Nonpublic Day and Residential Placements

2016-2017

TETN OCTOBER 5, 2016
Facts about Nonpublic School Placements

A nonpublic school placement is the placement of a student by a district, at district cost, into a private setting to receive special education and related services that the district is unable to provide for the student while still providing a free appropriate public education (FAPE).

✓ Day
✓ Residential
The Agency must approve the educational program of all sites that districts choose to place students to ensure that each meet both federal and state special education program requirements.

The legal responsibility for providing appropriate education services to a student remains with the sending district.

All service providers at the nonpublic school must be appropriately certified and/or licensed.

Before entering into a contract with a facility, an ARD committee must be convened to develop an IEP for the student.

A representative of the nonpublic school must participate in the meeting.
Noneducational Community-Based Support Services

Districts should coordinate with the Local Intellectual Disability Authority, Mental Health Authority, Community Resource Group, or group of people knowledgeable about the student to determine whether noneducational support services are available that would enable the student to remain in or return to the community.

Texas Education Code §29.013
Nonpublic Facilities

- Facilities must maintain current and valid licensure by the Texas Department of Aging and Disability Services (DADS), Texas Department of Family and Protective Services (DFPS), or Department of State Health Services (DSHS) for the particular disabling condition and age of the student. 19 TAC 89.61(a)(1)

- A district may contract with a facility to provide some or all of the special education services listed in the student’s individualized education program (IEP). If contracted to provide educational services, the facility must be approved by the commissioner of education. 19 TAC 89.61(a)(2)

- Facilities which provide educational services must have their educational programs approved for contracting purposes by the commissioner of education. 19 TAC 89.61(c)

- **2016-2017 Nonpublic Schools for Students with Disabilities Approved for Contracting Purposes**

- The district shall make an initial and an annual on-site visit to verify that the facility can, and will, provide the services listed in the student’s IEP which the facility has agreed to provide. 19 TAC 89.61(a)(4)(E)
ARD Meeting

Before the district places a student in, or refers a student to, a facility, the district shall conduct an ARD committee meeting in accordance with state and federal requirements. 19 TAC 89.61(a)(4)

- Consider all options and lesser restrictive placements.
- List the services which the district is unable to provide and which the facility will provide.
- Document the appropriateness of the facility for the student
- Establish, in writing, criteria, and estimated timelines for the student’s return to the district (reintegration plan). If it is not an initial placement, the committee should review and document the student’s progress on the goals/objectives for return to the district.
- Verify/document
  - nonpublic day/residential placement is needed
  - the educational program provided at the facility is appropriate
  - the placement is the least restrictive environment
- IEP must contain specific goals/objectives addressing the services (academic, related services, behavior therapy, etc.) for which funding is requested.
Nonpublic Submission Checklist

Checklist can be accessed on the TEA Nonpublic Day and Residential Guidance webpage:

http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Programs_and_Services/Nonpublic_Day_and_Residential_Guidance/

- **Contract**
  - LEA signature and date
  - Nonpublic facility signature and date
  - List of services with cost analysis of all services provided by the residential facility *(Residential Only)*
  - Date range and number of days for student placement

- **IEP Documentation**
  - Services which the LEA is unable to provide and which the facility will provide *[19 TAC §89.61(a)(4)(B)]*
  - Reintegration plan, including criteria and estimated timelines *[19 TAC §89.61(a)(4)(C)]*
  - The appropriateness of the facility *[19 TAC §89.61(a)(4)(D)]*
  - Justification of student’s need for nonpublic placement, and the facility’s educational program is appropriate
    *[19 TAC §89.61(a)(4)(F)]*
  - Nonpublic placement is appropriate and the least restrictive placement (LRE) *[34 CFR §300.116]*
  - Lesser restrictive placements attempted prior to nonpublic placement *[19 TAC §89.61(b)(1)(D)]*
  - A representative of the facility attended the ARD meeting (in person or by phone) *[34 CFR 300.325(a)(2)]*
  - Instructional setting is documented as 50 or 60 *[Student Attendance Accounting Handbook]*
Notification and Application

Identified district contact should apply for TEASE access to the Nonpublic/High Cost Funds online application to gain access for notification and application:

http://tea.texas.gov/About_TEA/Other_Services/Secure_Applications/TEA__Secure_Applications_Information/

School districts must notify TEA of its intent to contract and of any changes within the school year with that contract with a nonpublic facility through the secure TEASE Nonpublic/High Cost Funds online application.

