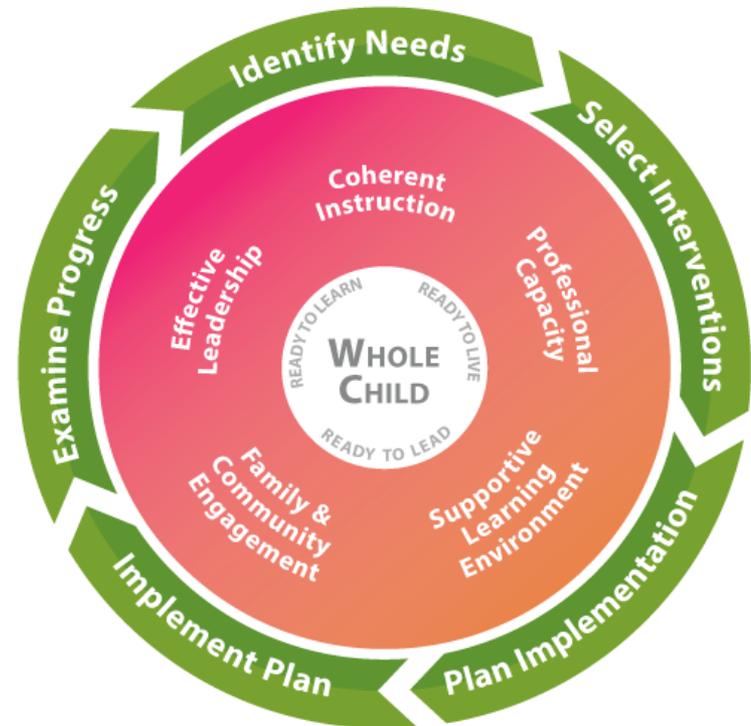


Keep Calm...It's Just Equitable Services

SELDA
Department of Special Education
Services and Supports
Nicole Croom, 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



#1 Be Familiar with Regulations and Key Terms

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](#)
- Never applies to Charter LEAs



Proportionate Share

- An LEA must expend a *proportionate share* of federal IDEA funds on equitable services for *parentally-placed private school children with disabilities* ([34 CFR § 300.133](#)).



Eligible Students for IDEA Equitable Services

- Students with disabilities (preschool – 12th grade) who are parentally placed in a [nonprofit](#) private elementary or secondary school ([34 CFR §300.130](#))
- Home-school students with disabilities
 - In GA, home-school students are treated as private school students in regard to special education ([Georgia Rule 160-4-7-.13\(3\)\(a\)\(1\)](#)).
 - In GA, PK students cannot be home-schooled.

Definition of Parentally-Placed Private School Children with Disabilities

[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.

Definition of Elementary School

34 CFR § 300.13

- *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.

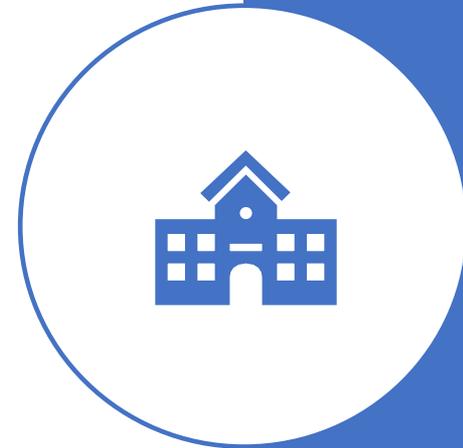
Definition of Secondary School

[34 CFR § 300.36](#)

- *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 ([Georgia Rule 160-4-7-.21\(38\)](#)).

Private School Location and the LEA Responsible

- Obligation to provide equitable services rests with the LEA where the student's private/home school is located ([34 CFR § 300.131\(a\)](#))
- Requirement does not apply if there are no private/home schools in the LEA's jurisdiction





Chat Time

Let's chat about the questions on the following slide.

Questions for the Chat Box

(1) What services has your LEA provided in the past?

(2) What type of services can you offer?

(3) How does your LEA make decisions about the special education services it will provide to parentally-placed private school students with disabilities?



#2 Be Aware of and Adhere to LEA Requirements

LEA Requirements



Timely and
Meaningful
Consultation



Written
Affirmation



Child Find



Evaluation and
Determination Of
Eligibility

LEA Requirements (cont.)



