



Illinois State Board of Education Special Education Department

Guidance Document: **Nonpublic Proportionate Share Services**

This document is intended to provide non-regulatory guidance on the subject matter listed above. For specific questions, please contact the Illinois State Board of Education.

Updated

May 2023

Introduction

The Illinois State Board of Education has provided multiple guidance memoranda specific to the responsibilities of Local Education Agencies (LEAs) pertaining to the provision of proportional share services to parentally-placed students with disabilities in private/parochial schools, including home-schooled students. The guidance documents were recently reviewed for revisions and have been updated and consolidated into one comprehensive guidance document.

This guidance document replaces:

- Memorandum #05-7 - Interim Guidance for Special Education Services for Parentally-Placed Nonpublic School Children with Disabilities (August 11, 2005)
- Additional Supplement to Guidance Document #05-7 (July 25, 2006)
- Memorandum #06-3 - Special Education Nonpublic Proportionate Share Calculation and Home-School Students (July 25, 2006)
- Memorandum #08-2- Additional Clarification Regarding Proportionate Share Obligations (September 23, 2008)
- Guidance Document 13-15 - IDEA Proportionate Share Services for Parentally-Placed Nonpublic Students with Disabilities (April 2013)
- Guidance Document 15-9 - IDEA Proportionate Share Services for Parentally-Placed Nonpublic Students with Disabilities (November 2015)

This document provides guidance on the requirements LEAs must meet pertaining to Individuals with Disabilities Education Act (IDEA) Child Find activities, timely and meaningful consultations (TMC) with representatives of nonpublic schools, and the provision of equitable services to eligible students parentally-placed in private/parochial schools located in the LEA. Home-schooled students in Illinois are included in the private/parochial school population. All references in this document to private/parochial schools and private/parochial students include the home-school population.

Question regarding this document or nonpublic proportionate share services for students with disabilities can be directed to ISBESpecEd@isbe.net or 217-782-5589.

For additional information, refer to the [U.S. Department of Education Office of Special Education Program's Q&A on Serving Children with Disabilities Placed by their Parents in Private Schools.](#)

Individuals with Disabilities Education Act General Overview

IDEA Part B Section 612(a)(10)(A) and its implementing regulations at 34 C.F.R. §§ 300.130 through 300.144 contain specific requirements regarding state and local responsibilities for equitable services for parentally-placed private school children with disabilities. IDEA proportionate share expenditures must include, minimally, services to the students. Supplies, materials, and professional development for private/parochial school staff, in relation to the student services, are allowable. Administrative services and Child Find expenditures are not allowable as proportionate share services. LEAs must use a proportionate share of their IDEA funds to provide special education services to private/parochial and home-schooled students with disabilities. LEA responsibilities include Child Find, TMC, and service provision to eligible private/parochial and home-schooled students.

Applicable Population

IDEA nonpublic proportionate share requirements are for students with disabilities ages 3-21 who are parentally-placed in **nonprofit** private/parochial schools. Home schools are considered private schools. This includes preschool children ages 3-5 who are parentally-placed in a nonprofit private/parochial school only if that school is considered an elementary school. A school must have a kindergarten program to qualify as an elementary school. Nonpublic proportionate share requirements do not apply to Individualized Education Program (IEP) placements in nonpublic special education schools. Information regarding nonpublic special education placements, services, and funding is available on the [ISBE Nonpublic Special Education Programs webpage](#).

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

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 Responsibilities:

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. LEAs are responsible for proactive outreach to the private school community regarding child find activities. Child find activities for students in private/parochial schools must be comparable to activities undertaken for children with disabilities in the LEA's public schools. This means the LEAs must complete the initial evaluations and reevaluations of students attending private/parochial schools located within their district boundaries who are suspected of having a disability or have been found eligible for special education.

The responsibilities of the resident school district and the serving school district where the private/parochial school is located differ in the case of a parentally-placed private school student who is attending a private/parochial school that is located outside of their resident school district. In this case, the serving school district where the private/parochial school is located is not responsible for making free appropriate public education (FAPE) available to the student. However, it is responsible for ensuring equitable participation in programs assisted or carried out

under IDEA Part B. The student's resident school district is responsible for making FAPE available to the child.

Once a student is evaluated by the LEA where the private/parochial school is located, then the district of residence must be prepared to make FAPE available, including drafting an IEP if the parent is considering enrolling the student in public school.

Alternatively, a request may be made to the resident school district for evaluation. This may be preferable in cases where the parent is considering re-enrolling the student in public school, as the resident district is responsible for making FAPE available.

The responsibility for conducting re-evaluations generally falls to the LEA where the private/parochial school is located but may be done by the resident district upon request or if the parent is considering re-enrolling in public school. LEAs are responsible for reaching out to parents regarding re-evaluations and not simply allow eligibility to expire. LEAs are responsible for regularly reviewing re-evaluation due dates to ensure that students are not automatically removed from ISBE's data collection system (I-Star) unless the parent does not make the child available for the re-evaluation, or if agreed to in writing by the parent and LEA.

