



Noteworthy Nonpublic Hot Topics

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Overview

This presentation will cover a variety of “hot topics” that the ISBE nonpublic team has encountered over the last year. The goal is that attendees will leave the presentation with a better understanding of common topics and situations related to nonpublic special education programs and how to best navigate them.

Topics

FAPE

ALL Means ALL

19-83
Contracts

Rates

Billing

Fees

Enrollment
Information

RTO Data

Related
Services

Student
Records

Residential
Placements

Termination of
Placement

Request for
Review vs. State
Complaint

FAPE -- As Related to Special Education

Free -- At no cost to the parent/guardian.

Appropriate -- An Individualized Education Program (IEP) outlines what is appropriate for a student.


Public -- All students have the same rights as peers.

Education -- Guarantees students with disabilities receive services.


Providing **FAPE** is the responsibility of the placing public school district.

ALL Means ALL

Placing districts must verify that placements are approved in ALL disability categories.



Public school districts must place students in programs that are approved to serve ALL of the student's disability categories (primary, secondary, tertiary disabilities).



Nonpublic programs should not accept students into their program when they are not approved to serve one or more of the student's disability categories (most often, secondary disabilities).

19-83 Contracts

Placing public school district is responsible for initiating the contract process.

The contract is to be signed by both the district and nonpublic facility.

New contracts need to be filled out **each year** -- even if the new rate has not been established yet.



Note: Previous year's rates should be used until new rates are set.

19-83 Contracts

Intensive tuition rate should only be billed when a student is required to have 1:1 aide per an IEP and he/she is being provided the support.

Amended contract is required for termination of placement/discharge from residential placement.

Contract dates are for fiscal year, not calendar year.



19-83 Contracts

Nonpublic provider is responsible for ensuring an up-to-date, signed contract is placed in each student's file.

If it is determined by an IEP team that a student requires a shortened day, the rate should be prorated on the 19-83 contract.




Any rate adjustments due to adding/removing 1:1 aide, percentage of time at the nonpublic program, etc., require an updated contract.



19-83 Contracts

School Year: 2023-2024 ✕ Program Code: 9298 ✕ Facilities: Available Facilities ✕

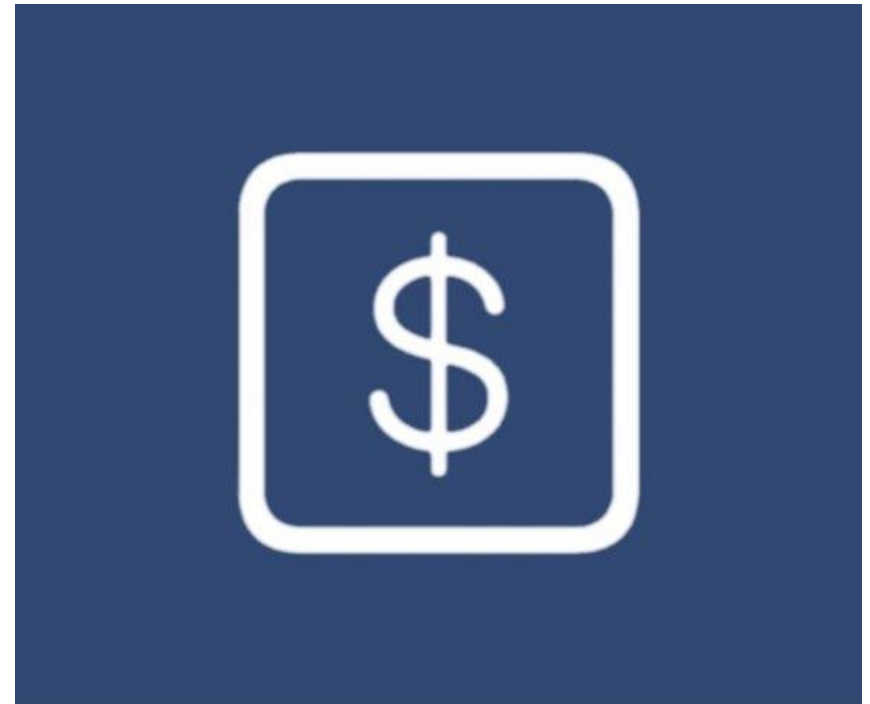
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	Id	Name ↓↑
  	9298	Chaddock-Integrated Attachment

