

AMENDED IN SENATE MARCH 26, 2025

SENATE BILL

No. 373

Introduced by Senator Grove
(Principal coauthor: Senator Rubio)
(Principal coauthor: Assembly Member Lackey)

February 13, 2025

An act to amend ~~Section 56366.45~~ *Sections 56301, 56366.1, and 56366.12* of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 373, as amended, Grove. Special education: nonpublic, nonsectarian schools or ~~agencies; change in certification status; parental notification; agencies.~~

(1) Existing law requires local educational agencies to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program. Existing law requires, in accordance with specified federal laws, parents to be given a copy of their rights and procedural safeguards, as specified.

This bill would require pupils to also be given a copy of their rights and procedural safeguards and would require both parents and pupils to be given information on how to contact the State Department of Education's Equitable Services Ombudsman. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

(2) Existing law permits, under certain circumstances, contracts to be entered into for the provision of special education and related services by nonpublic, nonsectarian schools or agencies, as defined.

Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified by the Superintendent of Public Instruction as meeting specified standards. Existing law requires, before certification, the Superintendent to conduct an onsite review of the facility and program for which the applicant seeks certification, as specified.

This bill would require, before certifying a nonpublic, nonsectarian school or agency, the Superintendent to take additional actions, including, among other things, to review policies on restraint to evaluate consistency with California laws.

Existing law requires, commencing with the 2020–21 school year, a local educational agency that enters into a master contract with a nonpublic, nonsectarian school to conduct at least one onsite monitoring visit during each school year to the nonpublic, nonsectarian school at which the local educational agency has a pupil attending and with which it maintains a master contract. Existing law requires the monitoring visit to include, among other things, an observation of the pupil during instruction and a walkthrough of the facility. Existing law requires the local educational agency to report the findings resulting from the monitoring visit to the department within 60 calendar days of the onsite visit. Existing law requires, before June 30, 2020, the department to, with input from special education local plan area administrators, create and publish criteria for reporting this information to the department.

This bill would require the monitoring visit to include an in-person, private meeting with the pupil to evaluate their health and safety. The bill would require the local educational agency to report the findings resulting from the monitoring visit to the department using a specified form developed and published by the department on its internet website. The bill would require, on or before July 1, 2026, the department to update the form to require additional findings to be reported to the department. The bill would also require the local educational agency to conduct a quarterly check-in with a pupil attending the nonpublic, nonsectarian school through an unmonitored telephone call.

Existing law requires a nonpublic, nonsectarian school to ensure private and confidential communication between a pupil of the nonpublic, nonsectarian school and members of the pupil's individualized education program team, at the pupil's discretion.

This bill would require the private and confidential communication to include telecommunication and would require a nonpublic, nonsectarian school to also ensure private and confidential communication between a pupil and the department's Equitable Services Ombudsman.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law sets forth a method for providing special education and related services to pupils with exceptional needs. Existing law permits, under certain circumstances, contracts to be entered into for the provision of those services by nonpublic, nonsectarian schools or agencies, as defined. Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified by the Superintendent of Public Instruction as meeting specified standards. Existing law authorizes the Superintendent to revoke or suspend the certification of a nonpublic, nonsectarian school or agency for specified reasons and requires the Superintendent to notify contracting local educational agencies and the special education local plan area in which the nonpublic, nonsectarian school or agency is located of the determination to suspend or revoke state certification.~~

~~Existing law requires a contracting local educational agency and charter school, within 14 days of becoming aware of any change to the certification status of a nonpublic, nonsectarian school or agency, to notify parents, as defined, of pupils of the local educational agency or charter school who attend the nonpublic, nonsectarian school or agency of the change in certification status, as provided.~~

~~This bill would make nonsubstantive changes to that parental notification provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 56301 of the Education Code is amended*
2 *to read:*

3 56301. (a) All children with disabilities residing in the state,
4 including children with disabilities who are homeless children or
5 are wards of the state and children with disabilities attending
6 private, including religious, elementary and secondary schools,
7 regardless of the severity of their disabilities, and who are in need
8 of special education and related services, shall be identified,
9 located, and assessed and a practical method is developed and
10 implemented to determine which children with disabilities are
11 currently receiving needed special education and related services
12 as required by ~~Section~~ Sections 1412(a)(3) and ~~(10)(A)(ii)~~
13 1412(a)(10)(A)(ii) of Title 20 of the United States Code. A child
14 is not required to be classified by ~~his or her~~ *their* disability so long
15 as each child who has a disability listed in Section 1401(3) of Title
16 20 of the United States Code and who, by reason of that disability,
17 needs special education and related services as an individual with
18 exceptional needs defined in Section 56026.

