

Private School Proportionate Share: IDEA Fiscal Requirements



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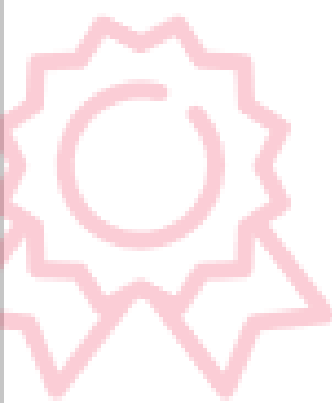
LEA Training



MISSISSIPPI
DEPARTMENT OF
EDUCATION

June 8, 2021





1

ALL Students Proficient
and Showing Growth in All
Assessed Areas



2

EVERY Student Graduates
from High School and is Ready
for College and Career



3

EVERY Child Has Access
to a High-Quality Early
Childhood Program

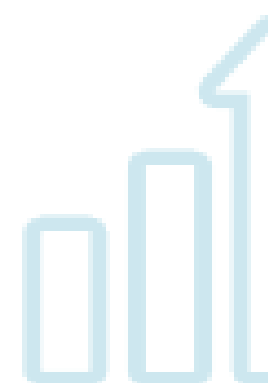
EVERY School Has Effective Teachers and
Leaders

4



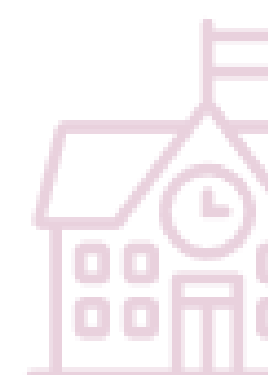
EVERY Community Effectively Uses a World-
Class Data System to Improve Student
Outcomes

5



EVERY School and District is
Rated "C" or Higher

6



VISION

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

MISSION

To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community





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Increase district capacity to meet fiscal requirements related to parentally-placed private school children with disabilities

Increase knowledge of state-specific 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

- What is proportionate share?
- LEA responsibilities
- Proportionate share calculation
- State-specific requirements
- Determine Allowable Costs
- Common Questions & Answers

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

- a. Very strong
- b. Strong
- c. Fair
- d. Weak



Introduction

Proportionate Share and LEA Responsibilities



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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

§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).

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.

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
- After consultation with private school representatives and representatives of parents of parentally placed children with disabilities, expend the proportionate share of its IDEA Part B federal funds to provide equitable services to parentally placed children with disabilities.

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 schools 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.

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.

- 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);
- Child find activities (34 CFR §300.131);
- Data collection requirements (34 CFR §300.132(c));
- Determination and provision of equitable services (34 CFR §§300.137-300.138);

- 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).

Calculating LEA Obligation for Proportionate Share



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- 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's boundary.
- **In *Mississippi*, the LEA must determine the number of parentally-placed private school children with disabilities enrolled on December 1.**
- The LEA must provide the proportionate share of services as agreed upon in the consultation process

***Total IDEA
Allocation***

***Total IDEA-
Eligible Public
and Private
School
Students***

X

Eligible Children
Enrolled by Their
Parents in Private
Schools Located in
the LEA

=

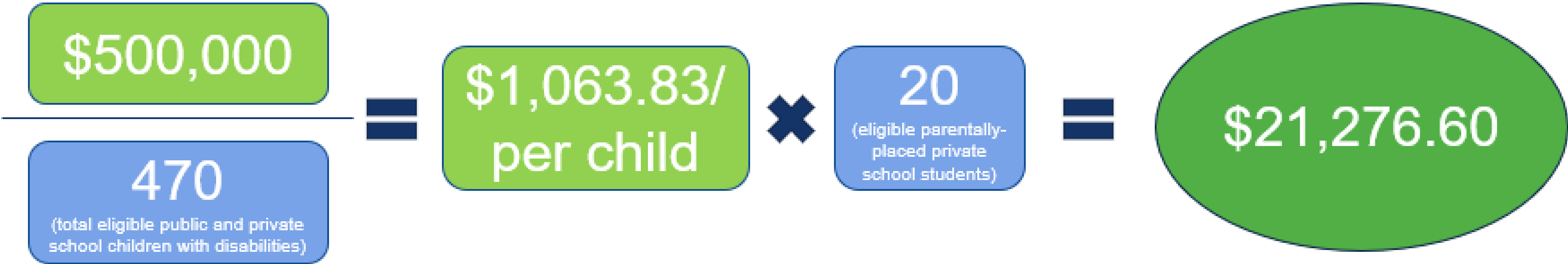
Total
Proportionate
Share for
Parentally Placed
Private School
Children With
Disabilities