Proportionate Share
Calculation



Proportionate Share
Expenditure



Development of
Service Plans



Providing or
Contracting For
Services

Timely and Meaningful Consultation

[34 CFR § 300.134](#)

- Occurs prior to other required activities
- Must invite and consult with the private school representatives and representatives of parents of eligible private and home-schooled children
- Collaborative process
- Possible additional consultation

Timely and Meaningful Consultation – Required Topics

[34 CFR § 300.134](#)

- ① Child find process including:
 - How parentally-placed private school children suspected of having a disability can participate equitably
 - How parents, teachers, and private school officials will be informed of the process
- ② The proportionate share amount available to serve parentally-placed private school children with disabilities and how it was calculated.

Timely and Meaningful Consultation – Required Topics (cont.)

[34 CFR § 300.134](#)

- ③ Consultation process, methodology and schedule for the school year.
- ④ How, where and by whom proportionate share funds will be allocated, including a description of the types and amounts of services that will be provided.
 - The LEA must make the final decisions on services to be provided after receiving views from the participants ([34 CFR § 300.137\(b\)\(2\)](#)).

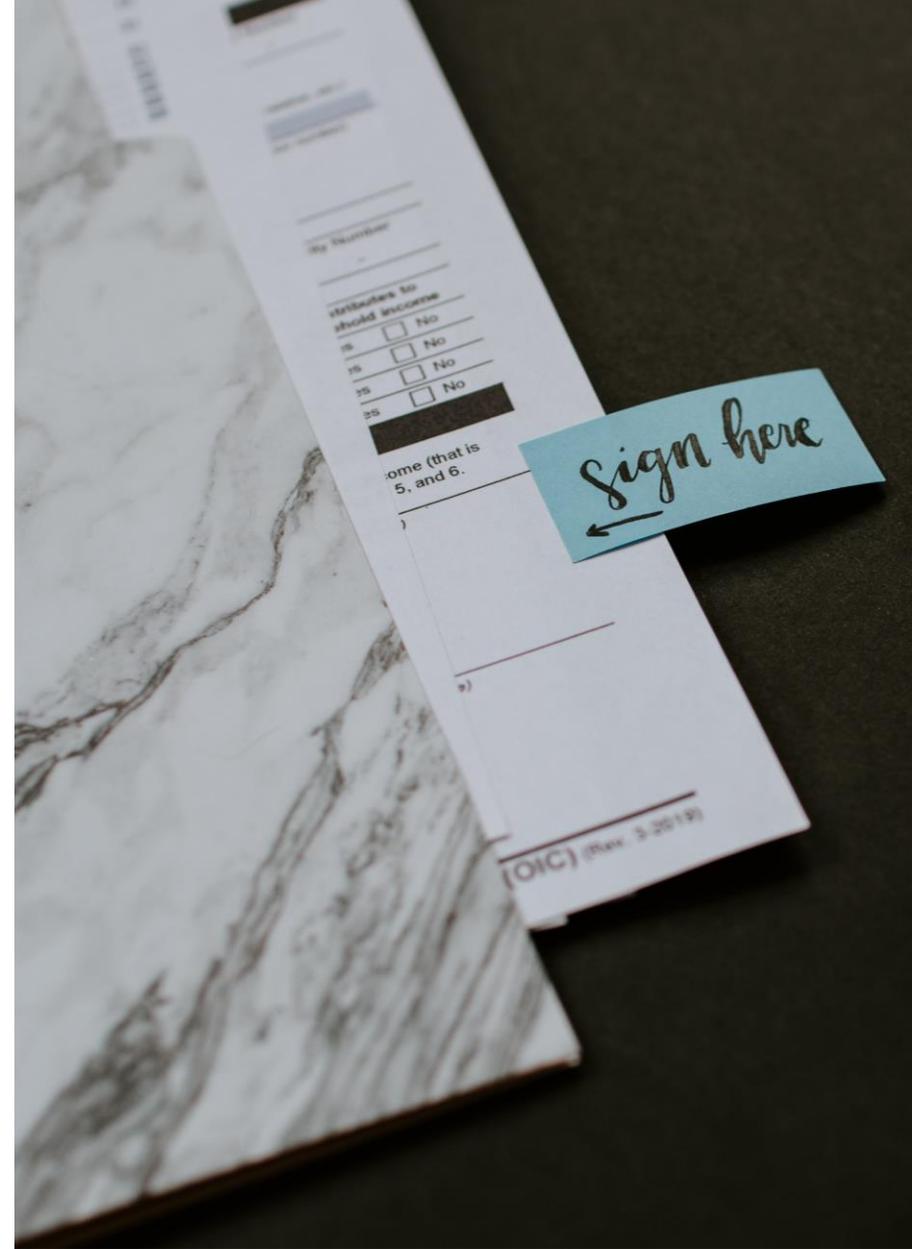
Timely and Meaningful Consultation – Required Topics (cont.)

