

August 26, 2020

RESOLUTION AUTHORIZING PAYMENT TO VARIOUS PROVIDERS FOR PROPORTIONATE SHARE SPECIAL EDUCATION SERVICES TO PARENTALLY-PLACED PRIVATE SCHOOL STUDENTS WITH DISABILITIES

WHEREAS, to meet the requirements of the federal Individuals with Disabilities Education Act ("IDEA"), every year the Board of Education of the City of Chicago ("District") must expend a proportionate share of federal IDEA funds by and through a public school program that provides and ensures equitable special education services for eligible parentally-placed private school students with disabilities [20 U.S.C. § 1412(a)(10); 34 CFR §§ 300.130-300.144];

WHEREAS, the formula for determining the proportionate share amount is based on the total number of eligible parentally-placed students with disabilities ages 3 through 21 attending private schools located in the City of Chicago in relation to the total number of eligible public and private school students with disabilities ages 3 through 21 in the District's jurisdiction;

WHEREAS, IDEA requires the District to undertake Child Find activities to identify and evaluate parentally-placed private school students to determine their IDEA eligibility, to ensure an accurate count of eligible parentally-placed private school students with disabilities and ensure their equitable participation in proportionate share special education and related services;

WHEREAS, the District's allocations for proportionate share are determined by state and federal formulas and subject to annual appropriation with budget approval for FY2021-FY2026 occurring as part of the annual budget adoption process. Proportionate share is required to provide IDEA special education services;

WHEREAS, the District, by and through the Office of Diverse Learner Supports and Services and the Office of Finance engages in timely and meaningful consultation with officials from private schools, as required by IDEA, by: (a) conducting needs assessments with the various 240+ private schools; (b) meeting with private schools to administer Child Find activities; (c) meeting with private school affiliate groups to discuss annual proportionate share determinations, planning, program implementation, administration and fiscal updates and the day-to-day operation of program services; (d) identifying special education services offered under the program such as instructional, social work, occupational therapy, physical therapy, speech-language, assistive technology, nursing, psychology, augmentative communication, counseling, audiology or vision; (e) identifying how, where and by whom the special education and related services will be provided to eligible students with Service Plans; and (f) establishing how the special education and related services will be monitored and assessed for effectiveness;

WHEREAS, the District, in collaboration with private school representatives, establishes a Service Plan for each eligible student based on the evaluation/assessment of student's special education needs conducted by the District during the Child Find process;

WHEREAS, pursuant to IDEA, proportionate share special education services may be provided directly by the District or by third party providers engaged by the District; and since FY2012, proportionate share services have been provided under a District program managed by the Office of Finance and the Office of Diverse Learner Supports and Services that engages third-party service providers;

WHEREAS, the Office of Finance operates a process, in collaboration with the Office of Diverse Learner Supports and Services, to ensure that each request for proportionate share special education and related services: (a) is received pursuant to a Service Plan; (b) is allowable, reasonable and necessary; (c) is in compliance with federal regulations and guidelines applicable to such services and expenditures; and (d) to the extent feasible and practicable, is fulfilled by engaging a third party provider under an existing District contract;

WHEREAS, in accordance with Board Rule 7.4, the Board wishes to authorize payment of FY2021-FY2026 proportionate share funds to various third party providers for the provision of special education services to eligible parentally-placed private school students with disabilities.

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

1. The Office of Finance shall operate a program in collaboration with the Office of Diverse Learner Supports and Services to provide proportionate share special education and related services to parentally-placed private school students with disabilities under a Service Plan in accordance with IDEA requirements.
2. The Director of Non-Public Programs, or his or her designee and the Officer of Diverse Learner Supports and Services, or her designee, shall ensure meaningful consultation with Chicago private schools and their affiliate representatives and the engagement of third party providers to provide allowable, reasonable and necessary proportionate share special education and related services. Nothing in this Resolution prohibits Director or designee from negotiating service rates with such third party providers.
3. The Director, or his or her designee, the Office of Finance is authorized to execute written documents such as quotations from third-party providers, statements of work, purchase order requests and other ancillary documents necessary to authorize the purchase of proportionate share special education and related services in accordance with IDEA guidelines, including those purchases in excess of \$75,000.
4. After approval by the Director, or his or her designee, the Office of Finance is authorized to make payments, including those in excess of \$75,000, to various third-party providers for costs associated with the provision of proportionate share special education and related services to eligible private school students under a Service Plan.
5. This Resolution authorizes the payment of invoices in IDEA from September 1, 2020 - August 31, 2026 for proportionate share of special education services to eligible private school students.
6. In the case a federal appropriation is not received by the District, expenditures not otherwise appropriated by the District in its current fiscal year budget are deemed to be contingent liabilities only and are subject to appropriation in subsequent fiscal year budgets
7. The authority granted in this Resolution ends August 31, 2026.