Once TEA receives notice and application for which funding is requested, a review of the application and subsequent funding appropriations will occur.
Timeline for the 2016-2017 Application Process

- Contracts no more than 365 days during the 2016-2017 School Year

- 2016-2017 Effective Dates of Approved Applications
  - Application is received at TEA by December 1st
    - For placements prior to December 1, 2016 for the current school year
  - Application is received at TEA after December 1st
    - Date of placement if the application is received at the TEA within 30 school days of ARD decision; or
    - Date of TEA receipt if received more than 30 school days after the ARD decision
Welcome to the Nonpublic / High Cost Funds application

Please select a type of application, or Exit from the menu above.

Based on the last approved account parameters, your access includes the following district(s):

District(s)  All
Nonpublic Day

REPORTING REQUIREMENTS
Student Attendance and Accounting Handbook: Nonpublic Day School Placements

4.7.16 Code 60 - Nonpublic Day School

This instructional setting code is used for a student who is provided special education and related services through a contractual agreement with an approved nonpublic day school. A student is placed in a nonpublic day school through the ARD committee process. This instructional setting code does not generate ADA or contact hours. A nonpublic day school student should be reported with an ADA eligibility code of 0 - Enrolled, Not in Membership.
NP Day Student Demographics

Enter County-District Number (CDN) – info populates
# Adding Student

## Student Roster

<table>
<thead>
<tr>
<th>Edit</th>
<th>Remove</th>
<th>Student Name</th>
<th>Date Of Birth</th>
<th>Placement Status</th>
<th>Application Status</th>
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</thead>
<tbody>
<tr>
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<td>✗</td>
<td>STEPHANIE AUSTIN</td>
<td>5/2/2002</td>
<td>Initial Placement</td>
<td>Pending</td>
</tr>
</tbody>
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**Unique ID**: 8155778428

**First Name**: STEPHANIE

**Last Name**: AUSTIN

**Date of Birth**: 5/2/2002

**Gender**: Male

**Original Date of Placement**: 9/12/2016

**Primary Disability**: Autism (AU)

**Secondary Disability**: Speech Impairment (SI)

**Instructional Setting**: 60-Nonpublic Day School

**Placement Status**: Initial Placement

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**MAX FILE SIZE: 30 MB**

**File Type**: Facility Contract

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[Save] [Reset] [Inactivate]
# Documents Upload

![Screenshot of Documents Upload interface]

**MAX FILE SIZE:** 30 MB

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[Funding Application]
Facility Input

Student Roster

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<th>Application Status</th>
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<td>STEPHANIE AUSTIN</td>
<td>5/2/2002</td>
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Unique ID: 8155778428
First Name: STEPHANIE
Last Name:  AUSTIN
Date of Birth: 5/2/2002
Contract Dates: From 9/12/2016 To 5/31/2017
Facility Name: Bayes Achievement Center
Address: 7517 Hwy 75 South
City: Huntsville
State: TX
Zip Code: 77340
Phone Number: 936-291-3391
Not yet approved facility

Funding Application

County District Number: 022004
Type of Fiscal Agent: SSA Member
Fiscal Agent Name: ALPINE ISD
Fiscal Agent CDN: 022901

CDN: 022004
District Name: TERLINGUA CSD
Region: 18

Student Roster

Student Name | Date Of Birth | Application Status
-------------|---------------|---------------------
Atlantic Foundation | | Not Yet Approved Facility
Autism Treatment Center, Inc.- Dallas | | |
Autism Treatment Center, Inc.- San Antonio | | |
Avondale House | | |
Bayes Achievement Center | | |
Devereux Foundation-Victoria | | |
Five Oaks Achievement Center | | |
North Fork Education Center | | |
Shiloh Treatment Center, Inc. | | |
The Texas Hill Country School | | |
Whispering Hills Achievement Center | | |

Unique ID: 
First Name: 
Last Name: 
Date of Birth: 
Contract Dates: 
Facility
Name
Address
City
State
Zip Code
Phone Number
Contract dates, assurances, and certify/submit

Contract Dates: From 9/12/2016 To 5/31/2017

Facility: Bayes Achievement Center
Name: Bayes Achievement Center
Address: 7517 Hwy 75 South
City: Huntsville
State: TX
Zip Code: 77340
Phone Number: 936-291-3391

