

Nonpublic Proportionate Share Services

Rocio Casillas

Principal Consultant

Special Education Department

Agenda

- IDEA Part B Overview
- Nonpublic Registration
- Data Reporting
- LEA Responsibilities for NPPS
- ISBE Guidance Overview for TMC
- Best Practices
- Individual Service Plans
- NPPS Allocations
- 3-5 population
- Q&A

Related Guidance Documents

- [OSEP Guidance: Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#) (February 2022)
- [ISBE Special Education Department Guidance Document: Nonpublic Proportionate Share Services](#)(May 2023)

IDEA Part B Overview

34 CFR § 300.130-300.144.

Federal Provisions Related to Children With Disabilities Enrolled by Their Parents in Private Schools

- In its simplest form:
 - Special education and related services should be provided for privately enrolled children with disabilities.
 - Public school districts must spend a proportionate share of federal special education entitlement funds on services for eligible parentally-placed private school students attending school in the district's catchment area.

Nonpublic Registration

[Section 2-3.25o](#) of the school code governs the voluntary registration (and recognition) process for eligible nonpublic schools.

Registration (See [23 Ill. Admin. Code 425.20](#) or [Registration Application](#))

A nonpublic school must meet the following criteria to be eligible for registration:

- Nonprofit;
- Non-home-based; and
- Provide basic descriptive information and assurance of compliance with various laws and regulations.
 - Demographic and other data on the enrolled students, including a student's race, ethnicity, and grade level.

Approved applicants are entered into the Entity Profile System, given an RCDT code, and granted access to IWAS for annual reporting.

Not All Nonpublic Schools are Registered

Due to the eligibility criteria and voluntary aspect of registration, it is difficult for ISBE to provide a 100% accurate list of all nonpublic schools within a school districts' boundaries.

Helpful Tips to Locate Nonpublic Schools

1. Home schools are considered nonpublic schools in Illinois.
 - a) Check Facebook; ask around; and check public spaces like libraries, parks, museums, etc.
2. Google Maps can be a useful tool for finding nearby nonpublic schools.
3. Many nonpublic schools are connected to places of worship. (See previous tip on Google Maps.)
4. You may have [ethnic language schools](#) in your area, but they don't qualify for special education services.
5. Check with the nonpublic schools you do know to see if they know of any other nearby nonpublic schools.

Data is Self-Reported

Nonpublic schools self-report their student enrollment and demographic data every year between October 1 and June 30.

Enrollment Data

1. ISBE cannot verify the data that is self-reported.
2. The data collection closes on June 30.
3. The data is published on ISBE's webpage usually in late summer/early fall.
4. Sometimes nonpublic schools forget to renew their registration in a given year. In that case, ISBE will not have enrollment data for that nonpublic school.
5. The exact data that is collected can be viewed on pages 4 and 5 of the [registration application](#).
6. Nonpublic schools are asked to verify the school district they are located in when they renew registration each year.
7. Nonpublic schools are required to list in which district their students reside. For example, an overall enrollment of 10 students would list: five live in District A, three live in District B, and two in District C.

Key Takeaways

- ISBE collects enrollment data from nonpublic schools through the voluntary registration process.
- Not all nonpublic schools in Illinois are registered.
- Data is self-reported by a nonpublic school

Data Reporting

- Each LEA is responsible for ensuring timely and accurate data is submitted to ISBE on a regular basis. Each LEA is encouraged to periodically consult with the private school administrators on the data to ensure that information remains current.

I-Star Plus

- I-Star Plus is the data source for students that are parentally-placed in private/parochial schools and homeschool students
- I-Star is accessible via Illinois Web Application System (IWAS)
- ISBE uses the following fund codes when entering student information into ISBE's Student Data Tracking and Reporting (I-Star) system. Student counts for Fund Codes L, P, and N with not receiving services codes of 2, 3, and 4 are included as eligible students.

Fund Code L

- This code should be used for students that are enrolled by their parent/guardian in a private/parochial school for general education
- This student would not be enrolled at their public school district
- They would receive only special education services from the public districts
- The student would have an Individual Service Plan (ISP)

Fund Code P

- This code is for students who are being home-schooled for general education
- They would not be enrolled in the public school district
- They would receive special education services from the public district
- Student has an ISP

Fund Code N

- This code would be used for a student that is enrolled by their parent/guardian in a private/parochial school or homeschool student for general education
- They would not be enrolled in a public school district
- They would have been found eligible to receive special education services from district, but is NOT receiving them.

