

# Funding

## PROPORTIONATE SHARE FUNDING FOR STUDENTS PARENTALLY-PLACED IN PRIVATE SCHOOLS

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Model operating procedures created by



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# Proportionate Share Funding for Students Parentally-Placed in Private Schools

## What is Required

Under the IDEA, the District must provide special education services to students with disabilities who are parentally-placed in private schools located within the District's boundaries.

## **Administration of Funds**

The District is responsible for controlling and administering IDEA-B funds used to provide special education and related services to students with disabilities parentally-placed in private schools, as well as the title to materials, equipment, and property purchased with IDEA-B funds. See [CHILDREN IN PRIVATE SCHOOLS] and [ADMINISTRATION OF EQUIPMENT].

Amounts expended to provide services to students with disabilities parentally-placed in private schools must be equal to a proportionate amount of IDEA-B funds.

## **Consultation**

The District must consult with private school representatives and representatives of the parents of students with disabilities parentally-placed in private schools regarding the determination of the proportionate amount of federal funds available to serve such students and the manner in which the amount was calculated. See [CHILDREN IN PRIVATE SCHOOLS]. The parties must also discuss how services will be apportioned if funds are insufficient to serve all students, as well as how and when these decisions will be made.

## **Proportionate Share Calculation**

After the consultation, the District must determine the number of students with disabilities parentally-placed in and attending private schools located in the District. This count, which must be taken on the last Friday in October, will be used to determine the amount the District must spend on providing special education and related services to students with disabilities parentally-placed in private schools in the subsequent fiscal year.

For students ages 3 through 21, the proportionate share is the same proportion as the number of private school students with disabilities ages 3 through 21 who are enrolled by

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their parents in private schools—including religious, elementary schools, and secondary schools located within the District—to the total number of students with disabilities in the District ages 3 through 21.

For students ages 3 through 5, the proportionate share is equal to the ratio of the number of students with disabilities parentally-placed in private schools who are enrolled by their parents in private schools—including religious, elementary schools located within the District—to the total number of students with disabilities ages 3 through 5 in the District. Only students with disabilities enrolled in a private school that meets the definition of elementary school as determined by state law will be considered to be students with disabilities parentally-placed in private schools.

The District must carry over any unused proportionate share funds for one additional year to be used in providing special education and related services, including direct services, to students with disabilities parentally-placed in private schools.

The cost of transportation for a student with a disability parentally-placed in a private school from the student's school or home to a site other than the private school and from the service site to the home or private school, depending on the timing of the services, may be considered in determining whether the District has satisfied the requirement to provide proportionate share services to the student.

## Limitations

The District may use state and local funds to supplement, but not to replace, the proportionate amount of IDEA-B funds that must be expended for students with disabilities parentally-placed in private schools. The District must use IDEA-B proportionate share funds to meet the special education and related services needs of students with disabilities parentally-placed in private schools.

However, the District may not use such funds for meeting other needs of a private school or for the general needs of the students enrolled in the private school. The District also may not use IDEA-B proportionate share funds for repairs, minor remodeling, or construction of private school facilities. Finally, the District may not use these funds to finance the existing level of instruction in a private school or to otherwise benefit the private school or for any costs of carrying out child find requirements, including individual evaluations, to satisfy its obligation to provide proportionate share services to students with disabilities placed by their parents in private schools.

## Additional Procedures

### Proportionate Share Calculation

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The proportionate share amount will be automatically calculated once the District submits the data via the districts IDEA-B grant application. The first step in the calculation is to calculate the average allocation per eligible student, which includes students enrolled in public school (ages 3-21), students dually enrolled in public and private school (ages 3-4), and students parentally placed in private schools (ages 3-21). The second step is to calculate the amount to be expended for parentally-placed students with disabilities.

This is the average allocation multiplied by the number of students with disabilities parentally-placed in private schools as of the last Friday in October. Proportionate share funds are not calculated for students identified after the last Friday in October. For example, a student identified on the last Friday in October of Year 1 will be used in calculating the proportionate share funds to be spent for Year 2. However, a student identified on November 1<sup>st</sup> of Year 1 will be used in calculating the proportionate share funds to be spent for Year 3.

