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|------|------------------|----------------|--------------|-----------------|------------------|--------------|
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|------|------------------|----------------|--------------|-----------------|------------------|--------------|

SB-373 Special education: nonpublic, nonsectarian schools or agencies. (2025-2026)

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Senate Bill No. 373

CHAPTER 579

An act to amend Sections 49001, 56301, 56366.1, 56366.4, 56366.12, and 56836.20 of the Education Code, relating to special education.

[Approved by Governor October 10, 2025. Filed with Secretary of State October 10, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 373, 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. 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 relating to special education and related services and facilities for individuals with exceptional needs. 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, commencing with the 2026–27 school year, would require the Superintendent, before certifying a nonpublic, nonsectarian school located outside of California, to take additional actions, including, among other things, to review policies on restraint and seclusion to evaluate consistency with California laws. The bill would require, during an onsite review of a nonpublic, nonsectarian school located outside of California, the Superintendent to interview all pupils with individualized education programs to discuss progress and address any concerns respecting any limitations due to the pupils' disabilities, 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 State Department of Education, 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, for a pupil placed in a nonpublic, nonsectarian school located outside of California, an in-person interview with the pupil, in a manner consistent with the pupil's individualized education program, to evaluate the pupil's 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, for nonpublic, nonsectarian schools located outside of California, 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 located outside of California through an unmonitored telephone call in a manner consistent with the pupil's 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, for a nonpublic, nonsectarian school located outside of California, 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, if available. The bill would require a local educational agency to disclose the information received, if available, 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 explicitly require a nonpublic, nonsectarian school to ensure privacy and confidentiality of telecommunication in this circumstance and would require a nonpublic, nonsectarian school to also ensure private and confidential communication between a pupil and the department's Constituent Services Office.

(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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the California Accountability for Placements in Education Act.

SEC. 2. Section 49001 of the Education Code is amended to read:

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

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

(c) For purposes of this section, "public school" includes a school operated by a school district or a county office of education, a charter school, a nonpublic, nonsectarian school, and a state special school for the blind or the deaf.

SEC. 3. Section 56301 of the Education Code is amended to read:

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

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

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

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

(2) In accordance with Section 1412(a)(10)(A)(ii)(IV) of Title 20 of the United States Code, the cost of the child find activities in private, including religious, elementary and secondary schools, may not be considered in determining whether a local educational agency has met its obligations under the proportionate funding provisions for children enrolled in private, including religious, 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 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) 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, parents and pupils shall be given a copy of their rights and procedural safeguards 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 to the confidentiality requirements of Sections 300.610 to 300.627, inclusive, of Title 34 of the Code of Federal Regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Evidence-based interventions for reducing and replacing challenging behaviors, including de-escalation techniques.

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

(ii) For a nonpublic, nonsectarian school or agency seeking initial certification, the contracting local educational agency shall verify that the plan and timeline for training provided pursuant to 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 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.

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

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

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

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

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

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

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

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

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

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

(3) Commencing with the 2026–27 school year, the Superintendent shall also do all of the following before certifying a nonpublic, nonsectarian school located outside of California:

(A) Review assurances provided pursuant to paragraph (8) of subdivision (a) relating to behavioral interventions to evaluate consistency with California laws.

(B) Ensure that pupils have been provided a copy of their rights and procedural safeguards, as referenced in Section 300.504(a) of Title 34 of the Code of Federal Regulations, and information on how to contact the department's Constituent Services Office, upon admission to the nonpublic, nonsectarian school and that this information is accessible and require the telephone number for the department's Constituent Services Office to be prominently displayed at the nonpublic, nonsectarian school.

(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) 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 and parents of pupils enrolled in the nonpublic, nonsectarian school.

(E) Review protocols for identifying signs of abuse or neglect, both physical and psychological, for consistency with the mandated reporting requirements of Section 11165.7 of the Penal Code, ensure that all staff are trained to recognize these signs, and review any behavior emergency reports required pursuant to Section 56521.1 to ensure compliance with that section.

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

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

(B) 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. The monitoring visit shall include, but is not limited to, a review of services provided to the pupil through the individual service agreement between the local educational agency and the nonpublic, nonsectarian school, a review of progress the pupil is making toward the goals set forth in the pupil's individualized education program, a review of progress the pupil is making toward the goals set forth in the pupil's behavioral intervention plan, if applicable, an observation of the pupil during instruction, a walkthrough of the facility, and, for a pupil placed in a nonpublic, nonsectarian school located outside of California, an in-person interview with the pupil, in a manner consistent with the pupil's individualized education program, to evaluate the pupil's health and safety. The local educational agency shall report the findings resulting from the monitoring visit to the department, using the "Local Educational Agency Onsite Visit for Nonpublic School" form developed and published by the department on its internet website, within 60 calendar days of the onsite visit. On or before July 1, 2026, the department shall update the form to additionally require, for nonpublic, nonsectarian schools located outside of California, all of the following findings to be reported to the department:

(i) A summary of the local educational agency's interview of pupils to assess their perceptions of the nonpublic, nonsectarian school and the services provided, including whether pupils feel that they are treated with respect and dignity and whether nonpublic, nonsectarian school staff maintain appropriate professional boundaries. The local educational agency may also use the tool used by the Superintendent to conduct interviews or develop its own interview

tool and shall respect any limitations caused by the pupil's disability and conduct the interview in a manner consistent with the pupil's individualized education program.

(ii) Evidence of positive behavioral support, for which the local educational agency shall 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.

