

AMENDED IN ASSEMBLY JULY 7, 2025

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 Sections 49001, 56301, 56366.1, 56366.4, 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.

(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, bill, commencing with the 2026–27 school year, would require the Superintendent, before certifying a nonpublic, nonsectarian school or agency, the Superintendent school, to take additional actions, including, among other things, to review policies on restraint and seclusion to evaluate consistency with California laws, laws and to interview pupils with an individualized education program to discuss progress and address any concerns respecting any limitations due to the pupil’s disability, as specified. The bill would require the Superintendent, by July 1, 2026, to develop a tool for purposes of the interviews, as provided, and would require the tool to be made available to local educational agencies for their own use, which the bill would authorize.~~

Existing law requires a nonpublic, nonsectarian school or agency that seeks certification to file an application with the Superintendent on forms provided by the department, and to include specified information on the application.

This bill would add assurances of compliance with specified laws relating to behavioral interventions to be included in that required information on the application.

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~~ *in-person interview* with the ~~pupil~~ *pupil*, *in a manner consistent with their individualized education program*, 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~~ *call in a manner consistent with their individualized education program*.

Existing law requires the Superintendent to make a determination on an application for certification within 120 days of receipt of the application and to certify, conditionally certify, or deny certification to the applicant. If certification is denied, existing law requires the Superintendent to provide reasons for the denial.

This bill, commencing with the 2026–27 school year, would require the Superintendent to make available, upon request from a local educational agency or special education local plan area, specified information and documentation relating to certification. The bill would require a local educational agency to disclose the information received to the parent or guardian at the time the individualized education program team considers placement of the pupil in a nonpublic, nonsectarian school or agency, as specified. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

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.

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

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

1 *SECTION 1. Section 49001 of the Education Code is amended*
2 *to read:*

3 49001. (a) For the purposes of this section “corporal
4 punishment” means the willful infliction of, or willfully causing
5 the infliction of, physical pain on a pupil. An amount of force that
6 is reasonable and necessary for a person employed by or engaged
7 in a public school to quell a disturbance threatening physical injury
8 to persons or damage to property, for purposes of self-defense, or
9 to obtain possession of weapons or other dangerous objects within
10 the control of the pupil, is not and shall not be construed to be
11 corporal punishment within the meaning and intent of this section.
12 Physical pain or discomfort caused by athletic competition or other
13 such recreational activity, voluntarily engaged in by the pupil, is
14 not and shall not be construed to be corporal punishment within
15 the meaning and intent of this section.

16 (b) No person employed by or engaged in a public school shall
17 inflict, or cause to be inflicted corporal punishment upon a pupil.
18 Every resolution, bylaw, rule, ordinance, or other act or authority
19 permitting or authorizing the infliction of corporal punishment
20 upon a pupil attending a public school is void and unenforceable.

21 (c) *For purposes of this section, a “public school” includes a*
22 *school operated by a school district or a county office of education,*
23 *a charter school, a nonpublic, nonsectarian school, and the state*
24 *special schools for the blind and the deaf.*

25 ~~SECTION 1.~~

26 *SEC. 2. Section 56301 of the Education Code is amended to*
27 *read:*

28 56301. (a) All children with disabilities residing in the state,
29 including children with disabilities who are homeless children or
30 are wards of the state and children with disabilities attending
31 private, including religious, elementary and secondary schools,

1 regardless of the severity of their disabilities, and who are in need
2 of special education and related services, shall be identified,
3 located, and assessed and a practical method is developed and
4 implemented to determine which children with disabilities are
5 currently receiving needed special education and related services
6 as required by Sections 1412(a)(3) and 1412(a)(10)(A)(ii) of Title
7 20 of the United States Code. A child is not required to be classified
8 by their disability so long as each child who has a disability listed
9 in Section 1401(3) of Title 20 of the United States Code and who,
10 by reason of that disability, needs special education and related
11 services as an individual with exceptional needs defined in Section
12 56026.

13 (b) (1) In accordance with Section 300.111(c) of Title 34 of
14 the Code of Federal Regulations, the requirements of this section
15 also apply to highly mobile individuals with exceptional needs,
16 including migrant children, and children who are suspected of
17 being an individual with exceptional needs pursuant to Section
18 56026 and in need of special education, even though they are
19 advancing from grade to grade.

