

## Proportionate Share

### Purpose

34 CFR §§300.129-300.144

The Individuals with Disabilities Education Act (IDEA) requires each local educational agency (LEA) that receives IDEA funds to spend a proportionate share of their Part B federal grants on equitable services for private school students.

34 CFR §300.131

As part of child find responsibility, LEAs are required to locate and evaluate students with disabilities enrolled by their parents in private schools under the LEA's jurisdiction and to calculate and spend a proportionate share of IDEA grant funds providing equitable services for these students.

Private school proportionate share under IDEA Part B is the portion of a district's IDEA Part B grants that must be reserved and expended on eligible parentally-placed private school students with disabilities educated within a district's geographic boundaries, regardless of where the students live. Eligible children must receive special education and related services, including direct services as determined by the LEA after consultation with private schools and private school student representatives.

### Equitable Services

Equitable services are special education and related services, including direct services, provided to parentally-placed private school children with disabilities in accordance with the provisions of IDEA and its implementing regulations in 34 C.F.R. §§ 300.130 through 300.144. Under IDEA, LEAs have an obligation to provide parentally-placed private school children with disabilities an opportunity to participate in the services funded with IDEA Part B funds. After timely and meaningful consultation, the LEA must make available services to those parentally-placed private school children with disabilities that have been designated to receive equitable services. The amount of IDEA Part B funds is based on the proportionate share calculation.

The LEA where the private school is located is responsible for providing equitable services to parentally-placed private school children with disabilities attending private schools located in that LEA.

Per 34 C.F.R. § 300.138(c), equitable services must be provided by employees of a public agency; or through contract by the public agency with an individual, association, agency, organization, or other entity.

### Child Count

34 CFR §300.133

LEAs are required to determine the number of parentally-placed private school children with disabilities under the LEA's jurisdiction. The child count is the number of eligible students, not the number of students receiving services.

If the SELPA's member LEA child count is zero, then the grantee must complete and submit a copy of the Proportionate Share Assurance.

## Documentation Requirements

Grantees must provide the following documentation **annually for both Part B 611 and Part B 619 grants**:

- Proportionate Share Assurance
- Proportionate Share Assurance (LEA level assurance if LEA child count is zero)
- Proportionate Share Calculation Worksheet
- Proportionate Share allocation breakdown for the SELPA member local educational agencies (for multi-district SELPAs).

IDEA Grant payments will be withheld pending receipt of the Proportionate Share Calculation Worksheet, Assurance, and allocation breakdown worksheet.

## Allowable Use of Funds

34 CFR §300.142

LEAs must document expenditures and other activities related to IDEA and proportionate share. LEAs may use proportionate share funds to pay for the services of an employee of a private school to provide services only if the employee performs the services outside of their regular hours of duty; and the employee performs the services under public supervision and control.

Property, equipment, and supplies, including technology and supplementary materials, may be provided to a private school as equitable services for children with disabilities. However, they can only be used for Part B activities, and once Part B services are no longer required, any property, equipment, or supplies must be returned to the LEA. Transportation may also be provided to students when it is necessary for the child to benefit from or participate in the services outlined by a services plan.

## Payment of Funds

34 CFR §300.141

LEAs may provide services at the private school, a public school, or it may contract for the provision of services at an appropriate site and provide transportation to the student. IDEA funds may not be paid directly to the private school and may not be used to meet the general needs of students.

## Carryover

If after the carryover period the LEA is unable to expend the entire proportionate share, and assuming the LEA is in compliance with the child find, consultation, and other requirements in 34 CFR §§300.129 through 300.144, the LEA may request to use the unexpended funds to pay for other allowable Part B expenditures for that same LEA.