Provision of Education Services
- Education Services are provided by the LEA, if education services are provided by the LEA in which the facility is located, and agreement for special education service must be provided
- Facility provides the education services

2. Estimate of Education Services
9 Months = 1 Full Time Equivalent (FTE)

Statement of Assurances
View

Certification
View

Save
Reset
Request TEA Return

Certify and Submit
The agency provides funds to districts for the educational costs for students with disabilities who are referred to nonpublic day schools by the district (19 TAC §89.63(e)):

For nonpublic day school placements, the school district or shared service arrangement shall submit information to the TEA indicating the students' identification numbers, initial dates of placement, and the names of the facilities with which the school district or shared service arrangement is contracting. The school district or shared service arrangement shall not count contract students' average daily attendance as eligible. The TEA shall determine the number of contract students reported in full-time equivalents and pay state funds to the district according to the formula prescribed in law.
Funding Information Source/Report (formerly SPE-106)

Funds are based on the number of full-time equivalent (FTE) students reported through the online data submission. FTEs are multiplied by an instructional weight of 1.7 as required by statute (TEC §42.151). Funds are distributed in the district’s regular Foundation School Program payments. When reporting student attendance information through the Public Education Information Management System (PEIMS) contract students cannot be counted for average daily attendance (ADA) or contact hours and should be coded as enrolled but not in membership (ADA eligibility code Ø) with an instructional setting code of 60.

*Information will be taken from the NP/HCF TEASE application in early June and submitted to School Finance for disbursement of funds.*
Nonpublic Residential

REPORTING REQUIREMENTS AND FUNDING APPLICATION
4.7.15 Code 50 – Residential Nonpublic School

This instructional setting code is used for a student who is provided special education and related services through a contractual agreement with an approved residential nonpublic school. A student is placed in a residential nonpublic school through the ARD committee process. This instructional setting code does not generate ADA or contact hours. A residential nonpublic school student should be reported with an ADA eligibility code of 0 - Enrolled, Not in Membership.
NP Residential Student Demographics

Student Demographics

County District Number: 034902
Type of Fiscal Agent: SSA Member
Fiscal Agent Name: ATLANTA ISD
Fiscal Agent CDN: 034901

CDN: 034902  District Name: AVINGER ISD  Region: 08

Student Roster
No Applications Found
Add
### Student input and documents upload

#### Student Roster

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<td>4/1/2001</td>
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#### Unique ID
- 4582635377

#### First Name
- STEPHEN

#### Last Name
- AUSTIN

#### Date of Birth
- 4/1/2001

#### Gender
- M

#### Original Date of Placement
- 9/9/2014

#### Primary Disability
- Emotional Disturbance (ED)

#### Secondary Disability
- Other Health Impairment (OHI)

#### Instructional Setting
- 50-Residential Nonpublic School Prog

#### Placement Status
- Continuing Placement

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**File Type**: Facility Contract

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**Funding Application**

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Facility input

Student Roster

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<th>Date Of Birth</th>
<th>Application Status</th>
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</thead>
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<td>STEPHEN AUSTIN</td>
<td>4/1/2001</td>
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Unique ID: 4582635377
First Name: STEPHEN
Last Name: AUSTIN
Date of Birth: 4/1/2001
Contract Dates: From 8/1/2016 To 7/31/2017

Facility Name: Avondale House
Address: 3737 O’Meara Drive
City: Houston
State: TX
Zip Code: 77025
Phone Number: 713-993-9544

Type of Authority: (select one)
- Local Intellectual Disability Authority (LIDA)
- Mental Health Authority (MHA)

1. Provision of Education Services
- Education Services are provided by the LEA, if education services are provided by the LEA in which the facility is located, and agreement for special education service must be provided
- Facility provides the education services
## Funding input

2. Estimate of Education Services

LEA ABA $5236.00 / 365 days x 365 x 1.7 = $8,901 Total Education Services

3. Related, Speech, Supplemental, and Support Services Provided

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<tr>
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<th>Remove</th>
<th>Service</th>
<th>Service Type</th>
<th>Minutes</th>
<th>Increment</th>
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<th># Sessions/Interventions</th>
<th>Unit Cost</th>
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<td>Behavior</td>
<td>Therapy</td>
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<td>$85</td>
<td>$3,060</td>
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Add Reset