20 (2) In accordance with Section 300.213 of Title 34 of the Code
21 of Federal Regulations, the local educational agency shall cooperate
22 in the efforts of the federal Secretary of Education, under Section
23 6398 of Title 20 of the United States Code, to ensure the linkage
24 of records pertaining to migratory children with disabilities for the
25 purpose of electronically exchanging, among other states, health
26 and educational information regarding those children.

27 (c) (1) The child find process shall ensure the equitable
28 participation in special education and related services of parentally
29 placed private schoolchildren with disabilities and an accurate
30 count of those children. Child find activities conducted by local
31 educational agencies, or where applicable, the department, shall
32 be similar to those activities undertaken for pupils in public
33 schools.

34 (2) In accordance with Section 1412(a)(10)(A)(ii)(IV) of Title
35 20 of the United States Code, the cost of the child find activities
36 in private, including religious, elementary and secondary schools,
37 may not be considered in determining whether a local educational
38 agency has met its obligations under the proportionate funding
39 provisions for children enrolled in private, including religious,
40 elementary and secondary schools.

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

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

(2) Parents and pupils shall be given information on how to contact the department's Equitable Services Ombudsman and a copy of their rights and procedural safeguards in accordance with Section 1415(d)(1)(A) of Title 20 of the United States Code and Section 300.504(a) of Title 34 of the Code of Federal Regulations, once every school year and at all of the following times:

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

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

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

(D) When a decision is made to make a removal that constitutes a change of placement of an individual with exceptional needs because of a violation of a code of pupil conduct in accordance with Section 300.530(h) of Title 34 of the Code of Federal Regulations.

(E) Upon request by a parent or pupil.

(3) A local educational agency may place a current copy of the procedural safeguards notice on its internet website, if the internet website exists, pursuant to Section 1415(d)(1)(B) of Title 20 of the United States Code.

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

(e) Child find data collected pursuant to this chapter, or collected pursuant to a regulation or an interagency agreement, are subject

1 to the confidentiality requirements of Sections 300.610 to 300.627,
2 inclusive, of Title 34 of the Code of Federal Regulations.

3 ~~SEC. 2.~~

4 *SEC. 3.* Section 56366.1 of the Education Code is amended to
5 read:

6 56366.1. (a) A nonpublic, nonsectarian school or agency that
7 seeks certification shall file an application with the Superintendent
8 on forms provided by the department, and shall include all of the
9 following information on the application:

10 (1) A description of the special education and designated
11 instruction and services provided to individuals with exceptional
12 needs if the application is for nonpublic, nonsectarian school
13 certification.

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

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

23 (4) (A) (i) Commencing with the 2020–21 school year,
24 documentation that the nonpublic, nonsectarian school or agency
25 will train staff who will have contact or interaction with pupils
26 during the schoolday in the use of evidence-based practices and
27 interventions specific to the unique behavioral needs of the
28 nonpublic, nonsectarian ~~school~~ *school's* or agency's pupil
29 population. The training shall be provided within 30 days of
30 employment to new staff who have any contact or interaction with
31 pupils during the schoolday, and annually to all staff who have
32 any contact or interaction with pupils during the schoolday.

33 (ii) For a nonpublic, nonsectarian school or agency that was in
34 existence as of the January 1 immediately preceding a school year,
35 documentation that the nonpublic, nonsectarian ~~school~~ *school's*
36 or agency's staff members who will have contact or interaction
37 with pupils during the schoolday have received training that
38 complies with the requirements of subparagraphs (B) and (C).

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

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

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

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

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

13 (i) Positive behavioral intervention and supports, including
14 collection, analysis, and use of data to inform, plan, and implement
15 behavioral supports.

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

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

20 (D) (i) The contracting local educational agency shall verify
21 the nonpublic, nonsectarian ~~school~~ *school's* or agency's compliance
22 with the requirements of this paragraph, and the nonpublic,
23 nonsectarian school or agency shall report the contracting local
24 educational agency's verification to the Superintendent annually
25 with the annual certification documents described in subdivision
26 (h).

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

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

38 (iv) The nonpublic, nonsectarian school or agency shall maintain
39 written records of the training provided pursuant to this paragraph,
40 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 school or agency personnel having contact with minor children under Section 44237.

(8) Assurances of compliance with Article 5 (commencing with Section 49000) and Article 5.2 (commencing with Section 49005) of Chapter 6 of Part 27, and Section 56521.1, relating to behavioral interventions.

