



Nonpublic Placement Notification & Application Guidance

2023-2024



- The Non-Public Day and Non-Public Residential applications must be completed and submitted in **APEX** via the [Texas Education Agency Login \(TEAL\)](#) system (effective 2021-2022)
 - The [High Cost Funds \(HCF\)](#) application is also submitted in APEX during the HCF application window
- View the [APEX User Manual](#) for step-by-step instructions on how to apply for an APEX user account and how to complete and submit APEX applications



Non-Public Day application **required** for placements subject to 19 Texas Administrative Code (TAC) §89.1094

Off-Campus program provider includes:

- A county system operating under application of former law as provided in Texas Education Code (TEC) §11.301 (i.e., Harris County Department of Education);
- A regional education service center;
- A nonpublic day school (Instructional Setting Code 60); or
- Any other public or private entity with which a school district enters into a contract under TEC §11.157(a) for the provision of special education services in a **facility other than a school district campus operated by a school district**



Does **not** include contracting with **other LEAs** through a Shared Services Arrangement (SSA)



Non-Public Residential application required for placements subject to 19 TAC §89.1092

- Instructional Setting Code 50



Does **not** include RF: Residential Care and Treatment Facility (Not School District Resident)

- Instructional Setting Code 80's

APEX Applications Window for 2023-2024



Application Type:	Application Opens:	Application Closes:
Non-Public Day	9/1/2023	7/1/2024
Non-Public Residential	9/1/2023	7/1/2024
High Cost Funds (HCF) <i>[optional funding]</i>	3/1/2024	5/1/2024

Timeline: Required Notification of Placement



Local educational agencies (LEAs) must **notify TEA** of all placements of students with disabilities in a nonpublic or qualifying off-campus placement, as a result of an admission, review, and dismissal (ARD) committee decision, **by submitting the Nonpublic APEX application**

Initial Placements

(student placed after school year began)

Submit within 30 calendar days of the ARD committee off-campus placement decision

Summer Placements

(student placed after school year ended; APEX application window closed)

Submit within 30 calendar days from the date the Nonpublic APEX application opens for the current application year

Continuing Placements

(student was in placement during previous year and is still in placement on the first day of school)

Submit within 30 calendar days from the date the Nonpublic APEX application opens for the current application year



If Non-Public Day or Non-Public Residential applications are not submitted within **required notification timelines**, the APEX system will pro-rate the contract cost to the date of application submission versus the contract start date

- [19 Texas Administrative Code \(TAC\) §89.1094\(c\)](#)
- [19 Texas Administrative Code \(TAC\) §89.1092\(b\)](#)
- [Special Education in Nonpublic and Off-Campus Programs webpage](#)





If your APEX application is placed in **Clarify status** during TEA's review, respond to the requested action and **re-certify and submit** the application **within 30 calendar days** from the date the application was placed in Clarify status



Submit an **amendment** to the Nonpublic APEX application **within 30 calendar days** of the following events:



- **An ARD committee decision that changes the services listed in the Nonpublic APEX application**
 - LEA must upload the IEP with the revision to services
 - LEA must upload a new or amended facility contract, as applicable



- **The student returns to the home campus**



- **The student leaves the LEA**

Nonpublic APEX Application Reminders

All students entered in APEX during the **previous** year will automatically be included in the **current** year's Student Roster with a **status** of "*Not Started*". The following actions are required:

For students no longer in placement:

LEA must update the student application to reflect the student's **current** placement status (e.g., "Placed Back to Campus", "Moved from District", etc.)

For students continuing a placement:

LEA must update the placement status to "Continuing Placement", complete all required data entry, and upload all required documentation (IEP, contract, and application checklist)

For new student placements:

Manually add all other students in nonpublic placement, (e.g., "Initial Placement"), complete all required data entry, and upload all required documentation (IEP, contract, and application checklist)

Required Documentation to Upload into APEX

<u>Nonpublic Placement Notification and Application Checklist:</u>	Individualized Education Plan (IEP):	Reintegration Plan:	Facility Contract:
Include the page number(s) where the listed item is located in the IEP or contract	Submit the annual IEP which is in place at the beginning of the school year	Identify observable behaviors that necessitate the placement	Contract dates must fall between 8/1 through 7/31 of the current year
Do not include a narrative, just the page number	Submit any subsequent IEPs which change the placement status or contracted services	Identify steps taken by the LEA to meet the student's behavioral & educational needs	If contract date extends past regular school year, IEP must include summer ESY for that year
Ensure the correct checklist is completed and uploaded	Submit IEP that includes recommendation for summer ESY for the current school year, if applicable	Identify observable behaviors that must be gained by the student to reintegrate back to the LEA	Contract must be signed by both parties (LEA and Facility)
Checklist is located on the <u>Special Education in Nonpublic and Off-Campus Programs</u> webpage	Highlight the sections of the IEP that correspond with each item on the required checklist	Identify the projected date for the student's reintegration back to the LEA	Contract must include a cost analysis of all services provided by the facility (required for residential)

