

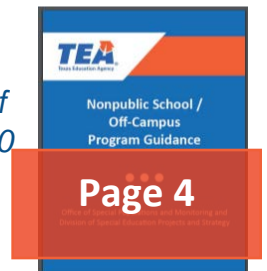
In this issue - Frequently Asked Questions:

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- 89.1094 and 18+ Programs
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20-21 Highlighted Updates and Guidance Documents:

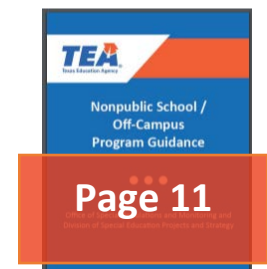
- Updates to Nonpublic-Off-Campus notification requirements

- ❖ *All notification requirements are now required within 30 calendar days of nonpublic/off-campus placements. This is a change from the previous 60 calendar days allotted from the open of the nonpublic application. For additional information see pg.4 of the [program guidance](#).*



- Updates to funding Nonpublic/Off-Campus eligibility requirements

- ❖ *In order to be considered in compliance for the use of state and federal funds, the Local Education Agency (LEA) is required to meet all TEA nonpublic/off-campus placement notifications requirements. LEAs who do not meet notification requirements will be considered for partial funding. For additional information see pg. 11 of [program guidance](#).*



Beginning of the School Year Notification Responsibilities:

- My LEA has a student continuing placement in a nonpublic school for the 20-21 school year. I submitted my 19-20 application last school year. If the student is remaining in the nonpublic school, and nothing has changed, is there anything I need to do for the 20-21 year?
 - ❖ Yes. Any student enrolled in a nonpublic school or off-campus program as defined by [TAC §89.1094](#) or [TAC §89.61](#) needs to be entered into the [TEAL Nonpublic application](#) every academic year. Additional information regarding nonpublic/off-campus notification and application requirements can be found in [program guidance](#).

Nonpublic/Off-Campus and High-Cost Fund Application Open and Close Dates:

- When do the day, residential and high cost funds applications open and close?

Nonpublic Residential:	Opens 9/1/2020	Closes 7/1/2021
Nonpublic Day:	Opens 9/1/2020	Closes 6/8/2021
High Cost Funds:	Opens 3/1/2021	Closes 5/1/2021

Extended School Year Services (ESY):

- If a Nonpublic/Off-Campus day or residential facility operates on a year-round calendar, does the Admission, Review, and Dismissal (ARD) committee need to determine Extended School Year (ESY) services?
 - ❖ Yes. Any special education services that are provided beyond the regular LEA school year are considered ESY services and must be determined on an individual basis by the admission, review, and dismissal (ARD) committee. The TEA Special Education website has additional information about [ESY services](#).

TEAL Nonpublic/Off-Campus and High Cost Fund Application Directions:

- **Where can I find information on how to submit a day, residential, or high cost fund application?**
 - ❖ *Directions for submitting day and residential applications can be located on [TEA's nonpublic notification and application webpage](#). Directions for submitting a High Cost Fund application can be located on [TEA's High Cost Fund webpage](#). Instructional videos coming soon! For additional assistance email the Nonpublic team at NPDdayandRes@tea.texas.gov.*
- **If I want to submit a high cost fund application for a day or residential placement, what steps do I need to take?**
 - ❖ In order to submit a high cost fund application for day or residential placement, you must first submit your day or residential application, within required timelines, to the TEAL Nonpublic Application for review (see day and residential applications highlighted below). If a day or residential application is not first entered into the nonpublic portion of the application and approved by TEA administrators, the LEA will be unable to enter a high cost fund applications for In-District placements. LEAs can manually enter In-District placement into the high cost fund application. This is not permitted for day or residential applications.