- The private facility code(s) should be supplied by the private facility. Using an incorrect code could result in overage/shortage issues with your claims.
- There may have one or two codes to use for residential placements.
- Each unique code is 4-5 digits and has a rate attached to it.
- If the facility is unaware of its code, you can use the rate you are charged to help you find the correct code on Private Facilities Search.

Rates

- If the rate for the current school year has not yet been set, the rate from the previous year carries over and should be used on new 19-83 contracts.
- Students may not be placed in a new nonpublic facility until rates have been set by the Illinois Purchased Care Review Board (IPCRB) **AND** the program has received its final approval letter.



Billing FAQs



When a nonpublic facility can bill for days & when it cannot.



Regular student absence: CAN bill.



Extended absences due to hospitalization/student exhibits chronic absenteeism : CANNOT bill.



School closure with no E-learning offered: CANNOT bill.



Parent teacher conferences: CAN bill.

Fee-Related Information

No extra fees may be charged that are not part of nonpublic facilities daily rate. Community outings and activities that are part of student programming are not allowed.

All programmatic fees must be built into the daily rate. Allowable examples include purchasing school pictures and other activities that are considered optional and not part of programming.

Related services also must be part of the daily rate. It is not permissible to bill separately for these or any services.

Enrollment Information



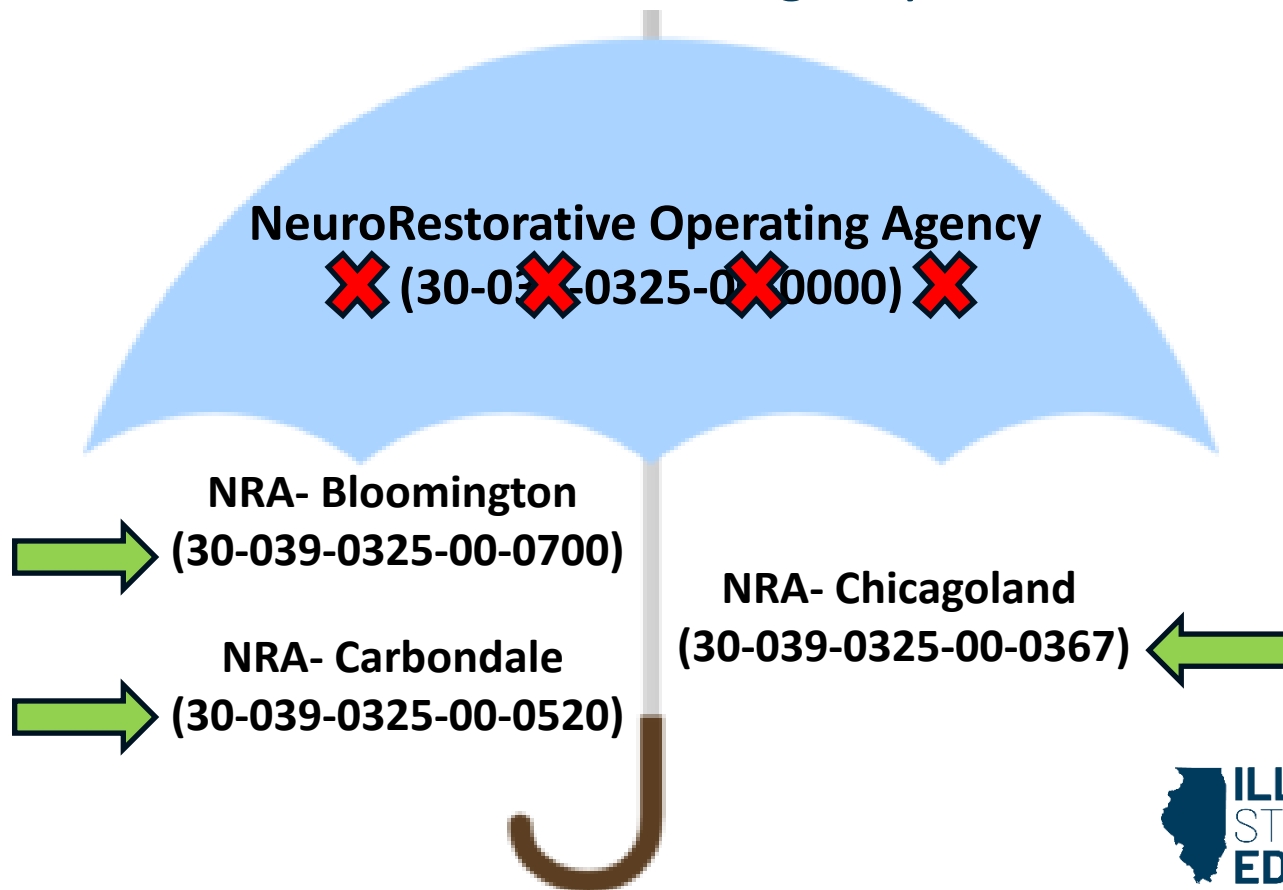
It is important for the placing public school district to be responsible for keeping accurate and up-to-date enrollment in I-Star and the Student Information System (SIS).



