



Developing Written Procedures for Parentally-Placed Private School Proportionate Share of IDEA Funds: Practice Guide

The National Center for Systemic Improvement's practice reference guides are intended to assist states and interested parties in better understanding the basics of fiscal requirements stipulated in the Individuals with Disabilities Education Act (IDEA), the Education Department General Administrative Regulations (EDGAR), and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly known as the Uniform Grant Guidance or Uniform Guidance). This informal guidance does not represent an interpretation of IDEA by the Office of Special Education Programs (OSEP) or the U.S. Department of Education.

Background

The Individuals with Disabilities Education Act (IDEA) under 34 CFR §§300.130–300.144 for parentally-placed private school children with disabilities requires that local educational agencies (LEAs) receiving an IDEA subgrant from the state educational agency (SEA) implement IDEA's requirements for parentally-placed private school children with disabilities. This includes calculating and expending a portion of their IDEA Part B Section 611 and Section 619 subgrants for the provision of special education and related services to parentally-placed private school children with disabilities ([34 CFR §300.133](#)). As defined by IDEA, parentally-placed private school children with disabilities are children with disabilities enrolled by their parents in private, nonprofit (including religious) schools or facilities that meet the definition of elementary school or secondary school as outlined in state and federal regulations ([34 CFR §300.130](#)). SEAs are required to establish policies and procedures to ensure that LEAs comply with both the programmatic and fiscal requirements of IDEA regarding the provision of equitable services for parentally-placed private school students in accordance with [34 CFR §300.129](#). More information can be found in the *Quick Reference Guide on Parentally-Placed Private School Proportionate Share of IDEA Funds* produced by the National Center for Systemic Improvement (NCSI).

Purpose of This Practice Guide

This practice guide is designed to help states develop high-level written procedures for the IDEA Part B parentally-placed private school proportionate share requirements. Specifically, this document provides states with guiding questions, sample language, and applicable resources to consider when developing written procedures. The practice guide may also be useful in determining whether existing state procedures address the recommended content and questions.

High-level procedures can also be shared with external interested parties, such as LEA superintendents, business officers, state legislators, and auditors, to build an understanding of the parentally-placed private school proportionate share requirements and to help document compliance. Please contact the NCSI Fiscal Support Team (ncsi_fiscal@wested.org) with any questions or for assistance with developing or revising a state's written procedures.

This resource is not designed to serve as a comprehensive, step-by-step internal process manual outlining the specific roles and responsibilities of state staff. A manual of that type should include detailed information on internal processes and controls and must be catered to a particular state's individual needs and requirements. NCSI Fiscal Support Team staff are available to assist individual states in developing a more detailed document to ensure accurate and sustainable implementation if needed.

Although high-level written procedures and internal process manuals (Table 1) serve different purposes and target different audiences, both documents, when developed and properly implemented, help ensure the following:

- LEA compliance with proportionate share requirements.
- Standardization of implementation and oversight of private school proportionate share requirements.
- Consistency in communication among partners.
- Continuity in practices over time.

In addition, both the high-level procedures and the internal process manuals could be requested during state audits or fiscal monitoring.

Table 1. High-Level Procedures and Internal Process Manual: Audience and Purpose

Type of subrecipient fiscal monitoring	Audience	Purpose
High-level procedures	Internal and external stakeholders	Demonstrate compliance with IDEA requirements and build understanding of interested parties.
Internal process manual	SEA staff	Document detailed internal processes and responsibilities for implementing regulations and high-level procedures.

Using This Practice Guide to Develop High-Level State Procedures

This practice guide provides a model to help individual states develop high-level procedures and is organized by the following recommended components:

1. Purpose and Authority for Procedures
2. Definitions
3. Timely and Meaningful Consultation and Written Affirmation
4. Child Find and Evaluations
5. Child Count and Federal Data Reporting
6. Proportionate Share Calculation
7. Provision of Equitable Services
8. Budgeting Proportionate Share
9. Expenditures, Allowable Uses of Funds, and Carryover Requirements
10. Monitoring, Staff Timelines, and Responsibilities
11. Resources

Each section contains the following:

1. A brief description of the component.
2. Guiding questions for use when drafting new procedures or evaluating existing procedures.
3. Sample language for documenting state procedures.

1. Purpose and Authority for Procedures

This component outlines the state's role in implementing parentally-placed private school proportionate share requirements. It provides a definition of private school proportionate share, the federal and state regulations that apply, and a description of the entities that must comply with these requirements.