19 (b) (1) In accordance with Section 300.111(c) of Title 34 of
20 the Code of Federal Regulations, the requirements of this section
21 also apply to highly mobile individuals with exceptional needs,
22 including migrant children, and children who are suspected of
23 being an individual with exceptional needs pursuant to Section
24 56026 and in need of special education, even though they are
25 advancing from grade to grade.

26 (2) In accordance with Section 300.213 of Title 34 of the Code
27 of Federal Regulations, the local educational agency shall cooperate
28 in the efforts of the federal Secretary of Education, under Section
29 6398 of Title 20 of the United States Code, to ensure the linkage
30 of records pertaining to migratory children with disabilities for the
31 purpose of electronically exchanging, among other states, health
32 and educational information regarding those children.

33 (c) (1) The child find process shall ensure the equitable
34 participation in special education and related services of parentally
35 placed private schoolchildren with disabilities and an accurate
36 count of those children. Child find activities conducted by local
37 educational agencies, or where applicable, the department, shall

1 be similar to those activities undertaken for pupils in public
2 schools.

3 (2) In accordance with Section 1412(a)(10)(A)(ii)(IV) of Title
4 20 of the United States Code, the cost of the child find activities
5 in private, including religious, elementary and secondary schools,
6 may not be considered in determining whether a local educational
7 agency has met its obligations under the proportionate funding
8 provisions for children enrolled in private, including religious,
9 elementary and secondary schools.

10 (3) The child find process described in paragraph (1) shall be
11 completed in a time period comparable to that for other pupils
12 attending public schools in the local educational agency.

13 (d) (1) Each special education local plan area shall establish
14 written policies and procedures pursuant to Section 56205 for use
15 by its constituent local agencies for a continuous child find system
16 that addresses the relationships among identification, screening,
17 referral, assessment, planning, implementation, review, and the
18 triennial assessment. The policies and procedures shall include,
19 but need not be limited to, written notification of all parents of
20 their rights under this chapter, and the procedure for initiating a
21 referral for assessment to identify individuals with exceptional
22 needs.

23 (2) ~~In Parents and pupils shall be given information on how to~~
24 ~~contact the department's Equitable Services Ombudsman and a~~
25 ~~copy of their rights and procedural safeguards in accordance with~~
26 ~~Section 1415(d)(1)(A) of Title 20 of the United States Code, Code~~
27 ~~and Section 300.504(a) of Title 34 of the Code of Federal~~
28 ~~Regulations, parents shall be given a copy of their rights and~~
29 ~~procedural safeguards only one time a school year, except that a~~
30 ~~copy also shall be given to the parents: once every school year and~~
31 ~~at all of the following times:~~

32 (A) Upon initial referral or parental request for assessment.

33 (B) Upon receipt of the first state complaint under Section
34 56500.2 in a school year.

35 (C) Upon receipt of the first due process hearing request under
36 Section 56502 in a school year.

37 (D) When a decision is made to make a removal that constitutes
38 a change of placement of an individual with exceptional needs
39 because of a violation of a code of pupil conduct in accordance

1 with Section 300.530(h) of Title 34 of the Code of Federal
2 Regulations.

3 (E) Upon request by a ~~parent~~ *parent or pupil*.

4 (3) A local educational agency may place a current copy of the
5 procedural safeguards notice on its ~~Internet Web site~~, *internet*
6 ~~website~~, if ~~such Web site~~ *the internet website* exists, pursuant to
7 Section 1415(d)(1)(B) of Title 20 of the United States Code.

