



Illinois State Board of Education

Nonpublic Proportionate Share Services

Barbara A Moore, Director, Department of Special Education Operational Support, Illinois State Board of Education

Rocio Casillas, Principal Consultant, Department of Special Education Programmatic Support, Illinois State Board of Education

Kate McConnell, Vice President for Student Advocacy and Family Engagement, ADAC

Equity • Quality • Collaboration • Community

Session Objectives

To provide an overview of the legal requirements for providing equitable services to students with disabilities parentally-placed in private/parochial schools

To describe the timely and meaningful consultation procedures and documentation

To highlight differences between IEPs and ISPs

To emphasize the importance of valid and reliable data for proportionate share calculations

IDEA Part B Overview

34 C.F.R. §§ 300.130-300.144 = Federal Provisions Related to Children With Disabilities

Enrolled by Their Parents in Private Schools

In its simplest form:

- Services 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.

[OSEP Guidance](#): Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools (February 2022)

[ISBE Guidance](#): Nonpublic Proportionate Share Services (May 2023)

Population

Students with disabilities ages 3-21 who are parentally-placed in a non-profit private/parochial school

Homeschool students with disabilities

Ages 3-5 with disabilities only if the private/parochial preschool is considered an elementary school. The school must have a kindergarten program to be considered an elementary school.



Child Find Requirements

- **LEA obligations = inform & conduct**

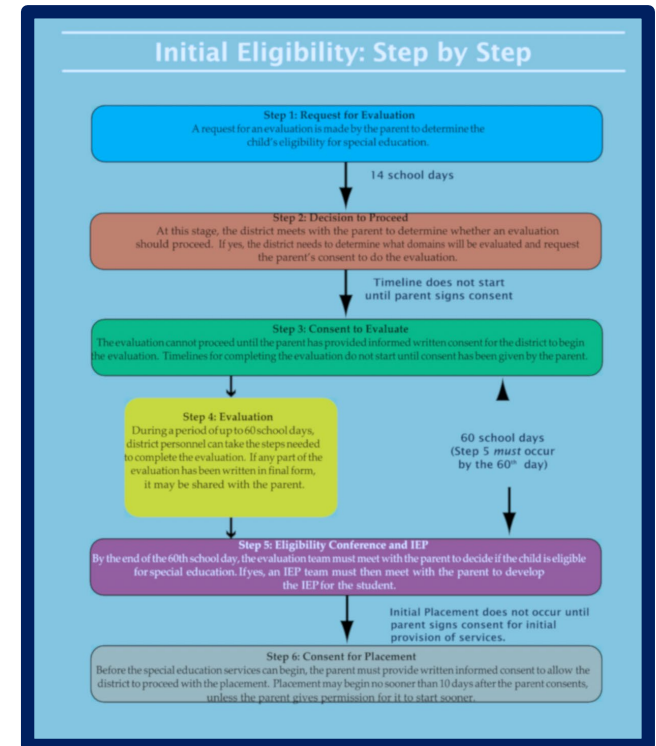
Child find is the process by which each Local Education Agency (LEA) is obligated to:

- inform parents (including private school parents if a private school is within its boundaries and home school parents in Illinois) – via proactive outreach to them –about the availability of special education assessment services, and
 - conduct said assessments.
- **These assessments are provided for “free.” The district cannot use proportionate share funds for child-find purposes.**



Child Find Requirements (cont'd)

- An LEA can require RTI as part of the Child Find process for public- school students, but *may not* require RTI as a condition for conducting assessments for private schools.
- The LEA must conduct the child find process in 60 school days.



Child Find

Eligibility Conference Occurs

A representative of the private school must be invited. If the representative declines, the meeting can still occur.



Student is found eligible for special education services.



If student enrolls in public school in resident district, an IEP is created.

If student is enrolled in a private school, a service plan is created by the district of location if agreed upon in consultation.

Resident districts who are also districts of location can, but are not required, to draft an IEP first before writing a service plan.



Timely and Meaningful Consultation

LEAs must engage in “timely and meaningful consultations” with the private schools, including homeschools, which are located within their district boundaries.