LEAs are required to provide notice of Child Find activities to private/parochial schools within their respective jurisdiction in a manner and at a time similar to the notice the LEAs provide to the general public. Child Find activities must be conducted in a timely manner and any evaluations completed for private/parochial students must meet the same state timeline for completing evaluations (60 school days). An LEA must discuss how parents, teachers, and private school officials will be informed of the Child Find process during consultation between the LEA and private school officials and parent representatives. LEAs should not refuse to evaluate a private school student because the LEA does not offer to private school students with proportionate share funds.

LEAs are also responsible for maintaining and providing to ISBE the following child count records in regard to parentally-placed private school children:

- The number of children evaluated;
- The number of children determined to be children with disabilities under Part B of IDEA; and
- The number of children who are provided equitable services.

The cost of the Child Find activities, including evaluations, is not a part of the nonpublic proportionate share obligation. LEAs are responsible for completing the evaluations and are prohibited from making evaluation contingent upon the existence of proportionate share funds (or lack thereof). The proportionate share funds are for providing special education services to IDEA-eligible private/parochial students. LEAs should not include the Child Find expenses as part of the proportionate share expenses when completing the IDEA grant budgets.

Child Find Process - Initial Eligibility: Steps and Timeline

Step 1: Request	
<p>A request for an evaluation is made to the LEA to determine the child's eligibility for special education. Once the LEA has received the request, they have 14 days to respond with their decision on whether or not to evaluate. A request made be made by a parent or a child or by an employee of a State educational agency, another State agency, a local educational agency, or a community service agency. 23 IAC 226.110(b)</p>	<p>Response to Intervention is not required to request an evaluation. The Child Find process is designed to ensure that students suspected of having a disability are identified, located, and evaluated.</p>



14 School Days

Step 2: Decision to Proceed and Consent	
<p>If the LEA decides to conduct an evaluation, within the 14-day timeline a team of individuals (including the parent) having the knowledge and skills necessary to administer and interpret evaluation data will meet to identify which domain areas will be evaluated, and the assessments necessary to complete the evaluation. At this meeting, parental consent to evaluate will be obtained. The evaluation is to be completed within 60 school days of the date in which the parent provides consent. 23 IAC 226.110(d)</p>	<p>If the LEA is not going to evaluate, it should provide a written notice of refusal within the 14-day timeline and include their reasoning for not evaluating. If the parents disagree with the LEA's decision not to evaluate, they may file a due process complaint to request a due process hearing or request an Independent Educational Evaluation (IEE). Within 10 days after receiving a report of an IEE at either public or private expense, the LEA shall provide written notice stating the date upon which the team will meet to consider the results.</p>



60 School Days

Step 3: Evaluation	
<p>During a period of up to 60 school days, the child will be evaluated by the LEA in all identified domain areas. If fewer than 60 school days remain in the school year after the date of parental consent, the evaluation must be completed prior to the first day of the following school year. 23 IAC 226.110(d); 105 ILCS 5-14-8.02(b)</p>	<p>The LEA must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining whether the child has a disability as defined in 34 CFR 300.8.</p>



By the 60th School Day

Step 4: Eligibility Conference

By the 60th school day, the evaluation team must complete the evaluation and hold the eligibility determination meeting with the parent/guardian. If the child is found eligible for special education services, the LEA should share what services the child would receive under an IEP if enrolled in public school. If the child is not found eligible for special education, or the parent disagrees with the evaluation, the parent may request an IEE as described above, file a due process complaint, or file a state complaint.

If the child is found eligible for special education and a parent makes clear his or her intention to keep the child with a disability enrolled in the private school, the evaluation team will determine what, if any, equitable services the child will receive under an Individual Services Plan (ISP).

If there are no proportionate share-funded services available, a services plan is not written. However, the child must be included in the count of private school children eligible for special education services and reported to ISBE.

Timely and Meaningful Consultation

What IDEA Says:

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.
- (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.
- (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; and
 - (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:

Each LEA is responsible for consulting annually with private/parochial school officials and representatives of parents of parentally-placed private school children with disabilities regarding the equitable participation of private school children with disabilities in federally funded special education and related services. This process is called timely and meaningful consultation. 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.

LEAs have a requirement to hold a TMC meeting annually, but ongoing collaboration and consultation should occur throughout the school year. Even when there is no private/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.

A. When should timely and meaningful consultation be completed?

Consultation must be 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**.

LEAs must maintain the necessary documentation, including evidence of the completion of the TMC meeting and written affirmation signed by the representatives of the participating private/parochial schools at the local level.

