

Private School Proportionate Share: IDEA Fiscal Requirements

LEA Training

Presenters



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Session Objectives

- Increase district capacity to meet fiscal requirements related to parentally-placed private school children with disabilities
- Increase knowledge of Wyoming requirements
- Demonstrate how to apply the proportionate share calculation with fidelity
- Identify allowable and nonallowable expenditures
- Locate resources available to help ensure compliance with equitable services under IDEA

Agenda

1. What is proportionate share?
2. LEA responsibilities
3. WDE-specific requirements
4. Calculate proportionate share
5. Determine private school proportionate share allowable costs
6. Common Q & As

Acronyms

- U.S.C. – United States Code
- CFR – Code of Federal Regulations
- IDEA – Individuals with Disabilities Education Act
- EDGAR – Education Department General Administrative Regulations
- ESSA – Every Student Succeeds Act
- SWD – Students with Disabilities
- LEA – Local Educational Agency
- PAR – Personnel Activity Report
- OMB – Office of Management and Budget

Question 1

How would you rate your knowledge of the proportionate share requirements under IDEA?

- a) Very Strong
- b) Strong
- c) Fair
- d) Weak

Equitable Services Under IDEA

What are equitable services?

- Equitable services represent services provided to students enrolled in private schools
- Equitable services are provided using federal funds generated by participating private school students.

Individuals with Disabilities Education Act (IDEA)

IDEA is designed to improve educational outcomes for all children with disabilities.

- IDEA provides benefits to children with disabilities in public schools; and
- Requires school districts to make services and benefits available to children with disabilities enrolled by their parents in nonpublic (private) schools

Definition of Parentally-Placed Private School Children with disabilities

§300.130 Definition of parentally-placed private school children with disabilities.

Parentally-placed private school children with disabilities means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in §300.13 or secondary school in §300.36, other than children with disabilities covered under §§300.145 through 300.147 (children placed or referred by public agencies).

LEA Responsibilities (1/2)

- Agency responsibility for conducting child find activities and determining equitable services (34 CFR §§300.131 –300.132);
- Consultation requirements (34 CFR §300.134);
- Written affirmation of timely and meaningful consultation (34 CFR §300.135);
- Data collection requirements (34 CFR §300.132(c));
- Determination and provision of equitable services (34 CFR §§300.137-300.138);

LEA Responsibilities (2/2)

- Services plans for children with disabilities receiving equitable services (34 CFR §§300.132(b), 300.137(c) and 300.138(b));
- Permission for delivery of services at the private schools by LEAs, to the extent consistent with law (34 CFR §300.139(a));
- Determination of the proportionate share of federal IDEA funds to be spent on equitable services (34 CFR §300.133);
- Non-availability of an individual entitlement of parentally placed private school students to special education and related services (34 CFR §300.137(a)); and
- Complaint procedures for private school officials regarding consultation (34 CFR §300.136).

Requirements for LEAs

1. Conduct child find of students with disabilities parentally placed in private schools located in areas served by the LEA.
2. Determine the equitable services that must be provided to the students identified.
3. Use a portion of the IDEA Part B allocation to pay for the equitable services.

Question 1

What are the requirements of LEAs for parentally-placed private school students with disabilities under IDEA?

- a) Conduct child find of students with disabilities parentally-placed in private schools
- b) Conduct child find of students enrolled in private schools located in areas served by the LEA
- c) Use IDEA federal funds generated by participating private school students to provide equitable services
- d) All of the above

What is Proportionate Share under IDEA?

What is Proportionate Share?

Proportionate share is a portion of a district's IDEA Part B entitlement grants allocated to provide equitable services to eligible parentally-placed students who are privately educated in a **district's geographic boundaries**, regardless of where the students live.