The process is between the private school officials, parent representatives, and LEA officials.

Consultation is ongoing throughout the year, as necessary.

Must be publicly advertised in primary place for which other public notices are provided so that parents of homeschool parents are aware.

Required TMC Topics

- How will parents, teachers, and private school representatives be informed of the child-find process?
- How will the consultation process proceed among all stakeholders?
- How will the consultation process proceed throughout the school year?
- How was/will the proportionate share be calculated?
- What is the proportionate share?



Required TMC Topics (cont'd)

- How will special education and/or related services be provided?
- Where will special education and/or related services be provided?
- By whom will special education and/or related services be provided?
- If funds are insufficient to serve all children, then how will the available funds be apportioned?
- How and when will the LEA arrive at definitive answers to these (and other) questions?

Written Affirmation

Anytime meaningful consultation occurs, public school district obtains written affirmation of the consultation from meeting participants.

Written affirmation does not indicate "agreement" but merely that the meeting and discussion took place, so it must be signed at the conclusion of the meeting or as soon as possible thereafter.

Written Explanation

- If the district disagrees with the views of the private school officials on the provision of services or the types of services, the district will provide to the private school officials a written explanation of the reasons why the district chose not to provide services directly or through a contract. 34 C.F.R. § 300.134(e)
- **The public school district has the final decision-making authority.** 34 C.F.R. § 300.137(b)(2). The LEA makes the final decision about which services to provide and to which students once the TMC meeting has occurred.

(Following the TMC, the LEA should review and/or revise existing ISPs and review the need for developing initial ISPs for students eligible for services to be offered.)

Common TMC Comments

What not to say:

- We've always done it this way.
- We don't evaluate for services we don't provide.
- We don't have the staff to do this.
- We've always just offered speech, so that's what we will continue to do.
- You're lucky we are giving you anything. This is taking services away from public school students.
- It's our final decision.

What to Say:

- That's an interesting idea. We will take it into consideration.
- We will evaluate for the identified needs of the student.
- Our staff is currently limited, but we will consider contracting with vendors if appropriate.
- We've always offered speech therapy, but are open to discussion of other services needed.
- Let's discuss how to make the best use of the proportionate share funds. We will review your proposed ideas. We will notify you of our decision in writing.

TMC Documentation

The LEA must maintain at the location level and submit in their IDEA grant application the following documents:

1. List of Private/Parochial Schools and Parents of Home-Schooled Students
2. Invitation Letters
3. Publicly Available Publication
4. Attendance Lists
5. Meeting Agendas
6. Affirmation Forms

TMC Documentation (cont'd)

Documentation is submitted to ISBE annually in the district's IDEA Part B grant application. NEW: There are now 3 tabs in the application.

- Date of most recent consultation. Reminders of all the documents required.
- The estimated amount of NPPS funds until the final allocations are determined.
- Reporting tab – carryover funds; upload all documentation



Affirmation Sample

28 / 28 125%

SAMPLE WRITTEN ATTESTATION OF CONSULTATION WITH PRIVATE/PAROCHIAL PROVIDERS

I hereby affirm that I was invited to and participated in the private/parochial school providers consultation meeting sponsored by (SCHOOL DISTRICT) and held on (DATE) at (ADDRESS) in accordance with the requirements of the Individuals with Disabilities Education Improvement Act. During the course of the consultation, the following issues were discussed with me:

(I) The Child Find process and how parentally-placed private school children suspected of having a disability can participate equitably, including how parents, teachers and private school officials will be informed of the process;

(II) The determination of the proportionate amount of federal funds available to serve parentally-placed private school children with disabilities under this paragraph, including the determination of how the amount was calculated;

(III) The consultation process among the Local Education Agency (LEA); private school officials; and representatives of parents of parentally-placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally-placed private school children with disabilities identified through the Child Find process can meaningfully participate in special education and related services;

(IV) How, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities, including a discussion of types of services and alternate service delivery mechanisms; how such services will be apportioned if funds are insufficient to serve all children; and how and when these decisions will be made; and

(V) 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 shall 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.