Fund Code N-Cont.

- Fund Code N MUST be entered with one of the service codes for why they are not receiving services.
- These students must be reported in I-Star Plus for 3 years from the last evaluation date.
- Removal of the record after 3 years assumes that the district has contacted the parent/guardian and consent was not provided for the re-evaluation, therefore, eligibility has expired

Fund Code K

- This code is for students that are enrolled by their parent/guardian in a private/parochial school or homeschool student for general education
- Are also enrolled, have an IEP, and are receiving services in the public school district.
- These IEPs would not be funded with NPPS funds.

Important Due Dates

- Data for Fund Codes L & P are DUE in I-Star Plus on February 25th of that school year.
- Data for Fund Code N is DUE in I-Star Plus on July 31st.
- Regardless of the due date, the records **MUST** be active by the December 1st Child Count date to calculate NPPS funds.

LEA Responsibility of Child Find

- **34 CFR 300.111(a):**

The State must have in effect policies and procedures to ensure that-

(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located and evaluated

Child Find Responsibility-cont.

- [23 IAC 226.100 Child Find Responsibility](#)

(a) Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children from whom the district is responsible under 34 CFR 300.131) who may be eligible for special education and related services.

Child Find Responsibilities-cont.

- Each LEA is responsible for locating, identifying, and evaluating ALL children with disabilities enrolled by their parents in private/parochial schools located in the school district served by the LEA. (This includes homeschooled students)
- Child find activities for students in private/parochial schools must be comparable to activities undertaken for children with disabilities enrolled in the district .
- This includes initials and reevaluations for students located within their district boundaries.

LEA & Child Find Cont.

- Evaluations for students attending a private/parochial school in a different district than where they live:
 - Every district **MUST** evaluate students in their district boundaries.
 - However, a parent **MAY** request that their resident district do the evaluation. This is preferable if the parent is interested in re-enrolling back into their resident district.
 - Even if the serving district completes the eval, the resident district is **ALWAYS** responsible for providing the offer of FAPE, **NOT** the serving district.
 - An eval should not be completed by both districts.

Evaluations Continued

- Evaluations for students attending a private/parochial school in a different district than where they live and wants to re-enroll back into public school, but their resident districts are separated by elementary and high school.
 - The resident school district should do the evaluation AND provide an offer of FAPE.
 - Offer of FAPE is made according to the educational environment of that district.
 - Offer of FAPE cannot be finalized unless the parents accepts and enrolls into that school district.
 - The high school district cannot do evaluation since that student would not be a student at that district at the time of evaluation.

Timely and Meaningful Consultation (TMC)

34 CFR §300.134 Consultation

- 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 regarding the following:
 - Child Find Process
 - Proportionate Share of Funds
 - Consultation Process
 - Provision of services
 - Written explanation by LEA regarding services.

TMC-Child Find

- Consultation meeting must have a discussion on Child Find-
 - (1) How parentally-placed private school children suspected of having a disability can participate equitably; and
 - (2) How parents, teachers, and private school officials will be informed of the process.

TMC-Proportionate Share of Funds

- Consultation meeting must have a discussion on the proportionate share of funds-
 - (1) How much funds are available to serve parentally-placed private school children with disabilities
 - (2) How the proportionate share of those funds was calculated.

TMC-Consultation Process

- Consultation meeting must have a discussion on the consultation process-
 - (1) How the LEA will provide consultation throughout the school year to ensure parentally placed children with disabilities can meaningfully participate in special education and related services
 - (2) An opportunity for other participants to share thoughts, concerns, questions or proposals for services.

