



Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

Board Policy: #6159.2

Section: 6000

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NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code 56366 and 56366.1. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has not expired.

No district student with a disability shall be referred to, or placed in, an NPS/A unless the student's individualized education program (IEP) team has determined that the placement is appropriate for the student.

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A pursuant to the contract. (Education Code 56365)

In accordance with law, any student with disabilities placed in an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

During the period when any student with disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

The Superintendent or designee shall ensure that any contract with an NPS/A contains a requirement for the NPS/A to comply with district policy, procedures, and practices related to student rights, health, and safety, including the use of seclusion and restraint. All NPS/A staff that serve district students shall be made aware of, and trained in such policies, procedures, and practices.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6.

Policy Reference Disclaimer: *These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

State References

17 CCR 2950-2951 Hearing tests -

<https://simbli.eboardsolutions.com/SU/MedMEQ0Cedro066RKeINDw==>

17 CCR 6800-6874 Child Health and Disability Prevention program; health assessments -

<https://simbli.eboardsolutions.com/SU/2HhexRytdgKqeiq665fqEA==>

22 CCR 51009 Confidentiality -

<https://simbli.eboardsolutions.com/SU/9Ra0oplusqjqEw5FSRj1Y5RhA==>

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- 22 CCR 51050-51192 Definitions of Medi-Cal providers and services - <https://simbli.eboardsolutions.com/SU/kERMLu1VDplusslsh6dzkplUSDmzUGA==>
- 22 CCR 51200 Requirements for providers - <https://simbli.eboardsolutions.com/SU/UQlfaxnRXavxH1iMhK5BaQ==>
- 22 CCR 51231.2 Wheelchair van requirements - <https://simbli.eboardsolutions.com/SU/fgh9KlxZffbAsAxo4fcDhw==>
- 22 CCR 51270 Local educational agency provider; conditions for participation - <https://simbli.eboardsolutions.com/SU/CTr6GAXoy397Rj4nqkFcBQ==>
- 22 CCR 51304 Limitations on specified benefits - <https://simbli.eboardsolutions.com/SU/gKXAJwbTKM1ehmlveDLslshXA==>
- 22 CCR 51309 Psychology, physical therapy, occupational therapy, speech pathology, audiological services - <https://simbli.eboardsolutions.com/SU/Jplus00slshwAaSlmYc9rToIHxjA==>
- 22 CCR 51323 Medical transportation services - <https://simbli.eboardsolutions.com/SU/MDftOcw3WYrZzEFcZXBmQ==>
- 22 CCR 51351 Targeted case management services - <https://simbli.eboardsolutions.com/SU/SAkqgpXGRCDSus29fCRGTA==>
- 22 CCR 51360 Local educational agency; types of services - <https://simbli.eboardsolutions.com/SU/zR8yhQ2FqNMBzTSHcLILWg==>
- 22 CCR 51491 Local educational agency eligibility for payment - <https://simbli.eboardsolutions.com/SU/fpUUVD1fR7XY4ikyPUdSVw==>
- 22 CCR 51535.5 Reimbursement to local educational agency providers - <https://simbli.eboardsolutions.com/SU/Xtjl3eVKpmdCQ86slshGofFFA==>
- Ed. Code 49073-49079 Privacy of student records
- Ed. Code 49423.5 Specialized physical health care services
- Ed. Code 49557.2-49558 Eligibility for free and reduced-price meals; sharing information with Medi-Cal
- Fam. Code 6920-6930 Consent by minor for medical treatment
- Gov. Code 95020 Individualized family service plan
- H&S Code 104830-104865 School-based application of fluoride or other tooth decay-inhibiting agent
- H&S Code 121020 HIV/AIDS testing and treatment; parental consent for minor under age 12
- H&S Code 123110 Minor's right to access health records
- H&S Code 123115 Limitation on parent/guardian access to minor's health records
- H&S Code 123800-123995 California Children's Services Act
- H&S Code 124025-124110 Child Health and Disability Prevention Program
- H&S Code 124172-124174.6 Public School Health Center Support Program
- H&S Code 124260 Mental health services; consent by minors age 12 and older
- H&S Code 130300-130317 Health Insurance Portability and Accountability Act (HIPAA)
- W&I Code 14059.5 Definition of "medically necessary"
- W&I Code 14115 Medi-Cal claims process
- W&I Code 14115.8 LEA Medi-Cal Billing Option; program guide
- W&I Code 14124.90 Third-party health coverage
- W&I Code 14132.06 Covered benefits; health services provided by local educational agencies
- W&I Code 14132.47 Administrative claiming process and targeted case management
- W&I Code 5961-5961.5 Children and Youth Behavioral Health Initiative Act