I was provided the opportunity to express my views and to ask questions of the school district



Equitable Services

- Parentally placed private school students with disabilities do not have an individual entitlement to special education services under IDEA. However, as a group, private school students have a right to equitably participate in special education services.
- The school district is required to spend a “proportionate share” of their IDEA Part B grant on services for private school students with disabilities.
- To qualify for services a student must be evaluated by the school district and found eligible for special education.

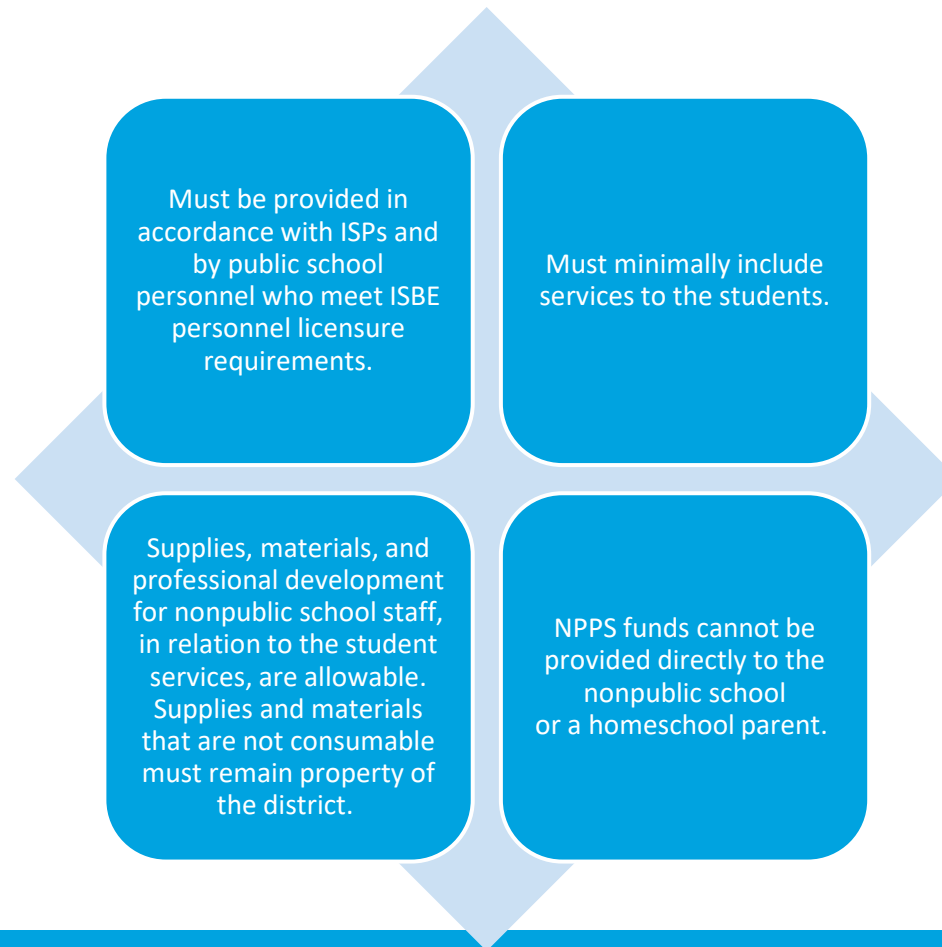
Equitable Services

Provides funding to support students with disabilities:

- Direct services to students
- Consultative services
- Supplies/materials/equipment
- Professional Development



Equitable Services (cont'd)



Individual Service Plans (ISP)

Individualized Education Program	Individualized Services Plan
Written for a student found eligible for special education services who resides within the boundaries of the LEA and is enrolled at the public school either full or part-time.	Written for a student found eligible for special education services who is <u>parentally-placed</u> at a private school within the boundaries of the LEA and has been designated to receive services as decided upon through the consultation process.
Details a full offer of FAPE, including services, minutes of services, location of services, annual and semi-annual goals.	Services are offered after consultation with parents and the private school, with federal IDEA funding. Not every service identified in the IEP will necessarily be provided through an ISP, and not every student will necessarily receive services. Services are provided by the public school district personnel or a contracted vendor.
Outlines services and supports student to make appropriate progress in academic achievement and/or functional performance.	Outlines provision of special education and related services as determined in consultation.