GUIDING QUESTIONS

1. What is parentally-placed private school proportionate share?
2. What federal regulations apply to private school proportionate share?
3. What state regulations apply to private school proportionate share?
4. Are there any related state codes, regulations, rules, or policies?

SAMPLE LANGUAGE

Purpose and Authority

Under the Individuals with Disabilities Education Act (IDEA), each local educational agency (LEA) that receives IDEA funds is required to spend a proportionate share of its Part B federal grants' allocation toward the provision of equitable services for eligible parentally-placed private school children with disabilities (34 CFR §§300.129–300.144 and Appendix B). Parentally-placed private school children with disabilities are those who have been enrolled by their parents in private, nonprofit elementary or secondary schools (including religious institutions) that meet the definitions established under state and federal regulations. As part of [State's] general supervision system, [SEA] has established policies and procedures to ensure that LEAs comply with both the programmatic and fiscal requirements of IDEA related to the equitable service provision for parentally-placed private school students.

The purpose of these state-level procedures is to define expectations and activities for implementing private school proportionate share requirements. Although LEAs are responsible for implementing IDEA's proportionate share requirements, the SEA has an obligation to monitor whether LEAs are meeting those requirements. This document outlines [SEA's] procedures for implementing parentally-placed private school proportionate share requirements.

Relevant State Laws and Regulations

The following state laws and regulations establish authority for the requirements of these policies and procedures:

[Reader note: Insert citations for relevant state laws or regulations here.]

2. Definitions

This component documents the state's definitions of private, nonprofit elementary and secondary schools, home school, elementary school, and secondary school.

GUIDING QUESTIONS

1. How does your state define an elementary school?
 - » Does your state include preschool in its definition of elementary schools?
 - » If your state laws, rules, or policies do not include preschool in its elementary school definition, does the state allow exceptions in situations where preschool is offered at an elementary school?
2. How does your state define a secondary school?
3. Does your state include children with disabilities who are home-schooled in its definition of parentally-placed private school children with disabilities?
 - » Does your state's written guidance clarify whether home-schooled children enrolled in a public school for the purpose of taking some academic courses would be treated as parentally-placed private school children entitled to consideration for equitable services?

SAMPLE LANGUAGE

Parentally-placed private school children with disabilities are those enrolled by their parents in private, nonprofit elementary and secondary (including religious) schools or facilities that meet [State's] definition of an elementary or secondary school (34 CFR §300.13 and 34 CFR §300.36). The definition excludes children with disabilities placed or referred by public agencies covered under 34 CFR §§300.145–147. To ensure compliance with federal and state regulations regarding parentally-placed private school children with disabilities, the following definitions apply when implementing requirements.

In [State], the definition of a nonpublic school includes the following: [Definition].

Under [state code or rule], elementary schools are defined as [state's definition] and secondary schools are defined as [state's definition].

Home schools and homeschooling programs, as well as private and parochial preschool programs and facilities, [do or do not] meet the state's definition of a private school. These [include or do not include] homeschooled children enrolled in a public school for the purpose of taking one or more academic courses.

3. Timely and Meaningful Consultation and Written Affirmation

This component describes how the SEA ensures that LEAs conduct timely and meaningful consultation with representatives of both private school staff and parents of parentally-placed private school children with disabilities. Included in this section are the requirements for written affirmation and the expectations established by the state for LEAs regarding the process of obtaining and documenting this affirmation as evidence that timely and meaningful consultation has occurred ([34 CFR §300.134](#)).

GUIDING QUESTIONS

1. What guidance does your state provide to LEAs about timely and meaningful consultation?
2. How does your state monitor if timely and meaningful consultation:
 - » Is ongoing?
 - » Addresses all required information?
 - » Includes representatives of the private school and parents of children with disabilities?
3. What guidance does the state provide to LEAs for obtaining and maintaining written affirmation?
4. How does your state collect and verify written affirmation documentation when an LEA reports that a private school did not engage in meaningful consultation?
5. What guidance does your state provide regarding the requirement for LEAs to offer a written explanation to private school officials when there is a disagreement about the provision of or types of services?

SAMPLE LANGUAGE

LEAs are required to conduct ongoing timely and meaningful consultation with all private schools located within the jurisdiction of the district. Consultation must be conducted with private school representatives and representatives of parents of eligible privately-enrolled students during the design and development of special education and related services for parentally-placed private school children. The law does not preclude private school staff from serving to represent the interest of the student in lieu of a parent representative. The consultation process must be ongoing, meaning that it must occur more than once per year.

