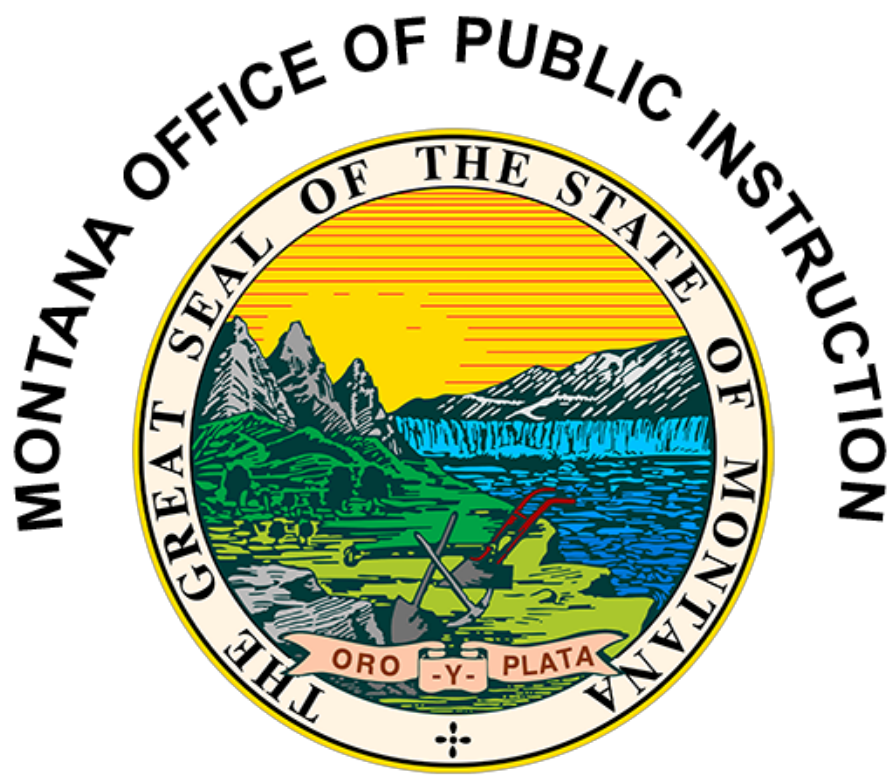


# Fiscal Management: Proportionate Share



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# Proportionate Share Requirements of Parentally-Placed Students in Non-public Schools

## Overview

Per the Individuals with Disabilities Education Act (IDEA) [34 CFR 300.133 \(a\)](#), each local education agency (LEA) is required to spend a portion of its IDEA Part B funds to provide special education and related services (including direct services) to parentally-placed private school children with disabilities, as follows:

- For children aged 3 through 21, an amount of the IDEA Part B 611 allocation that is the same proportion 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 compared to the total number of children with disabilities in the LEA's jurisdiction aged 3 through 21.
- For children aged 3 through 5, an amount of the IDEA Part B 619 allocation that is the same proportion as the number of private school children with disabilities aged 3 through 5 who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA compared to the total number of children with disabilities in the LEA's jurisdiction aged 3 through 5.

Under IDEA Part B [34 CFR 300.130](#), parentally-placed private school children with disabilities are “children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in [300.13](#) or secondary school in [300.36](#),” excluding children with disabilities placed or referred by public agencies.

More specifically, elementary school is defined as “a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law.” Therefore, each state is required to adhere to its own state law when determining which private schools meet the definition of an elementary school.

## Definitions

**Elementary School** [MCA 20-6-501\(1\)](#): an elementary school when it comprises the work of any combination of kindergarten, other preschool programs, or the first eight grades or their equivalents. A middle school is a school comprising the work of grades 4 through 8 or any combination of grades 4 through 8 that has been accredited as a middle school under the provisions of **20-7-102**. When an accredited junior high school is operated by the district, grades 7 and 8 or their equivalents may not be considered as elementary grades. [MCA 20-6-101\(2\)\(a\)](#) An elementary district is a district organized for the purpose of providing public education for all grades up to and including grade 8 and for preschool programs and kindergartners. An elementary district may be inactive if the

district attaches to a high school district under the provisions of 20-6-701 to form a K-12 school district.

**Private/Nonpublic School/Home School\_MCA 20-5-102(2)(e):** (e) enrolled in a nonpublic or home school that complies with the provisions of 20-5-109. For the purposes of this subsection (2)(e), a home school is the instruction by a parent of the parent's child, stepchild, or ward in the parent's residence and a nonpublic school includes a parochial, church, religious, or private school. A child enrolled in a nonpublic or home school may enroll on a part-time basis in a public school.

