

Parentally-Placed Students in Non-public Schools (including Home Study) and Proportionate Share Requirements

The IDEA requires local education agencies (LEAs) to provide special education services to eligible students who are enrolled by their parents in non-profit non-public schools for the purpose of delivering an elementary and/or secondary education. *Each LEA must use a proportionate share of their IDEA funds to provide special education services to non-profit non-public schools and home-schooled students with disabilities.* For the purposes of proportionate share requirements, Vermont defines non-public school as: independent (secular, and non-secular) schools, as well as home study programs.

IMPORTANT NOTE: Proportionate share and equitable services requirement under IDEA in Vermont does not apply to students who “attend independent schools because the district does not operate a public school”. [[SBE Rule 2368.1\(b\)](#)]

For preschool-aged students (3-5), only those who attend a private preschool program meeting the definition of an elementary school under the law may be included. Because stand-alone private prekindergarten education programs and private childcare centers do not provide “elementary education” consistent with the federal definition of elementary schools, they are not included in the district’s proportionate share child count.

The IDEA proportionate share requirements are for students with disabilities who are parentally placed in non-profit non-public schools that serve the general population. This does not include students who have IEP placements, in non-public special education schools. The LEA’s responsibilities include Child Find, timely and meaningful consultation, and service provision to eligible non-profit non-public school and home study students.

IDEA requires each LEA that receives IDEA funds to spend a **proportionate share** of their federal IDEA dollars on **equitable services** for non-profit non-public school students. [[34 CFR §§300.129-300.144](#) and [Appendix B of 34 CFR Part 300](#)] and [[SBE 2368.1.7](#)]. Services to students, supplies, materials, and professional development for non-profit non-public school staff, in relation to the student services, are allowable. Special education and related services provided to parentally placed non-profit non-public school children with disabilities, including materials and equipment, must be secular, neutral, and nonideological. [[34 CFR §300.138\(c\)](#)]. Administrative services and Child Find expenditures are not allowable as proportionate share expenditures.

Each LEA has an obligation to locate, identify, and evaluate students with disabilities enrolled by their parents in non-public schools located within the LEA, and to calculate and spend a proportionate share of IDEA grant funds to provide equitable services for these students.

In order to provide equitable services, each LEA must comply with the following procedures:

Timely and Meaningful Consultation. [[34 CFR §300.134](#)] and [[SBE Rule 2368.1.5.1](#)]

Annually, each LEA invites non-public school representatives, including parent representatives, and home study parents to a consultation meeting. During that meeting, topics that must be discussed are: Child Find process, determination of proportionate share, consultation process, provision of special education and related services, and provision of a written explanation by the district regarding services (in the event of disagreement between the district and non-public school officials). Although the initial consultation must occur prior to other required activities, additional consultation may occur subsequently and be an ongoing process. Ongoing consultation may be with individuals or groups of non-public school representatives.

Written Affirmation Following Consultation (Form 10). [[34 CFR §300.135](#)] and [[SBE Rule 2368.1.5.2](#)]

After the annual meeting, each LEA obtains written affirmation confirming that timely and meaningful consultation has occurred, signed by the non-profit non-public school and parent representatives. Although helpful to document representation, attendance sheets don't provide evidence of *meaningful* consultation. The written affirmation is confirmation that consultation has occurred but does indicate whether there is agreement among meeting participants. {Form 10 – Written Affirmation Statement}

Vermont rules require that the written affirmation include consultation with non-public school representatives and representatives of parents of non-public schools and home study

Child Find. [[34 CFR §300.131](#)] and [[SBE Rule 2368.1.1](#)]

Child Find activities for non-publicly-enrolled students (ages 3-21) are conducted by each LEA and are comparable to those conducted for public school students. Each LEA provides all non-public schools and non-publicly-enrolled students with information describing how students can access publicly-funded evaluations and special education services.