Each consultation meeting must include a documented discussion of the following:

- *The child find process.*
- *The calculation of the proportionate share amount.*
- *The consultation process.*
- *The delivery of special education and related services.*
- *The provision of a written explanation by the district regarding services (in the event of disagreement between the district and private school officials).*

[SEA] requires that each LEA conduct timely and meaningful consultation according to the following timeline: [recommended months, timeline, or schedule]. This timeline does not preclude LEAs from convening additional meetings depending on the needs of parentally-placed private school children with disabilities, as these needs may vary over time. Additionally, [SEA] makes available [template forms, presentations, etc.] through [websites, trainings, meetings, etc.] to aid in the successful completion of consultation meetings. In addition to in-person meetings, LEAs may conduct consultation meetings virtually, ensuring that the same documentation requirements apply.

Before making any decisions impacting services for parentally-placed private school children with disabilities, the LEA must conduct timely and meaningful consultation to provide an opportunity for private school representatives and representatives of parents to express their views and to have those opinions considered. LEAs may not make a unilateral offer of services to private schools without an opportunity for discussion through the consultation process.

Following timely and meaningful consultation, each LEA must obtain written affirmation confirming that it has occurred. Written affirmation documentation must be signed by private school representatives and serves as confirmation that consultation has occurred—not that there is agreement among meeting participants. If private school participants do not provide written affirmation within a reasonable period of time (generally 30 days), the LEA must [forward documentation of the consultation process to the SEA email; upload the documentation to the grant management system; keep the documentation on file and submit it during the fiscal monitoring cycle; etc.]. Attendance sheets do not provide sufficient documentation for written confirmation of consultation. Written affirmation must include a summary of what was discussed during the consultation process, and each of the required consultation topics listed above must be documented. Written affirmation documentation will be collected by [SEA] on [date frequency] through [mechanism, or maintained by the LEA and provided to the SEA upon request during targeted or intensive monitoring reviews] to ensure that LEAs facilitate ongoing timely and meaningful consultation throughout the year and as evidence that requirements are met by the LEA.

If a private school refuses to participate in meaningful consultation, an LEA must document all attempts to engage the private school, including any communication sent to and received from the private school. Documentation of these attempts should be sent to [SEA].

A private school has the right to file a complaint with [SEA] if it believes the LEA failed to provide timely and meaningful consultation or did not give consideration to the private school's views. In addition, state complaints may be filed by either private schools or parents who allege that the LEA failed to carry out the regulations related to the consideration and provision of equitable services under IDEA. The private school official must submit the basis and supporting documentation for the complaint to the SEA. If dissatisfied with the SEA's decision, the official may escalate the complaint to the U.S. Secretary of Education, outlining the LEA's noncompliance. The SEA is responsible for forwarding the necessary documentation to the Secretary. Due process complaints by private schools, however, may only be filed regarding child find, which must be filed with the LEA. The LEA is then responsible for sending it to [SEA].

4. Child Find and Evaluations

This component details the procedures established by the SEA to support LEAs in conducting child find for all children with disabilities, including those residing outside the LEA's jurisdiction but who are attending private schools within the LEA's geographical area ([34 CFR §300.134\(a\)](#)).

GUIDING QUESTIONS

1. What guidance does your state provide to LEAs for conducting child find for parentally-placed private school children with disabilities, including home-schooled children, where applicable?
2. How does your state monitor LEAs to ensure compliance with child find requirements?
3. How does your state communicate to LEAs that expenses for child find activities, including evaluations, cannot be included in proportionate share costs, and what systems are established to monitor compliance with this guidance?
4. What information does your state provide to LEAs, parents of parentally-placed private school children, and other interested parties regarding the procedure for filing a due process complaint related to child find (34 CFR §300.140(b))?

SAMPLE LANGUAGE

[SEA] is responsible for ensuring that all students who reside in the state, including students enrolled in private schools and who are eligible for special education and related services, are identified, located, and evaluated. The LEA is responsible for providing child find to all students receiving instruction within the LEA's geographical boundaries, including those children who do not reside within the LEA's jurisdiction. Child find activities in private schools must be similar to those provided to the LEA's public school children, must be conducted in a comparable time period, and must be an ongoing process.

