
UNFINISHED BUSINESS

Bill No: SB 373
Author: Grove (R), et al.
Amended: 9/4/25 in Assembly
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 4/9/25
AYES: Pérez, Ochoa Bogh, Cabaldon, Choi, Cortese, Gonzalez, Laird

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/29/25
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 78-0, 9/8/25 - See last page for vote

SUBJECT: Special education: nonpublic, nonsectarian schools or agencies

SOURCE: 11:11 Media Impact

DIGEST: This bill expands state oversight of nonpublic, nonsectarian schools (NPSs) located outside of California that serve students with disabilities by strengthening certification standards, requiring local educational agencies (LEAs) to conduct in-person interviews with placed students each year to assess their health and safety, and directing the California Department of Education (CDE) to develop an interview tool for this purpose.

Assembly Amendments of 9/4/25 narrow this bill's focus to primarily strengthening oversight and transparency for out-of-state nonpublic, NPSs that serve California

students with disabilities. They push most new requirements to begin in the 2026–27 school year and clarify that several provisions—such as in-person interviews, quarterly check-ins, and health and safety evaluations—apply only to out-of-state placements. The amendments also direct the CDE to develop a new pupil interview tool, expand LEA disclosure requirements when considering out-of-state NPS placements, and reinforce the right to private and confidential communication, including by phone or video.

ANALYSIS:

Existing law:

- 1) Requires LEAs to identify, locate, and assess students with exceptional needs and to provide them with a free appropriate public education in the least restrictive environment. (Education Code (EC) § 56301)
- 2) Requires parents to be provided with a copy of their procedural safeguards annually and at specified milestones. (EC § 56301)
- 3) Permits LEAs to contract with NPSs for special education services if the school is certified by the Superintendent of Public Instruction (SPI). (EC § 56366)
- 4) Requires the SPI to conduct an onsite review before initial certification of an NPS and annually thereafter. (EC § 56366.1)
- 5) Requires LEAs to conduct at least one onsite monitoring visit per year for each NPS they contract with. (EC § 56366.1)
- 6) Requires NPSs to ensure private and confidential communication between students and members of their individualized education plan (IEP) team. (EC § 56366.12)

This bill:

- 1) Requires the CDE, commencing in the 2026-27 school year, do all of the following prior to certifying an NPS located outside of California:
 - a) Review assurances relating to behavioral interventions to evaluate consistency with California laws;
 - b) Ensure that students have been provided a copy of their rights and procedural safeguards upon admission to the NPS and are provided contact information for the CDE’s Constituent Services Office, and requires this contact information to be prominently displayed at the NPS;

- c) Review policies, procedures, and practices of the NPS 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 NPS correctly implements behavior intervention and manifestation determinations, and provide a copy of the NPS's policies on behavior intervention to parents of students enrolled in the NPS; and
 - e) Review protocols for identifying signs of abuse or neglect, both physical and psychological, for consistency with the mandated reporting requirements, to ensure that all staff are trained to recognize these signs, and review any behavior emergency reports required to ensure compliance with existing law.
- 2) Requires, for NPSs located outside of California, the SPI, to interview students with IEPs to discuss their progress and address any concerns respecting any limitations due to the student's disability at the following times:
- a) If the NPS is the subject of an investigation;
 - b) If there is a change in certification status or during the year three monitoring follow-up visit; and
 - c) The NPS has student-level findings from year two.
- 3) Requires the SPI, by July 1, 2026, to develop an interview tool to be used for interviews with students to assess their perceptions of the NPS and the services provided, discuss progress, and address any concerns. Requires the interview tool to include, at minimum, the student's perceptions of being treated with respect and dignity, and whether the staff maintain appropriate professional boundaries. Requires that this tool be made available to LEAs upon request to conduct interviews.
- 4) Requires LEAs which have placed a students at an NPS located outside of California and with which they maintain a master contract, as part of their annual onsite visit, to include an in-person interview with the student, in a manner consistent with their IEP, to evaluate their health and safety, and to report the findings using the LEA Onsite Visit for NPS form developed by the CDE.

