

April 28, 2021

AMEND BOARD REPORT 19-0626-RS9
**RESOLUTION AUTHORIZING PAYMENTS FOR SPECIAL EDUCATION SERVICES TO
VARIOUS STATE-APPROVED NON-PUBLIC FACILITIES FOR STUDENTS WITH
DISABILITIES PLACED BY CHICAGO PUBLIC SCHOOLS**

WHEREAS, the Individual with Disabilities 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 C.F.R. § 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 placement to a separate class, separate school, or other placement 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 ILCS 5/14-7.01, 105 ILCS 5/14-7.02, and 105 ILCS 5/14-7.03);

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

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

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

WHEREAS, an April 2021 amendment is necessary in order to increase authorized spending under this Resolution by \$7,000,000 to support an increased number of placements in non-public facilities.

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

1. After approval by the Chief Education Officer or designee, the Chief Officer of the Office of Diverse Learner Supports and Services or designee is authorized to make payments to state-approved 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 students' IEPs.
2. Nothing in this Resolution prohibits the Office of Diverse Learner Supports and Services from negotiating a lower rate with a state-approved facility, if practicable.
3. This Resolution authorizes the payment of invoices in Fiscal Years 2020 and 2021 from state-approved facilities for the provision of special education and related services to CPS students with disabilities in the amount not to exceed ~~\$140,000,000~~ \$117,000,000 in the aggregate.
4. The authority granted in this Resolution is effective from July 1, 2019 to June 30, 2021.