LEAs must evaluate and determine whether privately enrolled students are eligible for special education services. LEAs may accept a prior evaluation if the information is comprehensive and current. Parents may request an initial evaluation from either the LEA of their residence or the LEA where the private school is located; the LEA receiving the request is responsible for conducting the evaluation. LEAs are also responsible for conducting reevaluations consistent with 34 CFR §§300.304–300.311. Reevaluations generally may not take place more than once per year and must occur at least once every three years, unless otherwise agreed upon with the parent. Child find data must be used to ensure equitable services are provided to identified children with disabilities.

The cost of conducting child find, including evaluation costs, may not be included in the LEA's proportionate share expenditure requirement.

[SEA] monitors for child find and evaluation requirements through programmatic monitoring. For more information, please see [Programmatic Monitoring Manual].

5. Child Count and Federal Data Reporting

This component outlines how the state ensures that all children with disabilities in private schools within an LEA's jurisdiction are included in the annual child count.

GUIDING QUESTIONS

1. How does your state ensure and verify that all children with disabilities enrolled in private elementary and secondary schools operating within an LEA's jurisdiction are captured in each LEA's annual child count?
2. What guidance does your state provide to LEAs on how they can obtain a current list of private schools operating within their jurisdictions?
3. What guidance does your state provide to LEAs on efforts to continuously engage with private schools?
4. If your state includes children with disabilities who are home-schooled in its definition of parentally-placed private school children with disabilities, how does your state direct LEAs to count and document home-schooled children?

SAMPLE LANGUAGE

Each year, [(SEA) provides all LEAs with an updated list of private schools operating under its jurisdiction; or, LEAs must submit to (SEA) an updated list of private schools operating under its jurisdiction]. The total enrollment count for each private school must be reported to [SEA] by [the private school or the LEA within the same geographic boundaries] on [date] via [data submission system].

LEAs must maintain and provide to [SEA] the following information:

- *A count of parentally-placed private school children with disabilities attending private schools in the LEA. Note: This count must be conducted on [date between October 1 and December 1].*
- *The number of children attending private schools in the LEA that were evaluated by the LEA.*
- *The number of children determined eligible by the LEA to be children with disabilities.*
- *The number of children served.*

The child counts collected on [date] are used to calculate the proportionate share amounts required by each LEA for the upcoming fiscal year (see Section 6. Proportionate Share Calculation). If there are no private schools located within the geographic boundaries of an LEA, the LEA must submit a signed assurance to [SEA] in [grant management system] to document that the LEA is exempt from the proportionate share requirement.

LEAs submit all required data, as indicated above, through [mechanism] by [date]. [SEA's] data manager works with LEAs to ensure they submit valid and reliable data through [mechanism or process to validate data].

Specifically, SEAs are required to report the number of children attending private schools in the LEA that receive services as documented under a services plan as part of the Child Count and Educational Environments data submission to the U.S. Department of Education. The federal reporting period for which the data is submitted is [insert snapshot as of a particular date, a reference year, or a school year (defined as any 12-month period)]. Final data for the data submission is pulled by the data manager on [date]. Upon final review and approval, [SEA] is required to submit data generally during the month of [month]. Additionally, IDEA Section 618 requires that states publicly report this data. Following the data submission to OSEP, [SEA] makes the data publicly available on [website].

6. Proportionate Share Calculation

This component describes how proportionate share is calculated separately for IDEA Part B Section 611 and Section 619 ([34 CFR §§300.133–300.134\(b\)](#)).

GUIDING QUESTIONS

1. How are proportionate share amounts calculated and verified for LEAs?
 - » Does your state calculate proportionate share amounts on behalf of LEAs?
 - If yes, how—and when—does your state inform LEAs of the proportionate share of Part B Section 611 and Section 619 funds to be spent?
 - If not, what guidance does your state provide to LEAs on how to calculate proportionate share?
2. What is your state's process for including—or for verifying that LEAs include—all children with disabilities ages 3–5 who are enrolled by their parents in private schools, including 5-year-olds in kindergarten and homeschooled children as applicable, when calculating the proportionate share amount for IDEA Part B Section 619 funds?
3. How does your state ensure that LEAs account for all parentally-placed private school children with disabilities, including those evaluated and deemed eligible and those eligible but who are not receiving services?
4. How does your state account for children with disabilities ages 3–21 in the calculation of the proportionate share of Section 611 funds? Specifically, how are students ages 3–5 reflected in the calculation?
5. What guidance or resources are provided to LEAs regarding the proportionate share calculation?