8 (4) The contents of the procedural safeguards notice shall
9 contain the requirements listed in Section 1415(d)(2) of Title 20
10 of the United States Code and Section 300.504(c) of Title 34 of
11 the Code of Federal Regulations.

12 (e) Child find data collected pursuant to this chapter, or collected
13 pursuant to a regulation or an interagency agreement, are subject
14 to the confidentiality requirements of Sections ~~300.611~~ *300.610*
15 to 300.627, inclusive, of Title 34 of the Code of Federal
16 Regulations.

17 *SEC. 2. Section 56366.1 of the Education Code is amended to*
18 *read:*

19 56366.1. (a) A nonpublic, nonsectarian school or agency that
20 seeks certification shall file an application with the Superintendent
21 on forms provided by the department, and shall include all of the
22 following information on the application:

23 (1) A description of the special education and designated
24 instruction and services provided to individuals with exceptional
25 needs if the application is for nonpublic, nonsectarian school
26 certification.

27 (2) A description of the designated instruction and services
28 provided to individuals with exceptional needs if the application
29 is for nonpublic, nonsectarian agency certification.

30 (3) A list of appropriately qualified staff, a description of the
31 credential, license, or registration that qualifies each staff member
32 rendering special education or designated instruction and services
33 to do so, and copies of their credentials, licenses, or certificates of
34 registration with the appropriate state or national organization that
35 has established standards for the service rendered.

36 (4) (A) (i) Commencing with the 2020–21 school year,
37 documentation that the nonpublic, nonsectarian school or agency
38 will train staff who will have contact or interaction with pupils
39 during the schoolday in the use of evidence-based practices and
40 interventions specific to the unique behavioral needs of the

1 nonpublic, nonsectarian school or agency's pupil population. The
2 training shall be provided within 30 days of employment to new
3 staff who have any contact or interaction with pupils during the
4 schoolday, and annually to all staff who have any contact or
5 interaction with pupils during the schoolday.

6 (ii) For a nonpublic, nonsectarian school or agency that was in
7 existence as of the January 1 immediately preceding a school year,
8 documentation that the nonpublic, nonsectarian school or agency's
9 staff members who will have contact or interaction with pupils
10 during the schoolday have received training that complies with
11 the requirements of subparagraphs (B) and (C).

12 (B) The training described in this paragraph shall be selected
13 and conducted by the nonpublic, nonsectarian school or agency
14 and shall satisfy all of the following conditions:

15 (i) Be conducted by persons licensed or certified in fields related
16 to the evidence-based practices and interventions being taught.

17 (ii) Be taught in a manner consistent with the development and
18 implementation of individualized education programs.

19 (iii) Be consistent with the requirements of Article 5.2
20 (commencing with Section 49005) of Chapter 6 of Part 27, relating
21 to pupil discipline.

22 (C) The content of the training described in this paragraph shall
23 include, but is not limited to, all of the following:

24 (i) Positive behavioral intervention and supports, including
25 collection, analysis, and use of data to inform, plan, and implement
26 behavioral supports.

27 (ii) How to understand and address challenging behaviors,
28 including evidence-based strategies for preventing those behaviors.

29 (iii) Evidence-based interventions for reducing and replacing
30 challenging behaviors, including deescalation techniques.

31 (D) (i) The contracting local educational agency shall verify
32 the nonpublic, nonsectarian school or agency's compliance with
33 the requirements of this paragraph, and the nonpublic, nonsectarian
34 school or agency shall report the contracting local educational
35 agency's verification to the Superintendent annually with the
36 annual certification documents described in subdivision (h).

37 (ii) For a nonpublic, nonsectarian school or agency seeking
38 initial certification, the contracting local educational agency shall
39 verify that the plan and timeline for training provided pursuant to
40 this paragraph are included in the master contract.

(iii) For a nonpublic, nonsectarian school or agency not in existence as of the January 1 immediately preceding a school year, the contracting local educational agency shall, 30 days following the commencement of the school year, verify that the nonpublic, nonsectarian school or agency provided the training required by this paragraph, and shall submit the verification to the Superintendent at that time.

(iv) The nonpublic, nonsectarian school or agency shall maintain written records of the training provided pursuant to this paragraph, and shall provide written verification of the training upon request.

