



Nonpublic Placement Notification & APEX Application Guidance

2024–2025



- The Nonpublic Day and Nonpublic Residential applications must be completed and submitted in **APEX** via the [Texas Education Agency Login \(TEAL\)](#) system.
 - The High Cost Funds (HCF) application is also submitted in APEX during the **spring** 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.

APEX Applications Window for 2024–2025



Application Type	Application Opens	Application Closes
Nonpublic Day <i>[required submission]</i>	9/3/2024	7/1/2025
Nonpublic Residential <i>[required submission]</i>	9/3/2024	7/1/2025
High Cost Funds (HCF) <i>[potential optional funding]</i>	3/3/2025	5/5/2025

Required Application: Nonpublic Day



19 TAC
§89.1094
was
amended
effective
8/22/24

Nonpublic Day application **required** for placements subject to 19 Texas Administrative Code (TAC) §89.1094 (amended effective August 22, 2024)

Nonpublic or non-district operated day 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 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 not operated by a school district****.

*School district definition in Rule §89.1094 includes independent school districts and open-enrollment charter schools.



Nonpublic Residential application **required** for placements subject to 19 TAC §89.1092

- Instructional Setting Code 50



Nonpublic Residential application is *not applicable to 'RF': Residential Care and Treatment Facility (Not School District Resident)*

- Instructional Setting Code 80's
- Student **not** placed at the facility by an ARD committee decision

Timeline: Required Notification of Placement



Local educational agencies (LEAs) must **notify TEA** of all placements of students with disabilities in nonpublic/non-district operated day or residential programs, 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 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 new application year.

Continuing Placements

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

Submit annually within 30 calendar days from the date the Nonpublic APEX application opens for the new application year.



If Nonpublic Day or Nonpublic 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.

30 Calendar Days Notification Requirement:

- [19 Texas Administrative Code \(TAC\) §89.1094\(c\)](#)
- [19 Texas Administrative Code \(TAC\) §89.1092\(c\)](#)





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 local school program.**

Applicable to both Nonpublic Day and Nonpublic Residential applications



Submit an **amendment** to the Nonpublic **Day APEX** application **within 10 calendar days** of the following event:



- **The Nonpublic/Non-District Operated Day program student changes residence to another LEA during the school year.**

[19 TAC §89.1094\(e\)\(3\)](#)

Not applicable to Nonpublic Residential program student who changes residence to another LEA during the school year because the LEA that negotiated the contract shall be responsible for the residential contract for the remainder of the school year. [19 TAC §89.1092\(b\)\(5\)](#)

Nonpublic APEX Application New Feature

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



For students no longer in placement

New feature: LEA should select the 'Delete' button to remove the student from the roster and select the reason (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 Program (IEP)	Reintegration Plan	Facility Contract
<p>Include the page number(s) where the listed item is located in the IEP or contract.</p>	<p>Submit the annual IEP which is in place at the beginning of the school year.</p>	<p>Identify observable behaviors that necessitate the placement.</p>	<p>Contract dates must fall between 8/1 through 7/31 of the current year.</p>
<p>Do not include a narrative, just the page number.</p>	<p>Submit any subsequent IEPs which change the placement status or contracted services.</p>	<p>Identify steps taken by the LEA to meet the student’s behavioral & educational needs.</p>	<p>If contract date extends past regular school year, IEP must include summer ESY for that year.</p>
<p>Ensure the correct checklist is completed and uploaded.</p>	<p>Submit the IEP that includes recommendation for summer Extended School Year (ESY) for the current school year, if submitting costs through 7/31.</p>	<p>Identify observable behaviors that must be gained by the student to return to the local school program.</p>	<p>Contract must be signed by both parties (LEA and Facility).</p>
<p>Checklist is located on the Special Education in Nonpublic Programs webpage (APEX Application in TEAL section).</p>	<p>Highlight the sections of the IEP that correspond with each item on the required checklist.</p>	<p>Identify the projected date for the student’s return to the local school program.</p>	<p>Contract must include a cost analysis of all services provided by the facility (required for residential).</p>

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 **through July 31** may only be included in the APEX application if the student's individualized education program (IEP) recommends summer ESY for that timeframe.

Education Costs:

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

Remaining Costs:

LEA's **discretion** to use:

- IDEA-B funds
- State funds
- Local funds

Optional Fund Source:

A portion of the costs may be funded with optional High Cost Funds (HCF) ***if criteria are met.***

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** Nonpublic 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 optional High Cost Funds (HCF) ***if criteria are met.***

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	8/1/24, or the contract start date, whichever date is later, through 1/31/25	2/3/25	3/3/25	On or before 4/1/25
End-of-Year Payment Request	8/1/24, or the contract start date, whichever date is later, through 6/30/25 (<i>minus amount received from Mid-Year Payment Request, if applicable</i>)	6/16/25	7/15/25	On or before 8/22/25
Final Payment Request	July 2025 expenditures	8/1/25	8/13/25	On or before 8/31/25