SAMPLE LANGUAGE

To ensure the provision of equitable services for parentally-placed private school children with disabilities, each LEA must calculate and spend a proportionate share of its IDEA Part B Section 611 and Section 619 funds. Proportionate share is a portion of the IDEA Part B grant that is set aside or budgeted to provide equitable services to eligible parentally-placed students who are enrolled in private schools within the LEA's geographic boundary, regardless of where the student lives. LEAs must use the child count of parentally-placed private school children with disabilities enrolled in the LEA reported to [SEA] annually between October 1 and December 1 to calculate its proportionate share amount. The child count used for the proportionate share calculation is the number of eligible students, not the number of students receiving services, regardless of whether parents have declined special education and related services.

Proportionate share is calculated separately for the IDEA Section 611 and Section 619 grants. [The SEA or LEA] is required to calculate the proportionate share amounts using the following methodology:

1. *Determine the total number of eligible parentally-placed private school children with disabilities.*
2. *Add that number to the total number of eligible special education students in public schools served by the LEA.*
3. *Divide the total grant award (Section 611 and Section 619 separately) by the total number of eligible students, including public and private school students, to determine the average allocation per eligible child.*
4. *The average allocation per eligible child is then multiplied by the number of eligible parentally-placed private school children with disabilities to determine the proportionate share of funds to be expended on equitable services for parentally-placed private school students.*

If LEA is required to calculate its own proportionate share amount: LEAs must provide this calculation to [SEA] by [date] for budgeting purposes in its annual LEA grant application. [SEA] validates each LEA's calculation through [mechanism] to ensure accurate data are used to complete each calculation.

OR

[SEA] uses LEA-reported data to calculate each LEA's proportionate share amounts and prepopulates its data in its annual grant application.

The child count collected on [date between October 1 and December 1] is used to determine the proportionate share amount for the following fiscal year.

The proportionate share calculation and corresponding budget must be revised based on final or updated Section 611 or Section 619 subgrant amounts to LEAs. By July 1, [SEA or LEAs] must calculate a preliminary proportionate share amount based on the projected Section 611 grant from the U.S. Department of Education. Upon receipt of its final Section 611 award on October 1, [SEA or LEAs] calculate each LEA's final proportionate share amount for Section 611 funds. On July 1, [SEA's] final Section 619 award is made available, and [SEA or LEAs] calculate the proportionate share amount of its Section 619 subgrant. Additionally, proportionate share amounts must be recalculated in the event of reallocated funds (either to or from other LEAs, or as a result of the SEA distributing state set-aside funds).

Following consultation with representatives of the private schools and parent representatives of eligible private school students, LEAs determine how to spend proportionate share funds. IDEA allowability rules, which can be found in [insert any applicable resources], apply to proportionate share funds. LEAs must document expenditures and other activities related to IDEA and proportionate share.

7. Provision of Equitable Services

This component describes how the SEA ensures that each LEA provides equitable services to parentally-placed private school students with disabilities in accordance with a services plan ([34 CFR 300.134\(d\)](#)).

GUIDING QUESTIONS

1. How does your state inform LEAs about requirements related to equitable services provided to children with disabilities enrolled by their parents in private schools?
2. How are LEAs and private schools informed that the LEA has the authority to make final decisions with respect to equitable services once timely and meaningful consultation has occurred?
3. What guidance or tools does your state provide to LEAs detailing the requirements for services plans?
4. What guidance does your state offer to LEAs regarding:
 - » Delivering services in private schools or other locations?
 - » Documenting the equitable services provision, including for home-schooled students, when applicable?

SAMPLE LANGUAGE

Provisions must be made for special education and related services, including direct and indirect services, to parentally-placed private school children with disabilities (34 CFR §300.132). LEAs are required to offer parentally-placed private school children with disabilities the opportunity to participate in services funded by IDEA Part B based on the amount of proportionate share funds available.

Timely and meaningful consultation must take place before any decisions are made related to the provision of equitable services. Following timely and meaningful consultation and consideration of input from private school officials and representatives of parents of parentally-placed private school students with disabilities, each LEA is responsible for making final decisions about services to be provided and communicating those decisions to the private schools within its jurisdiction.

For each student designated to receive services, the LEA must develop a services plan. A services plan should only include services offered by the LEA and should meet the same content requirements as those for an Individualized Education Program (IEP) as described in 34 CFR §300.320, or as appropriate, an individualized family service plan (IFSP) as described in 34 CFR §300.138(b) and §300.323(b). This includes participation of a representative of the private elementary school or secondary school and parental involvement in its development, as appropriate. Additionally, each services plan must describe the specific special education services that the LEA will provide, including where and when the district will provide services to the student. LEAs must review each services plan no less frequently than annually to determine whether the annual goals for the child are being achieved and whether they need to be revised. Compliance with requirements is monitored through the SEA's programmatic monitoring. For more information, please see [link to Programmatic Monitoring Manual].