- 5) Requires the CDE to update this form by July 1, 2026, to require that, for NPSs located outside of California, it include the following new findings:
 - a) A summary of the perception of respect for student dignity, collected during the LEA interview of students, respecting any limitations caused by the student's disability to assess their perceptions of the NPS and the services provided, including their perceptions of being treated with respect and dignity, and appropriate professional boundaries from staff at the NPS. States that the LEA may also use the tool used by the SPI to conduct interviews or develop their own interview tool;
 - b) Evidence of positive behavioral support, for which the LEA would be required to examine the use of positive behavioral reinforcement systems, including whether the NPS correctly implements behavior intervention and manifestation determinations pursuant to existing law;
 - c) Evidence of screening for abuse and neglect, for which the LEA would be required to 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; and
 - d) A quarterly check-in with a student attending the NPS through an unmonitored telephone call, in a manner consistent with the student's IEP.
- 6) Commencing with the 2026–27 school year, once the SPI has made a determination on an NPS application for a school located outside of California, requires the SPI to make available, upon request from an LEA or a Special Education Local Plan Area (SELPA), the following information, if available:
 - a) The certification status of the NPS or agency, including whether certification was granted, denied, revoked, suspended, or granted with conditions;
 - b) A summary of the findings supporting the SPI's determination, including any corrective actions or areas of noncompliance identified; and
 - c) Access to relevant documentation used to support the determination, including compliance review reports and any findings resulting from onsite monitoring visits.
- 7) Requires an LEA, with respect to this information, to:

- a) Disclose the information to the parent or guardian at the time the IEP team considers placement of the student in a NPS; and
 - b) Document in the student's IEP that the information 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.
- 8) States that this provision does not authorize the disclosure of any personally identifiable information and shall be consistent with applicable state and federal student privacy laws.
 - 9) Requires that NPSs ensure private and confidential communication between the student and the CDE's Constituent Services Office.
 - 10) Requires that the CDE's application form for certification of NPSs require assurances that they will comply with prohibitions on the use of corporal punishment and applicable law regarding the use of seclusion and restraint.
 - 11) Specifies that, among the reasons for suspension or revocation of certification of an NPS, conduct that is harmful to students includes the use of prohibited methods of seclusion and restraint.
 - 12) Clarifies that NPSs, charter schools, and the State Special Schools for the blind and deaf are prohibited from inflicting, or causing to be inflicted, corporal punishment upon a student.

Comments

- 1) *Need for this bill.* According to the author, "California has long been a leader in safeguarding our children. Yet, many vulnerable students in out-of-state placements lack the protections they need. I am dedicated to ensuring that every child in a special education program receives top-quality care and oversight. SB 373 will deliver the transparency and accountability our children deserve."
- 2) *What are NPSs?* NPSs are privately operated schools that contract with LEAs to serve public school students with disabilities whose needs cannot be met in traditional settings. Students are placed by their IEP team, remain enrolled in public school, and their tuition is publicly funded. As of 2022–23, 202 in-state and 47 out-of-state NPSs served 6,163 students. NPSs primarily serve students with autism (40%) or emotional disturbance (31%). Placement is based on individual need and governed by state-certified master contracts. Though enrollment has declined in recent years, NPSs continue to serve students with the most intensive needs.

- 3) *Strengthening Student-Centered Oversight and Building on Past Reforms.* The Legislature has acted in recent years to strengthen oversight of NPSs, most notably through AB 1172 (Frazier, Chapter 454, Statutes of 2019), which responded to a student death in an NPS by requiring LEA monitoring visits, incident reporting, and administrative credentialing. This bill would build on that framework by embedding student voice and trauma-informed care more deeply into oversight processes. It requires in-person interviews during site visits, quarterly check-ins, review of abuse and neglect indicators, and improved access to grievance systems. These changes move the oversight system beyond basic compliance to one that is more responsive to student experiences.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

- Ongoing General Fund costs of approximately \$1.1 million for the CDE to hire five additional staff to perform the additional oversight and monitoring of NPSs, along with travel and technology costs to develop an integrated data system. The CDE also cites potential for significant costs, likely in the millions of dollars, associated with potential litigation, likely occurring within the first year of the bill's enactment, related to parent rights and student safety.
- Ongoing Proposition 98 General Fund cost pressures of an unknown but potentially significant amount, likely in the hundreds of thousands to millions of dollars annually, for LEAs, collectively statewide, serving students in NPS placements to conduct the required oversight and student polling. These students, and therefore the cost associated, are not evenly distributed throughout the state; therefore, fulfilling these responsibilities will cost more small LEAs without robust staff dedicated to special education student supports.

SUPPORT: (Verified 9/8/25)

11:11 Media Impact (source)

Alameda County Office of Education

Ambika Law, PC

Disability Rights California

Educate. Advocate.

emPOWERment DRESS Perkins Foundation

Include CA

Institutional Child Abuse Prevention & Advocacy Network

Junior Leagues of California State Public Affairs Committee
Kern County Supervisor Jeff Flores
Kern Family Health Care
Kern Health Systems
Lives in the Balance
Mom Army
National Association of Social Workers California
Orange County United Way
State Council on Developmental Disabilities
The Foundation United
Unsilenced

OPPOSITION: (Verified 9/8/25)

None received

ASSEMBLY FLOOR: 78-0, 9/8/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Lee, Nguyen

Prepared by: Ian Johnson / ED. / (916) 651-4105
9/8/25 19:46:34

**** **END** ****