**Proportionate Share
Calculation**

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

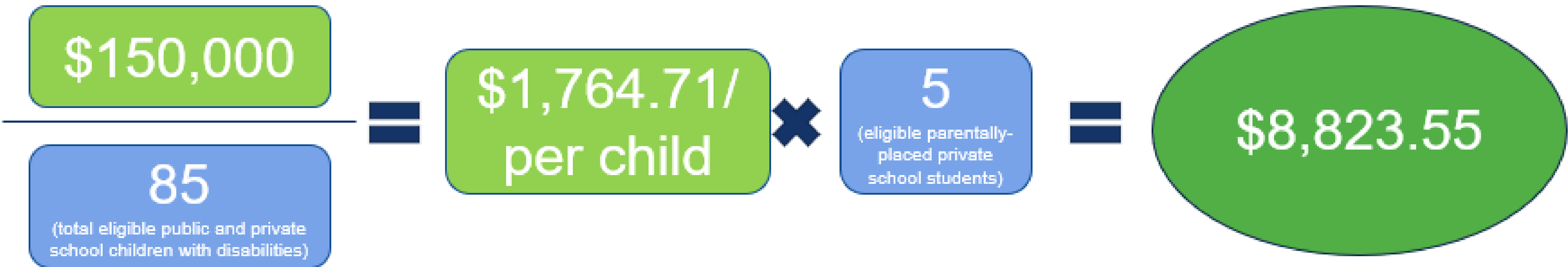
Awesomeness School District has determined through child find and meaningful consultation that there are 20 parentally-placed eligible children with disabilities aged 3-21 in private elementary and secondary schools located within its jurisdiction. This fiscal year the district was allocated \$500,000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



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.



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.



State-Specific Requirements MDE



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In Mississippi, the definition of a nonpublic school includes the following: (a) private schools, (b) parochial and other church-related schools, (c) special purpose schools, either privately owned and operated, or governed by a public agency other than the Mississippi Department of Education (MDE), and (d) tribal schools funded by the Bureau of Indian Education (BIE). Nonpublic schools may be operated either as a for profit organization or nonprofit, tax-exempt corporation. Home schools and home-schooling programs, as well as private and parochial preschool programs and facilities, do not meet the State's definition of an "elementary school (Mississippi Nonpublic School Accountability Standards, 2019)." Accreditation of private schools is optional. Nonpublic schools may be accredited by independent nonpublic school accrediting agencies (Miss. Code Ann. §37-17-9). Additionally, nonpublic schools "serving school age students," may request to be accredited by the State Board of Education.

(Miss. Code Ann. §37-17-7. Nonpublic Schools Accountability Standards, 1.0, 2004)

In Mississippi, private and parochial preschool programs and facilities do not meet the State's definition of an "elementary school". Therefore, students enrolled in private and parochial preschool programs and facilities **must not** be included in the number of private school children with disabilities enrolled in the district for either IDEA Part B (Ages 3-21) or IDEA Preschool (Ages 3-5) in MCAPS.

MDE calculates the amount of funds that each LEA must reserve and expend on proportionate share in its annual funding application through MCAPS.

Number of private schools within school district	<input type="text" value="0"/>
Number of total enrollment in private schools (from last year)	<input type="text" value="0"/>
Number of total enrollment in private schools (all students)	<input type="text" value="0"/>
% Change from last year	<input type="text" value="0.00"/> %
If % change from last year exceeds +/- 10%, please provide an explanation. <div></div>	
Number of private school children evaluated	<input type="text" value="0"/>
Number of private school children determined to be children with disabilities	<input type="text" value="0"/>
Number of private school children served by the school district	<input type="text" value="0"/>