Equitable services must be delivered by LEA employees or through a contract between the public agency and an individual, association, agency, organization, or other entity. Private school staff may not deliver equitable services unless outside of their contracted hours and supervised by an LEA representative.

It is important to note that a free appropriate public education (FAPE) is not guaranteed for parentally-placed private school children with disabilities; they do not have an individual right to receive some or all of the special education and related services they would receive if enrolled in public schools. The LEA has the authority to make final decisions, upon consultation, with respect to the equitable services provided for eligible students.

8. Budgeting Proportionate Share

This component describes how the SEA ensures that each LEA budgets the appropriate amount of funds to provide equitable services to parentally-placed private school students with disabilities.

GUIDING QUESTIONS

1. How does the SEA ensure that each LEA sets aside the required amount of IDEA Part B Section 611 and Section 619 funds for proportionate share?
2. Does your state require the proportionate share of funds to be budgeted and approved prior to expending?
 - » If yes, when are LEA budgets that include proportionate share funds submitted to, reviewed, and approved by the SEA?
3. What guidance does your state provide to LEAs regarding how proportionate share funds should be budgeted?

SAMPLE LANGUAGE

[SEA] requires that the proportionate share of IDEA funds be budgeted and approved prior to spending. Each LEA submits an annual grant application detailing the allocation of IDEA funds, including a line-item budget detailing how it anticipates using its proportionate share of IDEA Section 611 and Section 619 funds. Applications are due to [SEA office] by [date]. [SEA office] verifies that the LEA has budgeted the full amount of proportionate share separately for Section 611 and Section 619 as calculated by [(SEA) OR each LEA and validated by (SEA)], and that budgeted amounts are for allowable costs. If an LEA fails to budget the entire required amount(s) or appears to have budgeted unallowable costs, [SEA] works directly with the LEA to rectify the discrepancy. [SEA] provides notice of application approval to LEAs by [date] annually. [Any changes or amendments to the approved budget must be submitted to the SEA for approval OR when there is more than (percent or dollar amount) variance in budget line items, the LEA must seek SEA approval.] Amendments may be submitted throughout the fiscal year as a result of ongoing, timely, and meaningful consultation with private school representatives and representatives of parents.

The SEA provides technical assistance (TA) [provided by (SEA) to the LEA, i.e., (two) workshops each year for LEAs to ensure that they understand the federal and state requirements for private school proportionate share, and posts one recorded, on-demand webinar to the learning management system]. Guidance is provided on [guidance provided to LEAs, i.e., how to budget for services to private school students, including the criteria to determine the number of eligible students, the types of services, and allowable/unallowable use of funds]. This guidance helps to ensure that costs for private school proportionate share are budgeted and expended appropriately. [SEA] notifies LEAs of any updates to federal or state regulations and provides regular updates on any changes to the budgeting process through [method of communication, i.e., webinars, newsletters, or direct communications].

9. Expenditures, Allowable Uses of Funds, and Carryover Requirements

This component describes how proportionate share funds may be used to provide special education and related services, including direct services, to parentally-placed private school children with disabilities, and how the SEA ensures these funds are used for allowable purposes.

GUIDING QUESTIONS

1. What tools or guidance does your state provide to LEAs to ensure allowable use of funds and assist in the tracking and oversight of proportionate share funds?
2. How does your state monitor the timely expenditure of proportionate share funds?
 - » What actions does your state take if an LEA does not appear to be using its proportionate share funds?
3. Can LEAs use state special education funds to provide services to parentally-placed private school children with disabilities in your state?
 - » If yes, how does your state ensure that any state or local funds expended to provide services to parentally-placed private school children with disabilities are in addition to, and not instead of, the proportionate share of IDEA Part B Section 611 and Section 619 funds?
4. What does the state do to monitor the regular use of proportionate share funds to ensure that all funds are drawn down for their intended purpose within the period of performance?
 - » What guidance does your state provide to LEAs about when and how unexpended proportionate share dollars may be reallocated to other allowable expenses under IDEA?