[34 CFR § 300.134](#)

- 5 How, if the LEA disagrees with the views of the private schools on services, it will provide a written explanation of why it chose not to follow the views of the private schools.

Written Affirmation

The LEA must obtain a signed written affirmation from participating private school and home school representatives ([34 CFR § 300.135](#)).



Written Affirmation (cont.)



Need More Than a
Record of Attendance



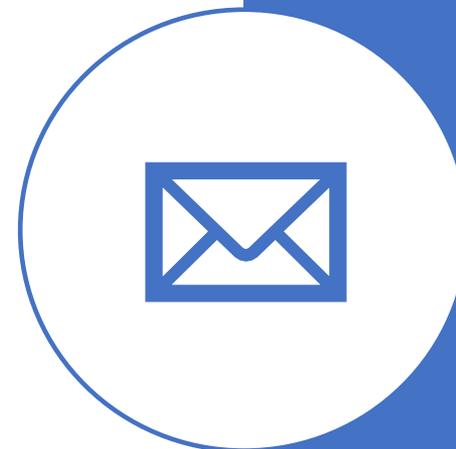
Provided to Each
Representative to Sign



Any Refusals to Sign
Should be Noted

Documentation to Keep

- Emails/letters to find eligible students
- Copies of all notices – letters, emails, website notification, newspaper, home school registration materials, etc.
- Outreach attempts for consultation, nature of the attempts, and outcomes of the attempts
- Sign-in sheets
- Agendas, PowerPoints and all training materials
- Written affirmations and consultation notes



Child Find

Per [34 CFR § 300.131](#), an LEA must conduct child find activities for parentally-placed private school children with disabilities.



Child Find for Parentally-Placed Private School Children with Disabilities

34 CFR § 300.131

(a) *General.* 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.

(b) *Child find design.* The child find process must be designed to ensure—

(1) The equitable participation of parentally-placed private school children; and

(2) An accurate count of those children.

An LEA must spend the proportionate share amount of IDEA Part B funds to provide equitable services for parentally-placed private school children with disabilities ([34 CFR § 300.133\(a\)](#)).



Proportionate Share of Funds

34 CFR § 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.**

Proportionate Share of Funds (cont.)

34 CFR § 300.133 Expenditures

(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 the parent rejected the LEA's IEP offer of FAPE and they are enrolled in a private school that meets the definition of elementary school in §300.13.

Proportionate Share Calculation

An LEA must calculate the proportionate share amount of IDEA Part B funds to be provided for parentally-placed private school children with disabilities ([34 CFR § 300.133\(b\)](#)).



Proportionate Share Calculation

34 CFR § 300.133 Expenditures

(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: Automatic fill 		
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.
- Conduct a final count on any date between October 1 and December 1.

Proportionate Share Expenditures

34 CFR § 300.133

An LEA ...

- Determines the services to provide certain parentally-placed private school children with disabilities after timely and meaningful consultation
- Must carry over any unexpended proportionate share funds for one year
- State and local funds may supplement, but not supplant, the proportionate share funds

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*

34 CFR § 300.132 – Provision of Services for Parentally-Placed Private School Children with Disabilities – Basic Requirement

- 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 right to 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.

Unallowable Uses of Proportionate Share Funds

34 CFR § 300.141



To finance the existing level of instruction in a private school or to otherwise benefit the private school



To meet the needs of a private school



To meet the general needs of the students enrolled in the private school

Activity

Please discuss the scenarios on the following slide.



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 non-profit 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 and are all on services plans. 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 10th 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?



#3 Be Mindful of FAQs

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)).