~~(8)~~

(9) Commencing with the 2024–25 school year, a nonpublic nonsectarian school shall include assurances that for any pupil served by the school who is a foster child as defined in subdivision

1 (a) of Section 48853.5, the school agrees to do both of the
2 following:

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

5 (B) Allow the foster child to continue their education in the
6 school, as applicable pursuant to subdivisions (f) and (g) of Section
7 48853.5.

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

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

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

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

34 (d) If the applicant is part of a larger program or facility on the
35 same site, the Superintendent shall consider the effect of the total
36 program on the applicant. A copy of the policies and standards for
37 the nonpublic, nonsectarian school or agency and the larger
38 program shall be available to the Superintendent.

39 (e) (1) Before certification, the Superintendent shall conduct
40 an onsite review of the facility and program for which the applicant

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

13 (2) In carrying out paragraph (1), the Superintendent may verify
14 that the nonpublic, nonsectarian school or agency has received a
15 successful criminal background check clearance and has enrolled
16 in subsequent arrest notice service, pursuant to Section 44237, for
17 each owner, operator, and employee of the nonpublic, nonsectarian
18 school or agency.

19 (3) ~~The—Commencing with the 2026–27 school year, the~~
20 Superintendent shall also do all of the following before certifying
21 a nonpublic, nonsectarian ~~school or agency~~: *school*:

22 (A) Review policies on restraint and ~~isolation~~ *seclusion* to
23 evaluate consistency with California laws.

24 (B) Ensure that pupils ~~are informed about their rights have been~~
25 *provided a copy of their rights and procedural safeguards, as*
26 *referenced in Section 300.504(a) of Title 34 of the Code of Federal*
27 *Regulations*, upon admission to the nonpublic, nonsectarian school
28 and that this information is ~~accessible and understandable,~~
29 *accessible*, and require the telephone number for the department's
30 Equitable Services Ombudsman to be prominently displayed at
31 the nonpublic, nonsectarian school.

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

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

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

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

(C) Review policies, procedures, and practices of the nonpublic, nonsectarian school to determine if there is a clear and confidential process for residents to report grievances without fear of retaliation, and review the process for investigating and reporting internal and external resident complaints.

(D) (i) Interview pupils with an individualized education program to discuss progress and address any concerns respecting any limitations due to the pupil's disability at the following times:

(I) If the nonpublic, nonsectarian school is the subject of an investigation pursuant to subdivision (i).

(II) If there is a change in certification status or during the year three monitoring follow-up visit specified in paragraph (3) of subdivision (j).

(III) The nonpublic, nonsectarian school has pupil level findings from year two.

(ii) On or before July 1, 2026, the Superintendent shall develop an interview tool to be used for interviews with pupils to assess their perceptions of the nonpublic, nonsectarian school and the services provided to discuss progress and address any concerns. The interview tool shall include, at minimum, the pupil's perceptions of being treated with respect and dignity, and if the staff maintain appropriate professional boundaries. This tool shall be made available to local educational agencies upon request to conduct interviews.

(E) Examine the use of positive behavioral reinforcement systems, including if the nonpublic, nonsectarian school correctly implements behavior intervention pursuant to Chapter 5.5 (commencing with Section 56520) and manifestation determinations pursuant to Section 300.530(e) of Title 34 of the Code of Federal Regulations, and provide a copy of the nonpublic, nonsectarian school's policies on behavior intervention to pupils of parents enrolled in the nonpublic, nonsectarian school.

1 ~~(G)~~

2 (F) Review protocols for identifying signs of abuse or neglect,
3 both physical and psychological, ensure that all staff are trained
4 to recognize these signs, and ~~inspect pupil records for patterns that~~
5 ~~might indicate abuse, such as frequent hospitalizations, unexplained~~
6 ~~injuries, and withdrawal behaviors.~~ *review any behavior emergency*
7 *reports required pursuant to Section 56521.1 to ensure compliance*
8 *with that section.*

9 (4) Commencing with the 2020–21 school year, a local
10 educational agency that enters into a master contract with a
11 nonpublic, nonsectarian school shall conduct, at minimum, all of
12 the following:

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

16 (B) At least one onsite monitoring visit during each school year
17 to the nonpublic, nonsectarian school at which the local educational
18 agency has a pupil attending and with which it maintains a master
19 contract. The monitoring visit shall include, but is not limited to,
20 a review of services provided to the pupil through the individual
21 service agreement between the local educational agency and the
22 nonpublic, nonsectarian school, a review of progress the pupil is
23 making toward the goals set forth in the pupil’s individualized
24 education program, a review of progress the pupil is making toward
25 the goals set forth in the pupil’s behavioral intervention plan, if
26 applicable, an observation of the pupil during instruction, a
27 walkthrough of the facility, and ~~an in-person, private meeting~~
28 *in-person interview with the pupil pupil, in a manner consistent*
29 *with their individualized education program, to evaluate their*
30 health and safety. The local educational agency shall report the
31 findings resulting from the monitoring visit to the department,
32 using the “Local Educational Agency Onsite Visit for Nonpublic
33 School” form developed and published by the department on its
34 internet website, within 60 calendar days of the onsite visit. On or
35 before July 1, 2026, the department shall update the form to
36 additionally require all of the following findings to be reported to
37 the department:

38 ~~(i) Respect for pupil dignity, for which the local educational~~
39 ~~agency shall interview pupils about their perceptions of being~~
40 ~~treated with respect and dignity and assess whether staff~~

1 ~~demonstrate empathy, respect personal space, and maintain~~
2 ~~appropriate professional boundaries.~~

3 (i) *A summary of the perception of respect for pupil dignity,*
4 *collected during the local educational interview of pupils*
5 *respecting any limitations caused by the pupil's disability to assess*
6 *their perceptions of the nonpublic, nonsectarian school and the*
7 *services provided, including their perceptions of being treated*
8 *with respect and dignity, and appropriate professional boundaries*
9 *from staff at the nonpublic, nonsectarian school. The local*
10 *educational agency may also use the tool used by the*
11 *Superintendent to conduct interviews or develop their own*
12 *interview tool.*

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.~~ *systems, including if the*
18 *nonpublic, nonsectarian school correctly implements behavior*
19 *intervention pursuant to Chapter 5.5 (commencing with Section*
20 *56520) and manifestation determinations pursuant to Section*
21 *300.530(e) of Title 34 of the Code of Federal Regulations.*

22 (iii) Screening for abuse and neglect, for which the local
23 educational agency shall review the protocols for identifying signs
24 of abuse or neglect, both physical and psychological, ensure that
25 all staff are trained to recognize these signs, ~~and inspect pupil~~
26 ~~records for patterns that might indicate abuse, such as frequent~~
27 ~~hospitalizations, unexplained injuries, and withdrawal behaviors.~~
28 *signs through a review of any behavior emergency reports required*
29 *pursuant to Section 56521.1.*

30 (C) A quarterly check-in with a pupil attending the nonpublic,
31 nonsectarian school through an unmonitored telephone ~~call~~,
32 *in a manner consistent with the pupil's individualized education*
33 *program.*

34 (f) (1) The Superintendent shall make a determination on an
35 application within 120 days of receipt of the application and shall
36 certify, conditionally certify, or deny certification to the applicant.
37 If the Superintendent fails to take one of these actions within 120
38 days, the applicant is automatically granted conditional certification
39 for a period terminating on August 31 of the current school year.
40 If certification is denied, the Superintendent shall provide reasons

1 for the denial. The Superintendent shall not certify the nonpublic,
2 nonsectarian school or agency for a period longer than one year.

3 *(2) Commencing with the 2026–27 school year, the*
4 *Superintendent shall make available, upon request from a local*
5 *educational agency or a special education local plan area, the*
6 *following information:*

7 *(A) The certification status of the nonpublic, nonsectarian school*
8 *or agency, including whether certification was granted, denied,*
9 *revoked, suspended, or granted with conditions.*

10 *(B) A summary of the findings supporting the Superintendent’s*
11 *determination, including any corrective actions or areas of*
12 *noncompliance identified.*

13 *(C) Access to relevant documentation used to support the*
14 *determination, including compliance review reports and any*
15 *findings resulting from onsite monitoring visits.*

16 *(3) A local educational agency shall disclose the information*
17 *received in paragraph (2) to the parent or guardian at the time*
18 *the individualized education program team considers placement*
19 *of the pupil in a nonpublic, nonsectarian school or agency.*

20 *(4) The local educational agency shall document in the*
21 *individualized education program that the information described*
22 *in paragraph (2) was provided to the parent or guardian, and that*
23 *the parent or guardian was given an opportunity to review and*
24 *discuss the information as part of the placement decision.*