Total for Related, Supplemental, and Support Services Provided $89,789

4. Residential Services Provided (Not to exceed $260.95/day)

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<th>Daily Rate</th>
<th>Total Days</th>
<th>Subtotal</th>
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<td>$260.95</td>
<td>365</td>
<td>$95,247</td>
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5. Total Cost for Residential Placement

<p>| | |</p>
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<tr>
<td>Total Estimated Education Services (Total Item 2)</td>
<td>$8,901</td>
</tr>
<tr>
<td>Total for Related, Supplemental, and Support Services Provided (Total Item 3)</td>
<td>$89,789</td>
</tr>
<tr>
<td>Total Cost for Residential Services Provided (Total Item 4)</td>
<td>$95,247</td>
</tr>
<tr>
<td>Total</td>
<td>$193,937</td>
</tr>
</tbody>
</table>
A residential application may be approved for educational purposes only.

The application shall **not** be approved if the application indicates that the:

- placement is due primarily to the student’s medical problems
- placement is due primarily to problems in the student’s home
- district does not have a plan, including timelines and criteria, for the student’s return to the local school program
- district did not attempt to implement lesser restrictive placements prior to residential placement (except in emergency situations as documented by the ARD committee)
- placement is not cost effective when compared with other alternative placements
- residential facility provides unfundable/unapprovable services

19 TAC 89.61(b)(1)
Amendments to Nonpublic Application

When do I amend?
- Change of placement
- Change of services

What do I submit?
- IEP
- Application
- Contract
- Cost Analysis

What is the timeline?
- Within 45 school days of the date of the ARD and/or prior to the application close date
**Division of IDEA Support**

Approve funding and track nonpublic day and residential placements

Review TEASE NP/HCF applications, IEPs, and other required documents

**Division of SCHOOL IMPROVEMENT**

Approval and re-approval of nonpublic school

NPDayandRes@tea.texas.gov
Federal Regulations

34 CFR §300.103 FAPE---Methods and Payments
34 CFR §300.104 Residential Placement
34 CFR §300.146 Responsibility of SEA
34 CFR §300.147 Implementation of SEA
34 CFR §300.325 Private school placements by public agencies
34 CFR §300.500 Responsibility of SEA and other public agencies
State Regulations

TEC §29.008 Contracts for services; residential placement
TEC §42.151 Special Education

19 TAC §89.61 Contracting for residential educational placements for students with disabilities
19 TAC §89.63 Instructional Arrangements and Settings
19 TAC §89.1050 The Admission, Review, and Dismissal Committee
19 TAC §89.1075 General Program Requirements and Local District Procedures
Questions from ESCs

- Can more than 3 services be added to residential funding page?
  - Yes, more can be added as needed.

- Will there still be signatures required from community support agencies?
  - Signatures will not need to be submitted. Assurances will be suffice. Any signatures attained by district will be kept on file in district.

- When can an ESC apply for viewer role in TEASE?
  - Applications can be made now, currently under the High Cost Funds title.
Questions from ESCs (cont.)

- What if a student has been in more than one facility over the past several years?
  - For now, use the most current placement and facility and include the original start date for the placement at that facility. The system will capture any changes in facilities from this year on.

- Does a Reintegration Plan need to be in the ARD?
  - A specific Reintegration Plan form is not required; however, the ARD must have documentation of established criteria and estimated timelines for the student’s return to the district.

- What if a student returns to a nonpublic placement after reintegration to the home campus?
  - If the return to campus then return to nonpublic occurs in the same school year, the information will be “amendments.”
Questions from ESCs (cont.)

- Will ESCs be able to see applications in TEASE as they are being entered or only once submitted?
  - As long as an application (or Student Demographics) has been saved and appears in the Student Roster, and a user has access to the district in which the student was entered, they will see the student in the Student Roster. They can click on the student name link or the edit button (depending on the Application Status) and they will see the student data. We don’t currently have any role restrictions in place as far as viewing data, but we do have role permissions as far as actions (buttons, etc).

- Would you outline what you expect the ESC role to be during the application process? In the past we reviewed and initialed, does not appear we will do this now?
  - In the past, the ESC review was part of a checks and balance system for information. With the online system, ESC’s can be the technical support to districts regarding processes. There are always district confused with the steps and what documentation looks like. The online system should have inherent checks and balances. ESCs are also notified by the Division of School Improvement (formerly PMI) when sending districts are involved in a nonpublic facility review.