

## Introduction

A local educational agency (LEA) that places a student with disabilities in a nonpublic or non-district operated day program through the admission, review, and dismissal (ARD) committee process to provide the student a free and appropriate public education (FAPE) is required to notify the Texas Education Agency (TEA) of the placement by submitting the Nonpublic Day APEX application.

Please refer to the [Special Education in Nonpublic Programs](#) webpage for application requirements and program information.

Upon submission of the application, the TEA Nonpublic Team will perform a program review of the application and determine eligibility for funding.

The education cost will be funded with the Foundation School Program (FSP) special education allotment via the LEA's Summary of Finances (SOF). For the remaining amount of the cost, it is at the LEA's discretion to use its Individuals with Disabilities Education Act, Part B (IDEA-B) funds and/or its general fund. The LEA may also request High Cost Funds (HCF) for a portion of the costs if: (a) HCF eligibility criteria are met, (b) the Nonpublic Day application is in finalized status during the HCF application window for that year, and (c) the HCF APEX application is submitted by the HCF application deadline.

## State Foundation School Program (Education Cost)

LEAs receive state funding from the Foundation School Program (FSP) via the LEA's Summary of Finances (SOF) for the education cost, based on a formula prescribed in [Texas Education Code \(TEC\) §48.102](#). The calculation methodology for the state special education allotment varies according to the instructional setting code assigned to the specific student. Therefore, it is imperative that the LEA indicates the correct instructional setting code in the student's individualized education program (IEP), in its local attendance accounting system, and in the Texas Student Data System (TSDS) Public Education Information Management System (PEIMS).

Please refer to [19 TAC §89.1005\(e\)](#) and the [Student Attendance Accounting Handbook \(SAAH\)](#) for guidance on instructional arrangements.

As explained in the [SAAH](#), instructional setting code 60 does not generate average daily attendance (ADA) or contact hours. Therefore, the state special education allotment for students with instructional setting code 60 will be based on full-time equivalent (FTE) data derived from the approved Nonpublic Day APEX application. The FTE data will then be incorporated in the LEA's Near-Final (NF) Summary of Finances (SOF) report, generated after the end of the fiscal year.

## High Cost Funds (HCF)

The High Cost Fund (HCF) is a potential source for additional, optional funding, contingent upon the LEA satisfying the HCF eligibility criteria and submitting a HCF APEX application. The HCF application is a separate application from the required Nonpublic Day application.

If the Nonpublic Day APEX application is in finalized status and the qualifying contract cost for the specific student equals or exceeds the HCF Qualifying Cost Amount for that HCF application year, the LEA may submit a HCF APEX application for the student. The LEA may add additional costs to the HCF application to meet the HCF Qualifying Cost Amount, provided these costs are not already included in the tuition cost, are specified in the student's IEP, and are an allowable cost type for HCF.

Please refer to the [High Cost Funds](#) webpage for information and resources, including the HCF Qualifying Cost Amount and the HCF application window for the current year.

The amount of the HCF reimbursement award, if applicable, will be displayed in the HCF APEX application on the first business day in July. To receive the approved HCF reimbursement payment, the LEA must submit a payment request form to TEA by the established deadline. The link to the payment request form will be emailed to applicable LEAs in July.

Once the LEA receives the HCF reimbursement payment, the LEA must reclassify approved expenditures that were coded to the original fund source (e.g., IDEA-B funds or the general fund) to the HCF fund source (226/315), in the amount of the reimbursement.

## Information for Special Education Shared Services Arrangements (SSAs)

The Nonpublic Day and the HCF APEX applications are submitted by the fiscal agent of the special education shared services arrangement (SSA) on behalf of the SSA member(s). The HCF reimbursement payment, if applicable, is provided to the fiscal agent on behalf of the SSA member(s). The State FSP allotment for the education cost is funded directly to the individual LEA and will be incorporated in the applicable member's Summary of Finances.