TMC-Provision of Services

- Consultation meeting must have a discussion on provision of services-
 - (1) The special education and related services that will be provided.
 - Including the types of services (direct/indirect, alternate service delivery mechanisms, etc.).
 - (2) How, where, and by whom special education and related services will be provided.
 - (3) How special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school children
 - (4) How and when those decision will be made

TMC-Written Explanation by LEA

- Written explanation by LEA regarding services. How, if the LEA disagrees with the views of the private school officials on the provision of services or the types of services (whether provided directly or through a contract), the LEA will provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

TMC Responsibilities

- Hold a TMC meeting annually, **but ongoing collaboration and consultation should occur throughout the school year.**
 - Even when there is no private or parochial school within the district boundaries, the LEA must hold a TMC meeting to ensure that the Child Find opportunity is made known to private school stakeholders, including parents of home-schooled students with disabilities.
 - ISBE has established that the last meeting for a school year for the following year's services shall be **held no later than May 31.**

TMC Responsibilities-Cont.

- Maintain documentation.
 - This includes evidence of the completion of the TMC meeting and written affirmation signed by the representatives of the participating private/parochial schools.
 - Sample of written affirmation on p. 28 of guidance

Special Education Cooperatives & TMC

ISBE recognizes and permits the conducting of TMC meetings by special education cooperatives.

- Member districts are still responsible for maintaining their own documentation of compliance, regardless of whether the TMC was conducted by the cooperative.

TMC Invitations

- ISBE strongly suggests that LEAs send notice of upcoming TMC meeting no later than four weeks prior to the scheduled meeting.
- The notice should include:
 - A request for the private/parochial officials to submit names and contact info of parents attending the private/parochial schools within one week of receiving notice. (sample letter on p. 25)

ISBE strongly suggests that LEAs send notice of upcoming TMC meeting **no later than four weeks prior to the scheduled meeting.**

- The notice should include:
 - A request for the private/parochial officials to submit names and contact info of parents attending the private/parochial schools within one week of receiving notice. (sample letter on p. 25)
 - **LEAs must send out notices to those parents no later than two weeks prior to scheduled TMC.** (sample letter on p. 26)
- LEAs must send out notices to those parents no later than two weeks prior to scheduled TMC. (sample letter on p. 26)

No Attendance at TMCs

- Continue to notify all parties in a timely manner
- Maintain documentation of all invitations, letters, and newspaper publications
- Hold meeting and make decisions
- Send out letters notifying parties of what the LEA decided on for the following school year
- Include a contact person should any questions arise.

What LEAs Need to Conduct TMC?

All Illinois school districts are expected to complete the TMC process even if there are not private/parochial schools located within the boundaries of the school district.

- This is to ensure that home-school students are included.
- **This also applies to districts that have a reported proportionate share calculation from ISBE of \$0.00 for the previous school year.**

Who needs to be at TMCs?

- Representatives of Private/Parochial Schools
 - LEAs are cautioned that facilities not appearing on the ISBE list of registered private/parochial schools should still receive notice of scheduled TMC meetings.
 - but does not include facilities such as day care centers, youth centers, or other such facilities that do not offer K-12 curricular instruction, in whole or in part.

Who Needs to be at TMC-cont.

- Parent Representatives of Private/Parochial Schools and Parents of Home-Schooled Students
 - IDEA does not define the term “parent representatives” and does not specify which individuals must be included as representatives of parents of parentally placed private school children.
 - There is also nothing in IDEA that would prevent parents of parentally placed private school children to represent themselves in the TMC process.
 - LEAs must include parents of known homeschool students in the TMC process.
 - LEAs must provide the same written notice that is provided to private/parochial school parents to the known parents of homeschoolers within the LEAs jurisdiction

TMC Advertisement

In order to ensure the widest possible participation of such parents in the TMC process:

- LEAs should place an advertisement in a local publication of general circulation that provides notice to the public of the TMC meeting.
- LEAs should also include a posting on school website
- Sample publication on p. 27

TMC Documentation

- List of Private/Parochial Schools and Parents of Home-Schooled Children
- Invitation Letters
 - Copies of each individual letter sent to a private/parochial rep, parent rep, and parent of home-school child
- Publicly Available Publication
- Attendance List
- Meeting Agenda
- Handouts
- Written Affirmation Form

Written Affirmation Form-TMC

- Each participant should be asked to sign a form that indicates all five of principal topics were discussed
- Districts should attempt to obtain at least one signed attestation from each school and family in attendance at the TMC meeting
- If a school rep or family rep refuses to sign the form, the district should maintain a record of that refusal in the form of a statement, by indicating “refused to sign” on the form

TMC Documentation Throughout the Year

Since the consultation process is ongoing throughout the school year, LEAs may also document ongoing participation by gathering signatures from participants or other documentation at the end of each consultation interaction.