B. Cooperatives and TMC

ISBE recognizes and permits the conducting of TMC meetings under the auspices of special education cooperatives. However, member districts must also maintain their documentation of compliance individually, regardless of whether TMC was conducted by the districts' cooperatives. This may result in the duplication of some documentation (such as meeting agendas or attendance lists) but is required to ensure that all LEAs complete the timely and meaningful consultation process in accordance with the IDEA.

C. Timing of TMC invitations

The purpose of notifying private/parochial schools of the TMC meeting is twofold: (1) to provide the time and place for the meeting, and (2) to secure names of parent representatives who may wish to attend the TMC meeting. ISBE strongly suggests that LEAs send out their notices to these schools no later than four weeks prior to the scheduled meeting. The notice that is provided to the schools should include a request for private/parochial school officials to submit to the LEA names and contact information of parents of students with identified disabilities attending the

private/parochial schools within one week of receiving their notice. In turn, LEAs are urged to send out notices to the identified parents no later than two weeks prior to the scheduled TMC meeting. Sample notice letters are included with this memorandum to provide districts with further guidance on the contents of the notice both to nonpublic schools and to parents. (See attached Appendix A and Appendix B.)

D. Who should 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.

E. Who should be included in the TMC meeting?

LEAs are expected to include certain members of the community in the TMC process:

1. Representatives/Administrators of Private/Parochial Schools

LEAs should provide notice of TMC meetings to representatives of all known private/parochial educational facilities within their respective jurisdictions. 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.

2. Parent Representatives of Private/Parochial Schools and Parents of Home-Schooled Students

Section 1412(a)(10) of IDEA 2004 (20 USC Sec. 1412(a)(10)) states that the TMC process must also include “parent representatives” of students with disabilities who attend private/parochial schools within an LEA’s jurisdiction. LEAs should request private/parochial school representatives to identify those individuals prior to conducting a TMC meeting. IDEA does not contain a definition of the term “parent representatives” and does not specify which individuals must be included in the TMC process as representatives of parents of parentally-placed private school children with disabilities. However, there is also nothing in IDEA that would prevent parents of parentally-placed private school children with disabilities from representing themselves in the TMC process.

Home-schooled students in Illinois are considered parentally-placed private school students. Therefore, home-school students are also part of the overall requirement that LEAs provide proportionate share support to students in private/parochial school schools. As part of that overall obligation, LEAs must include parents of known home-school 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 home-schoolers within the LEAs jurisdiction. Also, 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. (See attached Appendix C.)

F. Substantive requirements of TMC

LEAs must conduct TMC meetings in a manner that covers the five principal topics described in IDEA 2004 at Section 1412(a)(10). These five areas are:

1. Child Find

The LEA must discuss how the Child Find process will be conducted and how interested parties, including parents, teachers, and private school officials, will be informed of the process.

2. Proportionate Share

The LEA must disclose how much of its federal Part B funds have been allocated to private/parochial school students, including home-schooled students, and how that amount was determined. The TMC participants may use an estimated calculation to complete the TMC process if final allocations have not been provided by May 31.

3. Meaningful Participation

The LEA must describe the consultation procedures they will engage in with the private/parochial schools and the parents of parentally-placed private school children to ensure that full-time private/parochial and home-schooled students with disabilities will have the opportunity to meaningfully participate in school district special education and related services throughout the school year (i.e., the procedures by which parents of private/parochial and home-schooled students with disabilities can access the services being offered by the LEA during the coming school year).

4. Allocation of Services

The LEA must discuss the types of service that will be provided during the school year, including how, where, and by whom the special education and related services will be provided. There must also be a discussion of the types of services, including direct services and alternate service-delivery mechanisms, as well as how the services will be apportioned if funds are insufficient to serve all children. Included with this must also be a statement of how the district reached this conclusion and the rationale behind the conclusion. The LEA must also include information on how and when decisions regarding services will be made. Consultation on the allocation of services is meant to be a meaningful dialogue and not a unilateral offer of services by the LEA without input from the private school stakeholders.

When discussing allocation of services, it is important to emphasize that there is no individual entitlement to services but rather group entitlement to equitable services. All students do not need to receive services or the same amount of services.

5. Response to Proposals by Private/Parochial School Officials

During consultation, private school representatives should be afforded opportunity to provide input regarding which students are to receive services and the priority of needs in

their school. The LEA must provide information on how they will respond to the private/parochial school officials in the case that there is a disagreement regarding the private/parochial school official's recommendations for the provision of services or the types of services whether provided directly or through a contract. In this case, the LEA will provide a written explanation of the reasons why the LEA chose not to adopt the recommendations of the private/parochial school officials in writing.

G. TMC documentation

The LEA is responsible for maintaining the following documents at the local level:

1. List of Private/Parochial Schools and Parents of Home-Schooled Students

Each LEA is responsible for maintaining a list of the known private/parochial schools within their jurisdiction, a list of known parents of home-schooled students within their jurisdiction, and addresses and primary contact telephone numbers for each school and parent listed.