(5) Commencing with the 2021–22 school year, documentation that the administrator of the nonpublic, nonsectarian school holds or is in the process of obtaining one of the following:

(A) An administrative credential granted by an accredited postsecondary educational institution and two years of experience with pupils with disabilities.

(B) A pupil personnel services credential that authorizes school counseling or psychology.

(C) A license as a clinical social worker issued by the Board of Behavioral Sciences.

(D) A license in psychology regulated by the Board of Psychology.

(E) A master's degree issued by an accredited postsecondary institution in education, special education, psychology, counseling, behavioral analysis, social work, behavioral science, or rehabilitation.

(F) A credential authorizing special education instruction and at least two years of experience teaching in special education before becoming an administrator.

(G) A license as a marriage and family therapist certified by the Board of Behavioral Sciences.

(H) A license as an educational psychologist issued by the Board of Behavioral Sciences.

(I) A license as a professional clinical counselor issued by the Board of Behavioral Sciences.

(6) An annual operating budget.

(7) Affidavits and assurances necessary to comply with all applicable federal, state, and local laws and regulations that include criminal record summaries required of all nonpublic, nonsectarian

1 school or agency personnel having contact with minor children
2 under Section 44237.

3 (8) Commencing with the 2024–25 school year, a nonpublic
4 nonsectarian school shall include assurances that for any pupil
5 served by the school who is a foster child as defined in subdivision
6 (a) of Section 48853.5, the school agrees to do both of the
7 following:

8 (A) Serve as the school of origin of the foster child, as applicable
9 pursuant to subdivision (g) of Section 48853.5.

10 (B) Allow the foster child to continue their education in the
11 school, as applicable pursuant to subdivisions (f) and (g) of Section
12 48853.5.

13 (b) (1) The applicant shall provide the special education local
14 plan area in which the applicant is located with the written
15 notification of its intent to seek certification or renewal of its
16 certification. The local educational agency representatives shall
17 acknowledge that they have been notified of the intent to certify
18 or renew certification. The acknowledgment shall include a
19 statement that representatives of the local educational agency for
20 the area in which the applicant is located have had the opportunity
21 to review the application at least 60 calendar days before
22 submission of an initial application to the Superintendent, or at
23 least 30 calendar days before submission of a renewal application
24 to the Superintendent. The acknowledgment shall provide
25 assurances that local educational agency representatives have had
26 the opportunity to provide input on all required components of the
27 application.

28 (2) If the local educational agency has not acknowledged an
29 applicant's intent to be certified 60 calendar days from the date of
30 submission for initial applications or 30 calendar days from the
31 date of the return receipt for renewal applications, the applicant
32 may file the application with the Superintendent.

33 (3) The department shall provide electronic notification of the
34 availability of renewal application materials to certified nonpublic,
35 nonsectarian schools and agencies at least 120 days before the date
36 their current certification expires.

37 (c) If the applicant operates a facility or program on more than
38 one site, each site shall be certified.

39 (d) If the applicant is part of a larger program or facility on the
40 same site, the Superintendent shall consider the effect of the total

1 program on the applicant. A copy of the policies and standards for
2 the nonpublic, nonsectarian school or agency and the larger
3 program shall be available to the Superintendent.

4 (e) (1) Before certification, the Superintendent shall conduct
5 an onsite review of the facility and program for which the applicant
6 seeks certification. The Superintendent may be assisted by
7 representatives of the special education local plan area in which
8 the applicant is located and a nonpublic, nonsectarian school or
9 agency representative who does not have a conflict of interest with
10 the applicant. The Superintendent shall conduct an additional onsite
11 review of the facility and program within three years of the
12 effective date of the certification, unless the Superintendent
13 conditionally certifies the nonpublic, nonsectarian school or
14 agency, or unless the Superintendent receives a formal complaint
15 against the nonpublic, nonsectarian school or agency. In the latter
16 two cases, the Superintendent shall conduct an onsite review at
17 least annually.