- Maintaining documentation of each consultation interaction is one way to help prove that the consultation process was ongoing throughout the school year.

Reporting TMC to ISBE

- ISBE can request copies of the LEA's submission of its IDEA Part B grant application.
- ISBE can conduct periodic audits of TMC materials from a sample of LEAs.
- ISBE monitors for policies and procedures in place through Cyclical Monitoring Assessments.
- LEAs will be subject to sanctions by ISBE for their failure either to conduct the TMC meeting or to submit the required documentation as requested.

Best Practices from the Field

- Set a cadence for ongoing meetings throughout the school year on a shared calendar.
- Calendar reminders for TMC invitations.
- Posting TMC presentations on district website for easy access.
- Shared document with contact information for LEA contact person(s), private/parochial officials, parent representatives, parents of home-school children (to only be used for TMC purposes).
- Setting up a voluntary form for parents to notify district of their intent to enroll in private school/homeschool

Individual Service Plans (ISP)

- [34 CFR 300.138\(b\)](#)
 - (2) The services plan must, to the extent appropriate --
 - (i) Meet the requirements of § 300.320, or for a child ages 3 through 5, meet the requirements of § 300.323(b) with respects to the services provided; and
 - (ii) Be developed, reviewed, and revised consistent with §§ 300.321 through 300.324.

ISP Requirements

- Regulation states that ISPs should meet the requirements to the § 300.320 definition of individualized education program.
- ISBE shares the U.S. Department of Education Office of Special Education Program's stance that ISPs should be updated periodically, but no less than annually.

Proportionate Share Formula

$$\frac{\text{Total Federal Flow-Through Funds}}{\text{Total IDEA-Eligible Students (public and private)}} \times \text{\# of eligible children enrolled by their parents in private schools located in the LEA} = \text{Proportionate share amount that is to be expended for parentally-placed children with disabilities}$$

Allowable use of IDEA Funds

- IDEA proportionate share expenditures must include services to the students.
- Supplies, materials, and professional development for non-public school staff, in relation to the student services, are allowable.
- Supplies and materials that are not consumable must remain property of the district. Please provide an assurance in the expenditure line explaining the expenditures are in support of services to students provided by the district.

What Funds May Be Used For

- NPPS for special education services must be provided in accordance with ISPs, which can include direct instruction, professional development and tutoring. The services provided to nonpublic students with disabilities by public school personnel must meet IDEA personnel qualifications requirements.
- IDEA proportionate share expenditures must minimally include services to the students. Please note supplies and materials for nonpublic school staff, in relation to the student services, are allowable. Supplies and materials that are not consumable must remain property of the district.

What Funds May NOT Be Used For

- NPPS funds cannot be provided directly to a nonpublic school or a home-school parent.
- A district-contracted nonpublic school employee may only provide services during the day, if it falls outside the employee's contract.
- Administrative services.
- Child Find expenditures

Children Ages 3-5

- LEAs also have a responsibility under the “proportionate share” provisions of IDEA for children who fall within the 3–5-year age range.

Guidelines 3-5

- For-profit day care facilities, as well as prekindergarten and preschool programs that do not include a kindergarten program, are not considered “elementary schools” for the purposes of proportionate share
- Preschool students enrolled in these types of facilities do not meet the definition of a parentally-placed private school child with a disability.
- Students enrolled in these types of facilities are not eligible to be considered for equitable services under proportionate share funds.

Guidelines 3-5 cont.

- Not-for-profit day care facilities and prekindergarten programs that include an active kindergarten program (i.e., with kindergarten-age students in actual attendance in a kindergarten program) are considered elementary schools and do fall under proportionate share.
- If any part of a not-for-profit, private educational facility is recognized as falling under the proportionate share service requirements, the entire facility shall fall under proportionate share guidelines.

Responsible District 3-5

- Those schools that do not fall under proportionate share = districts of residence determine eligibility/provide services
- Those schools that do fall under proportionate share = district the private school is located in.

Questions?

217-782-5589

rcasilla@isbe.net

Harrisburg

(800) 635-5274