Proportionate Share

To ensure the provision of equitable services for parentally-placed private school children with disabilities, each LEA is required to:

- Determine the number of **eligible children with disabilities** enrolled by their parents in private schools within their jurisdiction;
- Calculate a proportionate share amount of IDEA school age and preschool funds; and
- Expend the proportionate share of its IDEA Part B federal funds to provide equitable services to parentally placed children with disabilities after consultation with private school representatives and representatives of parents of parentally placed children with disabilities.

Question 2

The formula for determining the proportionate share of the LEA's subgrant is based on:

- a) the total number of *eligible* parentally placed children with disabilities attending private schools located in the district
- b) the total number of *served* parentally placed children with disabilities attending private schools located in the district
- c) the total number of *evaluated* parentally placed children with disabilities attending private schools located in the district
- d) the total number of *referred* parentally placed children with disabilities attending private schools located in the district

Question 3

Michael resides in the Cherry Hill School District.

Michael attends a private school located in the Bluebonnet School District.

Michael is a student with a disability.

Which district is responsible for expending proportionate share for services for Michael?

- a) Cherry Hill School District
- b) Bluebonnet School District
- c) Both Cherry Hill and Bluebonnet will include Michael in their proportionate share counts.
- d) The districts will meet and decide who can best meet his needs.

Calculating LEA Obligation for Proportionate Share

Child Count and the Calculation of Proportionate Share

After timely and meaningful consultation with representatives of parentally placed private school children with disabilities (consistent with §300.134), determine the number of parentally placed private school children with disabilities attending private schools located in the LEA.

Ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year.

Proportionate Share Calculation

[Appendix B to Part 300:](#)

Each LEA must expend, during the grant period, on the provision of special education and related services for the parentally-placed private school children with disabilities enrolled in private elementary schools and secondary schools located in the LEA an amount that is equal to:

- A proportionate share of the LEA's subgrant under section 611(f) of the Act for children with disabilities aged 3 through 21.
- A proportionate share of the LEA's subgrant under section 619(g) of the Act for children with disabilities aged 3 through 5.

Proportionate Share (for children aged 3-21)

Each LEA must spend an EQUAL PROPORTION of the LEA's total subgrant under section 611(f) of the IDEA as the

NUMBER OF PRIVATE SCHOOL CHILDREN WITH DISABILITIES

aged 3 through 21 who are ENROLLED BY THEIR PARENTS in private, including religious, elementary and secondary schools

LOCATED IN THE SCHOOL DISTRICT SERVED BY THE LEA

as compared to the total number of children with disabilities aged 3 through 21 in the jurisdiction of the LEA.

Proportionate Share (for children aged 3-5)

Each LEA must spend an EQUAL proportion of the LEA's total subgrant under section 619 of the IDEA as the number of private school children with disabilities aged 3 through 5 who are enrolled by their parents in a private, including RELIGIOUS, elementary schools located in the DISTRICT served by the LEA, as compared to the TOTAL number of children with disabilities in its jurisdiction aged 3 through 5.

Proportionate Share Example

Number of students with disabilities in public schools	300
Number of students with disabilities in private schools	20
Total number of students with disabilities	320
IDEA Part B 611 grant allocation	\$1,520,500

Step 1: Divide the total grant allocation by the total number of students with disabilities in the LEA to determine the “per student amount”.