	IDEA Part B (Ages 3-21)	IDEA Preschool (Ages 3-5)
Number of private school children with disabilities located in school district	<input type="text" value="0"/>	<input type="text" value="0"/>
Total number of eligible children with disabilities in school district (District count)	183	27
Total School District Allocation	\$ <input type="text" value="360,884.00"/>	\$ <input type="text" value="35,653.00"/>
Divided by total number of eligible children with disabilities (District count plus private school count)	<input type="text" value="183"/>	<input type="text" value="27"/>
Average allocation per eligible child	\$ <input type="text" value="1,972.04"/>	\$ <input type="text" value="1,320.48"/>
Multiplied by the number of private school children with disabilities	<input type="text" value="0"/>	<input type="text" value="0"/>
Amount to be expended for private school children with disabilities	\$ <input type="text" value="0.00"/>	\$ <input type="text" value="0.00"/>

Fiscal Year 22
PRIVATE SCHOOL CONSULTATION AFFIRMATION
School Year: 2021-2022

DISTRICT: _____ DISTRICT CODE: _____

According to IDEA 2004, school districts must engage in ongoing, timely, and meaningful consultation with representatives of private schools and with parents about the provision of equitable services for parentally-placed private school children attending private schools within the school district’s jurisdiction.

The MDE requires that the school district request the private school officials to provide written affirmations of a satisfactory consultation process. Private school officials are not required to provide a written statement if they believe the process to be unsatisfactory.

The consultation process must address:

Each LEA with parentally-placed private school students with disabilities located within the LEA's boundaries is monitored through:

- (1) The review of LEA reimbursement requests through the MCAPS
- (2) Fiscal Monitoring

LEA with private school(s) located within its boundaries must maintain records and provide to MDE:

- The number of parentally-placed private school students evaluated.
- The number of parentally-placed private school students determined to be students with disabilities under Part B of the IDEA.
 - This number is determined after the required consultation with representatives of parentally placed private school students with disabilities.
 - The count is conducted on December 1 of each year and is used to determine the proportionate share in the next subsequent year.
- The number of parentally-placed private school students served.

Use of Funds



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- Federal IDEA funds must be expended **first** for services to eligible private school students.
- No child find activities - including initial assessment to determine eligibility - can be assessed to the proportionate share the LEA is required to spend.
 - If you use contracted employees to provide services, the administrative component of the contract may not be used against the private school reserve.

- 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.

- 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.

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.

- 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.

- 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.

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)]

Funds must be budgeted and expended from IDEA federal funds.

- a. True
- b. False
- c. Unsure

Which item below is unallowable?

- a. Provision of equipment needed by eligible student
- b. Child find activities, including assessment
- c. Paying for the services of private school personnel when services are performed outside of regular hours of duty and the employee is under the supervision and control of the LEA

Materials and equipment purchased by the LEA for private school use remains the property of the _____.

- a. LEA
- b. Private school
- c. Unsure

The LEA may provide proportionate share funds to the private school to administer the provision of services to eligible private school students.

- a. True
- b. False
- c. Unsure



Will the cost meet the educational and related service needs of an eligible student(s) with a disability?



Will the LEA control and administer the proportionate share funds?



Does the cost include child find or assessment?



Will the cost benefit the private school, general education students, or finance already existing instructional services?



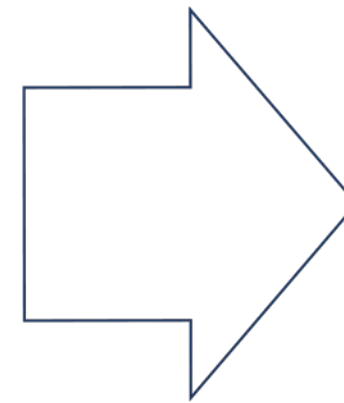
Proportionate Share Allowable Use of Funds

Test Your Knowledge



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**Costs associated
with use of private
school personnel**

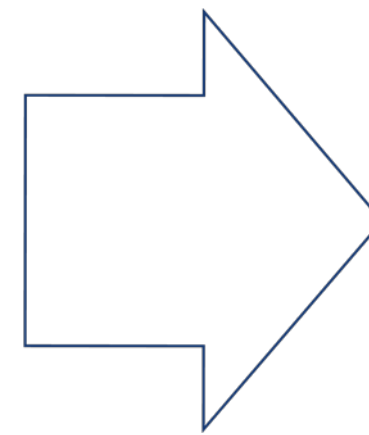


May be allowed

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)