The local educational agency shall implement procedures for students with disabilities in private elementary and secondary schools and consistent with the requirements of 34 CFR 300.130 through 300.148 and state administrative rules [ARM 10.16.3122\(4\)](#). If the parent enrolls the child in a private preschool or kindergarten program, the district is required to offer equitable services and a service plan may be developed.

The IDEA proportionate share requirements are for students with disabilities (SWD) who are parentally-placed in non-profit, nonpublic schools that serve the general population. *The LEA's responsibilities include Child Find, **timely and meaningful consultation**, and service provision to eligible non-profit, nonpublic school and home school 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, nonpublic school students [34 CFR 300.129-300.144](#) and [Appendix B of 34 CFR Part 300](#). Services to students, supplies, materials, and professional development related to the services of parentally placed private or home school SWD, are allowable. Home schools are considered private/nonpublic schools in Montana as defined above in the Private/Nonpublic/Home School definition. Special education and related services provided to parentally-placed private and home school SWD, 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 SWD enrolled by their parents in private and home schools within the LEA's geographical boundaries, and to calculate and spend a proportionate share of IDEA grant funds to provide equitable services for these students. To provide equitable services, each LEA must comply with the following procedures:

### **Timely and Meaningful Consultation** [34 CFR 300.134](#)

On an annual basis each LEA must consult with private school representatives and representatives of parents of parentally placed private or home schooled SWD. This consultation process includes:

1. Child Find process.
2. Determination of proportionate share.

3. Consultation process.
4. Provision of special education and related services.
5. A written explanation by the LEA regarding services (if a disagreement occurs between the LEA and private and home school administrators).

## Written Affirmation

A Written Affirmation Statement (see [Appendix A](#)) must be maintained by the LEA as a record pursuant to retention schedule for federal grants. [34 CFR 300.135](#)

## Documentation of Timely and Meaningful Consultation [34 CFR 300.131](#) and [ARM 10.16.3122](#) [ARM 10.16.3125\(3\)](#)

Under 34 CFR 300.131 and ARM 10.16.3125(3), the LEA where the private elementary and secondary schools are located is responsible for locating, identifying, and evaluating all SWD who are enrolled by their parents in private, including religious, elementary schools, and secondary schools as those terms are identified in 300.12 and 300.35.

It is important to remember that child find happens year-round. It is not a one- or two-time process. The district can host specific child find clinics but also remember anytime a referral is made (written or verbal), a district must respond to the referral.

This is documented in the Program Narrative along with Policies of each district.

Program Narratives are required to be updated at least every five years or sooner if policies or procedures change.

At a minimum, the procedures should include the following:

- A method to screen and develop criteria for further assessments for children three through 21, including all children in public and private agencies, children who are highly mobile, migrant, homeless, or wards of the state.
- Name of the position responsible for the coordination, implementation, and documentation of the child find procedures.
- Describe the activities including audiological, health, speech/language, and visual screening. See [ARM 10.16.3125\(1\)\(b\)\(ii\)](#) for additional requirements.
- Describe the roles and responsibilities, if any, of other public or private agencies.
- Identify the procedures of the LEA for identification of a student suspected of having a specific learning disability.

## Child Count and Proportionate Share Calculation [34 CFR 300.133\(a\)\(1\)](#)

Child Count is the first Monday in October. This includes the number of eligible students, including the number of students who are parentally placed in a private/non-public school or home schooled. Students who have been enrolled by their parents or guardians in private, including religious, elementary schools and secondary schools located in the school district served by the LEA. Include students whose parents chose

to home school them, but who receive special education and related services through a service plan. Do not include students who are placed in private schools by a public school district.

The grant management system for IDEA grant applications contains two sections under the Program Detail tab to calculate proportionate share separately. Proportionate share is automatically calculated for each LEA based on the child count of parentally-placed private/nonpublic and home-schooled students submitted to the Office of Public Instruction (OPI).