State and Federal requirements related to IDEA Part B Child Find activities require that LEAs have a process for locating, identifying and evaluating all children ages 3 to 21 residing in Vermont who may need special education and related services - regardless of the severity of their disability [[SBE Rule 2360.3](#) and [34 CFR §300.111](#)]. This includes students who

- attend non-public schools, public schools, or are enrolled in home study programs;
- are highly mobile students, including migrant students;
- are homeless students or wards of the State; and
- students suspected of needing special education or related services, even though they are advancing from grade to grade.

Evaluation and Determination of Eligibility.

Each LEA evaluates and determines whether non-publicly-enrolled students are eligible for special education services. Each LEA may accept a prior evaluation if the information is comprehensive and current.

Child Count and Proportionate Share Calculation. [[34 CFR §300.133](#)] and [[SBE Rules 2368.1.2 - 2368.1.3](#)]

Child Count (conducted in Vermont on December 1) includes the number of *eligible* students, this collection includes the number of such students who are parentally placed, non-publicly-enrolled receiving services, reported as funding category CHCNO = 2 IDEA Services Plan.

The Grants Management System (GMS) IDEA grant application contains two tabs to calculate proportionate share separately for the IDEA Section 611 (ages 3-21) and Section 619 (ages 3-5) grants, the LEA completes the first two boxes, once these are entered, you will click the [calculate totals] button:

GMS IDEA form boxes defined ***boxes are not numbered in form;*

1. LEA inputs the number by the total number of eligible special education students
2. LEA inputs the total number of eligible special education students who are non-publicly-enrolled or homeschooled *****CHCNO = 2** in December 1 Child Count
3. ****select [calculate totals]** remaining grayed out boxes will populate.
4. GMS system calculates total eligible children
5. IDEA Basic Allocation
6. Balance to calculate proportionate share
7. divides IDEA Basic Allocation by total number of students = per student amount
****divides values in boxes 5 and 3**
8. provides the amount you are required to set aside for proportionate share.

Example GMS screenshot:

Children with Disabilities aged 3 through 21 Enrolled by Their Parents in Independent Schools or Home Study
34 CFR § 300.133

The LEA will use funds from this application to provide services for children with disabilities parentally placed in independent schools or home study, in accordance with 34 CFR § 300.133.

Number of eligible children with disabilities - count conducted in December

320	In public schools
12	In independent schools or home study
332	Total number of eligible children
745,824.00	Current Year Federal IDEA Basic Flow-through Allocation the LEA receives
745,824.00	Balance to Calculate Proportionate Share
2,246.46	Balance divided by Total Students = per student amount
26,957.52	Proportionate Share multiplied by number of children with disabilities in independent schools or home study

Not applicable - this district has no parentally placed independent school or home study children with disabilities who have been identified as eligible for special education and related services.

CALCULATE TOTALS

Below calculate totals, you are expected to enter non-public school and/or home study information (GMS label shows independent school), example screenshot:

Independent School

Name:

Address:

Phone: Extension

Independent School

Name:

Address:

Phone: Extension

Proportionate Share Expenditure. [[34 CFR §300.138](#)] and [[SBE Rule 2368.1.7.1](#)]

Each LEA determines which services to provide following the consultation with representatives of the non-profit non-public schools and parent representatives of eligible non-profit non-public school and/or home-schooled students. IDEA allowability rules apply to proportionate share funds. Administrative services and Child Find expenditures are not allowable as proportionate share expenditures. Each LEA must document expenditures and other activities related to IDEA and proportionate share.

Development of Services Plans. [[34 CFR §300.138](#)] and [[SBE Rule 2368.1.6](#)]

Each LEA is responsible for ensuring that each parentally-placed non-profit non-public school student with a disability who has been designated to receive proportionate share services has a services plan describing the specific special education services that each LEA will provide, including where and when the district will provide services to the student. A services plan is developed once a student is found eligible for special education and related services. {Form 10a – Services Plan}

Providing or Contracting for Services. [[34 CFR §300.141](#)] and [[SBE Rule 2368.1.9](#)]

In expending federal IDEA Part B funds, each LEA may provide services at the non-profit non-public school, at a public or neutral site convenient to the non-profit non-public school, on public school grounds, or contract for the provision of services at an appropriate site. IDEA funds may not be paid directly to the non-profit non-public school and may not be used to meet general needs of students.

