

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Child Specific NPA or NPS Certification

# California State Board of Education July 2019 Agenda Item #W-13

## Subject

Request by **Paso Robles Joint Unified School District** to waive California *Education Code* Section 56366.1(a), the requirement for state certification to allow an uncertified out-of-state nonpublic school located in Missouri to provide services to one student with disabilities.

## Waiver Number

20-3-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Paso Robles Joint Unified School District (PRJUSD) requests to waive California *Education Code* (*EC*) Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of a student with disabilities at the uncertified out-of-state nonpublic school (NPS) Great Circle Academy (GCA) located in St. Louis, Missouri.

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

As the PRJUSD has submitted all required documents as part of its waiver request, the California Department of Education recommends approval of this waiver, with conditions, for the period requested: December 18, 2018, through December 18, 2019. This recommendation for approval is contingent upon the following conditions:

* The PRJUSD will consult with the GCA liaison no less than once a month to monitor the provision of services as written in the student’s individualized education program (IEP), and to review their progress on IEP goals, attendance, work completion rate, behavioral program participation, and incident/safety/behavior reports. These consultations may be conducted via email or telephone.
* The PRJUSD will contact the student’s parents no less than once a month to discuss the student’s progress and/or any concerns regarding the GCA educational and treatment programs.
* The PRJUSD will schedule and conduct IEP meetings no less than every four months to review program data and student progress at the GCA, and to allow for IEP amendments as needed.
* The PRJUSD will consult and coordinate with the San Luis Obispo Special Education Local Plan Area to conduct on-site monitoring at the GCA no less than two times during the year of the waiver.

## Summary of Key Issues

The GCA is a comprehensive, residential treatment program that provides specific services to support students with autism who have significant behavioral and global functioning challenges. The PRJUSD director of special education visited the GCA prior to placing the student, and determined the practices and programs in place at the GCA will allow the student to receive a free appropriate public education (FAPE), and support reducing the student’s most impactful behaviors to allow them to return to a local placement.

The placement does not abrogate any right provided to students with disabilities and their parents or guardians under the federal Individuals with Disabilities Education Act or affect the compliance of the PRJUSD with federal laws and regulations. In addition, before contracting with the GCA, the PRJUSD documented its efforts to use public schools and to identify an appropriate NPS or nonpublic agency program, or both, within the state.

**Demographic Information:** The PRJUSD has a student population of 6,844 and is located in an urban area in San Luis Obispo County.

## Summary of Previous State Board of Education Discussion and Action

Within the past two years, the State Board of Education has received and approved 11 waivers similar to this allowing local educational agencies to waive *EC* Section 56366.1(a), the requirement for state certification.

## Fiscal Analysis (as appropriate)

If this waiver is approved, the PRJUSD may utilize state and federal special education funds for the placement of this student at the GCA. If this waiver is denied the PRJUSD may utilize only local funds to support the student’s placement at the GCA. The annual cost for this student’s placement at the GCA is $380,250. This fee includes the cost of board and care, education, and mental health-related services.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Paso Robles Joint Unified School District Specific Waiver Request 20-3-2019 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 56366(d)

| Waiver Number | District | Period of Request | District’s Request | CDE Recommended | Local Board and Public Hearing Approval | Penalty Without Waiver | Previous Waivers |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 20-3-2019 | Paso Robles Joint Unified School District (PRJUSD) | **Requested:** December 18, 2018, to December 18, 2019  **Recommended:** December 18, 2018, to December 18, 2019 | To waive nonpublic school (NPS) certification to allow the PRJUSD to use state and federal special education funds for the placement of a student in an uncertified out-of-state NPS | Approval with conditions for the period requested | January 8, 2019 | The PRJUSD may not use state and federal special education funds for the placement of the student at the uncertified out-of-state NPS | None |

Created by California Department of Education

May 2019

# Attachment 2: Waiver 20-3-2019 Paso Robles Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 4075457

Waiver Number: 20-3-2019

Active Year: 2019

Date In: 3/26/2019 10:16:51 AM

Local Education Agency: Paso Robles Joint Unified School District

Address: 800 Niblick Rd.

Paso Robles, CA 93446

Start: 12/18/2018

End: 12/18/2019

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Child Specific/ NPA or NPS Certification

Ed Code Section: 56366.1(a)

Ed Code Authority: 56101

Ed Code or *CCR* to Waive: *Education Code* Section 56101 and *Education Code* section 563661(a)

Outcome Rationale: The Paso Robles Joint Unified School District (PRJUSD) contacted multiple in/out of state nonpublic schools and nonpublic agencies (NPS/As), and residential treatment centers to offer a free appropriate public education (FAPE) to one high school student who has autism with significant behavioral, communication and global functioning needs. However, none of these placement options would accept the student, or could not meet the student’s comprehensive, unique needs. The uncertified out-of-state nonpublic school, Great Circle, located in St. Louis, Missouri, accepted the student. The student’s parents and the district agree this is the most appropriate placement to implement the student's individualized education program (IEP). The District requests to waive California *Education Code* Section 56366.1(a), the requirement for state certification, to allow the use of California’s federal special education funds for the placement of this student at Great Circle. See attached Jan 8.19 PRJUSD Board of Trustees attachment for detailed information.

Student Population: 250

City Type: Urban

Local Board Approval Date: 1/8/2019

Audit Penalty Yes or No: N o

Categorical Program Monitoring: No

Submitted by: Ms. Amber Gallagher

Position: Director of Special Education

E-mail: [amgallagher@pasoschools.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Director's%20Office\State%20Board%20of%20Education\Waivers\Current%20Waiver%20Templates\amgallagher@pasoschools.org)

Telephone: 805-769-1000 x30415

Fax: 805-237-3476