Do the Right Thing . . . Equitable Services

SELDA
July 10, 2024

Georgia Department of Education
Special Education Services and Supports Division

Carla Rose, District Budget Liaison
Ice Breaker

Who wrote and directed the movie, Do the Right Thing? What year was the movie released?
Agenda

- Equitable services regulations
- Local educational agency (LEA) requirements
- Proportionate Share
- Resources
What’s Your Comfort Level?

Draw the emoji that best describes your comfort level with Equitable Services?
Equitable Services Federal Regulations
Definition of Equitable Services

• Special education and related services provided to parentally-placed private school children with disabilities in accordance with the provision in the Individuals with Disabilities Education Act (IDEA) and its implementing regulations in 34 C.F.R. §§ 300.130 - 300.144.

• Equitable services requirements do not apply to charter local educational agencies (LEAs).
Definition of Parentally-Placed Private School Children with Disabilities

34 C.F.R. § 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 34 C.F.R. § 300.13 or secondary school in 34 C.F.R. § 300.36, other than children with disabilities covered under 34 C.F.R. §§ 300.145 – 300.147.
  - The definitions of elementary school in 34 C.F.R. § 300.13 and secondary school in 34 C.F.R. § 300.36 specify that the school must be nonprofit.
Definition of Elementary School
34 C.F.R. § 300.13

Elementary School

1) A **nonprofit** institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

2) 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 C.F.R. § 300.36

Secondary School

1) 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.

2) 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)](https://www法规)).
Eligible Students for Equitable Services


- Homeschool students in Georgia are treated as private school students in regard to special education ([Georgia Rule 160-4-7-13(3)(a)(1)](https://www.gadoe.org/Regulations-and-Laws/Regulations/Other-Statewide-Regulations/160-4-7-13-(a)-(c))).
Local Educational Agency Requirements
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 C.F.R. § 300.131(a))
Equitable Services Requirements

Provision of Services Throughout the School Year

Development of Services Plans Prior to services beginning

Proportionate Share Calculation Summer/Fall

Child Count Fall

Timely and Meaningful Consultation Ongoing

Child Find Ongoing

Evaluation and Determination of Eligibility Ongoing

Provision of Services Throughout the School Year
Timely and Meaningful Consultation

34 C.F.R. § 300.134

To ensure **timely and meaningful consultation**, an LEA, or, if appropriate, an SEA, **must consult** with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the **design and development** of special education and related services for the children...
## What is Consultation?

<table>
<thead>
<tr>
<th>Mandatory Process</th>
<th>Ongoing Process</th>
<th>Collaborative Process</th>
</tr>
</thead>
</table>
| • Occurs prior to other required activities  
• Involves discussions between the LEA and stakeholders | • Not solely an annual meeting  
• May occur as many times as needed | • Opportunity for all parties to express their views and consider others’ views  
• Decisions about services may not be made in advance |
Timely and Meaningful Consultation
Required Topics #1-2

34 C.F.R. § 300.134

1. Child find process including:
   • How parentally-placed private school children suspected of having a disability can participate equitably in child find
   • 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 #3-4

34 C.F.R. § 300.134

3. Consultation process, methodology and schedule for the year
4. How, where and by whom special education and related services will be provided for parentally-placed private/home school children with disabilities, including a discussion 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 C.F.R. § 300.137(b)(2)).
Timely and Meaningful Consultation
Required Topic #5

34 C.F.R. § 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.
Provision of Services for Parentally-Placed Private School Children with Disabilities

34 C.R.F. § 300.132

- The LEA where the student’s private/homeschool is located has the obligation to provide equitable services.
- The LEA must develop and implement a services plan for each child designated to receive services.
- Each LEA must maintain records and provide information to the state education agency (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.
Equitable Services Determined

34 C.F.R. § 300.137

• No parentally-placed private school child with a disability has an individual right to special education and related services.

• Decisions about services may not be made in advance or in the absence of timely and meaningful consultation.
  • The LEA must make the final decisions about all aspects of the services to be provided.

• The LEA must initiate and conduct meetings to develop, review, and revise a services plan for the child.
Written Affirmation

The LEA must obtain a signed written affirmation from participating private school and homeschool representatives

(34 C.F.R. § 300.135).

Private School Consultation Affirmation
Written Affirmation (cont.)