Use of Personnel. [[34 CFR §300.142](#)] and [[SBE Rule 2368.1.10](#)]

Each LEA may use proportionate share funds to pay public school personnel to provide services in non-profit non-public schools. Each LEA may use proportionate share funds to pay for the services of an employee of a non-profit non-public school to provide services under only if the employee performs the services outside of his or her regular hours of duty; and the employee performs the services under public supervision and control.

Electronic Signatures.

LEAs may use e-signature software for acceptable valid signatures on all forms.

Form 10 – Written Affirmation Statement (required)

Written Affirmation of Consultation with Non-public School and Home Study Representatives concerning Special Education Services

I hereby affirm that I was invited to and participated in the non-public school consultation meeting sponsored by the [Name of LEA] held on [DATE] in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). [[34 CFR §300.134](#)] and [[SBE Rules 2368.1.5.1 and 2368.1.5.2](#)]

During the course of the consultation, the following issues were discussed:

- 1) The Child Find process and how parentally-placed students who are non-publicly educated and suspected of having a disability can participate equitably, including how parents, teachers, and non-public school officials will be informed of the process by LEA;
- 2) The determination of the proportionate amount of federal funds available to serve parentally-placed non-public school students with disabilities under this paragraph, including the determination of how the amount was calculated and allocated by LEA;
- 3) The consultation process among the LEA, non-public school officials, and representatives of parents of parentally-placed students with disabilities who are non-publicly educated, including how such process will operate throughout the school year to ensure that parentally placed-non-public school students with disabilities identified through Child Find can meaningfully participate in special education and related services;
- 4) How, where, and by whom special education and related services will be provided for parentally-placed students with disabilities who are non-publicly educated, including a discussion of types of services and how and when these decisions will be made, including direct services and alternate service delivery mechanisms;
- 5) How such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and
- 6) Process for LEA disagreement with the views of the non-public 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 non-public school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

As a non-public school representative or home study parent representative, I was provided the opportunity to express my views and to ask questions of LEA pertaining to these issues. I understand 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 may file a State complaint with the Vermont Agency of Education (AOE) that identifies the area(s) in which I

believe the school district did not comply with the consultation process. [[34 CFR §300.136](#)] and [[SBE Rule 2368.1.5.3](#)]

Please provide the following information as applicable:

Name of Non-public School _____

Name of Non-public School Official _____

Signature of Non-public School Official

_____ Date _____

Name of Non-public School Parent Representative _____

Signature of Non-public School Parent Representative

_____ Date _____

Name of Home Study Representative _____

Signature of Home Study Representative

_____ Date _____

Form 10a – Services Plan (required)

Date: _____

Special Education Services Plan for: Student Name and ID#

Non-Public School Name (if applicable): _____

Implementation Dates – Note that dates of service may not to exceed one school year.

Start Date: _____ End Date: _____

The following services will be provided for the eligible non-public school or home study student named above.

Special Education and/or Related Services (Direct Services)

Type of Service	Person(s) Responsible	Start Date	Frequency/ Duration	Location of Service	Comments (if applicable)

Training or Support Services (In-direct services for school personnel and/or parents)

Type of Service	Person(s) Responsible	Start Date	Frequency/ Duration	Location of Service	Comments (if applicable)

Please contact LEA at (phone) if you have any questions about these services. Use of these services does not constitute an individual entitlement or an individual commitment by LEA to provide such services.

LEA/Public School Name: _____

LEA Representative's Printed Name: _____

LEA Representative's Signature: _____

Date: _____

Form 10b LEA Certification for IDEA Proportionate Share Requirements (required)

The LEA must complete and submit this certification for IDEA proportionate share requirements as part of the IDEA Grant application process due annually on July 1st.

In accordance with the requirements of the Individuals with Disabilities Education Act (IDEA), we hereby affirm that timely and meaningful consultation occurred with representatives of non-public schools and home study programs and that this LEA will maintain documentation that this consultation occurred. This documentation {Forms 10 – Written Affirmation Statement and 10a – Services Plan} will be kept by the LEA pursuant to retention schedule for federal grants.