2. Invitation Letters

Copies of each individual invitation letter sent out to a private/parochial school representative, a parent representative, or the parent of a home-school student.

3. Publicly available publication

A copy of the text of the advertisement placed by the LEA to provide notice to parents of home-school students, including the date and the name of the publication in which the text appeared.

4. Attendance Lists

A sign-in sheet or other documentation showing a list of the actual participants at the TMC meeting.

5. Meeting Agendas

The agenda for the meeting describing point-by-point each topic or issue discussed at the meeting, including each of the five principal topics described above in Section F.

6. Handouts

All handouts the district provides to meeting participants during the course of the meeting.

7. Attestation Forms

Copies of the attestation forms signed by each participant at the TMC meeting. Each participant should be asked to sign an attestation that indicates all five principal topics of the TMC were discussed. Districts may use a form that substantially conforms to the contents of our [suggested attestation form](#). Districts should attempt to obtain at least one signed attestation from each school and family in attendance at the TMC meeting. In the event a school representative or family representative refuses to sign the attestation, the district should maintain a record of that refusal either in the form of a statement, by indicating "refused to sign" on the attestation form, or by keeping a list maintained and signed by the district individual responsible for conducting the TMC meeting. If the

nonpublic representatives do not provide affirmation within a reasonable amount of time, the district must forward the documentation to ISBE as part of their IDEA grant application. (34 CFR 300.135)

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.

In order to ensure compliance with these procedures, ISBE will request copies of documentation in the LEA's submission of their IDEA Part B grant application. ISBE may conduct periodic audits of TMC materials from a sample of LEAs. 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.

Registration of Home-Schooled Students

ISBE wants to ensure that information on home-school enrollment is included, to the extent possible, as part of the total public and nonpublic enrollment figures used to distribute 85% of the IDEA grant award (after subtracting the Base Year) to each district. Parents of home-schooled students in Illinois are not required to register their children with any entity at the local, county, or state level. However, voluntary registration by parents (which includes minimal information on the parents and students) could be a significant factor in the level of Part B funding available to provide services to eligible private/parochial and home-schooled students in a given serving district. LEAs may wish to inform families of home-schooled students of the potential benefits in services to children eligible for special education that could result from their choosing to register their students.

The voluntary Home School Registration Form asks for the parents' name and address; the name, grade, and sex of the child or children; and information on the local public school/district. This information is collected, but not disseminated, by ISBE and is used to achieve as accurate a count as possible of home-school attendance in each district area.

The voluntary registration forms should be completed and submitted in accordance with the directions on the form to ensure an accurate and prompt accounting of home-schooled students for the purposes of determining available Part B funding.

Proportionate Share for Students 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.

Use the following guidelines to determine which facilities fall under proportionate share:

- 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, and therefore preschool students enrolled in these types of facilities do not meet the definition of a parentally-placed private school child with a disability. (See 34 CFR 300.130, also 34 CFR 300.13, 300.16.) Students enrolled in these types of facilities are not eligible to be considered for equitable services under proportionate share funds.
- 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. These facilities are not required to be registered with ISBE to be eligible for proportionate share services.

In cases where pupils are being served in a facility that is NOT considered to fall under proportionate share guidelines (based on the guidelines listed above), those pupils should be directed to their districts of residence to determine their eligibility to receive special education and related services as well as to access any possible services that may be available to such children through the district of residence (with appropriate enrollment and attendance)

Equitable Services

What IDEA Says:

34 CFR 300.132 Provision of services for parentally-placed private school children with disabilities - basic requirement.

(a) **General.** To the extent consistent with the number and location of 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, provision is made for the participation of those children in the program assisted or carried out under Part B of the Act by providing them with special education and related services, including direct services determined in accordance with [§ 300.137](#), unless the Secretary has arranged for services to those children under the by-pass provisions in [§§ 300.190](#) through [300.198](#).

(b) **Services plan for parentally-placed private school children with disabilities.** In accordance with [paragraph \(a\)](#) of this section and [§§ 300.137](#) through [300.139](#), a services plan must be developed and implemented for each private school child with a disability who has been designated by the LEA in which the private school is located to receive special education and related services under this part.

(c) **Record keeping.** Each LEA must maintain in its records, and provide to the SEA, the following information related to parentally-placed private school children covered under [§§ 300.130](#) through [300.144](#):

- (1) The number of children evaluated;
- (2) The number of children determined to be children with disabilities; and
- (3) The number of children served

34 CFR 300.137 Equitable services determined.

(a) ***No individual right to special education and related services.*** No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

(b) ***Decisions.***

(1) Decisions about the services that will be provided to parentally-placed private school children with disabilities under §§ 300.130 through 300.144 must be made in accordance with paragraph (c) of this section and § 300.134(d).

