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**OAKLAND UNIFIED  
SCHOOL DISTRICT**  
Community Schools, Thriving Students

## Board Cover Memorandum

**To** Board of Education

**From** Kyla Johnson-Trammell, Superintendent  
Sondra Aguilera, CAO  
Jenn Blake, Executive Director, Special Education

**Meeting Date** April 24, 2024

**Subject** Amendment to Board Policy 6159.2: Nonpublic, Nonsectarian School and Agency Services For Special Education

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**Ask of the Board** Approval by the Board of Education of the amendment to Board Policy 6159.2: Nonpublic, Nonsectarian School and Agency Services For Special Education related to the 2024-2027 Oakland Unified SELPA Part B Special Education Local Plan

**Background** The California Department of Education requires that each Special Education Local Plan Area (SELPA) create, adopt and implement a Local Plan, Annual Budget Plan, and Annual Service plan. The Local Plan must be revised every three years, and it contains detailed information about the operations, procedures and governance structures of the SELPA. Part B of the Local Plan requires review of board policies related to serving students with disabilities to assure conformity with Title 20 *United States Code (USC)* and in accordance with Title 34 *Code of Federal Regulations (CFR)* Section 300.201.

**Discussion** We ask that the Board approve the amendment to Board Policy 6159.2: Nonpublic, Nonsectarian School and Agency Services For Special Education to assure that Oakland Unified Board Policies align with language required by the California Department of Education (CDE) related to the Special Education Local Plan.

**Fiscal Impact** No Fiscal Impact. Will use existing Special Education funds. Funds can be withheld by the California Department of Education (CDE) if the plan is not adopted in a timely manner.

**Attachment(s)**

- BP 6159.2: Nonpublic, Nonsectarian School and Agency Services For Special Education (Redline)

- BP 6159.2: Nonpublic, Nonsectarian School and Agency Services For Special Education (Clean)

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

BP 6159.2

### Instruction

Nonpublic, Nonsectarian School And Agency Services For Special Education

The Governing Board may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

(cf. 0430 - Comprehensive Local Plan for Special Education)  
(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 3541.2 - Transportation for Students with Disabilities)  
(cf. 4112.23 - Special Education Staff)  
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)  
(cf. 6159 - Individualized Education Program)  
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)  
(cf. 6164.4 - Identification of Individuals for Special Education)

When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process.

Legal References:

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency

56042 Placement not to be recommended by attorney with conflict of interest

56101 Waivers

56163 Certification  
56168 Responsibility for education of student in hospital or health facility school  
56195.8 Adoption of policies  
56360-56370 Implementation of special education  
56711 Computation of state aid  
56740-56743 Apportionments and reports  
56760 Annual budget plan; service proportions  
56775.5 Reimbursement of assessment and identification costs  
GOVERNMENT CODE  
7570-7588 Interagency responsibilities for providing services to children with disabilities, especially:  
7572.55 Seriously emotionally disturbed child; out-of-state placement  
FAMILY CODE  
7911-7912 Interstate compact on placement of children  
WELFARE AND INSTITUTIONS CODE  
362.2 Out-of-home placement for IEP  
727.1 Out-of-state placement of wards of court  
CODE OF REGULATIONS, TITLE 5  
3001 Definitions  
3061-3069 Nonpublic, nonsectarian school and agency services  
UNITED STATES CODE, TITLE 20  
1400 - 1487 Individuals with Disabilities Education Act  
CODE OF FEDERAL REGULATIONS, TITLE 34  
300.400 - 300.487 Children with disabilities in private schools  
COURT DECISIONS  
Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

CDE LEGAL ADVISORIES

0317.99 Nonpublic School/Agency Waivers and Reimbursement to Parents

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: <http://www.cde.ca.gov>

US Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/offices/OSERS>

7/14/04; [4/24/24A](#)

# OAKLAND UNIFIED SCHOOL DISTRICT

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BP 6159.2

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7/14/04; 4/24/24A