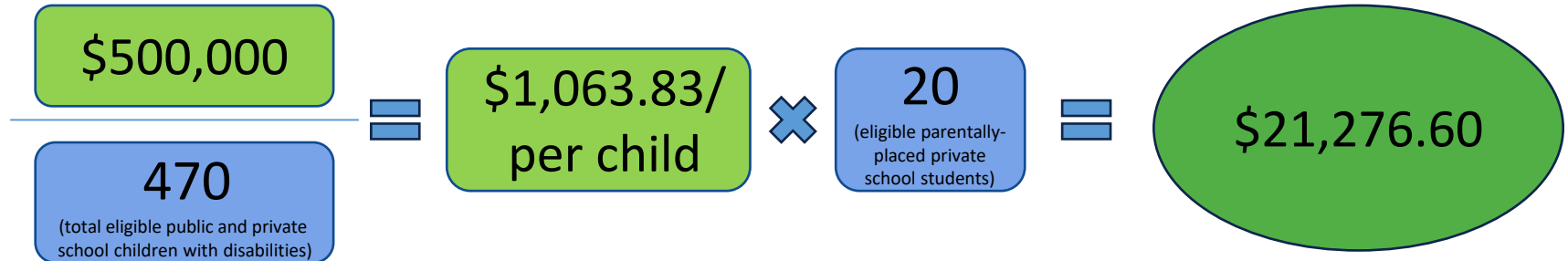
$$\$1,520,500/320 = \$4,751.56$$

Step 2: Multiply the “per student amount” by the number of students with disabilities in the private schools to determine the total proportionate share amount.

$$\$4,751.56 * 20 = \$95,031.25$$

Scenario One

Awesomeness School District has determined through child find and meaningful consultation that there are 20 parentally-placed eligible children with disabilities aged 3-21 in private elementary and secondary schools located within its jurisdiction. This fiscal year the district was allocated \$500,000 through Part B 611 (3-21 years) and has a total of 450 eligible children with disabilities in public schools within the LEA.



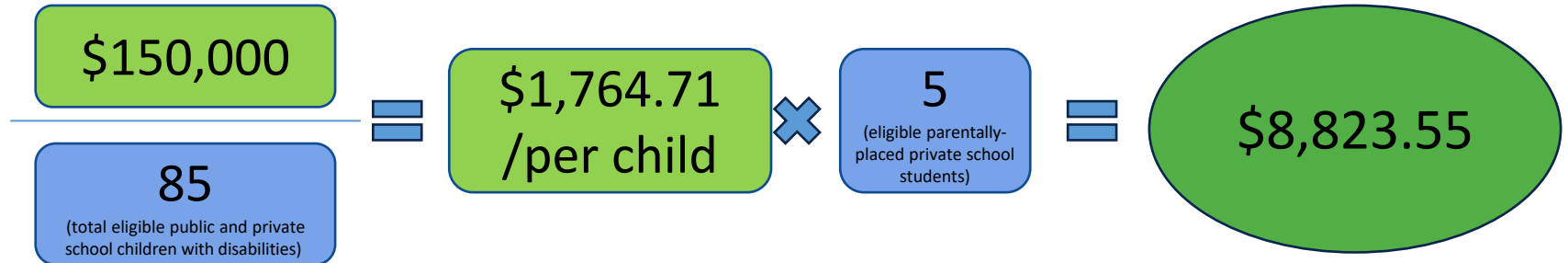
Scenario Two

Sunny Beach School District has determined through child find and meaningful consultation that there are 10 parentally-placed eligible children with disabilities aged 3-21 in private elementary and secondary schools located within its jurisdiction. This fiscal year the district was allocated \$250,000 through Part B 611 (3-21 years) and has a total of 250 eligible children with disabilities in public schools within the LEA.



Scenario Three

Sunny Beach School District has determined through child find and meaningful consultation that there are 5 parentally-placed eligible children with disabilities aged 3-5 in private elementary and secondary schools located within its jurisdiction. This fiscal year the district was allocated \$150,000 through Part B 619 (3-5 years) and has a total of 80 eligible children with disabilities in public schools within the LEA.



LEA Responsibilities

LEA Responsibilities

- Child find - **§300.131**
- Provision of services for parentally-placed private school children with disabilities - **§300.132**
- Calculate and spent a Proportionate Share of Funds to provide services - **§300.133**
- Timely & meaningful consultation - **§300.134**
- Written affirmation of the consultation signed by the representatives of participating private schools - **§300.135**

Data Collection and Record Keeping

Each LEA must maintain in its records, and provide to the SEA, the following information related to parentally-placed private school children covered under 34 CFR 300.130 through 300.144:

- The number of children evaluated;
- The number of children determined to be children with disabilities; and
- The number of children served.