- Have More than a Record of Attendance
- Provide to Each Representative to Sign
- Note Any Refusals to Sign
## Documentation to Keep

<table>
<thead>
<tr>
<th>Documentation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a.</strong> Emails and letters to find eligible students</td>
<td></td>
</tr>
<tr>
<td><strong>b.</strong> Copies of all notices such as letters, emails, website and newspaper notifications, etc.</td>
<td></td>
</tr>
<tr>
<td><strong>c.</strong> Outreach attempts for consultation, nature of attempts, and outcomes of attempts</td>
<td></td>
</tr>
<tr>
<td><strong>d.</strong> Sign-in sheets</td>
<td></td>
</tr>
<tr>
<td><strong>e.</strong> Meeting agendas, PowerPoints and all consultation materials</td>
<td></td>
</tr>
<tr>
<td><strong>f.</strong> Signed written affirmation forms and consultation notes</td>
<td></td>
</tr>
</tbody>
</table>
Select the correct statement(s) describing timely and meaningful consultation.

a. Timely and meaningful consultation is a mandatory process.

b. Timely and meaningful consultation occurs after other required activities.

c. Timely and meaningful consultation may occur as many times as needed throughout the year.
Select the correct statement(s) describing timely and meaningful consultation.

a. Timely and meaningful consultation is a mandatory process.

b. Timely and meaningful consultation occurs after other required activities.

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Child Find

Per 34 C.F.R. § 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 C.F.R. § 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.
Child Find for Parentally-Placed Private School Children with Disabilities (cont.)

34 C.F.R. § 300.131

(c) Activities. In carrying out the requirements of this section, the LEA must undertake activities similar to the activities undertaken for the agency’s public schools.

(d) Cost. The cost of carrying out the child find requirements in this section, including individual evaluations, may not be considered in determining if an LEA has met its obligation under § 300.133 (Expenditures.)
Child Find for Parentally-Placed Private School Children with Disabilities (cont.)

34 C.F.R. § 300.131

(e) Completion period. The child find process must be completed in a time period comparable to that for students attending public schools in the LEA consistent with § 300.301
What are the three requirements of LEAs for Child Find?

Each LEA must . . .

a. ______
b. ______
c. ______

who are parentally-placed private school children with disabilities.
What are the LEA’s three requirements for Child Find?

Each LEA must . . .

a. Locate
b. Identify
c. Evaluate

who are parentally-placed private school children with disabilities, and in Georgia this includes homeschooled children with disabilities.
Proportionate Share
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 C.F.R. § 300.133(b)).
How do LEAs locate the Proportionate Share tab?

- After selecting the 611 IDEA (Ages 3-21) or 619 IDEA (Ages 3-5) Budgets in the Consolidated Application,
  - Select the Program Information tab
  - Next, select the Exceptional Students tab
  - Finally, select the Proportionate Share tab
Proportionate Share Tab

IDEA 611

Worksheet: Proportionate Amount of Funds for Private School Children with Disabilities

The amended IDEA 2004 federal regulations require that a proportionate amount of IDEA 611 funds must be spent on providing special education and related services to private school children with disabilities unilaterally placed by their parents. The following worksheet allows you to calculate this proportionate amount.

NOTE: Board Rule 150-4-7.13(3)(a)(1) Home school children are to be counted and treated as private school children when determining the proportionate share of funds.

A. Number of parentally placed eligible private/home schools children with disabilities located in the LEA/S and N students from PTDSS report:

B. Number of children with disabilities in public schools in the LEA (Y students from PTDSS report):

C. Total number of eligible children with disabilities (Y, S, and N students):

D. Proportionate Percentage: Note - 4 decimal places

E. Allocation Amount:

F. Proportionate Amount:

G. CarryOver Amount:

H. Total Proportionate Amount:
Proportionate Share Tab

IDEA 619

Worksheet: Proportionate Amount of Funds for Private School Children with Disabilities

The amended IDEA/2004 federal regulations require that a proportionate amount of IDEA 619 funds must be spent on providing special education and related services to private school children with disabilities unilaterally placed by their parents. The following worksheet allows you to calculate this proportionate amount.

NOTE: Board Rule 180-4-7.13 (c)(a)(1) Home school children are to be counted and treated as private school children when determining the proportionate share of funds.

