

# Keep Calm...It's Just Equitable Services

## **SELDA** **Department of Special Education** **Services and Supports**

*Nicole Croom, Program Specialist*  
*Malissa Roberts, Program Specialist*

# Georgia's Systems of Continuous Improvement

GaDOE has adopted the Georgia Systems of Continuous Improvement as a methodology for supporting districts and schools. This methodology focuses on improving districts/schools' systems.



# Learning Targets

- Understand the obligation to provide equitable services to private and home school students
- Understand the LEA requirements
- Explain the timely and meaningful consultation process
- Become familiar with funding calculation

# Definition of Equitable Services

- Services **provided to parentally-placed** private school children with disabilities in accordance with the provisions in the IDEA and its implementing regulations in 34 CFR §300.130 – 300.144
- Must be provided by **employees of a public agency**; or through **contract by the public agency** with an individual, association, agency, organization, or other entity (34 CFR §300.138(c))

# Proportionate Share

- An LEA must expend a **proportionate share** of federal IDEA funds on equitable services for **parentally-placed private school children with disabilities.**



# Eligible Students for Equitable Services

- Students with disabilities (preschool – 12<sup>th</sup> grade) who are parentally placed in a **nonprofit** private elementary or secondary school (34 CFR §300.130)
- Home-school students with disabilities
  - In Georgia, home-school students are treated as private school students in regard to special education (Georgia Rule 160-4-7-.13(3)(a)(1))

## 34 CFR § 300.130

- Defines **parentally-placed** private school children with disabilities
  - Children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in Sec. 300.13 or secondary school in Sec. 300.36, other than children with disabilities covered under 34 CFR 300.145 – 300.147.
  - The definitions of elementary school in 34 CFR § 300.13 and secondary school in 34 CFR § 300.36 specify that the school must be **nonprofit**.

## 34 CFR § 300.13 Elementary School

- Elementary school means a **nonprofit** institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.
- In Georgia, that includes any private school that meets the definition of elementary school to include having a kindergarten program.



## 34 CFR § 300.36 Secondary School

- **Secondary school** means a **nonprofit** institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.
- In Georgia, that includes any private school that meets the definition of secondary school. State law defines middle school as a school which contains no grade below grade four and no grade above eight. High school is defined as a school which contains any grade above grade eight.

## 34 CFR § 300.132

- Explains the provision of services for parentally-placed private school children with disabilities
  - The LEA where the private school is located has the obligation to provide equitable services.
- A service plan must be developed and implemented.
- Each LEA must maintain records and provide information to the SEA.
  - (1) The number of children evaluated;
  - (2) The number of children determined to be children with disabilities; and
  - (3) The number of children served.

## 34 CFR § 300.137(a) Equitable Services Determined

- Clarifies that no parentally-placed private school child with a disability has an individual to right services
  - No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

# Questions for Discussion

- What services has your LEA provided in the past?
- What type of services can you offer?
- How does your LEA make decisions about the special education services it will provide to parentally-placed private school students with disabilities?

8/19/2019



# LEA Requirements

# LEA Requirements

- Timely and Meaningful Consultation
- Written Affirmation
- Documentation
- Proportionate Share Calculation

# Timely and Meaningful Consultation

## CFR § 300.134

To ensure timely and meaningful consultation, an LEA must consult with private school representatives and representatives of parentally placed private school children with disabilities during the design and development of special education and related services for the children regarding the following:

- Child Find in relation to equitable participation and information regarding the process
- Proportionate Share Funds
- Consultation Process
- How, where, and by whom special education and related services will be provided

# Timely and Meaningful Consultation

- Who should attend?
  - Representatives of private elementary and secondary schools in the district's jurisdiction;
  - Parents or parent representatives of those SWD in the private schools; and,
  - Parents of eligible home schooled SWD.



# Timely and Meaningful Consultation

## ➤ Child Find

- How parentally-placed private school children suspected of having a disability can equitably participate
- How parents, teachers, and private school officials will be informed of the process

**Remember:** Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, in accordance with paragraphs (b) through (e) of this section, and §300.111 and 300.201

# Timely and Meaningful Consultation

## ➤ **Proportionate Share of Fund**

- Available Funds - Proportionate Share Amount
- Calculation of the Funds

## ➤ **Consultation Process**

How the process will operate throughout the year to ensure meaningful participation of parentally placed students with disabilities?

# Timely and Meaningful Consultation

## ➤ Provision of special education and related services

- How, where and by whom services will be provided
- Types of services provided
- How funds are apportioned if funds are insufficient to serve all parentally placed private school children with disabilities

## ➤ Written explanation by LEA regarding services

# Direct and Indirect Services

- LEA must spend a proportionate amount of Part B funds on providing special education and related services (including direct services) to parentally placed private school children with disabilities
- IDEA does not require an LEA to spend the proportionate share only for direct services
  - consultative services, equipment, or materials for eligible parentally placed children with disabilities or training for private school teachers and other private school personnel

## Direct and Indirect Services (cont.)

- 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*

# Written Affirmation

The LEA must obtain a written affirmation signed by the participating private school or homeschool representative confirming the consultation has occurred.