Equitable Services Determined

- Private school students with disabilities do not have an individual right to special education and related services.
- The LEA makes the final decisions with respect to services provided to these students.
- If a parentally placed private school student is to be served, the LEA must initiate and conduct meetings to develop, review, and revise a services plan for the child; must ensure that the private school has representation at the meeting (if this is not possible, it is the LEAs duty to find other means in which to ensure participation—including through individual or conference telephone calls).

Equitable Services Provided

- Public school employees providing services to eligible private school students must be highly qualified; however, private school employees do not have to be highly qualified.
- These students may receive different services than students in the public school.
- Private school students provided special education services must have a services plan that describes the specific services to be provided.
- Any services provided must be secular, neutral, and nonideological.

Location of Services and Transportation

- Services may be provided on private school premises (to the extent consistent with law).
- If necessary, transportation may be provided from the child's private school or home to another site or from a service site to the private school or child's home; however, the LEA is not required to provide transportation from the child's home to the private school.
 - The cost of transportation as described above may be included in the calculation of proportionate share expenditures.

Wyoming Specific Requirements

Wyoming's Definitions (1/3)

Wyoming State Code [W.S 21-13-101\(a\)](#):

Elementary School

A school consisting of **kindergarten** through grade five (5), or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board of trustees

High School

A school consisting of grades nine (9) through twelve (12), or any combination of grades within this range, as determined by the plan of organization by the district board

Middle School

A school consisting of grades six (6) through eight (8), or any combination of grades within this range, as determined by the plan of organization by the district board

Wyoming's Definitions (1/3)

Wyoming State Code [W.S 21-4-101\(a\)](#):

Private School

Any nonpublic, elementary or secondary school providing a basic academic educational program for children and may include parochial and church or religious schools and home-based educational programs.

LEAs must use Wyoming State's private school definition when making the determination of eligibility to receive the IDEA Part B parentally-placed private school proportionate share. **Under this definition, preschools are not considered elementary schools for this purpose and should not be included in the parentally-placed private school proportionate share calculation.**

Wyoming's Definitions (1/3)

Wyoming State Code [W.S 21-13-101\(a\)](#):

Home-based Educational Programs

A program of educational instruction provided to a child by the child's parent or legal guardian or by a person designated by the parent or legal guardian.

Home-based programs are not required to meet Wyoming's other educational regulations and standards to meet the criteria of elementary and secondary school. Therefore, these programs are not considered elementary and secondary school and **should not be included in the parentally-placed private school proportionate share calculation.**

Question 4

In Wyoming, homeschooled students with disabilities are included in the proportionate share calculation.

- a) True
- b) False

WDE Proportionate Share Monitoring

- LEAs report the number of parentally-placed private school children with disabilities eligible to receive services annually through the submission of the IDEA Part B Consolidated application by July 1.
- The collection is reported in the Grant Management System (GMS) in the Program Details portion of the IDEA Part B 611 and 619 application.
- The annual child count reported on July 1 is a component of the proportionate share calculation. This is the count from the previous school year conducted between October 1 to December 1.
- GMS calculates each LEA's proportionate share in accordance with Appendix B to Part 300.

WDE Proportionate Share Calculation Process

Every year with the submission of the IDEA Part B Consolidated Application, LEAs fill in the number of identified students in private and public schools.

IDEA - Part B 611 Private/Home School Participation

The number of students entered in #4 and #5 have been locked into the IDEA 611 sub-grant. Changes to these numbers have to be made by submitting an amendment in the 611 sub-grant.