Note that the count is not used to determine whether a parentally-placed private school student needs to be served, as services should not be limited to those students who were included in the count that determined the amount of proportionate share funds.

To calculate proportionate share for preschool students, the average allocation per eligible student will first be calculated. This includes students enrolled in public schools (ages 3-5), students dually enrolled in public and private schools (ages 3-4), and students parentally placed in private schools (ages 3-5).

### **Unused Proportionate Share Funds**

The District must dedicate any proportionate share funds not expended on parentally-placed private school students with disabilities by the end of the fiscal year for which Congress appropriated such funds to parentally-placed private school students with disabilities during a carry-over period of one additional year. If it is apparent that the funds still will not be spent by the end of the carry-over year, the District may use such funds for other allowable costs for students with disabilities in the public schools. However, because the IDEA is designed for the District to spend proportionate share funds on providing special education and related services to students with disabilities parentally-placed in private schools, this situation should be the exception. The District should carefully document how all proportionate share funds (current year and carryover) are expended.

During the consultation process, the District must be diligent to ensure that every effort is made to use proportionate share funding to provide special education and related services for students with disabilities parentally-placed in private schools . The District should have documentation supporting these efforts before using carry-over

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proportionate share funds for expenditures for students with disabilities in public schools.

## Consultation

The consultation process must be timely, meaningful, and ongoing. The District must obtain a written affirmation signed by the representative of the private school confirming that timely and meaningful consultation had occurred. An attendance sign-in sheet is not a sufficient method of affirmation. Should the District not receive this affirmation within a reasonable period of time, the District will forward to the TEA a description of all attempts made by the District to obtain the affirmation. See [CHILDREN IN PRIVATE SCHOOLS].

## Funds, Property, Equipment, and Supplies

The District may place equipment and supplies in a private school for the period of time such equipment and supplies are needed for the IDEA-B program if it is only used for IDEA-B purposes and can be removed from the private school without remodeling the private school facility. Once the equipment and supplies are no longer needed for IDEA-B purposes, or if the removal is necessary to avoid unauthorized use of the equipment and supplies, the District must remove the equipment as soon as possible.

[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE]

## Evidence of Implementation

- Private School Contact Database
- Database of Private School Students Evaluated and Identified as Students with Disabilities and Services Currently Received, if any
- Proportionate Share Amount Calculation
- District-wide Plan for Proportionate Share Amount
- Record of All Private School Contacts and Responses
- Consultation Agenda and Minutes
- Written Affirmation Statement
- ISP or ARD/IEP for Private School Student
- Budget Reports Detailing Proportionate Share Expenditures
- [DISTRICT FORMS]

## Resources

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[The Legal Framework for the Child-Centered Special Education Process: Proportionate Share Funding for Children Parentally-Placed in Private Schools - Region 18](#)

[Appendix B to 34 CFR Part 300 - Proportionate Share Calculation](#)

[Program Guidelines 2018-2019 Special Education Consolidated Grant Application \(Appendix B. Proportionate Share Calculation, pg. 69\) - Texas Education Agency](#)

[Program Guidelines 2018-2019 Special Education Consolidated Grant Application \(Unused IDEA-B Proportionate Share Funds, pg. 32\) - Texas Education Agency](#)

[Program Guidelines 2018-2019 Special Education Consolidated Grant Application \(Funds, Property, Equipment, and Supplies, pg. 33\) - Texas Education Agency](#)

[Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools \(Apr. 2011\) - U.S. Department of Education](#)

[ESSA Private School Equitable Services - Texas Education Agency](#)

[FAQ: Parentally-Placed School Children with Disabilities - Texas Education Agency](#)

[Guidance on Parentally Placed Private School Children with Disabilities - Texas Education Agency](#)

[ADDITIONAL DISTRICT RESOURCES]

## CITATIONS

Board Policy EHBA and EHBAC; 34 CFR 300.133–134, 300.139, 300.141, 300.144;  
Appendix B to 34 CFR Part 300 – Proportionate Share Calculation