SAMPLE LANGUAGE

Expenditures

LEAs must request reimbursement for proportionate share funds based on the same requirements as general IDEA funds, at least [frequency, i.e., monthly, quarterly]. Reimbursement requests are submitted through [mechanism]. The IDEA fiscal specialist reviews each reimbursement request to ensure it aligns with the approved budget. [SEA] tracks the expenditure of proportionate share funds [monthly, bimonthly, etc.] to ensure that funds are used within the period of performance. At least [frequency, i.e., biannually, quarterly], the IDEA fiscal specialist provides a report detailing the amount and percentage of proportionate share funds remaining from each available federal fiscal year (FFY) to LEAs.

If [SEA] finds that an LEA is not expending its proportionate share funds at a rate that will result in the LEA meeting the proportionate share requirement, [SEA] contacts the LEA to consider necessary actions, including but not limited to the following:

- *Requiring the LEA to submit a written plan to ensure the timely expenditure of available proportionate share funds.*
- *Requiring the LEA to submit specific documentation demonstrating compliance with IDEA private school requirements.*
- *Requiring the LEA to participate in technical assistance provided by the SEA.*

Allowable Use of Funds

[SEA] monitors LEAs to ensure the allowable use of proportionate share funds through [mechanism, i.e., reimbursement requests] as part of fiscal monitoring. LEAs may not use state special education funds to meet the requirements of proportionate share under IDEA.

Proportionate share expenditures must meet all requirements of IDEA, Uniform Guidance, and EDGAR. For more information on the allowable use of funds, please see [reference]. Additionally, these expenditures must comply with specific requirements as outlined under IDEA. IDEA funds may not be paid directly to the private school, may not be used to meet general needs of students, and must be controlled and administered by the LEA.

Location and Transportation

An LEA may provide services at the private school, at a public or neutral site convenient to the private school, or on public school grounds, or may contract for the provision of services at an appropriate site. Transportation may be provided to students only when it is necessary for the child to benefit from or participate in the services outlined by a services plan. Unless there is a compelling reason for these services to be provided offsite, LEAs should provide them onsite at the child's private school in order to avoid undue disruption to the child's educational experience.

Equipment, Technology, Materials, and Supplies

Proportionate share funds may be allocated according to a student's services plan or IFSP to provide special education and related services, including equitable services, property, equipment, supplies, technology, and supplementary materials. However, these funds can only be used for Part B activities; once Part B services are no longer required, any property, equipment, or supplies must be returned to the LEA.

Use of Personnel

LEAs may use proportionate share funds to pay public school personnel to provide services in private schools. Public school teachers providing equitable services must meet the IDEA personnel requirements in 34 CFR §300.156(c). LEAs may use proportionate share funds to pay for the services of an employee of a private school to provide equitable services only if the employee performs the services outside of his or her regular hours of duty, and the employee performs the services under LEA supervision and control. Private school personnel providing services to children must meet the same standards as LEA personnel, with the exception that they do not need to meet special education teacher qualification requirements.

Professional Development and Travel

Proportionate share funds may be used for the costs associated with coaching, training, and professional development for staff who provide instruction to children with disabilities. Training and professional development must be reasonably connected to directly or indirectly serving eligible parentally-placed private school children with disabilities. For the purposes of proportionate share, the expense of staff travel within the district to provide equitable services to parentally placed private school students with disabilities would be permitted.

Carryover Requirements

Proportionate share funds are available during the same period of performance as general IDEA Part B Section 611 and Section 619 funds. This includes a forward funding period (3 months), award year funding period (12 months), and Tydings period (12 months). This means that proportionate share funds must be used or obligated within 27 months.

If an LEA has not expended all of its proportionate share funds by the end of the fiscal year for which Congress appropriated the funds, the LEA must carry over and obligate the remaining proportionate share funds for special education and related services to children with disabilities placed by their parents in private schools for one additional year.

If, after the carryover period, the LEA is unable to spend its entire proportionate share amount, the remaining funds may be reallocated for other allowable IDEA Part B expenditures beginning [July 1 (or a different date during the carryover period)] of the final year of the grant. However, the LEA must be in compliance with all other requirements related to parentally-placed private school students with disabilities as included within these procedures. LEAs who are unable to spend their entire amount of proportionate share funds must submit required documentation to the SEA, including [list of documentation required] to demonstrate compliance. LEAs must receive prior approval before reverting proportionate share funds to general IDEA funds and must submit an updated budget for SEA approval. Additionally, [SEA] may take this into account when conducting its fiscal risk assessment or future monitoring of the LEA. It is important to note that LEAs are expected to comply with IDEA requirements for parentally-placed private school students with disabilities, including fully spending proportionate share funds to provide equitable services. Reverting proportionate share funds to general IDEA funds requires SEA approval and should only be done under exceptional circumstances.