(2) The LEA must make the final decisions with respect to the services to be provided to eligible parentally-placed private school children with disabilities.

(c) ***Services plan for each child served under §§ 300.130 through 300.144.*** If a child with a disability is enrolled in a religious or other private school by the child's parents and will receive special education or related services from an LEA, the LEA must -

(1) Initiate and conduct meetings to develop, review, and revise a services plan for the child, in accordance with § 300.138(b); and

(2) Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

34 CFR 300.138 Equitable services provided.

(a) ***General.***

(1) The services provided to parentally-placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the special education teacher qualification requirements in § 300.156(c).

(2) Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

(b) ***Services provided in accordance with a services plan.***

(1) Each parentally-placed private school child with a disability who has been designated to receive services under § 300.132 must have a services plan that describes the specific special education and related services that the LEA will provide to the child in light of the services that the LEA has determined, through the process described in §§ 300.134 and 300.137, it will make available to parentally-placed private school children with disabilities.

(2) The services plan must, to the extent appropriate -

(i) Meet the requirements of § 300.320, or for a child ages three through five, meet the requirements of § 300.323(b) with respect to the services provided; and

(ii) Be developed, reviewed, and revised consistent with §§ 300.321 through 300.324.

(c) ***Provision of equitable services.***

(1) The provision of services pursuant to this section and §§ 300.139 through 300.143 must be provided:

(i) By employees of a public agency; or

- (ii) Through contract by the public agency with an individual, association, agency, organization, or other entity.
- (2) Special education and related services provided to parentally-placed private school children with disabilities, including materials and equipment, must be secular, neutral, and nonideological.

LEA Responsibilities:

Each LEA is responsible for ensuring that parentally-placed private school children with disabilities have an opportunity to participate in the services funded with IDEA Part B funds.

The type(s) of services to be offered, how the services will be offered, where the services will be offered, and by whom are determined during the consultation process. No decisions can be made that will affect the participation of parentally-placed private school children with disabilities in IDEA Part B programs prior to engaging in a consultation. After consultation, the LEA is responsible for making final decisions regarding all aspects of the services to be provided to parentally-placed private school children with disabilities that are attending private schools within the boundaries of their LEA. In the event there is a disagreement between the LEA and the private school representatives regarding the provision of services or the types of services to be provided, the LEA must provide to the private school officials a written explanation of the reasons why the LEA chose not to accept the recommendations of the private school officials.

After consulting with private school representatives and making these determinations, the LEA has a responsibility to make the decided upon service(s) available to those parentally-placed private school students who have been designated to receive the equitable services. Parentally-placed students are not entitled to all, or even any, of the services for which they are identified. For each parentally-placed private school student who is designated to receive equitable services, the LEA must develop, review, and revise an individual service plan that describes the specific special education and related services that will be provided to the child. In the case of a parentally-placed child who has been identified as a child with a disability after the child count has been collected and the proportionate share amount has been decided upon, it is the responsibility of the LEA to ensure that a discussion on how these situations will be handled is included during the consultation process.

Each LEA is also responsible for providing the decided upon equitable services to the designated parentally-placed private school students in their district. When referring to the LEA's responsibility to provide equitable services to parentally-placed private school children, it is the responsibility of the LEA where the private school is located to provide these services. To fulfill this responsibility, an LEA can utilize its own staff, or it can contract with an outside individual, association, agency, organization, or other entity. The LEA may use IDEA Part B funds to make public school personnel available to provide such services, if those services are not normally provided by the private school. The LEA may also utilize IDEA Part B funds to pay a private school employee to provide these services, if the employee is providing said services outside of

his or her regular hours of duty and the private school employee performs the services under public supervision and control.

The use of IDEA nonpublic proportionate share funds must minimally include services to the students. Services must be provided in accordance with the individual services plans and by public school personnel who meet ISBE personnel licensure requirements. Other allowable equitable services include consultative services, supplies/materials/equipment, and professional development. Supplies and materials that are not consumable must remain property of the district.

Individual Services Plans

What IDEA Says:

34 CFR 300.132(b)

(b) *Services plan for parentally-placed private school children with disabilities.* In accordance with [paragraph \(a\)](#) of this section and [§§ 300.137](#) through [300.139](#), a services plan must be developed and implemented for each private school child with a disability who has been designated by the LEA in which the private school is located to receive special education and related services under this part.

34 CFR 300.138(b)

(b) *Services provided in accordance with a services plan.*

(1) Each parentally-placed private school child with a disability who has been designated to receive services under [§ 300.132](#) must have a services plan that describes the specific special education and related services that the LEA will provide to the child in light of the services that the LEA has determined, through the process described in [§§ 300.134](#) and [300.137](#), it will make available to parentally-placed private school children with disabilities.