1. Allocation for this grant
2. Enter the number of students with disabilities attending Private/Nonpublic School
3. Yes No Has the district conducted a timely and meaningful consultation with private school representatives and representatives of parents of parentally-placed private school children with disabilities? (34 CFR § 300.134)
 Check to add comments
4. Enter the number of students with disabilities enrolled in the district
5. Sum of District and Private/Nonpublic and District enrollments (Line 2 plus Line 4)
6. Proportion of participating Private/Nonpublic School enrollment compared to total enrollment (Line 2 / Line 5)
7. Proportionate Share - The District must allocate at least this amount (Line 1 X Line 6 rounded to a whole dollar)

*****Please remember to budget the required amount for Proportionate Share under the Budget Pages Tab.***

[Save Page](#)

WDE Proportionate Share Calculation Process

Proportionate share must be budgeted in GMS as part of the IDEA Part B Consolidated Application on line 145 – Proportionate Share

Activity Description	S
115-Professional Development	40000.00
116-Implementation of Research-based Programs	4000.00
119-Positive Behavioral Intervention and Supports	75000.00
120-Assistive Technology	30000.00
121-Extended School Year	1000.00
123-Contracts with Spec. Ed/Related Service Providers	0
127-Student Info Tracking such as IEP Systems/Software	300000.00
128-Other	0
131-Parent Involvement Activities	0
133-Administrative Costs	50000.00
141-Coordinated Early Intervening Services	140000.00
145-Proportionate Share	0
Sub Total	\$640,000.00

Provision for carry-over of unexpended funds

If an LEA has not expended for equitable services all of the funds described in 34 CFR 300.133(a)(1) and (a)(2) by the end of the fiscal year for which Congress appropriated the funds, the LEA must obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school children with disabilities during a carry-over period of one additional year.

[34 CFR 300.133(a)(3)] [20 U.S.C. 1412(a)(10)(A)]

WDE Proportionate Share Monitoring

- LEAs submit IDEA end-of-year expenditures report to WDE and includes proportionate share expenses. Carryover balances are notated on these reports.
- LEAs must contact the WDE Senior Fiscal Analyst for approval if the LEA determines the needs for the private school students with disabilities exceed the calculated proportionate share amount and would like to use additional IDEA Part B funds for this purpose.
- On/after June 30 of the carryover year (final three months of grant), LEAs must contact the Senior Fiscal Analyst to request a reallocation of proportionate share funds to the public school students with disabilities if the calculated amount exceeds the needs of the private school students with disabilities. A justification, budget modification request, and supporting documentation to ensure compliance with IDEA requirements may be required for submission.

Proportionate Share Expenditures Report

Parentally-placed Private School Proportionate Share Expenditures Report

School Year		611 Proportionate Share Carryover Prior FY	
School District Number		611 Total Allocation for Current FY	
School District Name		611 Proportionate Share Current FY	
Director Email		611 Total Proportionate Share (Current and carryover)	\$ -
Fiscal Lead Email		611 Proportionate Expended to Date	
Quarter		611 Proportionate Unobligated Balance	\$ -

Budget, Expenses, and Carryover	Certified Salaries	Noncertified Salaries	Employee Benefits	Purchased Services	Conference and Travel	Professional Development and Training	Materials and Supplies	Equipment and Technology	Indirect Costs	Total
Budget Code										
Approved Proportionate Share Budget										\$ -
Amount of Proportionate Share Funds Expended During This Period (provide amount for this quarter)										\$ -
Total Amount of Proportionate Share Expended to Date										\$ -
Amount of Proportionate Share Funds from the Current Fiscal Year Remaining										\$ -
Amount of Proportionate Share Carryover (Prior Year) Remaining										\$ -

Question 5

If an LEA is unable to expend its proportionate share amount after the carryover year, it can:

- a) Move the funding internally and spend it on public school students with disabilities
- b) Save the funds and use them the following year
- c) Return the funds to WDE
- d) Contact the Senior Fiscal Analyst to request a reallocation of proportionate share funds to be used on public school students with disabilities

Allowable Use of Proportionate Share Funds

Allowable Use of Funds (1/3)

- Federal IDEA funds must be expended **before** state and local funds for services to eligible private school students.
- No child find activity, including initial eligibility assessments, can be applied to the proportionate share the LEA is required to spend.
 - If using contracted employees to provide services, the administrative component of the contract may not be used against the private school reserve.