18 (2) In carrying out ~~this subdivision~~, *paragraph (1)*, the
19 Superintendent may verify that the nonpublic, nonsectarian school
20 or agency has received a successful criminal background check
21 clearance and has enrolled in subsequent arrest notice service,
22 pursuant to Section 44237, for each owner, operator, and employee
23 of the nonpublic, nonsectarian school or agency.

24 (3) *The Superintendent shall also do all of the following before*
25 *certifying a nonpublic, nonsectarian school or agency:*

26 (A) *Review policies on restraint and isolation to evaluate*
27 *consistency with California laws.*

28 (B) *Ensure that pupils are informed about their rights upon*
29 *admission to the nonpublic, nonsectarian school and that this*
30 *information is accessible and understandable, and require the*
31 *telephone number for the department's Equitable Services*
32 *Ombudsman to be prominently displayed at the nonpublic,*
33 *nonsectarian school.*

34 (C) *Inspect whether there is a clear, confidential, and effective*
35 *process for residents to report internal and external grievances*
36 *without fear of retaliation, review the process for responding to*
37 *complaints, and assess whether complaints are taken seriously*
38 *and acted upon appropriately.*

1 (D) Examine policies and practices to ensure that all pupils and
2 their guardians, as applicable, give informed consent to treatment
3 plans, medical care, and participation in therapeutic activities.

4 (E) Interview pupils about their perceptions of being treated
5 with respect and dignity, and assess whether staff demonstrate
6 empathy, respect personal space, and maintain appropriate
7 professional boundaries.

8 (F) Examine the use of positive behavioral reinforcement
9 systems versus punitive measures, and assess whether the
10 nonpublic, nonsectarian school fosters a positive, supportive
11 environment for behavior management.

12 (G) Review protocols for identifying signs of abuse or neglect,
13 both physical and psychological, ensure that all staff are trained
14 to recognize these signs, and inspect pupil records for patterns
15 that might indicate abuse, such as frequent hospitalizations,
16 unexplained injuries, and withdrawal behaviors.

17 (3)

18 (4) Commencing with the 2020–21 school year, a local
19 educational agency that enters into a master contract with a
20 nonpublic, nonsectarian school shall conduct, at minimum, ~~both~~
21 all of the following:

22 (A) An onsite visit to the nonpublic, nonsectarian school before
23 placement of a pupil if the local educational agency does not have
24 any pupils enrolled at the school at the time of placement.

25 (B) At least one onsite monitoring visit during each school year
26 to the nonpublic, nonsectarian school at which the local educational
27 agency has a pupil attending and with which it maintains a master
28 contract. The monitoring visit shall include, but is not limited to,
29 a review of services provided to the pupil through the individual
30 service agreement between the local educational agency and the
31 nonpublic, nonsectarian school, a review of progress the pupil is
32 making toward the goals set forth in the pupil's individualized
33 education program, a review of progress the pupil is making toward
34 the goals set forth in the pupil's behavioral intervention plan, if
35 applicable, an observation of the pupil during instruction, ~~and a~~
36 walkthrough of the ~~facility~~ facility, and an in-person, private
37 meeting with the pupil to evaluate their health and safety. The
38 local educational agency shall report the findings resulting from
39 the monitoring visit to the ~~department~~ department, using the "Local
40 Educational Agency Onsite Visit for Nonpublic School" form

1 *developed and published by the department on its internet website,*
2 *within 60 calendar days of the onsite visit. On or before June 30,*
3 *2020, the department shall, with input from special education local*
4 *plan area administrators, create and publish criteria for reporting*
5 *this information to the department. July 1, 2026, the department*
6 *shall update the form to additionally require all of the following*
7 *findings to be reported to the department:*

8 *(i) Respect for pupil dignity, for which the local educational*
9 *agency shall interview pupils about their perceptions of being*
10 *treated with respect and dignity and assess whether staff*
11 *demonstrate empathy, respect personal space, and maintain*
12 *appropriate professional boundaries.*

13 *(ii) Positive behavioral support, for which the local educational*
14 *agency shall examine the use of positive behavioral reinforcement*
15 *systems versus punitive measures and assess whether the*
16 *nonpublic, nonsectarian school fosters a positive, supportive*
17 *environment for behavior management.*