During the course of the consultation, the following issues were discussed:

- 1) The Child Find process and how parentally-placed students who are non-publicly educated and suspected of having a disability can participate equitably, including how parents, teachers, and non-public school officials will be informed of the process by LEA;
- 2) The determination of the proportionate amount of federal funds available to serve parentally-placed non-public school students with disabilities under this paragraph, including the determination of how the amount was calculated and allocated by LEA;
- 3) The consultation process among the LEA, non-public school officials, and representatives of parents of parentally-placed students with disabilities who are non-publicly educated, including how such process will operate throughout the school year to ensure that parentally placed-non-public school students with disabilities identified through Child Find can meaningfully participate in special education and related services;
- 4) How, where, and by whom special education and related services will be provided for parentally-placed students with disabilities who are non-publicly educated, including a discussion of types of services and how and when these decisions will be made, including direct services and alternate service delivery mechanisms;
- 5) How such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and
- 6) Process for LEA disagreement with the views of the non-public 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 non-public school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

Name of LEA/Public School _____

Name of LEA/Public School Representative _____

Signature of LEA/Public School Representative _____

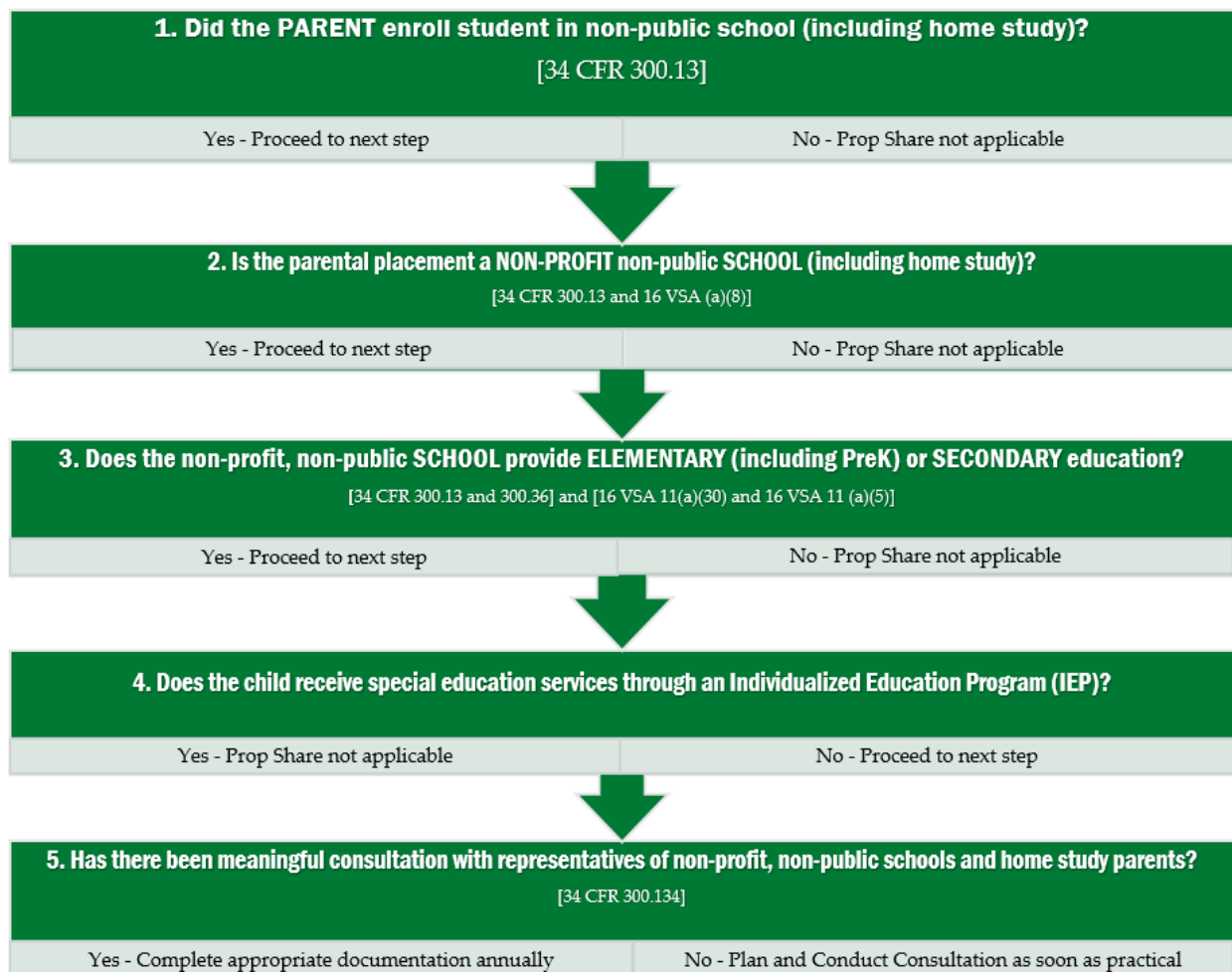
Date _____

Appendix A – Process for Proportionate Share Decisions

When considering whether proportionate share is applicable for any given situation, please answer the following questions:

1. Did the PARENT enroll the student in non-public school (including home study)?
[34 CFR 300.13]
 - a. Yes – Proceed to next question
 - b. No – Prop Share is not applicable
2. Is the parental placement a NON-PROFIT non-public SCHOOL (including home study)?
[34 CFR 300.13 and 16 VSA (a)(8)]
 - a. Yes – Proceed to next question
 - b. No – Prop Share is not applicable
3. Does the non-profit, non-public SCHOOL provide ELEMENTARY (including PreK) or SECONDARY education?
[34 CFR 300.13 and 300.36] and [16 VSA 11(a)(30) and 16 VSA 11 (a)(5)]
 - a. Yes – Proceed to next question
 - b. No – Prop Share is not applicable
4. Does the child receive special education services through an Individualized Education Program (IEP)?
 - a. Yes – Prop Share is not applicable