### **Calculation of Proportionate Share**

*For Part B Section 611 and 619 subgrants (calculated separately)*

The number of private school children with disabilities (ages 3-21 or 3-5) who are enrolled by their parents in private (including religious, elementary and secondary schools located in the school district served by the LEA)

#### ***DIVIDED BY***

The total number of children with disabilities in the LEA's jurisdiction (ages 3-21 or 3-5)

#### ***MULTIPLIED BY***

The LEA's total subgrant (section 611 or 619)

#### ***Proportionate Share***

## **Proportionate Share Requirements Verification**

Documentation of the following must be provided by the LEA to verify that the requirements of proportionate share have been met:

1. Child Find process discussed
2. Proportionate share amount process (calculation and allocation) by LEA
3. Assurance of consultation between LEA and non-public school officials and parent/guardian/representative of the student with disability in non public school
4. How, where, when, and what services will be provided
5. How services will be apportioned if funding is insufficient to serve all children and how/when these decisions are made
6. Process for LEA disagreement with non-public school officials of provision and types of services
  - a. The LEA will provide a written explanation of its reasoning to the officials of the non-public school

On the budget page, districts will be required to use a specified object code to budget their proportionate share amount. When doing a cash request, the district will be required to show evidence of how the money was spent specifically to those SWD that are parentally placed in a private/nonpublic or home school.

## Record Keeping and Reporting [34 CFR 300.132\(c\)](#)

LEAs must maintain records and provide to the OPI the following information for parentally placed private/nonpublic or home school students. This may be completed on the Proportionate Share Tracker (see resources).

1. The number of children evaluated.
2. The number of children determined to be children with disabilities.
3. The number of children served.

## Communication and Support for LEAs

LEAs can find more information on Proportionate Share in the resources below. A Proportionate Share presentation will be recorded and shared. It is highly recommended district clerks/business managers, superintendents, and special education directors watch the presentation.

LEAs can contact the OPI Special Education Fiscal Program Manager at 406-444-3124 or Director of Special Education at 406-594-3610.

## Proportionate Share Resources

[State Education Agency Self-Assessment: Children with Disabilities Enrolled by Their Parents in Private Schools](#)

[Proportionate Share Tracker](#)

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

<https://opi.mt.gov/Leadership/Finance-Grants/E-Grants#10713012253-user-guides--e-grants-resources>



## Appendix A

### Written Affirmation Statement *(required)*

Written Affirmation of Consultation with Nonpublic School and Home School representatives concerning Special Education Services

I hereby affirm that I was invited to and participated in the nonpublic school consultation meeting hosted by (LEA)\_\_\_\_\_ held on (date)\_\_\_\_\_ in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). [34 CFR 300.134\(c\)](#)

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

- 1) The Child Find process and how parentally-placed private school students who are suspected of having a disability can participate equitably, including how parents, teachers, and nonpublic 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 nonpublic school students with disabilities, including the determination of how the amount was calculated and allocated by LEA;
- 3) The consultation process among the LEA, nonpublic school officials, and representatives of parents of parentally-placed students with disabilities, including how such process will operate throughout the school year to ensure that parentally-placed nonpublic school students with disabilities identified through the child find process 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. Including a discussion of:
  - a. The types of services including direct services and alternate service delivery mechanisms;
  - b. How such services will be apportioned if funds are insufficient to serve all parentally placed private school children; and
  - c. how and when these decisions will be made.
- 5) If the LEA disagrees with the views of the nonpublic 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 nonpublic school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

As a nonpublic school representative or home school 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 Montana Office of Public Instruction (OPI) that identifies the area(s) in which I believe the LEA did not comply with the consultation process. [34 CFR 300.136](#)

Private School: \_\_\_\_\_  
*Name of Private School*

#### Private School Representative

\_\_\_\_\_  
*Printed name*                      *Signature*                      *Date*

#### Private School Parent Representative

\_\_\_\_\_  
*Printed name*                      *Signature*                      *Date*

This Written Affirmation Statement must be maintained by the LEA as a record pursuant to retention schedule for federal grants. [34 CFR 300.135](#)

## Process for Proportionate Share Decisions

When considering whether proportionate share is applicable, please answer the following questions:

1. Did the PARENT enroll the student in nonpublic school (including home study)? [34 CFR 300.130](#)

- a. Yes – Proceed to next question
- b. No – Prop Share is not applicable

2. Is the parental placement a NON-PROFIT nonpublic SCHOOL (including home school)? [34 CFR 300.130](#)

- a. Yes – Proceed to next question
- b. No – Prop Share is not applicable

3. Does the non-profit, nonpublic SCHOOL provide ELEMENTARY (including PreK) or SECONDARY education? [34 CFR 300.13](#) and [300.36](#)

- 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, nonpublic 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