18 *(iii) Screening for abuse and neglect, for which the local*
19 *educational agency shall review the protocols for identifying signs*
20 *of abuse or neglect, both physical and psychological, ensure that*
21 *all staff are trained to recognize these signs, and inspect pupil*
22 *records for patterns that might indicate abuse, such as frequent*
23 *hospitalizations, unexplained injuries, and withdrawal behaviors.*

24 *(C) A quarterly check-in with a pupil attending the nonpublic,*
25 *nonsectarian school through an unmonitored telephone call.*

26 *(f) The Superintendent shall make a determination on an*
27 *application within 120 days of receipt of the application and shall*
28 *certify, conditionally certify, or deny certification to the applicant.*
29 *If the Superintendent fails to take one of these actions within 120*
30 *days, the applicant is automatically granted conditional certification*
31 *for a period terminating on August 31 of the current school year.*
32 *If certification is denied, the Superintendent shall provide reasons*
33 *for the denial. The Superintendent shall not certify the nonpublic,*
34 *nonsectarian school or agency for a period longer than one year.*

35 *(g) Certification becomes effective on the date the nonpublic,*
36 *nonsectarian school or agency meets all the application*
37 *requirements and is approved by the Superintendent. Certification*
38 *may be retroactive if the nonpublic, nonsectarian school or agency*
39 *met all the requirements of this section on the date the retroactive*

1 certification is effective. Certification expires on December 31 of
2 the terminating year.

3 (h) The Superintendent annually shall review the certification
4 of each nonpublic, nonsectarian school or agency. For this purpose,
5 a certified nonpublic, nonsectarian school or agency annually shall
6 update its application between August 1 and October 31, unless
7 the state board grants a waiver pursuant to Section 56101. The
8 Superintendent may conduct an onsite review as part of the annual
9 review.

10 (i) (1) The Superintendent shall conduct an investigation of a
11 nonpublic, nonsectarian school or agency onsite at any time without
12 prior notice if there is substantial reason to believe that there is an
13 immediate danger to the health, safety, or welfare of a child. The
14 Superintendent shall document the concern and submit it to the
15 nonpublic, nonsectarian school or agency at the time of the onsite
16 investigation. The Superintendent shall require a written response
17 to any noncompliance or deficiency found.

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

24 (3) With respect to a nonpublic, nonsectarian school or agency,
25 the Superintendent shall conduct an investigation, which may
26 include an unannounced onsite visit, if the Superintendent receives
27 evidence of a significant deficiency in the quality of educational
28 services provided, a violation of Section 56366.9, or
29 noncompliance with the policies expressed by subdivision (b) of
30 Section 1501 of the Health and Safety Code by the nonpublic,
31 nonsectarian school or agency. The Superintendent shall document
32 the complaint and the results of the investigation and shall provide
33 copies of the documentation to the complainant, the nonpublic,
34 nonsectarian school or agency, and the contracting local educational
35 agency.

36 (4) Violations or noncompliance documented pursuant to
37 paragraph (1) or (3) shall be reflected in the status of the
38 certification of the nonpublic, nonsectarian school or agency, at
39 the discretion of the Superintendent, pending an approved plan of
40 correction by the nonpublic, nonsectarian school or agency. The

1 department shall retain for a period of 10 years all violations
2 pertaining to certification of the nonpublic, nonsectarian school
3 or agency.

4 (5) In carrying out this subdivision, the Superintendent may
5 verify that the nonpublic, nonsectarian school or agency received
6 a successful criminal background check clearance and has enrolled
7 in subsequent arrest notice service, pursuant to Section 44237, for
8 each owner, operator, and employee of the nonpublic, nonsectarian
9 school or agency.

10 (j) The Superintendent shall monitor the facilities, the
11 educational environment, and the quality of the educational
12 program, including the teaching staff, the credentials authorizing
13 service, the standards-based core curriculum being employed, and
14 the standards-focused instructional materials used, of an existing
15 certified nonpublic, nonsectarian school or agency on a three-year
16 cycle, as follows:

17 (1) The nonpublic, nonsectarian school or agency shall complete
18 a self-review in year one.

19 (2) The Superintendent shall conduct an onsite review of the
20 nonpublic, nonsectarian school or agency in year two.