Federal References

- 20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974
- 42 CFR 431.300 Use and disclosure of information on Medicaid applicants and recipients
- 42 USC 1320c-9 Prohibition against disclosure of records
- 42 USC 1397aa-1397mm State Children's Health Insurance Program
- 45 CFR 164.500-164.534 Privacy of individually identifiable health information

Management Resources References Description

- CA Department of Health Care Services Publication
- LEA Medi-Cal Billing Option Program Provider Manual, November 2021 - <https://simbli.eboardsolutions.com/SU/QOfp2pEslshD4aDoKM2QJ1t8q==>

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CA Dept of Health Care Services Publication Policy and Procedure Letter No. 21-017R, December 2021 - <https://simbli.eboardsolutions.com/SU/ShaD7PfAmslshoWeplusec1VMAAtA==>

CA Dept of Health Care Services Publication California School-Based Medi-Cal Administrative Activities Manual - <https://simbli.eboardsolutions.com/SU/oYdd8QEplus0LrFh9A1ACiynQ==>

CA Health and Human Services Publication Children and Youth Behavioral Health Initiative, 2021 - <https://simbli.eboardsolutions.com/SU/SQUS0zuWPAYGjpMSimryyq==>

CA School-Based Health Alliance Publication Documenting the Link Between School-Based Health Centers and Academic Success, May 2014

CA School-Based Health Alliance Publication How to Fund Health Services in Your School District, September 2014

California Department of Education Publication Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019

National Center For Youth Law Publication Confidential Medical Release: Frequently Asked Questions from Schools and Districts, November 2015

US Dept of Health and Human Services Publication Centers for Medicare & Medicaid Services Informational Bulletin, Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 2022 - <https://simbli.eboardsolutions.com/SU/e1AEPRkiYJIEMndI3IzjKA==>

US Dept of Health and Human Services Publication Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 18, 2022 - <https://simbli.eboardsolutions.com/SU/e1AEPRkiYJIEMndI3IzjKA==>

Website California Department of Health and Human Services - <https://simbli.eboardsolutions.com/SU/RfFlcuDfqiXyFvHULovPg==>

Website CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website CSBA, Practi-Cal Program - <https://simbli.eboardsolutions.com/SU/osj9cVthno059t2BlfslshzHw==>

Website California School-Based Health Alliance - <https://simbli.eboardsolutions.com/SU/AP2woR1fGSOsllrNWDENoA==>

Website Center for Health and Health Care in Schools - <https://simbli.eboardsolutions.com/SU/IUBge93PEmHaWbbZteiguw==>

Website Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study - <https://simbli.eboardsolutions.com/SU/MKXplusroVsDAAUy5fMmloplusng==>

Website Centers for Medicare and Medicaid Services - <https://simbli.eboardsolutions.com/SU/8cHplusWPwuermDuW0plusvzXfVw==>

Website California County Superintendents Educational Services Association - <https://simbli.eboardsolutions.com/SU/FJy7Gf2dixDpluso3aMdrnckQ==>

Website National Center for Youth Law - <https://simbli.eboardsolutions.com/SU/rWqbVi1x2WCuGlcphMslsh2yQ==>

Website California School Nurses Organization - <https://simbli.eboardsolutions.com/SU/y9UnslshTdDn6hY1DMTI3f6eQ==>

Website California Department of Education, Health Services and School Nursing - <https://simbli.eboardsolutions.com/SU/8qslshmouplus2E8Rmx2avRDQPpxw==>

Website California Department of Health Care Services - <https://simbli.eboardsolutions.com/SU/slshcbdn8s1slshplus8ePOCd4fpQ7Q==>

Website California Department of Public Health - <https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==>

Website CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

- 0470 COVID-19 Mitigation Plan
- 1330.1 Joint Use Agreements

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