25 *(5) This subdivision does not authorize the disclosure of any*
26 *personally identifiable information and shall be consistent with*
27 *applicable state and federal pupil privacy laws.*

28 *(g) Certification becomes effective on the date the nonpublic,*
29 *nonsectarian school or agency meets all the application*
30 *requirements and is approved by the Superintendent. Certification*
31 *may be retroactive if the nonpublic, nonsectarian school or agency*
32 *met all the requirements of this section on the date the retroactive*
33 *certification is effective. Certification expires on December 31 of*
34 *the terminating year.*

35 *(h) The Superintendent annually shall review the certification*
36 *of each nonpublic, nonsectarian school or agency. For this purpose,*
37 *a certified nonpublic, nonsectarian school or agency annually shall*
38 *update its application between August 1 and October 31, unless*
39 *the state board grants a waiver pursuant to Section 56101. The*

1 Superintendent may conduct an onsite review as part of the annual
2 review.

3 (i) (1) The Superintendent shall conduct an investigation of a
4 nonpublic, nonsectarian school or agency onsite at any time without
5 prior notice if there is substantial reason to believe that there is an
6 immediate danger to the health, safety, or welfare of a child. The
7 Superintendent shall document the concern and submit it to the
8 nonpublic, nonsectarian school or agency at the time of the onsite
9 investigation. The Superintendent shall require a written response
10 to any noncompliance or deficiency found.

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

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

29 (4) Violations or noncompliance documented pursuant to
30 paragraph (1) or (3) shall be reflected in the status of the
31 certification of the nonpublic, nonsectarian school or agency, at
32 the discretion of the Superintendent, pending an approved plan of
33 correction by the nonpublic, nonsectarian school or agency. The
34 department shall retain for a period of 10 years all violations
35 pertaining to certification of the nonpublic, nonsectarian school
36 or agency.

37 (5) In carrying out this subdivision, the Superintendent may
38 verify that the nonpublic, nonsectarian school or agency received
39 a successful criminal background check clearance and has enrolled
40 in subsequent arrest notice service, pursuant to Section 44237, for

1 each owner, operator, and employee of the nonpublic, nonsectarian
2 school or agency.

3 (j) The Superintendent shall monitor the facilities, the
4 educational environment, and the quality of the educational
5 program, including the teaching staff, the credentials authorizing
6 service, the standards-based core curriculum being employed, and
7 the standards-focused instructional materials used, of an existing
8 certified nonpublic, nonsectarian school or agency on a three-year
9 cycle, as follows:

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

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

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

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

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

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

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

34 (C) The number of pupils proposed for services, the number of
35 pupils currently served in the juvenile court, community school,
36 or other nonspecial education program, the current school services
37 including special education and related services provided for these
38 pupils, and the specific program of special education and related
39 services to be provided under the proposed program.

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

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

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

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

10 (B) Documentation of the steps taken in preparation for the
11 conversion to a nonpublic, nonsectarian school or agency, including
12 information related to changes in the population to be served and
13 the services to be provided pursuant to each pupil's individualized
14 education program.

15 (4) Notwithstanding any other law, the certification becomes
16 effective no earlier than July 1 if the nonpublic, nonsectarian school
17 or agency provided the notification required pursuant to paragraph
18 (1).

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

23 (A) The entity operating the nonpublic, nonsectarian school
24 maintains separate financial records for each entity that it operates,
25 with each nonpublic, nonsectarian school identified separately
26 from any licensed children's institution that it operates.

27 (B) The entity submits an annual budget that identifies the
28 projected costs and revenues for each entity and demonstrates that
29 the rates to be charged are reasonable to support the operation of
30 the entity.

31 (C) The entity submits an entitywide annual audit that identifies
32 its costs and revenues, by entity, in accordance with generally
33 accepted accounting and auditing principles. The audit shall clearly
34 document the amount of moneys received and expended on the
35 educational program provided by the nonpublic, nonsectarian
36 school.

37 (D) The relationship between various entities operated by the
38 same entity are documented, defining the responsibilities of the
39 entities. The documentation shall clearly identify the services to
40 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 and designated instruction and services using administrators and staff who hold a certificate, permit, or other document equivalent to that which staff in a public school are required to hold in the service rendered are eligible to receive certification. Only those nonpublic, nonsectarian schools or agencies located outside of California that employ staff who hold a current valid credential or license to render special education and related services as required

1 by that state shall be eligible to be certified. Commencing with the
2 2021–22 school year, this paragraph shall not apply to
3 administrators.