Allowable Use of Proportionate Share Funds

Could a LEA...

1. include administrative costs to meet the requirement to spend a proportionate share of IDEA Part B funds on children with disabilities placed by their parents in private schools?

No

2. make payments directly to a private school?

No

3. expend more than the amount of its IDEA Part B funds designated to be spent on equitable services for children with disabilities placed by their parents in private schools?

Yes, with Approval

4. place equipment and supplies for equitable services in a private school?

Yes

5. provide repairs, minor remodeling, or construction of private school facilities using proportionate share funds?

No

Source: OSEP's (Feb 2022) revised Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools

Allowable Use of Funds (2/3)

Funds may not benefit a private schools

- Funds may not be used to finance existing instructional services or to benefit the private school.
- Funds must be used to meet the special education and related services needs of eligible students and not the needs of a private school or the general needs of the private school students.

Use of Personnel

- Public school personnel may provide services at sites other than the public school if those services are necessary for eligible students and are not normally provided by the private school.
- The LEA may pay for the services of private school personnel only if those services are performed outside of regular hours of duty and the employee is under the supervision and control of the LEA.

Allowable Use of Funds (3/3)

Separate Classes Prohibited

- IDEA funds may not be used to provide separate classes on the basis of school enrollment or religion of the students when the classes are at the same site and the classes include both public and private school students.

Property, Equipment, and Supplies

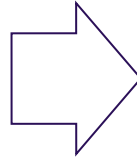
- The LEA must control and administer any funds used to provide services to eligible private school students.
- The LEA must hold title to and administer materials, equipment, and property purchased with IDEA funds for eligible students.
- Equipment and supplies may be placed in a private school for the duration of time needed by eligible students

Property, Equipment, & Supplies

- The LEA must ensure that any equipment and supplies placed in a private school are only used for Part B purposes, can be removed from the private school without remodeling the facility.
- The LEA must remove any equipment and supplies when such equipment and supplies are no longer needed for Part B purposes or when removal is necessary to avoid unauthorized use of such items.
- The LEA may not use Part B funds for repairs, minor remodeling, or construction of private school facilities.

Use of Personnel (1/2)

Costs associated with use of private school personnel



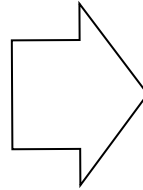
May be allowed

Allowable only if services are performed outside of regular hours of duty and the employee is under the supervision and control of the LEA

34 CFR §300.142(b)

Use of Personnel (2/2)

Cost associated with the LEA's Occupational Therapist providing OT services to an eligible student

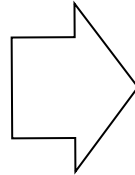


Allowed

Cost allowable if the services are necessary for eligible students and are not normally provided by the private school

Training and Professional Development

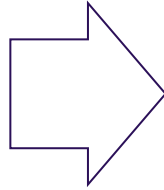
Cost associated with the provision training to private school personnel in the use of the communication device.



May be allowed
Allowable if the training will help provide services to eligible student with a disability.

Property, Equipment, and Supplies

**Costs associated with repair
of private school facility**



Not allowed

Proportionate share funds may not be used for repairs, minor remodeling, or construction of private school facilities.

34 CFR §300.144(e)

Additional Resources

- U.S. Department of Education IDEA Topic Areas Website:
<https://sites.ed.gov/idea/regs/b/appendix-b>
- Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools (April 2011):
https://sites.ed.gov/idea/files/Private_School_QA_April_2011.pdf
- IDEA Provisions Related to Children with Disabilities Enrolled by Their Parents in Private Schools (March 2011):
https://www2.ed.gov/admins/lead/speced/privateschools/report_pg2.html
- WDE Parentally-placed Private School Proportionate Share Manual

Question 6

How would you rate your knowledge of the proportionate share requirements under IDEA?

- a) Very Strong
- b) Strong
- c) Fair
- d) Weak

Thank you!

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