The nonpublic facility keeps daily attendance and submits these records to the district by the 15th of the month.

RTO Data

Be sure to utilize the program-level RCDTS code when submitting RTO data in SIS -- NOT the agency-level code.



RTO Data



- No later than two school days after any incident of RTO, the nonpublic provider must report the event to ISBE.
- It is the nonpublic provider's responsibility to enter RTO data into SIS.
- The nonpublic provider should also report any incidents of RTO to the placing public school district.

Related Services

- All related services must be provided as written in the IEP.
- Options for providing services:
 - Utilizing internal providers employed by the nonpublic facility.
 - Contracting with third-party providers for services.
 - Contracting with placing public school district to provide services. However, this cannot be the only option for service delivery that a nonpublic program utilizes.

Responsibility of Student Records

Public School District

- 19-83 contract
- A student's main file and all attendance records from nonpublic facility
- All records become the district's property when discharge from any/all facilities occurs

Nonpublic Facility

- 19-83 contract
- Classroom records:
 - IEP/BIP/evaluations
 - Progress monitoring
 - Student file
 - Related service logs
- All student records are the property of the public school district and must be returned upon discharge

Residential Placements

A 19-83 contract should be initiated by the placing school district upon acceptance of the affected student. Codes should be supplied by the serving program; these will be needed for Form 34-37.

At least page 1 of Form 34-37/Form 34-43 must be received on or before the first date of placement for full reimbursement. ISBE will not retroactively approve reimbursement for room and board.

Form 34-37 and Form 34-43 are only used in circumstances where the IEP team has recommended residential placement.

ISBE-approved residential facilities must be approved for all of the disability categories for the affected student. Reimbursement will not be approved otherwise.

There is no ISBE contract for a non-ISBE-approved residential facility. For more information, please consult the **newly released** Residential Guidance document.



More
questions?
Reach out to
Amanda Clay or
Laura Fowler!

Termination of Student Placement

Requirements

- Provide written notice to the placing public school district at least 20 business days prior to the date of termination UNLESS the health and safety of any student are endangered.
- The written notice shall include the reasons for the termination.
- Placing public school district is responsible for ensuring student continues to receive services while seeking a new placement.