21 (3) The Superintendent shall conduct a followup visit to the
22 nonpublic, nonsectarian school or agency in year three.

23 (k) (1) Notwithstanding any other law, the Superintendent shall
24 not certify a nonpublic, nonsectarian school or agency that proposes
25 to initiate or expand services to pupils currently educated in the
26 immediate prior fiscal year in a juvenile court program, community
27 school pursuant to Section 56150, or other nonspecial education
28 program, including independent study or adult school, or both,
29 unless the nonpublic, nonsectarian school or agency notifies the
30 county superintendent of schools and the special education local
31 plan area in which the proposed new or expanded nonpublic,
32 nonsectarian school or agency is located of its intent to seek
33 certification.

34 (2) The notification shall occur no later than the December 1
35 before the new fiscal year in which the proposed or expanding
36 school or agency intends to initiate services. The notice shall
37 include the following:

38 (A) The specific date upon which the proposed nonpublic,
39 nonsectarian school or agency is to be established.

40 (B) The location of the proposed program or facility.

1 (C) The number of pupils proposed for services, the number of
2 pupils currently served in the juvenile court, community school,
3 or other nonspecial education program, the current school services
4 including special education and related services provided for these
5 pupils, and the specific program of special education and related
6 services to be provided under the proposed program.

7 (D) The reason for the proposed change in services.

8 (E) The number of staff who will provide special education and
9 designated instruction and services and hold a current valid
10 California credential or license in the service rendered.

11 (3) In addition to the requirements in subdivisions (a) to (f),
12 inclusive, the Superintendent shall require and consider the
13 following in determining whether to certify a nonpublic,
14 nonsectarian school or agency as described in this subdivision:

15 (A) A complete statement of the information required as part
16 of the notice under paragraph (1).

17 (B) Documentation of the steps taken in preparation for the
18 conversion to a nonpublic, nonsectarian school or agency, including
19 information related to changes in the population to be served and
20 the services to be provided pursuant to each pupil's individualized
21 education program.

22 (4) Notwithstanding any other law, the certification becomes
23 effective no earlier than July 1 if the nonpublic, nonsectarian school
24 or agency provided the notification required pursuant to paragraph
25 (1).

26 (l) (1) Notwithstanding any other law, the Superintendent shall
27 not certify or renew the certification of a nonpublic, nonsectarian
28 school that also operates a licensed children's institution, unless
29 all of the following conditions are met:

30 (A) The entity operating the nonpublic, nonsectarian school
31 maintains separate financial records for each entity that it operates,
32 with each nonpublic, nonsectarian school identified separately
33 from any licensed children's institution that it operates.

34 (B) The entity submits an annual budget that identifies the
35 projected costs and revenues for each entity and demonstrates that
36 the rates to be charged are reasonable to support the operation of
37 the entity.

38 (C) The entity submits an entitywide annual audit that identifies
39 its costs and revenues, by entity, in accordance with generally
40 accepted accounting and auditing principles. The audit shall clearly

document the amount of moneys received and expended on the educational program provided by the nonpublic, nonsectarian school.

(D) The relationship between various entities operated by the same entity are documented, defining the responsibilities of the entities. The documentation shall clearly identify the services to be provided as part of each program, for example, the residential or medical program, the mental health program, or the educational program. The entity shall not seek funding from a public agency for a service, either separately or as part of a package of services, if the service is funded by another public agency, either separately or as part of a package of services.

(2) For purposes of this section, “licensed children’s institution” has the same meaning as it is defined by Section 56155.5.

(m) (1) The nonpublic, nonsectarian school or agency shall be charged a reasonable fee for certification. The Superintendent may adjust the fee annually commensurate with the statewide average percentage inflation adjustment computed for local control funding formula allocations pursuant to Section 42238.02, as implemented by Section 42238.03, of unified school districts with greater than 1,500 units of average daily attendance if the percentage increase is reflected in the school district local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03, for inflation purposes. For purposes of this section, the base fee shall be the following:

(1) 1–5 pupils	\$ 300
(2) 6–10 pupils	500
(3) 11–24 pupils	1,000
(4) 25–75 pupils	1,500
(5) 76 pupils and over	2,000

(2) The nonpublic, nonsectarian school or agency shall pay this fee when it applies for certification and when it updates its application for annual renewal by the Superintendent. The Superintendent shall use these fees to conduct onsite reviews, which may include field experts. A fee shall not be refunded if the application is withdrawn or is denied by the Superintendent.