# Affirmation of Attendance

- Not enough to simply have a record of attendance.
- Each participant must be given an affirmation form to sign indicating that the five essential points were discussed and private school views were considered.
- If the private school refuses to sign an affirmation form, it should be maintained with a note to that effect.

# Documentation to Keep

- Emails/letters to find eligible students
- Copies of any and all notices – consultation by mail, newspaper, in home school registration
- Copies of all in attendance - Sign-in sheets
- Agendas, PowerPoints, and all training materials
- Affirmation of attendance



## §300.133 Expenditures

- (a) *Formula.* To meet the requirement of §300.132(a), each LEA must spend the following on providing special education and related services (including direct services) to parentally-placed private school children with disabilities:
  - (1) For children aged 3 through 21, an amount that is the same proportion of the LEA's total subgrant under section 611(f) of the Act 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, is to the total number of children with disabilities in its jurisdiction aged 3 through 21.

## §300.133 Expenditures (cont.)

- (2)(i) For children aged three through five, an amount that is the same proportion of the LEA's total subgrant under section 619(g) of the Act as the number of parentally-placed private school children with disabilities aged three through five who are enrolled by their parents in a private, including religious, elementary school located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged three through five.
- (ii) As described in paragraph (a)(2)(i) of this section, children aged three through five are considered to be parentally-placed private school children with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school in §300.13.

## §300.133 Expenditures (cont.)

- (3) If an LEA has not expended for equitable services all of the funds described in paragraphs (a)(1) and (a)(2) of this section 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.*
- (b) *Calculating proportionate amount.* In calculating the proportionate amount of Federal funds to be provided for parentally-placed private school children with disabilities, the LEA, after timely and meaningful consultation with representatives of private schools under §300.134, must conduct a thorough and complete child find process to determine the number of parentally-placed children with disabilities attending private schools located in the LEA. (See appendix B for an example of how proportionate share is calculated).

# Proportionate Share Calculation in Consolidated Application

|   | 3-5 Only             | 3-21                 |
|---|----------------------|----------------------|
| A. Number of eligible private/home schooled children with disabilities not having an IEP: | <input type="text"/> | <input type="text"/> |
| B. Number of children with disabilities with IEPs (public, private and home):             | <input type="text"/> | <input type="text"/> |
| C. Total number of children with disabilities (A + B):                                    | <input type="text"/> | <input type="text"/> |
| D. Proportionate Percentage (A / C):  | <input type="text"/> | <input type="text"/> |
| E. Allocation Amount:   | <input type="text"/> | <input type="text"/> |
| F. Proportionate Amount (D * E):  | <input type="text"/> | <input type="text"/> |
| G. CarryOver Amount: Prior year unspent amount  | <input type="text"/> | <input type="text"/> |
| H. Total Proportionate Amount (F + G):  | <input type="text"/> | <input type="text"/> |

## Remember:

- Use unofficial count until official count is collected.
- Official count occurs between October 1<sup>st</sup> and December 31<sup>st</sup>

# Scenario #1

Student A is a parentally-placed private school student with a disability.

Student A resides in the Beachwood School District.

Student A attends a private school located in the Pepper Pike School District.

Which district is responsible for providing equitable services?

## Scenario #2

Student B is a parentally-placed private school student with a disability.

Student B resides in the Lyndhurst School District.

Student B attends a for-profit private school located in the Richmond Heights School District.

Which district is responsible for providing equitable services?

## Scenario #3

The Solon School District must set aside \$10,000 in Flowthrough funds for equitable services. The LEA has four private schools. There are 10 students with disabilities enrolled in those schools. Of those students, nine students need speech and language services but one student needs orientation and mobility services.

- a. If the LEA expends all \$10,000 on speech and language, is the LEA required to provide orientation and mobility services to the 10<sup>th</sup> student?
  
- b. If the LEA only expends \$7,000 on speech and language and opts to carry over the remaining \$3,000, is the LEA in compliance? Why or Why not?

# FAQs

1. May an LEA give the proportionate share funds to the private school to provide equitable services?

No.

2. May proportionate share funds be used to pay for an employee of the private school?

Services administered by a private school employee may be paid using Part B funds if the employee performs the service outside of his or her regular hours of duty and must perform services under public supervision and control (34 CFR §300.142(b)).



## FAQs (cont.)

3. May an LEA use proportionate share funds for administrative costs?

No, these funds must be used on children directly or indirectly (34 CFR §300.144(a)).