 - b. No – Proceed to next question
5. Has there been meaningful consultation with representatives of non-profit, non-public schools and home study parents?
[34 CFR 300.134]
 - a. Yes – Complete appropriate documentation annually
 - b. No – Plan and Conduct Consultation as soon as practical

Figure 1 - Proportionate Share Decision Tree Infographic



Elementary School

Means a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law. [34 CFR 300.13]

Elementary Education

Means a program of public-school education adapted to the needs of students in prekindergarten, kindergarten, and the first six grades. [16 VSA 11(a)(3)]

Early Childhood Education

Early education or prekindergarten means services designed to provide developmentally appropriate early development and learning experiences based on Vermont’s early learning standards to children who are three to four years of age and to five-year old children who are not eligible for or enrolled in kindergarten. [16 VSA(a)(31)]

For preschool-aged students (3-5), only those who attend a private preschool program meeting the definition of an elementary school under the law may be included. Because stand-alone private prekindergarten education programs and private childcare centers

do not provide “elementary education” consistent with the federal definition of elementary schools, they are not included in the district’s proportionate share child count.

Independent School

Means a school or other than a public school which provides a program of elementary or secondary education or both. [[16 VSA \(a\)\(8\)](#)]

Home Study

Enrolled pursuant [[16 VSA 166\(b\)](#)]

Non-public School

Vermont defines non-public school as independent (secular, and non-secular) schools, as well as home study programs.

Appendix B – Frequently Asked Questions

Question 1: Are LEAs required to expend equal appropriation of funds to each identified parentally placed student?

Answer 1: No. Appropriation of funds are determined by the disability and needs of each student. LEAs must discuss how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made. For additional information, see Form 10 - Written Affirmation Statement and Form 10b -LEA Certification for IDEA Proportionate Share Requirements.

Question 2: Are LEAs able to spend additional funds if the IDEA Proportionate Share amount does not provide adequate services to identified parentally placed students?

Answer 2: Yes, per 2368.1.2 Child-Count ([34 CFR §300.133\(c\)](#)) section (c) Supplement, not supplant. Local funds may supplement and in no case supplant the proportionate amount of IDEA-B flow through funds required to be expended for independent school and home study children who are eligible for special education.