A. Number of parentally placed eligible private/home schooled children with disabilities located in the LEA/S and N students from FT085 report:
B. Number of children with disabilities in public schools in the LEA (Y students from FT085 report):
C. Total number of eligible children with disabilities (Y, S, and N students):
D. Proportionate Percentage: 4 decimal places
E. Allocation Amount:
F. Proportionate Amount:
G. CarryOver Amount:
H. Total Proportionate Amount:
# Proportionate Share Tab Contents

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Formula/Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Number of parentally-placed eligible private/home schooled children with disabilities located in the LEA (S and N students from FT085 report)</td>
<td>Input</td>
</tr>
<tr>
<td>B.</td>
<td>Number of children with disabilities in public schools in the LEA (Y students from FT085 report)</td>
<td>Input</td>
</tr>
<tr>
<td>C.</td>
<td>Total number of eligible children with disabilities (Y, S, and N students)</td>
<td>Formula</td>
</tr>
<tr>
<td>D.</td>
<td>Proportionate Percentage – 4 decimal places</td>
<td>Formula</td>
</tr>
<tr>
<td>E.</td>
<td>Allocation Amount</td>
<td>Auto Fill</td>
</tr>
<tr>
<td>F.</td>
<td>Proportionate Amount</td>
<td>Formula</td>
</tr>
<tr>
<td>G.</td>
<td>Carryover Amount</td>
<td>Input</td>
</tr>
<tr>
<td>H.</td>
<td>Total Proportionate Amount</td>
<td>Formula</td>
</tr>
</tbody>
</table>
What do LEAs use to complete the Proportionate Share tab?

- The FT085 IEP Services by Primary Area report in the FTE-1 Special Education Reports contains all the necessary information.
- LEAs should use the FT085 from the prior year’s FTE-1 (i.e., for the FY25 IDEA Budgets (611 and 619) use the FT085 Report from FTE-1 of FY24).
- Eligible students with disabilities included in FTE-1 will be shown in an LEA's FT085 IEP Services by Primary Area.
- The FT085 will show ALL students who are eligible for special education.
  - N: Eligible and Not Served
  - S: Eligible and Served with a Services Plan
  - Y: Eligible and Served with an IEP
Proportionate Share Tabs: Key Takeaways

• Use the FT085 report from the prior year’s FTE-1
• Keep in mind the FT085 report is a snapshot in time
• Must refer to the FTE1 snapshot of the prior school year
Access the FT085 Report

Follow the steps below to locate the FT085 Report:

**Step 1.** Log in to [MyGaDOE Portal](#)

**Step 2.** Select Data Collection from the Menu

**Step 3.** Select Full-Time Equivalent
Access the FT085 Report

Step 4. Select FTE Reports Menu

Step 5. Select Special Ed Report Menu
Access the FT085 Report

Step 6. Select FT085 IEP Services by Primary Area
Completing the Proportionate Share tab

➢ The _________ report is used in the calculation of Proportionate Share.

➢ Is the prior or current year report used to calculate Proportionate Share?
 Completing the Proportionate Share tab

➢ The **FT085 IEP Services by Primary Area** report is used in the calculation of Proportionate Share.

➢ Is the prior or current year report used to calculate Proportionate Share? **Prior year**
Proportionate Share

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

(34 C.F.R. § 300.133).
Proportionate Share Expenditures

**34 C.F.R. § 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 (**34 C.F.R. § 300.133(a)(3)**)

- May use state and local funds to supplement, but not supplant, the proportionate share funds
Eligible Expenditures

- Benefit only eligible students
- Service Plan Meeting specific to eligible child
- Time to prepare/plan services specific to eligible child
- Direct services

- Equitable services providers:
  - LEA employees
  - Contractors
  - Private school employees performing services outside of regular hours of duty and under the supervision and control of the LEA
Eligible Expenditures (cont.)

<table>
<thead>
<tr>
<th>Eligible Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Indirect services</td>
</tr>
<tr>
<td>• Consultative services</td>
</tr>
<tr>
<td>• Equipment and materials</td>
</tr>
<tr>
<td>• Training for private school personnel</td>
</tr>
<tr>
<td>• Transportation</td>
</tr>
<tr>
<td>• If necessary for the child to benefit from or receive</td>
</tr>
<tr>
<td>services</td>
</tr>
<tr>
<td>• Mileage reimbursement</td>
</tr>
</tbody>
</table>
Non-Eligible Expenditures

Administrative Costs

34 C.F.R. § 300.133(a) To meet the provision of services for parentally-placed private school children with disabilities each LEA must spend on providing special education and related services (including direct services) means that administrative costs cannot be included.

