

Paso Robles Joint Unified School District
Board of Trustees Meeting, DATE October 12th, 2021
Approval to Submit a Specific Waiver for Non-CDE approved NPS Placement

Specific Waiver

<p>SUBJECT</p> <p>Request by Paso Robles Joint Unified School District Special Education staff to the PRJUSD Board of Education Trustees to approve the submittal of Specific Waiver to the CDE to waive California <i>Education Code</i> Section 56366.1(a), the requirement for state certification to allow an uncertified out-of-state nonpublic school, White River Academy, located in Utah, to provide services to a California student with disabilities.</p>	<p><input checked="" type="checkbox"/> Action</p> <p>Consent</p>
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The student was unilaterally placed in RTC/NPS by parent in March of 2020. The parent attained an attorney and filed a due process claim. The district settled this case and under advice of District Counsel, the district agreed to maintain the parent selected placement at White River Academy. The CDE has not certified this out-of-state nonpublic school, White River Academy, located in Delta, Utah, where the district has agreed to continue the placement of the student. The student's parent, who holds educational rights and the district continues to agree, that WRA is an appropriate placement to implement the student's individualized education program (IEP). The District requests to waive California *Education Code* Section 56366.1(a), the requirement for state certification, to continue to allow the use of California's federal special education funds for the placement of this student at White River Academy.

Authority for Waiver:

Waiver Topic: Special Education Program
 Ed Code Title: Child Specific/ NPA or NPS Certification
 Ed Code Section: 56366.1(a)
 Ed Code Authority: 56101

SUMMARY OF KEY ISSUES

In March of 2020 student was placed at WRA unilaterally by the parent without informing the school district or asking to hold an IEP to discuss concerns. Parent attained and attorney asking for reimbursement and continued placement at WRA. District settled and placement at WRA will continue. At this time the district continues to believe that WRA's therapeutic and structured environment continue to meet the unique needs of the student. This placement continues to be the district's offer of a FAPE.

In the fall of 2020, the PRJUSD board of trustees approved the approval to submit a specific waiver which was completed and accepted by the CDE with conditions. Staff has met these conditional requirements and was able to utilize federal special education funding for this

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placement. Further, staff is required to submit a new specific waiver over the course of this school year as WRA is not CDE certified.

Since placement of the student in the spring of 2020 to the present, the district has remained committed to monitoring the student, and engaging with the WRA program as well as the parent.

PRJUSD staff has also contacted the California Department of Education for actionable steps as well as consulted with our local San Luis Obispo SELPA office.

SUMMARY OF MONITORING

- PRJUSD will continue to consult with the White River Academy liaison monthly to monitor the provision of services (academic, therapeutic/behavioral), and review the student's progress via email and/or phone calls, and the review of program data. Program data will include the progress on IEP goals, school attendance, work completion rate, active participation in the therapeutic/behavioral program, and incident/safety reports.
- PRJUSD will contact the student's parent monthly to discuss treatment progress and address concerns.
- PRJUSD will schedule IEP meetings at a minimum of every four months to review program data, the student's progress, both academically and therapeutically/behaviorally, and determine any necessary changes in the student's academic and/or therapeutic/behavioral program.
- PRJUSD will work with WRA to coordinate home visits, monitor home visit behavioral contracts and offer home visit supports as needed and decided upon by the IEP team.
- PRJUSD will consult and coordinate with the San Luis Obispo Special Education Local Plan Area to review the student placement on-site at least two times while the student is attending WRA. Parent will be offered visits and the school district, in conjunction with SLO SELPA will make yearly visits to the site.

SUMMARY OF PREVIOUS PLACEMENT APPROVALS BY THE PRJUSD BOARD

- Not applicable for this case

FISCAL ANALYSIS

Current contract cost for White River Academy

- For the 2021-2022 School Year \$114,245.04
- Includes: Education, Board and Care, and Related Services

Upon approval of the Specific waiver from CDE, PRJUSD will be able to use state special education funds for placement of student at WRA. With approval, the waiver will be backdated from the time of submission (July 1, 2021).

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Prior to the Specific waiver being approved, PRJUSD will only use local funds to support the student's placement at White River Academy. This has been accounted for in collaboration with PRJUSD CBO and Director of Fiscal.

RECOMMENDATION SOUGHT

PRJUSD Staff recommends consent for approval to submit a Specific Waiver with the California Department of Education (CDE) due to White River Academy being non-CDE certified at the time of placement.

The Specific waiver is being sought for the time period of one year, July 1, 2021 through July 1, 2022. Out of State NPS schools are only able to seek CDE approval upon a California student being enrolled however this NPS is not currently in the process of seeking CDE certification.