(2) The services plan must, to the extent appropriate -

- (i) Meet the requirements of [§ 300.320](#), or for a child ages three through five, meet the requirements of [§ 300.323\(b\)](#) with respect to the services provided; and
- (ii) Be developed, reviewed, and revised consistent with [§§ 300.321](#) through [300.324](#).

LEA Responsibilities:

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.

What is the difference between an IEP and an 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 parentally-placed 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.
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.
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 amount of services outlined in an IEP are determined by the needs of the student.	The amount 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 Calculations

What IDEA Says:

34 CFR 300.133 Expenditures.

(a) **Formula.** To meet the requirement of [§ 300.132\(a\)](#), each LEA must spend the following on providing special education and related services (including direct services) to parentally-placed private school children with disabilities:

(1) For children aged 3 through 21, an amount that is the same proportion of the LEA's total subgrant under section 611(f) of the Act as the number of private school children with disabilities aged 3 through 21 who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged 3 through 21.

(2)

(i) For children aged three through five, an amount that is the same proportion of the LEA's total subgrant under section 619(g) of the Act as the number of parentally-placed private school children with disabilities aged three through five who are enrolled by their parents in a private, including religious, elementary school located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged three through five.

(ii) As described in [paragraph \(a\)\(2\)\(i\)](#) of this section, children aged three through five are considered to be parentally-placed private school children with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school in [§ 300.13](#).

(3) If an LEA has not expended for equitable services all of the funds described in [paragraphs \(a\)\(1\)](#) and [\(a\)\(2\)](#) of this section by the end of the fiscal year for which Congress appropriated the funds, the LEA must obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school children with disabilities during a carry-over period of one additional year.

(b) **Calculating proportionate amount.** In calculating the proportionate amount of Federal funds to be provided for parentally-placed private school children with disabilities, the LEA, after timely and meaningful consultation with representatives of private schools under [§ 300.134](#), must conduct a thorough and complete child find process to determine the number of parentally-placed children with disabilities attending private schools located in the LEA. (See appendix B for an example of how proportionate share is calculated).

(c) **Annual count of the number of parentally-placed private school children with disabilities.**

(1) Each LEA must -

(i) After timely and meaningful consultation with representatives of parentally-placed private school children with disabilities (consistent with [§ 300.134](#)), determine the number of parentally-placed private school children with disabilities attending private schools located in the LEA; and

(ii) Ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year.

(2) The count must be used to determine the amount that the LEA must spend on providing special education and related services to parentally-placed private school children with disabilities in the next subsequent fiscal year.

(d) *Supplement, not supplant.* State and local funds may supplement and in no case supplant the proportionate amount of Federal funds required to be expended for parentally-placed private school children with disabilities under this part.

LEA Responsibilities:

Each LEA is responsible for conducting a thorough and complete child-find process to determine the number of parentally-placed private school children with disabilities who are attending private schools located within their LEA. All children who have been evaluated and found eligible for special education and related services should be counted in the proportionate share calculation -- not only children who are receiving services through an IEP or have been designated to receive services through a services plan. This means that even if a parent has been offered services through an IEP or an ISP and has denied these services, this child must still be included in the proportionate share calculation. A parent's decision to not accept services offered should not automatically be interpreted as a revocation of consent for continued special education and related services.

ISBE calculates the IDEA proportionate share amounts as part of the LEA allocation of the IDEA Part B grant application. Allocations are posted on the ISBE website.

Resources for Calculating Proportionate Share:

Proportionate Share Formula

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

Example 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.

Fund Code	Definition
K	<p>Nonpublic – Dually Enrolled: These students are home-schooled or enrolled by the parent/guardian in a nonpublic (e.g., parochial) school for general education and are also enrolled, have an IEP, and are receiving special education and/or related services in the public school district.</p> <p>Select the serving district and serving school, as appropriate. The serving school may be either a public school attendance center or a nonpublic school depending on where services are provided.</p>

<p>L</p>	<p>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.</p> <p>Select the serving district and serving school, as appropriate. The serving school may be either a public school or a nonpublic school depending on where services are provided.</p>
<p>P</p>	<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.</p> <p>Select the serving district and serving school, as appropriate. The serving school may be either a public school or a nonpublic school depending on where services are provided.</p>
<p>N</p>	<p>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.</p> <p>Create a Fund Code N Student Approval record for students who are withdrawn from the public school district to receive their education in a home or private/parochial setting and whose parents decline the special education services they are eligible to receive from the public school district (IEP and ISP).</p> <p>Fund Code N students with Reason for Not Receiving Services Codes 01 or 05 will only be reported in I-Star for the current school year.</p> <p>Fund Code N students with Reason for Not Receiving Services Codes 02, 03, or 04 must be reported in I-Star and will be included in the serving district’s Nonpublic Proportionate Share for three years from the last evaluation date. The last evaluation date is defined as the date of the most recent evaluation.</p> <p>If the student begins receiving services, a new record must be created with the applicable fund code.</p> <p><u>Reasons for Not Receiving Services</u></p> <ul style="list-style-type: none"> ● 01: Student is NOT eligible. ● 02: Student is eligible but parent refuses services. ● 03: Student is eligible but no program available (Fund Code N only). ● 04: Student is eligible -- pending placement. ● 05: Student is not of eligible age (2 years old).