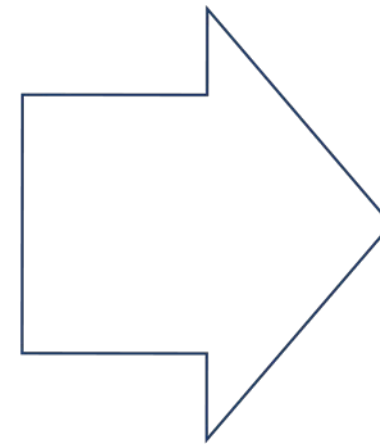
**Cost associated with
the LEA's
Occupational
Therapist providing
OT services to an
eligible student**



Allowed

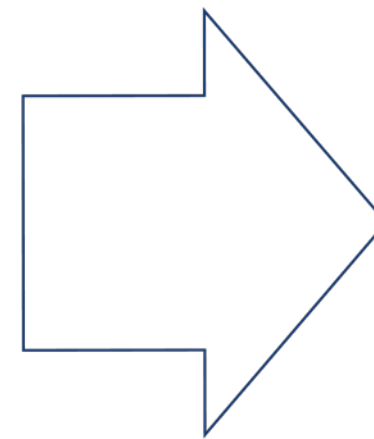
Cost allowable if the services are necessary for eligible students and are not normally provided by the private school

**Cost associated with
the provision of a
communication device
to an eligible student**



Allowed

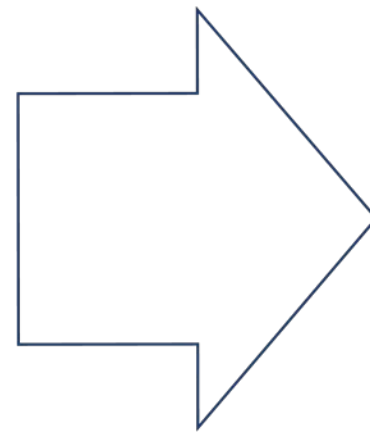
Cost associated with the provision training to private school personnel in the use of the communication device.



May be allowed

Allowable if this training will help provide services to eligible student with a disability.

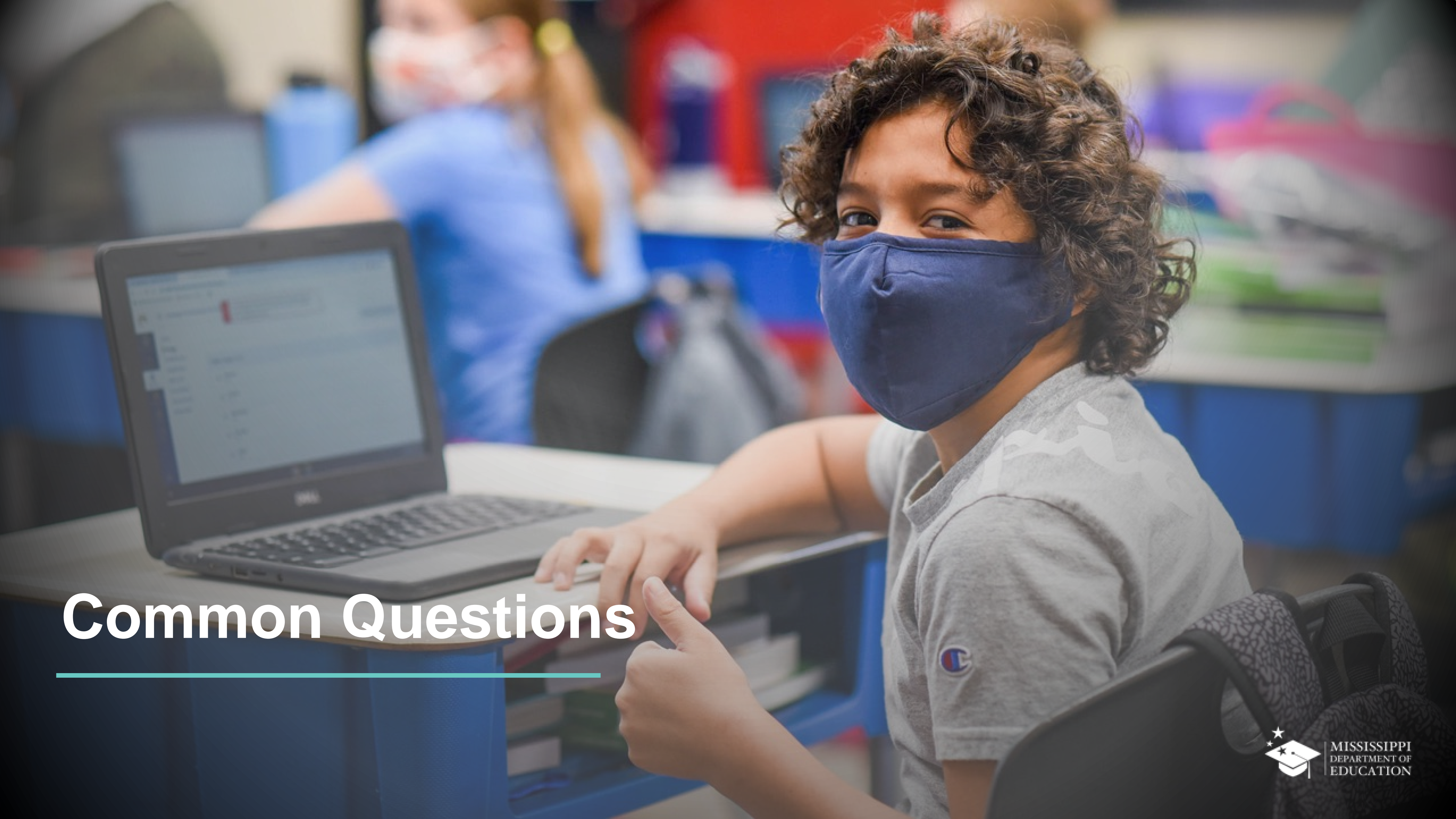
**Costs associated with
repair of private
school facility**



