: include the negative effects the team discussed, make a statement about whether positive effects of the placement outweigh the potential harmful effects.
- Supplementary Aids, Services & other Supports: Review the supplementary aides, services and other supports to reflect what the student needs and will receive at the NPS/RTC.
- Services: Review student's current services and update them to reflect services that the student will be provided in the NPS or RTC. Services may be amended when finalized.
- Provider: Non-Public school under contract with school district (140)
- Location: Non-Public Day School (810) or Residential in CA (820) or Residential outside of CA (830)
- Special Education Transportation: Be sure to discuss transportation options and make a team determination. Most students in NPS/RTC settings receive transportation services or their parents receive reimbursement.

Reminder: A public educational agency must send prior written notice (PWN) when it proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. 20 U.S.C. § 1415(b)(3). It is recommended that a PWN should be provided by the LEA following the IEP meeting restating their Offer of FAPE.

## C. NPS & RESIDENTIAL PLACEMENT—TRANSPORTATION GUIDELINES

The Code of Federal Regulations highlights that in circumstances where a student is not accessing their education as a result of a combination of educational and social, emotional, and/or mental health needs; the student’s Individual Education Plan (IEP) team may determine that placement in a residential non-public schools is most appropriate for the student. In these circumstances, the IEP team shall also consider, discuss, and determine two important decisions related to the placement:

1. How will the student will be transported to the NPS/RTC?
2. How will the LEA support the parent’s therapeutic visits to the non-public school?

### **How will the student will be transported to the residential non-public school?**

The California Education Code nor the federal regulations provide guidance to LEAs regarding the appropriate mode or frequency of student transportation to and from an educationally related residential placement. Rather, the responsibility for these decisions are left to the IEP team. As a result, the SELPA recommends taking the following information into consideration when determining the mode and frequency of student transportation when s/he is receiving educational benefit at a residential placement:

- Modes of Transportation
  - The law provides IEP teams with flexibility in determining the most appropriate mode of transportation to meet the individual student’s need. Options include but are not limited to:
    - Parent Mileage Reimbursement—If the team is considering this option, the SELPA recommends referring to the sample transportation board policy and transportation service agreement (located in the SEIS document library).
    - Public Transportation—Bus, train, or airplane.
    - Private Transportation—Hired car.
- Student Safety
  - While the law provides flexibility in the mode of transportation, it is important for the IEP Team to consider which mode would provide the student with safety and security.
- Location of the Non-Public School
  - Practical cost and time considerations should be taken into account depending on the location of the non-public school. For example, if the facility is located a short distance from the school and family home, weekend travel may be possible. Whereas if the student is attending a non-public school out of state, it may not be reasonable to expect that frequency of travel for the student.
- Non-Public School calendar
  - At minimum, students shall be transported to and from the residential facility and their home at the beginning and end of the school term and for scheduled school recesses.

### **How will the LEA support the parent’s therapeutic visits to the non-public school?**

Once a non-public school has been selected and confirmed availability to service the student, the IEP team shall hold an IEP meeting to make the offer of a free, appropriate public education (FAPE)\*. A component of the offer of FAPE will include Educationally Related Mental Health Services (ERMHS). It is not uncommon that therapeutic visits between the student and family are recommended by the IEP team as part of the Educationally Related Mental Health Services (ERMHS) that are offered to the student.

Again, neither federal nor California law provide guidance regarding the appropriate mode or frequency of parent transportation to and from an educationally related residential placement for the purposes of

therapeutic visits. Rather, the responsibility for these decisions are left to the IEP team. In the event, that the IEP team recommends therapeutic parent visitations throughout the school year, the SELPA recommends also agreeing to guidelines for parent transportation and reimbursement of travel expenses.

### **Residential Special Education Transportation Service Agreement**

This RESIDENTIAL SPECIAL EDUCATION TRANSPORTATION SERVICE AGREEMENT (“Agreement”) is entered into by and between \_\_\_\_\_ (the “Local Education Agency (LEA)”), and \_\_\_\_\_ (“Parent/Guardian”) as of \_\_\_\_\_ (date) on behalf of \_\_\_\_\_ (“Student”).

