

**RESOLUTION AUTHORIZING PAYMENT FOR SPECIAL EDUCATION SERVICES TO VARIOUS
NON-PARTNER, NON-PUBLIC FACILITIES FOR STUDENTS WITH DISABILITIES
PLACED BY CHICAGO PUBLIC SCHOOLS**

WHEREAS, the Individuals with Disabilities Education Act (IDEA) requires CPS to provide a continuum of special education services, which includes separate special education facilities or residential settings, for CPS students with disabilities (20 U.S. §1412(a)(5); 34 CFR §300.115);

WHEREAS, pursuant to IDEA and state regulations, the first placement option for a student with disabilities is in a general education classroom and removal to a separate class, separate school or other removal from the general education environment occurs only if the nature or severity of the disability is such that education in the general education classroom with the use of supplementary aids and services cannot be achieved satisfactorily (20 U.S. §1412(a)(5); 34 C.F.R. §300.114);

WHEREAS, the Illinois School Code requires CPS to fund the special education and related services provided to CPS students at such non-public separate facilities (105 ILSC 5/14-7.01, 105 ILSC 5/14-7.02 and 105 ILSC 5/14-7.03);

WHEREAS, when a student's Individualized Education Program (IEP) requires placement in separate facility or residential setting, Chicago Public Schools (CPS) Office of Special Education and Supports (OSES) prioritizes placement at a non-public facility that can implement the student's IEP and is part of the CPS Non-Public Partners RFP (Board Report 12-0627-PR10, as may be amended);

WHEREAS, OSES may have to place students with disabilities in a non-public facility or a residential setting, which is not part of the CPS Non-Public Partners (NPP) RFP process (a "non-partner facility") because no NPP facility can implement the students' IEPs;

WHEREAS, tuition rates for placements in a non-partner facility are established by the Illinois Purchase Care Review Board in accordance with 105 ILSC 5/14-7.02 and 105 ILSC 5/14-7.03;

WHEREAS, residential costs for mandated placements in a residential non-partner facility are based on rates established by the Illinois Purchase Care Review Board which the District pays but is reimbursed by ISBE; and

WHEREAS, the Board wishes to authorize payments to various non-partner facilities for the provision of special education and related services to eligible CPS students with disabilities as a result of their placement by CPS.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CITY OF CHICAGO THAT:

1. The Officer of Special Education and Supports, or his or her designee, shall ensure that the NPP facilities are identified for placements whenever possible. If placement at a non-partner facility is needed because no NPP facility can implement a student's IEPs, the Officer of Special Education and Supports may authorize the placement subject to the documentation requirements established by the Chief Education Officer and the Chief Administrative Officer, or their designees.
2. After approval by the Chief Education Officer and the Chief Administrative Officer, or their designees, the Officer of Special Education and Supports or designee is authorized to make payments to various non-partner facilities for costs associated with the provision of special education and related services, including transportation, to CPS students with disabilities placed by CPS in accordance with the student's IEP.
3. Nothing in this Resolution prohibits the Office of Special Education and Supports from negotiating a lower rate with the non-partner facility if practicable.
4. This Resolution authorizes the payment of invoices in Fiscal Year 2013 from non-partner facilities for the provision of special education and related services to CPS students with disabilities.
5. The authority granted in this Resolution ends June 30, 2013.