Contract Dates for Nonpublic APEX Applications

- All contract dates and costs entered in the APEX application must be incurred for the student between 8/1 through 7/31 of the current school year




- **Extended School Year (ESY)**: Contract dates and expenditures beyond the regular LEA school year may only be included in the APEX application if the student's Individualized Education Plan (IEP) recommends summer ESY for that school year

Non-Public Residential Application

Line 2 Estimate of Education Services:

- 
- LEA data entry for *LEA Adjusted Basic Allotment (ABA)* amount no longer required
 - *LEA ABA* amount will be auto-populated by the system

Non-Public Day and Non-Public Residential Applications:

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- Certification statement (located near the lower portion of the application with a View button) has been revised
 - Ensure the statement is read and understood prior to selecting Yes to accept the Certification and Incorporation Statement

Education Costs:

Funded with **state special education allotment** from Foundation School Program (FSP) via the LEA's **Summary of Finances (SOF)**.

Related services and residential costs:

Funded from a **combination** of fund sources identified in the **Agency Use Only table** of the **finalized** Non-Public Residential application:

- LEA's Local funds required to be used
- LEA's 25% Residential Set-Aside required to be used, if applicable
(LEA's discretion to use IDEA-B Formula funds and/or state/local funds for the Residential Set-Aside)
- IDEA-B Discretionary Residential Reimbursement award to be received, if applicable

Optional Fund Source:

A portion of the Residential Set-Aside may be funded with High Cost Funds (HCF), **if HCF eligibility criteria are met and the HCF application is submitted.**

Discretionary Residential Reimbursement Payments

Payment Request Type	Expenditure Dates	Date the Email with Link to Payment Request Form Sent to LEA	Deadline for LEA to Submit Payment Request Form to TEA	Date of Payment via Direct Deposit
Mid-Year Payment Request	8/1, or the contract start date, whichever is later, through 1/31	2/1/24	3/1/24	On or before first business day in April 2024
End-of-Year Payment Request	8/1, or the contract start date, whichever is later, through 6/30 (<i>minus amount received from Mid-Year Payment Request, if applicable</i>)	6/14/24	7/15/24	On or before 8/15/24
Final Payment Request	July expenditures	8/1/24	8/12/24	On or before 8/31/24

Education Costs:

Funded with state **special education allotment** from Foundation School Program (FSP) via the LEA's **Summary of Finances (SOF)**.

Calculation methodology for state allotment varies, based on instructional setting code.

Remaining Costs:

LEA's **discretion** to use:

- IDEA-B Formula funds
- State funds
- Local funds

Optional Fund Source:

The LEA may request High Cost Funds (HCF) for a portion of the costs, **if HCF eligibility criteria are met and the HCF application is submitted.**

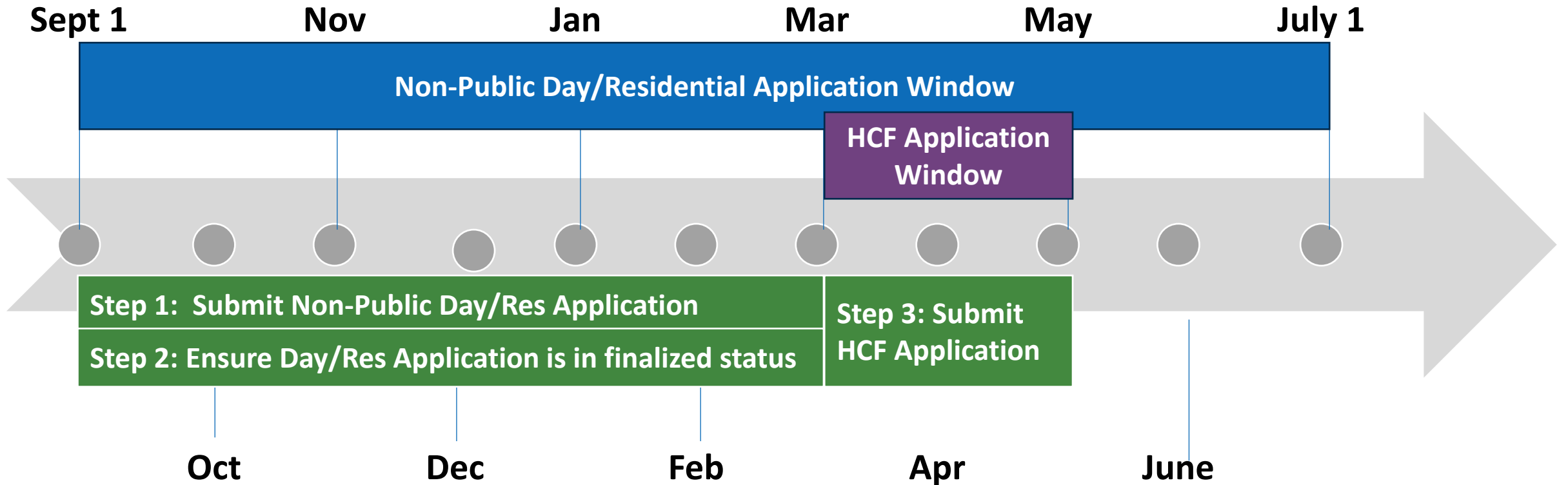
Non-Public Residential Placement Type for HCF Application:

- Data from **finalized** Non-Public Residential application **automatically ports over** into HCF application (during HCF application window)
- Residential Set-Aside amount being applied toward the specific student's costs must equal or exceed the HCF Qualifying Cost Amount
- HCF application must be submitted by the HCF application deadline

Off-Campus/Non-Public Day School Placement Type for HCF Application:

- Data from **finalized** Non-Public Day application **automatically ports over** into HCF application (during HCF application window)
- Qualifying contract cost must equal or exceed the HCF Qualifying Cost Amount (*LEA may manually add additional costs into the HCF application to meet the HCF Qualifying Cost Amount if costs are identified in the IEP and are an allowable type of cost for HCF*)
- HCF application must be submitted by the HCF application deadline

HCF Application Timeline for Day and Residential Apps



 **LEA must follow steps 1-3 to ensure HCF application deadline is met**

Prohibited Aversives

LEA must ensure the placement facility has knowledge of and adheres to the requirements outlined in TEC §37.0023 Prohibited Aversive Techniques (including the use of prone and supine restraints, mechanical restraints, and chemical restraints)





Restraint Reporting

For the 2021-2022 school year and after, *Nonpublic Restraint Reporting* will be captured and reported with the LEA's regular Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) reporting period for restraint data

TEA no longer identifies specific areas of disability and age/grade ranges of approval for nonpublic schools or off-campus programs



LEA Responsibilities:

Verifying Appropriateness of Placement

Determine the appropriateness of the facility for each student considered for placement based on individual areas of need


Verifying Staff Certification and Licensure

Verify that facility personnel implementing each student's IEP meet Texas certification and licensure standards

Ensuring Staff Certification is Established & Maintained

If a facility teacher does not hold certification in the content areas and grade level applicable to the student, the LEA must document whether the teacher meets alternate [HOUSSE criteria](#) as outlined by TEA state educator standards

Required Checklists to be completed by LEA

Checklist	Submittal Information	Upload into APEX application?
LEA Assurance Checklist for Contracting with Nonpublic Schools/Off-Campus Programs and Record of Annual Visits	<ul style="list-style-type: none"> • LEA must complete during initial placement and annually thereafter; maintain locally; make available to TEA during monitoring activities and upon request • If LEA intends to place a student in a facility not currently approved by the TEA, notify TEA via email and submit this document 	No
Teacher Certification Verification Worksheet <div data-bbox="53 876 193 982" style="float: left; margin-right: 10px;">  </div> <div data-bbox="206 872 756 982" style="background-color: #e67e22; color: white; padding: 5px; border-radius: 10px; display: inline-block;"> New Requirement effective 2023-2024! </div>	<ul style="list-style-type: none"> • LEA must complete during initial placement and annually thereafter; maintain locally; make available to TEA during monitoring activities and upon request • If LEA intends to place a student in a facility not currently approved by the TEA, notify TEA via email and submit this document 	No
LEA Student Folder Review for Nonpublic and Off-Campus Program Monitoring	<ul style="list-style-type: none"> • LEA must complete during initial placement and annually thereafter; maintain locally; make available to TEA during monitoring activities and upon request 	No
Nonpublic Placement Notification and Application Checklist	<ul style="list-style-type: none"> • LEA must upload into Non-Public Day and/or Non-Public Residential APEX application 	Yes

The following resources are located on the [Special Education in Nonpublic and Off-Campus Programs](#) webpage:

- Nonpublic School/Off-Campus Program Guidance
- Reintegration Planning Guidance
- Recommended Reintegration Plan
- TEA Nonpublic Day and Residential Schools and Off-Campus Programs Approved for Contracting Purposes
- Required Checklists
- APEX User Manual
- Funding Explanations for Nonpublic Day | Nonpublic Residential
- Residential Reimbursement Program Guidelines

Contact Information



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[Special Education in
Nonpublic and Off-Campus
Programs webpage](#)