Termination of Student Placement

Requirements

New as of July 1, 2023

- Provider must request an IEP meeting from the contracting school district prior to termination.
- Provider must send a copy of written termination notice to parent or guardian and ISBE.
- The written notice shall include the reasons for the termination AND any actions taken to address the reason for the termination.



Request for Review vs. State Complaint

	Request for Review	State Complaint
Purpose	Utilized when there is a concern that a nonpublic special education provider has not followed 23 IAC Part 401.	Utilized when there is a concern that a public agency has not followed special education rules and regulations.
Issues addressed	Alleged violations of 23 IAC Part 401.	Alleged violations of state/federal special education requirements.
Who can submit?	Any person or organization may submit a written complaint to ISBE.	Any person or organization may submit a written complaint to ISBE.

Request for Review vs. State Complaint

	Request for Review	State Complaint
Requirements	<ul style="list-style-type: none">• Be connected to student health or safety issues pursuant to the regulatory requirements of 23 IAC Part 401.• Be connected to non-health or non-safety issues pursuant to the regulatory requirements of 23 IAC Part 401.• Be submitted by means of a signed Nonpublic Special Education Facility Request for Review Form.	<ul style="list-style-type: none">• Be connected to alleged violations of state and/or federal special education requirements.• Be submitted by means of a signed, written letter alleging that the school district violated one or more of the special education laws or rules/regulations, including the facts on which the allegations are based.

Request for Review vs. State Complaint

	Request for Review	State Complaint
Exclusions	<ul style="list-style-type: none">• Inquiries that seek advice or clarification regarding parental rights.• Anonymous correspondence.• Allegations that are not violations under 23 IAC Part 401.	<ul style="list-style-type: none">• Allegations that the person refuses to put in writing or sign.• Inquiries that seek advice and clarification regarding parental rights.• Anonymous correspondence.• Courtesy copies of correspondence directed to another entity.• Allegations that are not violations of the special education rules and regulations (i.e. personnel issues, Section 504 issues, harassment, etc.).

Request for Review vs. State Complaint

	Request for Review	State Complaint
Statute of Limitations	Alleged violation must have occurred within one year of filing.	Alleged violation must have occurred within one year of filing.
Timeline for Completion	None.	60 calendar days.
How to File	Nonpublic Special Education Facility Request for Review Form	Request for State Special Education Complaint

Contact Information



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General Special Education Inquiries: isbespeced@isbe.net, 217-782-5589

Important Links

[ISBE Nonpublic Special Education Webpage](#)

[23 IAC Part 401](#)

[23 IAC Part 226](#)

[23 IAC Section 1.285](#)

[Nonpublic Special Education Request for Review](#)

[State Special Education Complaint](#)

[Private Facilities Search](#)

Questions?



Quiz Time!

Who is responsible for providing FAPE?

The placing public school district is responsible.

Quiz Time!

True or False: A nonpublic special education program only needs to be approved to serve a student's primary disability.

False! Programs must be approved for
ALL disability categories.

Quiz Time!

True or False: New contracts must be filled out each year, even if the new rate has not been established yet.

True! The previous year's rate should be used until new rates are established.

Quiz Time!

What two things must occur before a new nonpublic special education provider can begin to accept students into its program?

1. Rates must be set by the IPCRB.
 2. The program must receive its final approval letter.
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Quiz Time!

Should RTO data be entered under the agency-level RCDTS code or the program-level RCDTS code?

Enter it under the program-level RCDTS code.

Quiz Time!

Who is responsible for entering RTO data into SIS?

The nonpublic program is responsible.

Quiz Time!

When terminating a student's placement, who must receive a copy of the termination notice?

1. Parent/Guardian
2. Placing Public School District
3. ISBE

Quiz Time!

A parent is concerned that their child has not received FAPE and would like to file a complaint. Should they file a nonpublic request for review or a state complaint?

They should file a state complaint.

Thank you