Individualized Education Program	Individualized Services Plan
Creates an individual right to special education and related services.	No individual right to special education and related services.
Obligates LEA to ensure implementation of services within the year of the IEP.	Services are not guaranteed and may end if funds are insufficient.
Identifies the type and frequency of services that will be provided as well as educational setting(s) in which services will be provided (least restrictive environment).	Identifies the type and frequency of services that will be provided and identifies the location of services.



Individualized Education Program	Individualized Services Plan
Identifies incremental and annual goals for student to establish and track appropriate progress	Identifies areas of focus for which the student needs support. Does not establish expected/appropriate progress or entitle student to a certain amount of progress
The <u>amount</u> of services outlined in an IEP are determined by the needs of the student.	The <u>amount</u> of services outlined in a services plan are typically less than what is outlined in an IEP and are determined by the amount of funding available to all private school students with disabilities within the LEA.



Proportionate Share - Data

IDEA requires LEAs to submit to SEAs the following information:

- the number of public and parentally-placed-private school children evaluated;
- the number of public and parentally-placed-private school children determined to be children with disabilities; and
- the number of children who are provided equitable services.

The above requirements are met through submission of data to ISBE into the I-STAR system.

Proportionate Share – Data (cont'd)

I-STAR Reporting Codes:

Fund Code L – Nonpublic – Not Enrolled: These students are enrolled by the parent/guardian in a nonpublic (e.g., parochial) school for general education and are not enrolled in the public school district but are receiving special education and/or related services specified on an ISP that are provided by the public school district.

Fund Code P - Home-Schooled -- Not Enrolled: These students are home-schooled for general education and are not enrolled in the public school district but are receiving special education and/or related services specified on an ISP that are provided by the public school district.

Proportionate Share – Data (cont'd)

Fund Code N - Nonpublic School Students Not Receiving Services:

This code must be used for all nonpublic students, including home-schooled, who have been evaluated and have had their eligibility determined to either receive or not receive special education services. The Reason for Not Receiving Services must be entered.

Reasons for Not Receiving Services:

- 01 Student is NOT eligible.
- 02 Student is eligible but parent refuses services. (Used for NPPS)
- 03 Student is eligible but no program available. (Used for NPPS)
- 04 Student is eligible -- pending placement. (Used for NPPS)
- 05 Student is not of eligible age (2 years old).

Common Data Issues

District data entry person does not regularly receive information on ISPs or when eligible students are not receiving services. Especially true for Fund Code N scenarios.

Lack of district tracking of Fund Code N and failure of district to reach out to parents/guardians about re-evaluations that are due for Fund Code N students.

Confusion regarding speech-only IEPs vs ISPs with only speech services. Speech therapists writing IEPs vs ISPs for students that are homeschooled or are enrolled in private/parochial schools.

Common Data Issues

Inconsistency between private/parochial school's data and district's data. Consider cross-checking annually.

Districts forgetting to complete a Fund Code N entry when a parent withdraws a student for homeschooling or placement in a private/parochial school.

Proportionate Share Calculations

Provides formula for LEAs to determine total proportionate share for parentally placed private school children with disabilities.

$$\frac{\text{Total Federal Flow-Through}}{\text{Total IDEA-Eligible Public and Private School}} \times \text{Eligible Children Enrolled by Their Parents in Private Schools Located in the LEA} = \text{Total Proportionate Share for Parentally Placed Private School Children With Disabilities}$$



Proportionate Share Calculations

Example

Number of eligible children with disabilities in public schools in the LEA	300
Number of parentally placed eligible children with disabilities in private elementary and secondary schools located in the LEA.	20
Total number of eligible children	320
Total allocation to Anytown	\$440,652.80
Divide by total number of eligible children	320
Allocation (average) per eligible child in FY 2021	\$1,377.04
Multiplied by the number of parentally placed children with disabilities	20
Amount to be expended for parentally placed children with disabilities <input type="text"/>	\$27,540.80