4. May an LEA expend more funds for equitable service than required using Part B funds?

Yes, IDEA, as well as, state and local funds may be used as long as the minimum IDEA proportionate share amount is expended.

## FAQs (cont.)

5. Are there any *particular kinds of services* or *specified amounts of services* that must be provided to parentally placed private school children with disabilities under Part B of the IDEA?

No. These decisions are made during the consultation process and are based on the needs of the children designated to receive services. Children have no individual entitlement to receive some or all of the special education and related services they would receive if enrolled in a public school.

## FAQs (cont.)

6. May an LEA place equipment and supplies for equitable services in a private school?

Yes, but only for the time period needed to provide services. The LEA must ensure that equipment or supplies must only be used for Part B purposes and can be removed without remodeling the facility. All equipment and supplies must be removed when no longer needed or if removal is necessary to prevent unauthorized use (34 CFR §300.144(b),(c) and (d)).

## FAQs (cont.)

7. May Part B funds for equitable services be used for repairs, minor remodeling, or construction of private school facilities?

No (34 CFR §300.144(e)).

# Georgia Department of Education (GaDOE) Resources

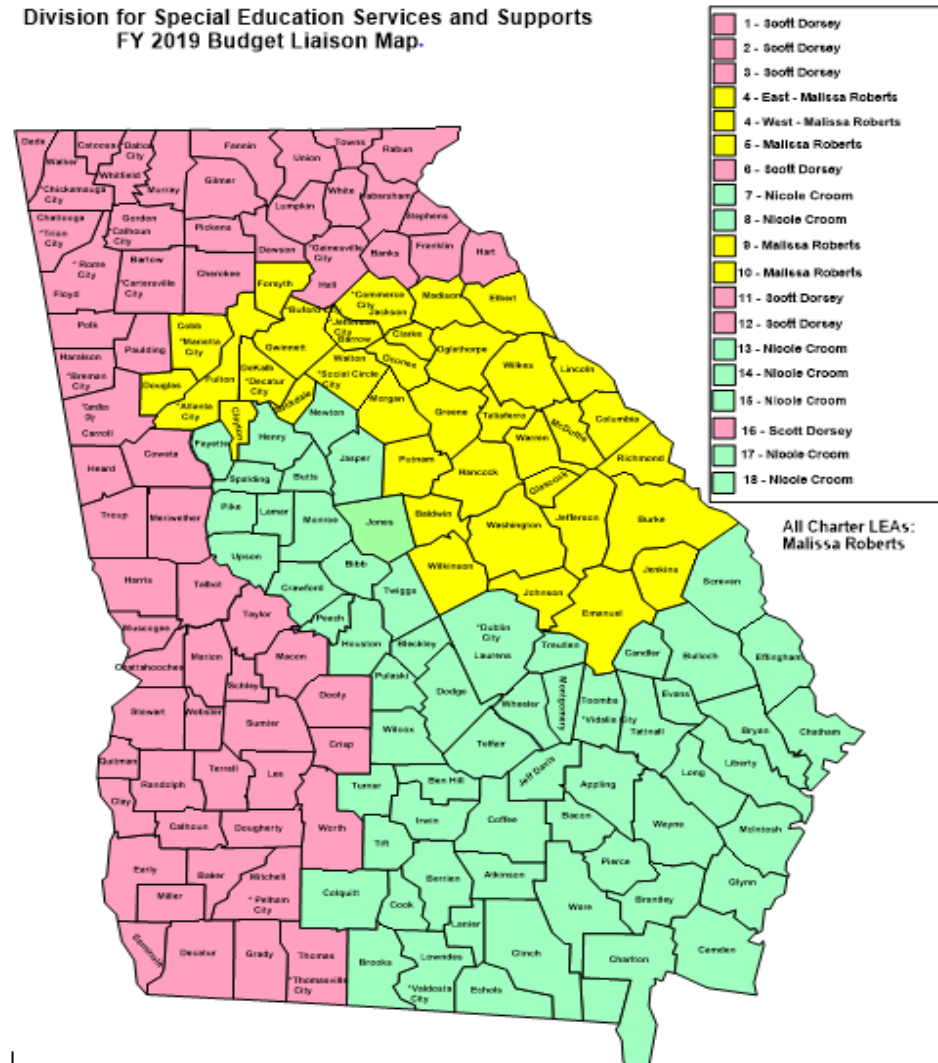
- [Georgia Department of Education Implementation Manual – Private Schools Chapter](#)
- [Equitable Services for Private and Home School Students Webinar \(see Resources for Guidance\)](#)
- [Sample Affirmation Forms](#)

# Federal Resources

- [Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#)
- [Provisions Related to Children with Disabilities Enrolled by Their Parents in Private Schools](#)
- [The U.S. Department of Education](#)