(iii) Evidence of screening for abuse and neglect, for which the local educational agency shall review the protocols for identifying signs of abuse or neglect, both physical and psychological, and ensure that all staff are trained to recognize these signs through a review of any behavior emergency reports required pursuant to Section 56521.1.

(C) A quarterly check-in with a pupil attending the nonpublic, nonsectarian school located outside of California through an unmonitored telephone call, in a manner consistent with the pupil's individualized education program.

(f) (1) The Superintendent shall make a determination on an application within 120 days of receipt of the application and shall certify, conditionally certify, or deny certification to the applicant. If the Superintendent fails to take one of these actions within 120 days, the applicant is automatically granted conditional certification for a period terminating on August 31 of the current school year. If certification is denied, the Superintendent shall provide reasons for the denial. The Superintendent shall not certify the nonpublic, nonsectarian school or agency for a period longer than one year.

(2) Commencing with the 2026–27 school year, for a nonpublic, nonsectarian school located outside of California, the Superintendent shall make available, upon request from a local educational agency or a special education local plan area, the following information, if available:

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

(B) A summary of the findings supporting the Superintendent's determination, including any corrective actions or areas of noncompliance identified.

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

(3) A local educational agency shall disclose the information received in paragraph (2), if available, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) (1) During an onsite review of a nonpublic, nonsectarian school located outside of California, the Superintendent shall interview all pupils with individualized education programs to discuss progress and address any concerns respecting any limitations due to the pupils' disabilities at the following times:

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

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

(C) If the nonpublic, nonsectarian school has pupil-level findings from year two.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) The entity submits an entitywide annual audit that identifies its costs and revenues, by entity, in accordance with generally 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.

(n) (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.

(o) (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 by that state shall be eligible to be certified. Commencing with the 2021–22 school year, this paragraph shall not apply to administrators.

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

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

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

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

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

SEC. 5. Section 56366.4 of the Education Code is amended to read:

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

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

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

(3) Conduct in the operation or maintenance of the nonpublic, nonsectarian school or agency that is harmful to the health, welfare, or safety of an individual with exceptional needs, including, but not limited to, the use of interventions prohibited by subdivision (d) of Section 56521.1 and subdivision (a) of Section 49005.8.

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

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

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

(B) Major modification or relocation of facilities.

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

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

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

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

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

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

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

(c) The Superintendent shall 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.

(d) If the Superintendent determines that a nonpublic, nonsectarian school or agency has violated the certification requirements pursuant to this section and revokes the certification, the nonpublic, nonsectarian school or agency; the site administrator, business, organization, or entity involved in the administration of the nonpublic, nonsectarian school or agency whose certification was revoked; and the site administrator, business, organization, or entity whose nonpublic, nonsectarian school or agency

certification was revoked at any time previously, shall not be eligible to apply for recertification of the school or agency for two full years from the date of revocation.

SEC. 6. Section 56366.12 of the Education Code is amended to read:

56366.12. A nonpublic, nonsectarian school shall ensure private and confidential communication, including telecommunication, between a pupil of the nonpublic, nonsectarian school and members of the pupil's individualized education program team and the department's Constituent Services Office, at the pupil's discretion.

SEC. 7. Section 56836.20 of the Education Code is amended to read:

56836.20. (a) The cost of master contracts with nonpublic, nonsectarian schools and agencies that a special education local plan area enters into shall not include any of the following costs that a special education local plan area may incur:

(1) Administrative or indirect costs of the special education local plan area.

(2) Direct support costs for the special education local plan area.

(3) Transportation costs provided either directly, or through a nonpublic, nonsectarian school or agency contract for use of services or equipment owned, leased, or contracted, by a special education local plan area for any pupils enrolled in nonpublic, nonsectarian schools or agencies, unless provided directly or subcontracted by that nonpublic, nonsectarian school or agency pursuant to subdivisions (a) and (b) of Section 56366.

(4) Costs for services routinely provided by the special education local plan area including the following, unless the board grants a waiver under Section 56101:

(A) School psychologist services other than those described in Sections 56324 and 56363 and included in a master contract and individual services agreement under subdivision (a) of Section 56366.

(B) School nurse services other than those described in Sections 49423.5, 56324, and 56363 and included in a master contract and individual services agreement under subdivision (a) of Section 56366.

(C) Language, speech, and hearing services other than those included in a master contract and individual services agreement under subdivision (a) of Section 56366.

(D) Modified, specialized, or adapted physical education services other than those included in a master contract and individual services agreement under subdivision (a) of Section 56366.

(E) Other services not specified by a pupil's individualized education program or funded by the state on a caseload basis.

(5) Costs for nonspecial education programs or settings, including those provided for individuals with exceptional needs between the ages of birth and five years, inclusive, pursuant to Sections 56431 and 56441.8.

(6) Costs for nonpublic, nonsectarian school or agency placements outside of the state unless the board has granted a waiver pursuant to subdivisions (e) and (f) of Section 56365.

(7) Costs for related nonpublic, nonsectarian school pupil assessments by a school psychologist or school nurse pursuant to Sections 56320 and 56324.

(8) Costs for services that the nonpublic, nonsectarian school or agency is not certified to provide.

(9) Costs for services provided by personnel who do not meet the requirements specified in subdivision (m) of Section 56366.1.

(10) Costs for services provided by public school employees.

(b) A nonpublic, nonsectarian school or agency shall not claim and is not entitled to receive reimbursement for attendance unless the site where the pupil is receiving special education or designated instruction and services is certified.

SEC. 8. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.