



Nonpublic Proportionate Share Services

Timely and Meaningful Consultation

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Agenda

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

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.

Executive Summary

- 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.



LEA Responsibility of Child Find

What IDEA Says:

34 CFR 300.111 Child find.

(a) General.

- (1) 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; and
 - (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services

LEA Responsibility of Child Find

What Illinois Administrative Code Says:

23 IAC 226.100 Child Find Responsibility

This Section implements the requirements of 34 CFR 300.111.

(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 for whom the district is responsible under 34 CFR 300.131) who may be eligible for special education and related services. Procedures developed to fulfill the child find responsibility shall include:

- 1) Annual and ongoing screenings of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services.
- 2) Ongoing review of each child's performance and progress by teachers and other professional personnel, in order to refer those children who exhibit problems that interfere with their educational progress and/or their adjustment to the educational setting, suggesting that they may be eligible for special education and related services.
- 3) Ongoing coordination with early intervention programs to identify children from birth through two years of age who have or are suspected of having disabilities, in order to ensure provision of services in accordance with applicable timelines. Each local school district shall participate in transition planning conferences arranged by the designated lead agency under 20 USC 1437(a)(9) in order to develop a transition plan enabling the public school to implement an IFSP or IEP no later than the third birthday of each eligible child.

b) When the responsible school district staff members conclude that an individual evaluation of a particular child is warranted based on factors such as a child's educational progress, interaction with others, or other functioning in the school environment, the requirements for evaluation set forth in this Subpart B shall apply.

LEA Responsibility of Child Find

- 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 Responsibility of Child Find

- 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.

LEA Responsibility of Child Find

- 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:

- (a) Child Find. The Child Find process, including –
 - (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.
- (b) Proportionate share of funds. The determination of the proportionate share of Federal funds available to serve parentally-placed private school children with disabilities under § 300.133(b), including the determination of how the proportionate share of those funds was calculated.

Timely and Meaningful Consultation

34 CFR §300.134 Consultation

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

- TMC is intended to provide an opportunity for all parties to express their views and have those views taken into account by the LEA before any decisions are made that would have an impact on parentally placed private school children with disabilities.

(d) Provision of special education and related services. 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

(1) The types of services, including direct services and alternate service delivery mechanisms;

Timely and Meaningful Consultation

34 CFR §300.134 Consultation

- (d) Provision of special education and related services. 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 --
 - (2) How special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school children; and
 - (3) How and when those decisions will be made;
- (e) 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.

LEA 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.

LEA Responsibilities

- Engage in consultation as an **ongoing process, not solely an annual meeting.**
 - 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.**
- 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

Cooperatives and 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

Why must LEAs properly notify private/parochial schools of an upcoming TMC?

- To provide the time and place for the meeting.
- To secure the names of parent representatives who may wish to attend.

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)
 - **LEAs must send out notices to those parents no later than two weeks prior to scheduled TMC.** (sample letter on p. 26)

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 the TMC

- **Representatives of Private/Parochial Schools**
 - Such notice should be provided to facilities offering all or part of a kindergarten through 12th grade curriculum 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.
 - LEAs are cautioned that facilities not appearing on the ISBE list of registered private/parochial schools should still receive notice of scheduled TMC meetings.

Who Needs to be at the TMC

- **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

TMC Documentation

Written Affirmation Form

- Each participant should be asked to sign an attestation that indicates all five principal topics of the TMC 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 representative or family representative refuses to sign the attestation, the district should maintain a record of that refusal in the form of a statement, by indicating “refused to sign” on the attestation form.

TMC Documentation

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).

Individual Service Plans

- 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.

Individual Service Plans

- 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.
- ISP sample.

The LEA is responsible for developing, reviewing, and revising the Individual Services Plan (ISP) of a parentally placed private school student, along with other members of the team. At minimum, the team involved in this process should include a representative from the LEA, a representative from the private school, and the child's parent(s)/guardian(s). IDEA and its implementing regulations does not specify how often a services plan must be updated, but it does state that a services plan must, to the extent appropriate, be developed, reviewed, and revised consistent with the IEP requirements as outlined in 34 CFR 300.321 through 300.324. Therefore, 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 (*Guidance Document: Nonpublic Proportionate Share Services, May 2023*).

The below ISP template is not an official ISBE document, and ISBE does not mandate LEAs to use this form. However, LEAs are encouraged to follow IDEA's regulation to develop, review and revise an ISP consistent with IEP requirements outlined in 34 CFR 300.321 through 300.324. ISPs should be individualized to each student, and LEAs can customize sections to this document as they see fit.

Individual Service Plan

Name of District:	Date of Notice:
Student name:	Provided for the period of:
ISP Creation Date:	Grade Level:

Parent Guardian Information	
Name/Role:	Phone Number/Email:
ISP Team Participants	
Name/Title	Signature

Please contact _____ at _____ or via email at _____ if you have any questions about these services. Use of these services does not constitute an individual entitlement or an individual commitment by _____ Public Schools to provide such services.

ISP Creation Date:

Student Name:

Grade Level:

Student Summary			
Student's Full Name		[SCHOOL ID PICTURE]	
Student's Preferred Name			
DOB			
Address			
City, State, Zip Code			
Current Grade			
Primary Language		Date of Enrollment	
Is Interpreter Needed?	Y/N		
Primary Disability:			
Secondary Disability:			

ISP Creation Date:

Student Name:

Grade Level:

Special Education and/or Related Services (Direct/Indirect Services)					
Type of Service	Vender/Person Responsible	Start Date	Frequency/Duration/Day	Location of Services	Comments/Notes
Statement of Student's Academic Achievement, Functional Performance, Areas of Need and Alternate Assessment Considerations.					

ISP Creation Date:

Student Name:

Grade Level:

Area of Focus	
Area of Focus	
Name/Title of Service Provider responsible	
Reporting Periods	

Area of Focus	
Area of Focus	
Name/Title of Service Provider responsible	
Reporting Periods	

ISP Meeting Notes

ISP Creation Date:

Student Name:

Grade Level:

Topic	IEP (Individualized Education Program)	ISP (Individualized Services Plan)
Services	Details a full offer of FAPE (free and appropriate public education), 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.
Funding	No cap on district spending.	Limited funding is available each school year based on an annual count of the number of eligible students in private schools, including homeschooled students within the district. When funding runs out, services end.
Residential Requirements	Student receives services from the public school district in which (s)he resides.	Student receives services from the public school district wherein the non-public school is located.
Enrollment	Student is a full or part-time student in the public school district.	Student is enrolled full-time in a non-public private/parochial school or is a full-time homeschool student.
Duration of Services	Service is offered continuously until the student is exited from special education.	If funding ends before the school year is complete, services will stop for that year until the next year.
Compensatory Education Services	Public school students with disabilities are entitled to compensatory services when IEP services are not delivered.	No compensatory education services are available.
Location of Services	Services are provided at locations determined by the IEP Team.	Services are provided at the non-public school. Most of the identified services, with few exceptions, are provided outside the general education classroom for part of the school day. Services can be provided at either the local public school or the non-public school as determined by the ISP Team.
Transportation	Transportation to the neighborhood school must be provided if necessary.	Transportation may be provided if it is part of the proportionate share spending plan.

Proportionate Share Formula

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

Example of Proportionate Share Calculation

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	\$27,540.80

I-Star Data Entry

- 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.
- 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.

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 and 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 Continued

- 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?

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Thank you