

Attachment 2: Temecula Valley Unified School District Specific Waiver Request 4-9-2023

California Department of Education WAIVER SUBMISSION – Specific

CD Code: 3375192

Waiver Number: 4-9-2023

Active Year: 2023

Date In: 9/20/2023 3:39:34 PM

Local Education Agency: Temecula Valley Unified
Address: 31350 Rancho Vista Rd.
Temecula, CA 92592

Start: 9/5/2023

End: 4/9/2024

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: Under the federal Individuals with Disabilities Education Act (IDEA), students with disabilities must be offered a FAPE in the least restrictive environment (LRE). Local educational agencies (LEAs) must offer a full continuum of program options to meet the educational and related service needs of students with disabilities. Each student found eligible for special education and related services is provided with an IEP which is developed between the LEA and the student's parent(s) or guardian(s), and others as applicable, to decide what types of instruction and related services are needed to meet the student's needs in the LRE. One of the placement options available along this continuum are NPSs, which are considered separate schools and highly restrictive placement options.

When an LEA is unable to find an appropriate placement for a student with disabilities in a California public school and/or state-certified NPS due to the student's comprehensive, unique needs, the IEP team may deem it necessary for the student to be placed in an uncertified NPS that is able to meet the student's needs. As members of the IEP team, the student's parent(s) or guardian(s) must be included in the decision-making process and must provide written consent to the placement.

All private school programs and facilities do not necessarily meet the California NPS certification standards for providing special education and specified related services to individuals with exceptional needs. A waiver of the NPS certification requirements authorizes placing LEAs to enter into a master contract agreement with the private school sites which are not certified as California NPS, and to use federal and state special education funds to finance the placement.

Upon the receipt of a child specific NPS waiver, the CDE ensures the LEA submitted all required documentation and performs a detailed analysis of the documentation. If the waiver request meets all of the waiver requirements, the CDE, Special Education Division (SED) will recommend approval of the waiver with conditions that are specific to the waiver.

Outcome Rationale: Prior to this student's placement at Kaizen Academy, the student attended certified nonpublic/RTC school site. Due to the student's significant mental and behavioral health needs, the student had great difficulty accessing the education provided at the previous placement. Specifically, the student [REDACTED] The nature and seriousness of the student's behaviors resulted in increased safety concerns which resulted in a 20 day notice from his certified nonpublic/RTC school site. The IEP team, agreed that a residential placement at an uncertified private school was appropriate after contacting 5 in state certified NPSs and 15 out of -state certified NPSs with RTCs to provide a FAPE to the student. These certified NPSs denied admission due to concerns about their ability to accommodate a student with significant mental and behavioral health needs, and the facilities were unable to ensure the health, safety, and welfare of the student due to the program and facility design. The IEP team agreed Kaizen Academy, an uncertified school, is the most appropriate placement to meet the student's unique needs. The Kaizen Academy accepted the student into their program on September 5, 2023.

Student Population: 26545

City Type: Suburban

Local Board Approval Date: 9/12/2023

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Kelley Dutoit

Position: Program Specialist

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