Question 3: If we have forms already developed that include all components of the AOE forms, can we use them instead?

Answer 3: No. Although LEA developed forms may be used for gathering data useful to the LEA, the AOE will require use of its forms.

Appendix C – Allowable Cost Examples

IDEA Proportionate Share Allowable Costs

Costs that are allowable to meet the Proportionate Share requirement must be:

1. Necessary to provide special education and related services to parentally placed child(ren) with disabilities.
2. Reasonable, if, in their nature and amount, it does not exceed that which a prudent person would incur to provide special education and related services to parentally placed child(ren) with disabilities.
3. Allocable or assignable to the benefit of parentally-placed child(ren) with disabilities.
4. Adequately documented and be clear that they are related to providing special education and related services to parentally-placed child(ren) with disabilities.

Samples provided below;

Type of Service	Allowable	Not Allowed	Comments (if applicable)
Administrative Costs		X	34 CFR §300.133(a), each LEA is required to spend a proportionate share of Federal Part B funds on providing special education and related services to children with disabilities who are enrolled by their parents in private elementary schools and secondary schools in order for the LEA to meet its responsibility for providing equitable services. We interpret the reference to “special education and related services” to mean that administrative costs could not be included in the amount each LEA must spend to meet this requirement.
Consultation Meeting Time and Costs		X	Consultation Meetings are not specific to the services for a specific child and is considered administrative.
Child Find		X	34 CFR §300.131(d) The obligation to conduct Child Find, including individual evaluations, exists independently from the obligation to provide equitable services.

Type of Service	Allowable	Not Allowed	Comments (if applicable)
Payments directly to non-profit non-public school or a parent		X	Part B funds for equitable services may not be paid directly to non-profit non-public school or a parent. Under 34 CFR §300.144(a), a public agency must control and administer the funds used to provide special education and related services to parentally placed private school children with disabilities.
Part B funds for equitable services be used for repairs, minor remodeling, or construction of non-profit non-public school or a parent's home		X	34 CFR §300.144(e) Part B funds for equitable services may not be used for repairs, minor remodeling, or construction of non-profit non-public school or a parent's home
Prep for Service Plan Meeting		X	time necessary to prepare for a service plan meeting— such as scheduling, phone calls, and printing— are administrative costs
Service Plan Meeting	X		the service plan meeting is specific to an individual child, and is consistent with equitable treatment of individualized education program (IEP) meetings for public school children with disabilities.
Time for preparing, planning for services or documenting therapy notes of direct services	X		the time necessary to document the direct services that are/were provided to parentally-placed private school children with disabilities. Must be consistent with equitable treatment of public school children with disabilities.
Time for consultation of Teacher Consultants, Social Workers, or Psychologists	X		time necessary for Teacher Consultants, Social Workers, or Psychologists to consult with teachers, parents, and services providers regarding the services provided to parentally-placed private school children with disabilities

Type of Service	Allowable	Not Allowed	Comments (if applicable)
Travel and mileage costs to/from the district to the parentally placed student	X		Costs must be consistent and reasonable to provide direct services to parentally-placed school children with disabilities. Must have mileage records that correspond to travel dates/times.
Services to students	X		If listed on services plan
Supplies and materials	X		necessary to provide services to student; or if related to the professional development listed on services plan
Professional development	X		If listed on services plan

Appendix D – Resources for Proportionate Share

IDEA Provisions Related to Children With Disabilities Enrolled by Their Parents in Private Schools (March 2011): <https://www2.ed.gov/admins/lead/speced/privateschools/idea.pdf>

Proportionate Share Resources U.S. Department of Education IDEA Topic Areas Website:

<https://sites.ed.gov/idea/topic-areas/#Private-Schools-Parentally-Placed>

Questions and Answers on IDEA Part B Dispute Resolution Procedures (July 2013):

<https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/accombinedosersdisputeresolutionqafinalmemo-7-23-13.pdf>

Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools (April 2011): https://sites.ed.gov/idea/files/Private_School_QA_April_2011.pdf