WHEREAS, the IEP team has determined that Student’s least restrictive environment is an educationally related residential placement,

WHEREAS, the IEP team has determined that Student shall receive counseling services with the parent physically present \_\_\_\_ (# of) times per school year; and

WHEREAS, such services are made available at no cost from public agencies.

NOW, THEREFORE, the parties agree as follows:

1. Parent/Guardian understands and agrees that LEA will provide reimbursement to the parent for travel expenses incurred while attending their pre-approved child’s counseling services as documented in the last signed IEP.
2. Parent/Guardian understands and agrees to notify the LEA and schedule weekday (Monday-Friday) travel to the NPS at least thirty (30) calendar days in advance of the trip.
3. Parent/Guardian understands and agrees that all reimbursement requests must complete the Travel Reimbursement Claim Form and be accompanied by an itemized, original dated receipt.
4. Allowable travel expenses are defined as:
  - a. Airfare
    - i. Coach class (up to \$\_\_\_\_\_)
  - b. Automobile Mileage
    - i. LEA shall reimburse the Parent/Guardian at the California government reimbursement rate for short-term travel- personal vehicle mileage at \_\_\_\_\_ per mile for \_\_\_\_\_ miles traveled (home to NPS).
    - ii. Mileage reimbursement for private vehicle use between student’s home and nonpublic school may not exceed estimated costs of roundtrip airfare and car rental.
  - c. Rental Car Agreements
    - i. Compact/economy rental (up to \$\_\_\_\_\_)
    - ii. Daily rate, airport concession fee, and taxes only will be reimbursed. Pre-paid fuel will not be reimbursed.
    - iii. Fuel costs will only be reimbursed for trips between airport/hotel/NPS.
  - d. Hotel
    - i. LEA shall reimburse the Parent/Guardian at a maximum allowable daily rate of \$\_\_\_\_\_, considering geographic location of NPS.

e. Meal Reimbursement

i. Shall not exceed a maximum of \$\_\_\_\_.00 per day of travel (per adult, per day)

5. Parent/Guardian shall provide the LEA with the completed Travel Reimbursement Claim Form and all itemized, original dated receipts within sixty (60) days after travel dates.
6. This Agreement may be modified or amended only by a written document signed by authorized representatives of LEA and Parent/Guardian except that the LEA may unilaterally amend the Agreement to implement changes as required by law.
7. The terms and conditions of this Agreement shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed.

LOCAL EDUCATION AGENCY

PARENT/GUARDIAN

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone No. Fax No.

\_\_\_\_\_  
Phone No. Fax No.

\_\_\_\_\_  
Federal ID for Business/Social Security No. for  
Individuals



**D. TRAVEL REIMBURSEMENT CLAIM FORM**

NPS Student \_\_\_\_\_ Nonpublic School/Residential \_\_\_\_\_

Name of person submitting claim: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Person Traveling: \_\_\_\_\_ Signature of Person traveling: \_\_\_\_\_

Beginning date of travel: \_\_\_\_ - \_\_\_\_ Ending date of travel: \_\_\_\_\_ Family Therapy Date(s) \_\_\_\_\_

**\*\*NON-ALLOWABLE EXPENDITURES FOR REIMBURSEMENT\*\***

- First Class/Business Class Airfare
- Cost of checked baggage
- Travel expenses for siblings, extended family, friends or advocates
- Mid-size, intermediate or luxury class car rentals
- Any additional car rental fees such as insurance coverage, damage waiver, navigation system, fuel costs by car rental company
- Student meals
- Meals/Snacks in the \_\_\_\_\_ areas

TRANSPORTATION (Air, Car Rental (max two days), Shuttle, Taxi)	DAY 1 DATE:	DAY 2 DATE:	DAY 3 DATE:
Type: _____	\$ _____	\$ _____	\$ _____
Type: _____	\$ _____	\$ _____	\$ _____
Type: _____	\$ _____	\$ _____	\$ _____
Type: _____	\$ _____	\$ _____	\$ _____
STANDARD HOTEL RATE (Maximum daily rate - \$ 75.00)	\$ _____	\$ _____	\$ _____
ADULT DAILY MEAL ALLOWANCE Limits per adult per day: Breakfast: \$ __.00 Lunch: \$ __.00 Dinner: \$ __.00	B: \$ _____ L: \$ _____ D: \$ _____ Total _____	B: \$ _____ L: \$ _____ D: \$ _____ Total _____	B: \$ _____ L: \$ _____ D: \$ _____ Total _____
OTHER RELATED EXPENSES _____ _____	\$ _____ \$ _____	\$ _____ \$ _____	\$ _____ \$ _____

All requests for reimbursement must be accompanied by itemized, original dated receipts. No reimbursement shall be made without such receipts. Receipts must specify date and the exact cost of each item for which reimbursement is requested.