Examples of Fund Code N Students

Example 1 Student Eligible for Services – No Program Available

A school district receives parental consent on November 1 to evaluate a student who is enrolled in a parochial school within the district's boundary. The student is evaluated and determined eligible to receive special education services on November 10. The type of services the student needs is not offered by the district. This student would be entered in I-Star as a Fund Code N, with a begin date of November 10 and a Reason for Not Receiving Services of 03. If a program does not become available, then the student would remain in I-Star as a Fund Code N, Reason 03, for three years from the date of November 10 and will be included in the Nonpublic Proportionate Share. If the student has been on the file for three years and remains eligible for services, a new I-Star record should be created to reflect the fund code, a new last evaluation date, and a new begin date. If the student has been on file for three years and is no longer eligible for services, the record should be ended and the end date should reflect the date the student is no longer eligible. For example, the student who was evaluated and determined eligible to receive special education services on November 10, 2020, will reach the end of the three-year timeline on November 10, 2023.

Example 2 Student Receiving Services -- Condition Change to Not Receiving Services

A school district receives parental consent on February 15 to evaluate a nonpublic student. The student is evaluated and determined eligible to receive special education services on February 20. The student begins ISP services on March 1, is entered in I-Star as a Fund Code L record and continues to receive services into the next school year. On October 1, the parents decide they no longer want their student to receive special education services. The student in this instance would be entered in I-Star as a Fund Code L with a begin date of March 1. The student would be carried into the following school year as a Fund Code L. On October 1, the Fund Code L record would be ended with Exit Code 12 and re-entered as a Fund Code N record with a begin date of October 2 and Reason for Not Receiving Services of 02. Once a Fund Code N I-Star record is created for this student, the last evaluation date of February 20 must be provided. Assuming that no change is made to the condition of this student, he or she would remain on the approval file as a Fund Code N record for three years from the last evaluation date and will be included in the IDEA Nonpublic Proportionate Share set-aside computations. If the student has been on the file for three years and remains eligible for services, a new I-Star record should be created to reflect the fund code, a new last evaluation date, and a new begin date. If the student has been on the file for three years and is no longer eligible for services, the record should be ended and the end date should

be the date the student is no longer eligible. For example, the student who was evaluated and determined eligible to receive special education services on February 20, 2023, will reach the end of the three-year timeline on February 20, 2027.

Example 3 Student Not Eligible for Services

A school district receives parental consent on September 1 to evaluate a student who is enrolled in a parochial school within the district's boundary. The student is evaluated on September 10 and is determined not eligible for special education services. This student would be entered in I-Star as a Fund Code N record with a begin date of September 10 and Reason for Not Receiving Services of 01. This student will not be carried over to the following school year and will not be included in the IDEA Nonpublic Proportionate Share.

Example 4 Student Eligible for Services – Parental Withdrawal for Eligible Students

If a student attended a nonpublic parochial school (Fund Code L) or was home-schooled (Fund Code P) in school year 2021-22 and withdrew from services under their ISP in SY 2022-23, create a Fund Code N record for 2022-23 school year and carry that record for three years from the student's last evaluation date. This does not include students where formal revocation of all services has occurred, and they are still attending the nonpublic parochial school or being home-schooled. If a student received public services (all fund codes except L and P) in SY 2021-22 and the parent withdrew student from public school and has enrolled the student in a nonpublic parochial school or is homeschooling the student in SY 2022-23, services through an ISP should be considered based on the district's use of its nonpublic proportionate share allocation as determined at the timely and meaningful consultation. When no services exist or the parent does not want services via an ISP, create a Fund Code N record for SY 2022-23 and carry that record for three years from the student's last evaluation date.

SAMPLE MEMO – Parent/Guardian Notification of Individualized Services Plan

Dear Parent/Guardian:

Your child has been designated to receive special education services this school year in the attached Individualized Services Plan (ISP). The decision to offer these services to your child was made in consultation with representative private school officials and parents/parent representatives.

Students with disabilities who are placed by their parents in private schools do not have an individual right to any or all of the services that they would have received if they were enrolled in a public school. Rather, parentally-placed private school students may receive equitable proportionate share services funded by an IDEA grant.

As required by the IDEA law, each public school district is to annually set aside a share of the IDEA funding for parentally-placed private school students with disabilities. This share of funding in any given district is based on the relative number of students with disabilities attending both public and private school within that district. Through a process called “timely and meaningful consultation,” each district then engages in collaborative conversations with officials of the private school(s) that is located within said district on how to best utilize the limited resources available. If there are insufficient funds to meet the needs of all students, then a district may elect to serve only a group of the eligible students.