10. Monitoring, Staff Timelines, and Responsibilities

This component describes how the SEA monitors LEA compliance with requirements and outlines the timeline of state activities for implementing proportionate share requirements.

GUIDING QUESTIONS

1. What tools or reports does your state use to ensure the allowable use of proportionate share funds?
 - » How does your state determine whether proportionate share costs are allowable (e.g., by reviewing sample of expenditures, by requiring submission of expenditure reports)?
 - » Does your state's timeline for reviewing expenditures allow for correction within the period of performance if the LEA's initial costs are not allowable?
2. When does the SEA monitor LEAs for compliance with both fiscal and programmatic IDEA proportionate share requirements?

SAMPLE LANGUAGE

[SEA] provides oversight of each LEA's implementation of the private school proportionate share regulations to verify that LEAs comply with these requirements.

Specific monitoring activities that occur universally throughout the year are referenced above and noted in the timeline below.

Subrecipient fiscal monitoring activities include oversight of proportionate share, including [relevant activities such as monitoring allowable use of funds]. These activities occur for LEAs [frequency] through [mechanism, i.e., onsite or via desk audit].

Programmatic monitoring includes [relevant activities]. These activities occur for LEAs [frequency] through [mechanism, i.e., onsite or via desk audit].

Timeline	Action	Office/position responsible
<i>By April 1</i>	<i>Receive projected IDEA Section 611 and Section 619 state grant amounts from the U.S. Department of Education to be made available on July 1</i>	<i>State Special Education Director and Special Education Finance Division</i>
<i>By April 15</i>	<i>LEAs submit child counts of parentally-placed students with disabilities</i>	<i>Office of Special Education</i>
<i>By April 30</i>	<i>[SEA calculates OR LEA calculates and SEA verifies] preliminary proportionate share amounts separately for IDEA Section 611 and Section 619</i>	<i>Office of Special Education</i>
<i>By May 1</i>	<i>Publish and open annual LEA application for IDEA Part B funds</i>	<i>State Special Education Director</i>

Timeline	Action	Office/position responsible
May	SEA [provides or collects from LEAs] an updated list of private schools operating within its jurisdiction	Office of Special Education, IDEA Fiscal Specialist
Ongoing	Review submitted LEA applications to ensure proportionate share funds are fully budgeted on allowable costs	Office of Special Education
Last Wednesday in July	SEA Child Count and Educational Environments data submission to the U.S. Department of Education	Office of Special Education, Data Manager
October 1	[Calculate or validate] each LEA's final proportionate share amount for Sections 611 and 619 funds	Office of Special Education, IDEA Fiscal Specialist
November–April	Cyclical IDEA monitoring, including the review of compliance with proportionate share requirements: ongoing meaningful consultation documentation, written affirmation, allowable expenditure of funds	Office of Monitoring
April–May	Identify and contact LEAs with unspent proportionate share funds; provide technical assistance as needed	Office of Finance
September 30	Expenditure reports submitted to SEA; verify that expenditures are allowable and the amount of carryover, if any	Office of Finance
State-specific timeline	LEAs complete ongoing timely and meaningful consultation	LEAs
State-specific (multiple dates if applicable)	SEA collects and verifies LEA written affirmations	Office of Special Education
State-specific (multiple dates if applicable)	Provide LEA trainings on private school requirements	Office of Special Education
State-specific (multiple dates if applicable)	Provide LEAs with notice of remaining balance of proportionate share funds	Office of Special Education

11. Resources

- IDEA Regulations (current full text of these regulations can be found at <https://www.ecfr.gov>): 34 CFR §§300.130–300.144 and Appendix B to Part 300: Proportionate Share Calculation.
- Uniform Grant Guidance (current full text of these regulations can be found at <https://www.ecfr.gov>): 2 CFR §§200.328 and 200.329.
- Quick Reference Guide on Parentally-Placed Private School Proportionate Share of IDEA Funds, NCSI, <https://ncsi.wested.org/resource/quick-reference-guide-on-parentally-placed-private-school-proportionate-share-of-idea-funds/>.
- Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools, OSEP, https://sites.ed.gov/idea/files/QA_on_Private_Schools_02-28-2022.pdf.
- Proportionate Share Tracker, NCSI, <https://ncsi.wested.org/resource/proportionate-share-tracker/>.
- [Space for State Resources]

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