# Budget Liaison Map

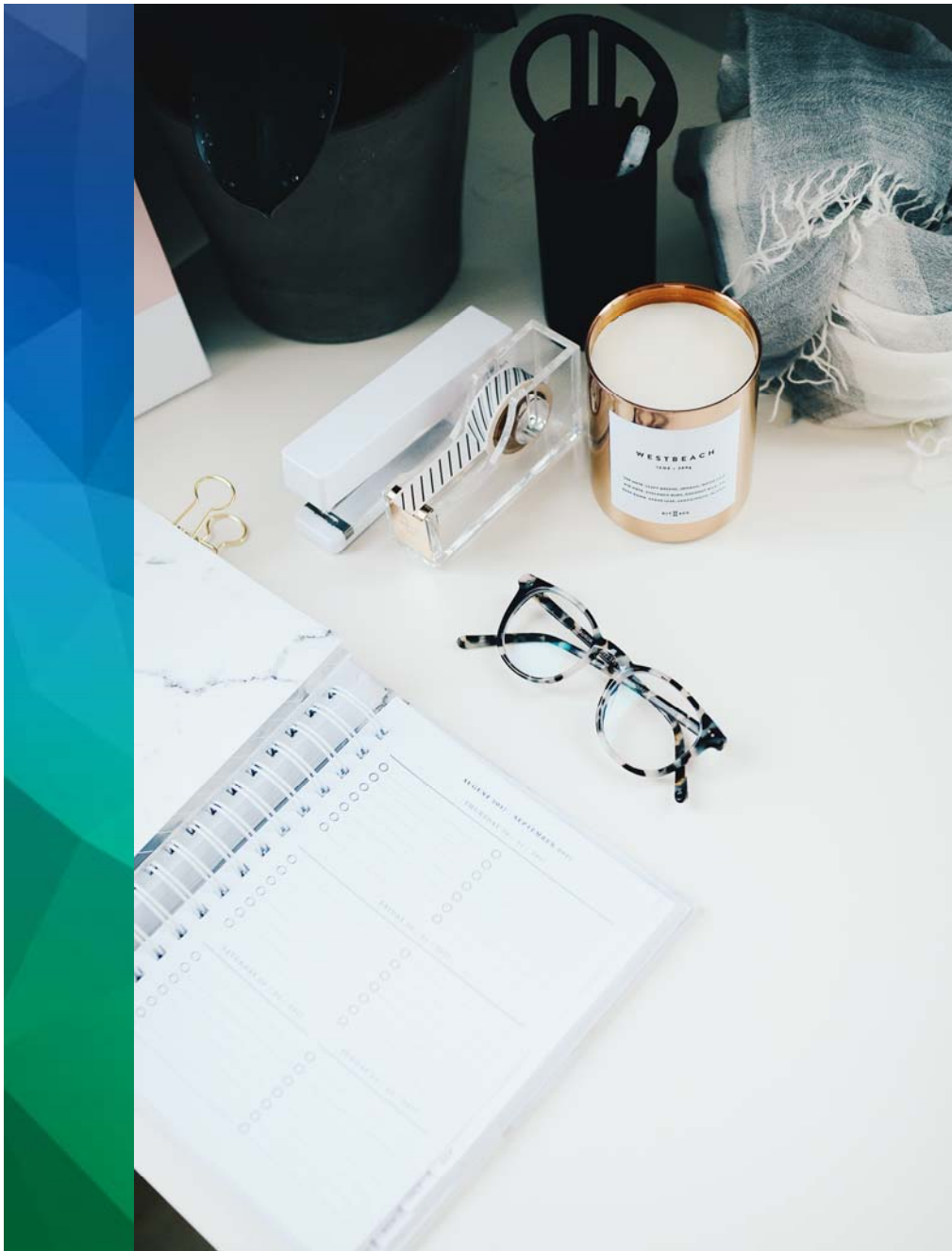
Division for Special Education Services and Supports  
FY 2019 Budget Liaison Map.





Questions?





# Contact Us

*We're Here to Help!*

**Nicole Croom**  
*Program Specialist*  
**404.463.3553**  
***ncroom@doe.k12.ga.us***

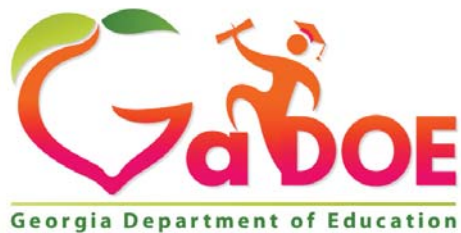
**Scott Dorsey**  
*Program Specialist*  
**404.656.2847**  
***sdorsey@doe.k12.ga.us***

**Malissa Roberts**  
*Program Specialist*  
**404.656.3067**  
***mroberts@doe.k12.ga.us***

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