As a result of this process, your child was designated to receive equitable proportionate share services during the upcoming academic year.

Every student enrolled in a nonpublic school who is designated to receive special education services must have an ISP. The ISP describes the specific special education services that your student will receive. As stated above, ISPs are developed and implemented by the school district in which the private school is located.

Services plans are separate and distinct from Individualized Education Programs (IEPs). The services offered through an ISP may differ from the services your child would receive if they were enrolled in a public school with an IEP. Thus, not every service your child has been found eligible to receive will necessarily be included in his/her ISP and provided to them.

Please carefully review the attached ISP. If you have any questions, then please contact _____ at _____.

SAMPLE INVITATION LETTER TO PRIVATE SCHOOL REPRESENTATIVES (TO BE SENT PRIOR TO TMC MEETING)

Dear (NAME):

In accordance with the requirements of Section 612(a)(10) of the federal Individuals with Disabilities Education Improvement Act of 2004, this letter is to invite you to a meeting to discuss our plans for working with students with disabilities who currently attend your school during the 20 - 20 school year. This meeting will take place at (LOCATION) starting at (TIME) on (DATE).

As you may know, a public school district is required to utilize a portion of its federal Part B special education funds in order to provide students with disabilities who attend private schools within the district the opportunity to equitably participate in special education and related services offered by the district. As part of that process, this district must disclose information about our plans for the coming school year and afford you the opportunity to offer ideas and input pertaining to our plans. We also wish to share additional information pertaining to how students who are suspected of having one or more disabilities may access the district programs to assess the nature and scope of the suspected disabilities.

In addition to meeting with representatives of private schools within the district, we are also expected to meet with parent representatives from your schools. We would therefore appreciate your assistance in identifying parents (preferably of students with known disabling conditions) who may wish to attend this meeting in order to offer their input. In order to provide reasonable advance notice to such parents, we would appreciate receiving names and contact numbers for such parents by no later than (CLOSE OF BUSINESS TIME) on (DATE AT LEAST TWO WEEKS IN ADVANCE OF THE TMC MEETING).

We thank you for your willingness to participate in this process. If you have any questions or concerns pertaining this meeting please call (CONTACT NAME AND NUMBER).

Sincerely, (SUPT OR DSE NAME)

SAMPLE INVITATION LETTER TO PRIVATE SCHOOL PARENT REPRESENTATIVES AND KNOWN PARENTS OF HOME-SCHOOLED STUDENTS (TO BE SENT PRIOR TO TMC MEETING)

Dear (NAME):

You are invited to attend a meeting to be conducted by (DISTRICT NAME) at (LOCATION) on (DATE AND TIME). The purpose of this meeting is to discuss how students with disabilities who attend private schools or who are home-schooled within the district will be served by (DISTRICT NAME) during the 20 -20 school year.

In accordance with the requirements of the federal Individuals with Disabilities Education Act of 2004, public school districts are required to spend a portion of their federal Part B special education funds in order to provide identified students with disabilities who attend private schools with the opportunity to equitably participate in special education services offered by the district. As part of that process, we must conduct a public meeting in order to discuss our plans to fulfill that responsibility for the coming school year. In addition, we want to ensure that your voices are heard during this process through your attending the meeting and sharing your opinions and feedback. Finally, we wish to also share information about how students with suspected disabilities can access the process offered by our district to screen and evaluate for those suspected disabling conditions.

Your participation in this process is extremely valuable to us. We therefore hope you will attend. If you have questions or concerns in advance of the meeting, please contact (CONTACT NAME(S)) at (NUMBER).

We look forward to meeting you soon.

Sincerely, (SUPT OR DSE NAME)

SAMPLE PUBLICATION NOTICE

(DISTRICT NAME) will hold a meeting at (TIME) on (DATE) at (LOCATION). The purpose of the meeting will be to discuss the district's plans for providing special education services to students with disabilities who attend private schools and home schools within the district for the 20 - 20 school year. If you are the parent of a home-schooled student who has been or may be identified with a disability and you reside within the boundaries of (DISTRICT NAME), you are urged to attend. If you have further questions pertaining to this meeting, please contact (CONTACT NAME) at (NUMBER).

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 pertaining to the aforementioned issues. I was further informed that if I believe that the consultation was not meaningful, or that my views and those of others were not given due consideration by the school district, I could file a complaint with the Illinois State Board of Education, Department of Special Education, 100 N. 1st Street, Springfield, IL 62777. I understand that my complaint must identify the area(s) in which I believe the school district did not comply with the consultation process.

PRINTED NAME

SIGNATURE

PRIVATE SCHOOL AFFILIATION WITH SCHOOL

DATE