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Nonpublic / High Cost Funds

Home HCF **NPRes** **NPDay**

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)

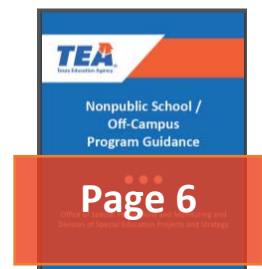
If account parameters are incorrect, or error messages are displayed, please select Exit from the menu above and return to TEAL

Reintegration Planning:

- **When should my LEA start reintegration planning for a student placed in a nonpublic or off-campus program - the contracted facility stated they would create a plan after the student enrolls. Is that okay?**
 - ❖ *No. When the admission, review, and dismissal (ARD) committee determines that a nonpublic or off-campus placement is necessary in order for a student to receive a free appropriate public education, the ARD committee must establish, in writing, and document in the student's IEP the individualized criteria and estimated timelines for the student's return to the LEA.*

Contracting with Facilities Not Yet Approved:

- **My LEA is interested in contracting with a facility that is not on the approved list. What steps does my LEA need to take?**
 - ❖ *The TEA has developed guidelines for LEAs to follow when contracting with a facility that is not on the approved list of nonpublic providers and programs. You can review those guidelines in [program guidance](#).*



State and Federal Funding:

- **Are LEAs required to follow general procurement standards when contracting with nonpublic facilities?**
 - ❖ *Yes. According to the Education Department General Administrative Regulations ([EDGAR](#)), grant recipients who use federal grant funds to procure property and services must follow general procurement standards ([2 CFR 200.318](#)).*

- **What should my LEA do if we are utilizing a non-competitive procurement (sole-source) process?**
 - ❖ *When utilizing a non-competitive procurement process, the LEA must document one of the four allowable uses of noncompetitive procurements listed in EDGAR under 2 CFR 200.320. Ensure you have maintained the proper documentation for the allowable procurement you selected. If you choose to submit a prior approval request to TEA to approve a noncompetitive procurement, ensure you use the correct form for either sole-source or non-sole source noncompetitive procurements. For additional information contact the grants division at grants@tea.texas.gov.*

- **What happens if my LEA does not meet Texas Education Agency (TEA) nonpublic/off-campus notification requirements? Will I still be eligible for full federal and state funding?**
 - ❖ *Failure to meet notification timelines may impact state and federal funding allocations. In order to be considered in compliance for the use of state and federal funds, the LEA is required to meet the following TEA notification requirements:*
 - *If the student was placed in a nonpublic facility or off-campus program after the school year began, within 30 calendar days of the ARD committee off-campus placement decision.*
 - *If the student was placed in a nonpublic placement or off-campus program after the school year ended, within 30 calendar days from the date the Nonpublic Placement Notification and Application opens.*
 - *If the student is in a continuing placement, within 30 calendar days from the date the Nonpublic Placement Notification and Application opens.*

The process for notification is made through the Nonpublic Placement Notification and Application in [Texas Education Agency Login \(TEAL\)](#). LEAs who do not meet notification requirements will be considered for partial funding based on the date of application submission to the TEA.

TAC §89.1094 and 18+ Programs:

- **Are all 18+ Off-Campus Programs subject to §89.1094?**
 - ❖ No. Partnerships with a postsecondary institution or community-based 18+ services that provide natural community settings and/or experiential vocational opportunities are generally not be subject to 89.1094. In these scenarios, the LEA frequently remains

responsible for the primary components of instruction or job training. These partnerships are generally not fee based and are typically not subject to 89.1094.

Nonpublic Day and Off-Campus Day:

▪ **What is the difference between a Nonpublic Day setting and an Off-Campus Day setting?**

- ❖ An **off-campus day program** is a private school that provides special education and related services provided during school hours by someone other than school district personnel in a facility other than an LEA campus. [TAC §89.1094](#) defines a nonpublic day school as a *type* of Off-Campus program.

An off-campus program provider includes:

- a county system operating under application of former law as provided in Texas Education Code (TEC), §11.301;
- a regional education service center established under TEC, Chapter 8;
- a **nonpublic day school**;
- 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.