Proportionate Share (Ages 3-21)

11/14/2022

Special Education - IDEA Non-Public Proportionate Share (Final)

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Illinois State Board of Education

Funding & Disbursements Division

IDEA Flow Through (Ages 3 to 21) - Child Count December 01, 2021

Serving RCDT	Serving District Name	Eligible Children with disabilities in public schools in the LEA	Fund Code L&P	Eligible Not Served (Fund N)	Eligible Children with disabilities in non-public schools located in the LEA	Total Number of Eligible Students	FY 2023 IDEA Part B Flow Through	Average Allocation Per Eligible Child	FY 2023 Non Public Proportionate Share Amount
01-001-0010-26	Payson CUSD 1	81	0	2	2	83	140,515	1,693	3,386
01-001-0020-26	Liberty CUSD 2	133	0	2	2	135	139,921	1,036	2,072
01-001-0030-26	Central CUSD 3	154	0	1	1	155	192,716	1,243	1,243
01-001-0040-26	CUSD 4	116	0	0	0	116	172,357	1,486	0
01-001-1720-22	Quincy SD 172	1,160	32	42	74	1,234	1,987,792	1,611	119,214
01-005-0010-26	Brown County CUSD 1	118	16	8	24	142	205,273	1,446	34,704
01-009-0150-26	Beardstown CUSD 15	263	3	4	7	270	403,818	1,496	10,472
01-009-0640-26	Virginia CUSD 64	58	0	0	0	58	94,961	1,637	0
01-009-2620-26	A-C Central CUSD 262	43	0	0	0	43	94,018	2,186	0
01-069-0010-26	Franklin CUSD 1	47	0	0	0	47	84,050	1,788	0
01-069-0060-26	Waverly CUSD 6	75	0	2	2	77	94,075	1,222	2,444
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<https://www.isbe.net/Documents/FY23-NPPS-IDEA-FT.pdf>



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Proportionate Share (Ages 3-5)

11/14/2022

Special Education - IDEA Non-Public Proportionate Share (Final)

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Funding & Disbursements Division

IDEA Part B Preschool (Ages 3 to 5) - Child Count December 01, 2021

Serving RCDT	Serving District Name	Eligible Children with disabilities in public schools in the LEA	Fund Code L&P	Eligible Not Served (Fund N)	Eligible Children with disabilities in non-public schools located in the LEA	Total Number of Eligible Students	FY 2023 IDEA Part B Pre-School	Average Allocation Per Eligible Child	FY 2023 Non Public Proportionate Share Amount
01-001-0010-26	Payson CUSD 1	6	0	0	0	6	7,217	1,203	0
01-001-0020-26	Liberty CUSD 2	9	0	0	0	9	6,806	756	0
01-001-0030-26	Central CUSD 3	6	0	0	0	6	5,533	922	0
01-001-0040-26	CUSD 4	15	0	0	0	15	7,832	522	0
01-001-1720-22	Quincy SD 172	132	5	2	7	139	99,588	716	5,012
01-005-0010-26	Brown County CUSD 1	12	5	0	5	17	10,849	638	3,190
01-009-0150-26	Beardstown CUSD 15	30	0	0	0	30	21,770	726	0
01-009-0640-26	Virginia CUSD 64	9	0	0	0	9	5,119	569	0
01-009-2620-26	A-C Central CUSD 262	2	0	0	0	2	1,767	884	0
01-069-0010-26	Franklin CUSD 1	3	0	0	0	3	1,703	568	0
01-069-0060-26	Waverly CUSD 6	7	0	0	0	7	2,731	390	0
01-069-0110-26	Meredosia-Chambersburg CUSD	3	0	0	0	3	1,150	383	0

<https://www.isbe.net/Documents/FY23-NPPS-IDEA-PS.pdf>



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Reflections and Q & A



What is something that I learned today?



Who do I need to share this information with?



What practices will our district need to alter based on what I learned today?



Questions for Presenters



*Thank you for attending today's
presentation!*

*Questions may be submitted to
ISBESpecEd@isbe.net.*



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