(n) (1) Notwithstanding any other law, only those nonpublic, nonsectarian schools or agencies that provide special education

1 and designated instruction and services using administrators and
2 staff who hold a certificate, permit, or other document equivalent
3 to that which staff in a public school are required to hold in the
4 service rendered are eligible to receive certification. Only those
5 nonpublic, nonsectarian schools or agencies located outside of
6 California that employ staff who hold a current valid credential or
7 license to render special education and related services as required
8 by that state shall be eligible to be certified. Commencing with the
9 2021–22 school year, this paragraph shall not apply to
10 administrators.

11 (2) Commencing with the 2021–22 school year, notwithstanding
12 any other law, only those nonpublic, nonsectarian schools or
13 agencies that provide special education and related services using
14 administrators who hold or are in the process of obtaining a
15 credential, degree, or license in accordance with paragraph (5) of
16 subdivision (a) are eligible to be certified.

17 (3) The state board shall develop regulations to implement this
18 subdivision.

19 (o) In addition to meeting the standards adopted by the state
20 board, a nonpublic, nonsectarian school or agency shall provide
21 written assurances that it meets all applicable standards relating
22 to fire, health, sanitation, and building safety.

23 (p) (1) Notwithstanding subdivision (n) of Section 44237, and
24 for purposes of enabling the Superintendent to carry out the duties
25 pursuant to this section, a nonpublic, nonsectarian school or agency
26 shall, upon demand, make available to the Superintendent evidence
27 of a successful criminal background check clearance and
28 enrollment in subsequent arrest notice service, conducted pursuant
29 to Section 44237, for each owner, operator, and employee of the
30 nonpublic, nonsectarian school or agency.

31 (2) The nonpublic, nonsectarian school or agency shall retain
32 the evidence and store it in a locked file separate from other files.

33 *SEC. 3. Section 56366.12 of the Education Code is amended*
34 *to read:*

35 56366.12. A nonpublic, nonsectarian school shall ensure private
36 and confidential—~~communication~~ *communication, including*
37 *telecommunication*, between a pupil of the nonpublic, nonsectarian
38 school and members of the pupil’s individualized education
39 program—~~team~~, *team and the department’s Equitable Services*
40 *Ombudsman*, at the pupil’s discretion.

1 *SEC. 4. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

6 ~~SECTION 1. Section 56366.45 of the Education Code is~~
7 ~~amended to read:~~

8 ~~56366.45. (a) (1) A contracting local educational agency and~~
9 ~~a charter school, within 14 days of becoming aware of any change~~
10 ~~to the certification status of a nonpublic, nonsectarian school or~~
11 ~~agency, shall notify parents of pupils of the local educational~~
12 ~~agency or charter school who attend the nonpublic, nonsectarian~~
13 ~~school or agency through email or regular mail notice of the change~~
14 ~~in certification status and include a copy of the procedural~~
15 ~~safeguards as specified in Chapter 5 (commencing with Section~~
16 ~~56500).~~

17 ~~(2) The contracting local educational agency or charter school~~
18 ~~shall maintain a record of the notice given pursuant to paragraph~~
19 ~~(1) and shall make this notice available for inspection upon request~~
20 ~~of the department.~~

21 ~~(b) For purposes of this section, becoming aware of any change~~
22 ~~in certification status may include, but is not limited to, receiving~~
23 ~~notification pursuant to subdivision (c) of Section 56366.4 of a~~
24 ~~determination to suspend or revoke the certification of the~~
25 ~~nonpublic, nonsectarian school or agency, including, but not limited~~
26 ~~to, a determination resulting from a department investigation into~~
27 ~~pupil restraint or seclusion.~~

28 ~~(c) For purposes of this section, "parent" has the same meaning~~
29 ~~as defined in Section 56028.~~