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

10 (3) The state board shall develop regulations to implement this
11 subdivision.

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

16 (p) (1) Notwithstanding subdivision (n) of Section 44237, and
17 for purposes of enabling the Superintendent to carry out the duties
18 pursuant to this section, a nonpublic, nonsectarian school or agency
19 shall, upon demand, make available to the Superintendent evidence
20 of a successful criminal background check clearance and
21 enrollment in subsequent arrest notice service, conducted pursuant
22 to Section 44237, for each owner, operator, and employee of the
23 nonpublic, nonsectarian school or agency.

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

26 *SEC. 4. Section 56366.4 of the Education Code is amended to*
27 *read:*

28 56366.4. (a) The Superintendent may revoke or suspend the
29 certification of a nonpublic, nonsectarian school or agency for any
30 of the following reasons:

31 (1) Violation of an applicable state or federal rule or regulation,
32 or aiding, abetting, or permitting the violation of an applicable
33 state or federal rule or regulation.

34 (2) Falsification or intentional misrepresentation of an element
35 of the application, pupil records, or program presented for
36 certification purposes.

37 (3) Conduct in the operation or maintenance of the nonpublic,
38 nonsectarian school or agency that is harmful to the health, welfare,
39 or safety of an individual with exceptional ~~needs~~; *needs, including,*

1 *but not limited to, the use of interventions prohibited by subdivision*
2 *(d) of Section 56521.1 and subdivision (a) of Section 49005.8.*

3 (4) Failure to comply with a provision in the master contract
4 with the local educational agency.

5 (5) Failure to notify the department in writing of any of the
6 following within 45 days of the occurrence:

7 (A) Changes in credentialed, licensed, or registered staff who
8 render special education and related services, ownership,
9 management, or control of the nonpublic, nonsectarian school or
10 agency.

11 (B) Major modification or relocation of facilities.

12 (C) Significant modification of the nonpublic, nonsectarian
13 school or agency program.

14 (6) Failure to implement recommendations and compliance
15 requirements following an onsite review of the school or agency.

16 (7) Failure to provide appropriate services, supplies, equipment,
17 or facilities for a pupil as required in the pupil's individualized
18 education program.

19 (8) Failure to notify the Superintendent in writing within 10
20 days of the revocation or suspension of a license or permit,
21 including, but not limited to, a residential care license, business
22 license, or other required license or permit.

23 (9) Failure to implement a pupil's individualized education
24 program.

25 (10) Failure to notify the Superintendent in writing within 10
26 days of the death of a pupil or any other individual of unnatural
27 causes within the school or agency, including the circumstances
28 surrounding the death and appropriate preventative measures being
29 taken or recommended.

30 (b) If an investigation conducted by the department results in a
31 finding that pupil health or safety has been compromised or is in
32 danger of being compromised at a nonpublic, nonsectarian school
33 or agency, the department may immediately suspend or revoke the
34 certification of the nonpublic, nonsectarian school or agency.

35 (c) The Superintendent shall notify contracting local educational
36 agencies and the special education local plan area in which the
37 nonpublic, nonsectarian school or agency is located of the
38 determination to suspend or revoke state certification.

39 (d) If the Superintendent determines that a nonpublic,
40 nonsectarian school or agency has violated the certification

1 requirements pursuant to this section and revokes the certification,
2 the nonpublic, nonsectarian school or agency; the site administrator,
3 business, organization, or entity involved in the administration of
4 the nonpublic, nonsectarian school or agency whose certification
5 was revoked; and the site administrator, business, organization, or
6 entity whose nonpublic, nonsectarian school or agency certification
7 was revoked at any time previously, shall not be eligible to apply
8 for recertification of the school or agency for two full years from
9 the date of revocation.

10 ~~SEC. 3.~~

11 *SEC. 5.* Section 56366.12 of the Education Code is amended
12 to read:

13 56366.12. A nonpublic, nonsectarian school shall ensure private
14 and confidential communication, including telecommunication,
15 between a pupil of the nonpublic, nonsectarian school and members
16 of the pupil's individualized education program team and the
17 department's Equitable Services Ombudsman, at the pupil's
18 discretion.

19 ~~SEC. 4.~~

20 *SEC. 6.* If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.