#4 Be Resourceful

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 Individuals with Disabilities Education Act: Provisions Related to Children with Disabilities Enrolled by Their Parents in Private Schools](#)

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](#)

GaDOE Resources – Online Training Module

IDEA Equitable Services: What You Need to Know

- Module 1: Introduction to IDEA Equitable Services
- Module 2: Timely and Meaningful Consultation
- Module 3: Child Find and Evaluations
- Module 4: Child Count and Proportionate Share
- Module 5: Services Plans and Provision of Services
- Module 6: Frequently Asked Questions (FAQs)
- Module 7: Resources

COMING SOON to State Longitudinal Data System (SLDS) PLO Platform

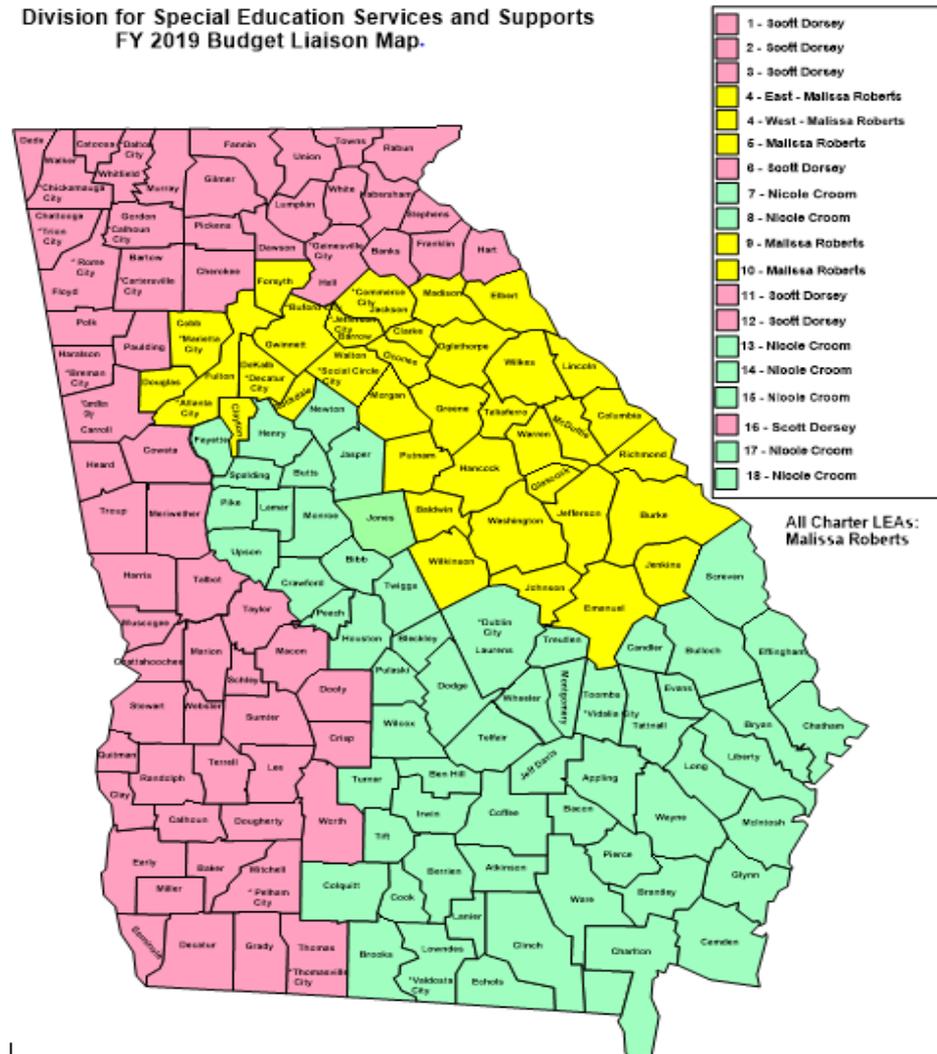
GaDOE Resources – Budget Liaison

- One-year carry-over period for unexpended proportionate share funds
- Option for a waiver after one-year carry-over period if LEA is in compliance with the requirements related to parentally-placed private school children with disabilities in 34 CFR § 300.129 through 300.144
- Approved waiver allows funds to pay for other allowable Part B expenditures



Budget Liaison Map

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





Questions?



Contact Us

We're Here to Help!

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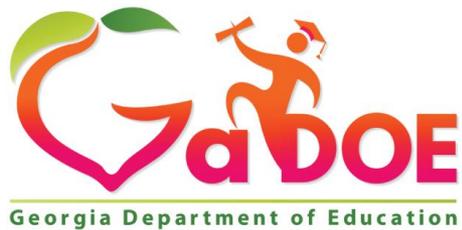
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