Not allowed

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

34 CFR §300.144(e)



Common Questions



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Why is it important to identify the number of parentally placed private school children with disabilities located in the LEA where the private school is located?

An accurate count of the number of eligible private school children with disabilities enrolled by their parents in private schools located in the LEA is needed to calculate the proportionate share of Part B funds that the LEA must expend annually for services for parentally placed private school children with disabilities.

Must the proportionate amount of Part B funds be used only for direct services to parentally placed private school children with disabilities? Is it permissible to use funds for this population on other services, such as consultative services, materials, equipment, or training?

IDEA does not require an LEA to spend the proportionate share only for direct services. Rather, through the consultation process described in 34 CFR §300.134, a determination must be made about how the available amount of funds will be utilized so that the parentally placed private school children with disabilities designated to receive services can benefit from the services offered.

If an LEA does not expend the entire proportionate share of Part B funds on children with disabilities placed by their parents in a private school, what must the LEA do with those unexpended funds?

If an LEA has not expended all of the proportionate share of its Part B subgrant 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 to children with disabilities placed by their parents in private schools during a carry-over period of one additional year.

If an LEA does not expend the entire proportionate share of Part B funds on children with disabilities placed by their parents in private schools by the end of the carry-over period, should the LEA return the unexpended funds to the SEA to be spent by the SEA or reallocated to another LEA?

*No. If, after the carry-over period, the LEA is unable to expend the entire proportionate share and assuming the LEA is in compliance with the child find, consultation, and other requirements related to parentally placed private school children with disabilities in 34 CFR §§300.129 through 300.144, the LEA may use the unexpended funds - at the end of the period during which the funds may be spent on parentally placed private school children - to pay for other allowable Part B expenditures for that same LEA. **This situation should be the exception.***

May an LEA expend more than the proportionate share of Part B funds on children with disabilities placed by their parents in private schools?

Yes. Nothing in the IDEA prohibits an LEA from expending more than the proportionate share. Each LEA is required to spend a minimum amount of its subgrant under Part B of the IDEA for children with disabilities placed by their parents in private schools.

Q & A on Serving Children with Disabilities Placed by Their Parents in Private Schools

https://sites.ed.gov/idea/files/Private_School_QA_April_2011.pdf

Now that we have reviewed some of the common questions related to the fiscal requirements of proportionate share, what questions remain?



Additional Resources



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- 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
- Evaluation link <https://www.surveymonkey.com/r/9GB3PZ2>

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

- a. Very strong
- b. Strong
- c. Fair
- d. Weak

Thank you

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