- Costs incurred by grant recipients or sub-recipients in support of the day-to-day operations of their LEA.
- Costs that are not related to the direct provision of program activities.
# Non-Eligible Expenditures

<table>
<thead>
<tr>
<th>Non-Eligible Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Administrative costs – clerical, director, etc.</td>
</tr>
<tr>
<td>• Consultation meetings</td>
</tr>
<tr>
<td>• Preparation for Service Plan Meeting (scheduling, phone calls, and printing)</td>
</tr>
<tr>
<td>• Child find activities</td>
</tr>
<tr>
<td>• Evaluations</td>
</tr>
<tr>
<td>• Re-evaluations</td>
</tr>
<tr>
<td>• Separate classes if classes are at the same site and the classes include public and private school students</td>
</tr>
</tbody>
</table>
Non-Eligible Expenditures

<table>
<thead>
<tr>
<th>Non-Eligible Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Remodeling or repairs of private school facilities</td>
</tr>
<tr>
<td>• Paying salaries of private school staff for part of regular duties</td>
</tr>
<tr>
<td>• Funds used to benefit a private school</td>
</tr>
<tr>
<td>• Meeting the needs of a private school or the general needs of its students</td>
</tr>
<tr>
<td>• Turning over proportionate share funds to the private school to use at its discretion</td>
</tr>
</tbody>
</table>
Pick Three Non-Eligible Expenditures for Proportionate Share

1. Training for Private School Personnel
2. Administrative Costs
3. Child Find Activities
4. Evaluations
5. Re-evaluations
6. Transportation of Student for Services
Pick Three Non-Eligible Expenditures for Proportionate Share

1. Training for Private School Personnel
2. Administrative Costs
3. Child Find Activities
4. Evaluations
5. Re-evaluations
6. Transportation of Student for Services
What is the Right Thing to Do?
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 #1

Which district is responsible for providing equitable services?

a. Beachwood School District
b. Pepper Pike School District
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 #2

Which district is responsible for providing equitable services?

a. Lyndhurst School District
b. Richmond Heights School District
c. Neither school district
Scenario #3

The Solon School District must set aside $10,000 in IDEA 611 Flowthrough funds for equitable services. The district 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.

If the district expends all $10,000 on speech and language, is the district required to provide orientation and mobility services to the 10th student?
Scenario #3

If the district expends all $10,000 on speech and language, is the district required to provide orientation and mobility services to the 10th student?

a. Yes
b. No
Scenario #4

The Solon School District must set aside $10,000 in IDEA 611 Flowthrough funds for equitable services. The district 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.

If the district expends only $7,000 on speech and language and opts to carry over the remaining $3,000, is the LEA in compliance?
Scenario #4

If the district expends only $7,000 on speech and language and opts to carry over the remaining $3,000, is the district in compliance?

a. Yes
b. No
Available Resources
Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools
(Revised February 2022)
GaDOE Resources
Special Education Webpages

- Implementation Manual - Private Schools Chapter
- Special Education Budget webpage - Resources for Guidance section
- Sample affirmation forms
  - Private School Affirmation form (Individual)
  - Private & Home Schools Participation/Affirmation Form (Group)
Roll’em . . .

Questions
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Division for Special Education Services and Supports - Budget Liaisons Map

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- 2 - Carla Rose
- 3 - Carla Rose
- 4 - Nicole Croom
- 5 - Carla Rose
- 6 - Carla Rose
- 7 - Nicole Croom
- 8 - Joni Taylor
- 9 - Joni Taylor
- 10 - Joni Taylor
- 11 - Andrew Britt
- 12 - Joni Taylor
- 13 - Joni Taylor
- 14 - Stephanie Hurst
- 15 - Stephanie Hurst
- 16 - Stephanie Hurst
- 17 - Stephanie Hurst
- 18 - Stephanie Hurst

Andrew Britt also serves
Sacs Schools
Department of Corrections
Department of Juvenile Justice
Phased Services
Nicole Croom
Supports all LEAs considering IDEA funds

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We Are Here To Help!
Thank You!

Do The Right Thing . . .
Equitable Services
The End