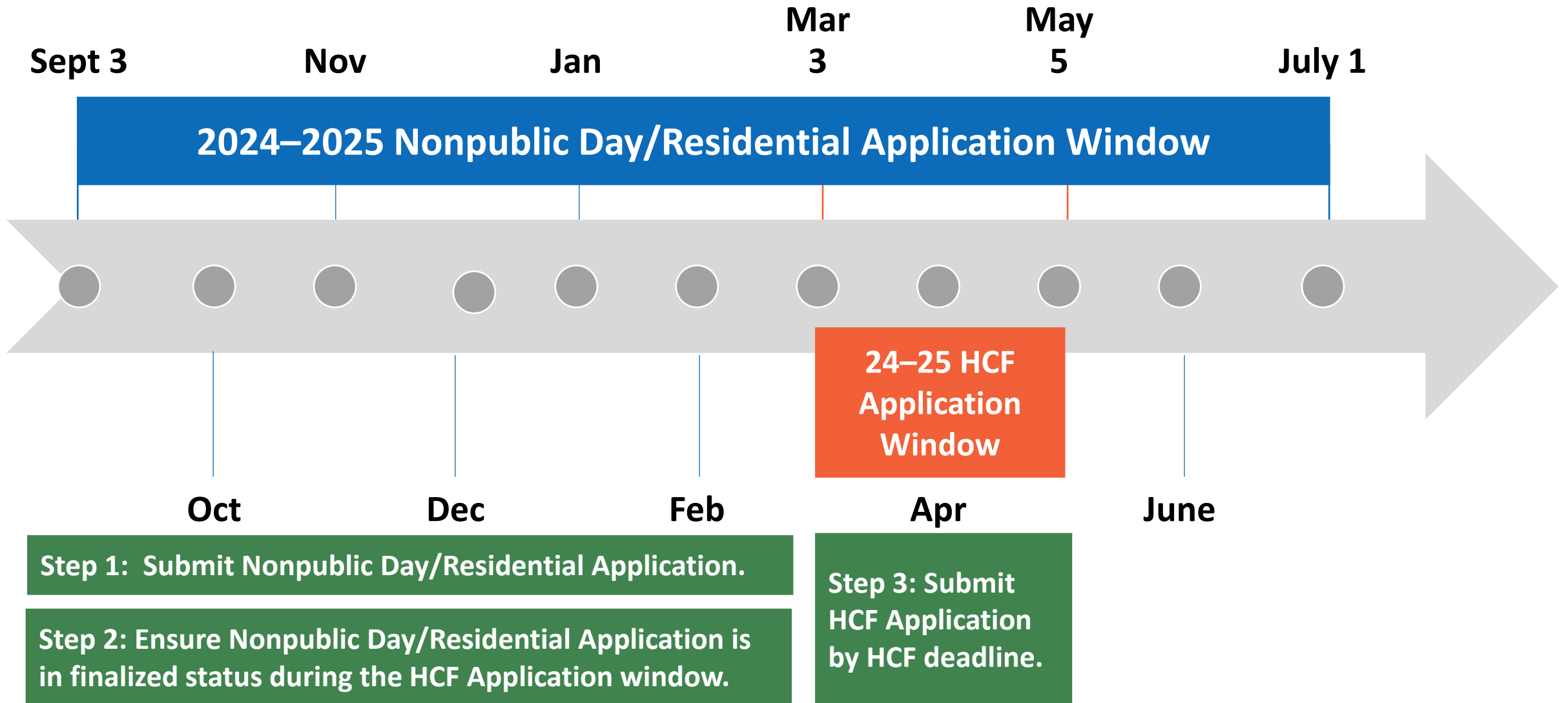
Nonpublic Day Placement Type for HCF Application

- Data from **finalized** Nonpublic 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 qualifying cost amount **if the costs:** are not already included in the contract cost; are identified in the IEP; and are an allowable type of cost for HCF.*
- HCF application must be submitted by the HCF application deadline.

Nonpublic Residential Placement Type for HCF Application

- Data from **finalized** Nonpublic 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.

HCF Application Timeline for Day and Residential Apps



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

Effective with the 2021–2022 school year, *Nonpublic Restraint Reporting* will be reported as part of the LEA’s summer Public Education Information Management System (PEIMS) submission.

TEA no longer identifies specific areas of disability and age/grade ranges of approval for nonpublic programs

LEA Responsibilities:

Verify Appropriateness of Placement

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


Verify Staff Certification and Licensure

- Verify that facility personnel implementing each student's IEP meet Texas certification and licensure standards.
- Complete the [Nonpublic Teacher Certification Verification Worksheet](#).

Ensure 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 Program Checklists to be completed by LEA

Checklist	Submittal Information	Upload into APEX Application?
LEA Assurance Checklist for Contracting with Nonpublic Schools 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  New Requirement effective 2023-2024!	<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 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 complete and upload into Nonpublic Day and/or Nonpublic Residential APEX application.	Yes

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

- [APEX User Manual](#)
- **Checklists Required for Program Purposes:** [LEA Assurance Checklist for Contracting with Nonpublic Schools and Record of Annual Visits](#); [LEA Student Folder Review for Nonpublic Program Monitoring](#); [Nonpublic Teacher Certification Verification Worksheet](#)
- **Checklist Required to Upload into APEX Application:** [Nonpublic Placement Notification and Application Checklist](#)
- Funding Explanations for [Nonpublic Day](#) | [Nonpublic Residential](#)
- [Nonpublic Program Guidance](#)
- [Recommended Reintegration Plan \(template\)](#)
- [Reintegration Planning Guidance](#)
- [Residential Reimbursement Program Guidelines](#)
- [TEA Nonpublic Day and Residential Schools Approved for Contracting Purposes](#)

Contact Information



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[Special Education in
Nonpublic Programs webpage](#)