Organize receipts by date and submit no later than 60 days after travel

Keep copies for your files

OFFICE USE ONLY:

Trip# 1

## Local Educational Agency Onsite Visit for Nonpublic School

### General Information

Name of Nonpublic School (NPS):

Street Address of NPS:  City:  State:  ZIP:

Name of NPS Administrator:  Title:

NPS Administrator Phone:  Email:

Name of Local Educational Agency (LEA) Placing Student at NPS:

Name of LEA and Agency Conducting Monitoring Visit:

Name of Person Conducting the Onsite Monitoring:  Date of Visit:

State Student Identifier (SSID):  Date of Birth:  Grade Level:

Date of Last Individualized Education Program (IEP):

### Facility Monitoring

#### Walkthrough of the Facility

Does the general, overall facility (inside and outside) appear to be clean?

Does the general, overall facility (inside and outside) appear to be free of safety hazards?

Do classrooms and common areas appear to be safe and conducive to a positive classroom learning environment?

Any areas of concern noted during facilities walkthrough (please describe below):

# Student Monitoring

## Review of Services Provided Through the Individual Service Agreement

Are the services listed in the Individual Service Agreement (ISA) being provided?

If no, is there a plan to make up any missed services?

## Review of Progress on IEP Goals

Have regular progress reports, consistent with the student's IEP, been sent to parents and to the district?

If progress reports are not evident, is there a plan to begin providing them?

Is student making adequate progress on goals?

If not, is there a plan to ensure progress?

## Review of Progress on Goals Specific to a Behavior Intervention Plan

Are there goals related to a Behavior Intervention Plan (BIP)?

Is the progress on goals specific to BIPs being reported?

This form is available from CDE at <https://www.cde.ca.gov/sp/se/ds/documents/leasonsite-monitoring.pdf>

If not, is there a plan to begin providing updates to the BIP related goals?

Is student making adequate progress on BIP related goals?

**Observation of Student in Instructional Setting**

Is the student groomed and dressed appropriately?

Does the instructional setting appear appropriate to meet the unique needs of the student?

Do staff demonstrate a caring, respectful attitude towards students?

Are accommodations and/or modifications implemented consistent with the IEP?

Is an appropriately modified or academically rigorous curriculum accessible to the student?

Is the student provided with appropriate assistive technology device(s) in accordance with the IEP?

**Findings of the monitoring visit must be submitted to the California Department of Education within 60 days of the visit. When this document is complete, email to the Nonpublic Schools Unit at: [npsa@cde.ca.gov](mailto:npsa@cde.ca.gov).**

Date emailed to the California Department of Education:

## **F. AB 1172 INCIDENT INVOLVING LAW ENFORCEMENT EMAIL TEMPLATE**

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EC 56366.1(i)(2) has been amended as follows: (effective January 1, 2020)

A nonpublic, nonsectarian school or agency shall notify the department and the local educational agency with which it has a master contract of any pupil-involved incident at the school or agency in which law enforcement was contacted. This notification shall be provided in writing, no later than one business day after the incident occurred.

To meet this requirement, all nonpublic, nonsectarian schools or agencies must notify the CDE using the following email template:

To: NPSA@cde.ca.gov

From: (insert name of nonpublic, nonsectarian school or agency)

Body: On this date \_\_\_\_\_ (insert date) law enforcement was contacted for a pupil-involved incident.

Submitted by: (insert name and title of person submitting email notification)

It is important to note that nonpublic, nonsectarian schools or agencies may need to provide additional information, and/or submit required information in a different format, to LEAs in order to fulfill this requirement, pursuant to the terms of the master contract or local agreement.



EL DORADO  
**CHARTERSELPA**  
Special Education Local Plan Area



800-524-8100  
530-295-2462



530-295-9227



6767 Green Valley Road  
Placerville, CA 95667