

Procedures for Providing Equitable Services to Parentally Placed Non-Public School Children with Disabilities in accordance with 34 C.F.R. §§ 300.130–300.144

LEA Name: _____

Effective Date: _____

Procedure Owner/Office: _____

The purpose of this procedure is to ensure that **[LEA Name]** meets its responsibilities under IDEA, Part B to identify, evaluate, and provide equitable services to eligible children with disabilities who are parentally placed in private elementary and secondary schools located within the LEA’s geographic boundaries, consistent with federal regulations at 34 C.F.R. §§ 300.130–300.144. For the purpose of IDEA equitable services, the term “parentally placed student” includes homeschool students.

These procedures apply to:

- All private elementary and secondary schools located within the LEA’s jurisdictional boundaries, regardless of where the students reside.
- All parentally placed non-public school children ages **3 through 21** who may have disabilities and may be eligible for special education and related services.
- All LEA staff involved in Child Find, consultation, evaluation, eligibility, fiscal management, and service delivery related to equitable services.

Definitions

Parentally Placed Non-Public School Children with Disabilities	Children with disabilities enrolled by their parents in private (nonpublic) elementary or secondary schools, including religious schools, per 34 C.F.R. § 300.130. TN also includes homeschool students for the purpose of IDEA.
Equitable Services	Special education and related services that the LEA provides to a group of eligible non-public school children with disabilities using the proportionate

	share of federal IDEA, Part B funds. These services are not the same as FAPE and do not create an individual entitlement (34 C.F.R. §§ 300.137–300.138).
Consultation	A required ongoing process involving the LEA, private school officials, and parent representatives prior to making decisions about the provision of equitable services (34 C.F.R. § 300.134).
Proportionate Share	The portion of IDEA funds reserved annually by the LEA to provide equitable services (34 C.F.R. § 300.133).

Roles & Responsibilities

- **LEA Director/Special Education Administrator:** Approves procedures and annual plan; ensures timely consultation, calculations, and reporting.
- **Equitable Services Coordinator:** Primary point of contact; schedules consultation; maintains rosters; reviews calculations for proportionate share; monitors services; maintains documentation.
- **Child Find Lead:** Coordinates evaluations/re-evaluations for non-public school students located in LEA; ensures comparable Child Find (§ 300.131).
- **Finance/Grants Office:** Reserves, tracks, and reports proportionate share; manages carryover; coordinates contracts/MOUs.
- **Private School Representatives:** Provide enrollment data; collaborate in consultation; assist with parent communications and referrals.

Child Find Procedures (34 C.F.R. § 300.131)

The LEA shall engage in timely and meaningful Child Find activities that are comparable to those for public school students and designed to identify all non-public school children who may have disabilities.

Annual Notification

Each year, the LEA will:

1. Notify all private schools in writing of Child Find procedures.

2. Provide referral instructions and points of contact.
3. Maintain documentation of all outreach efforts.

Referrals

Referrals may be submitted by:

- Parents,
- Private school personnel,
- LEA staff.

The LEA shall acknowledge receipt of the referral within 10 school days and, if there is enough evidence to suspect disability, obtain parental consent for the evaluation. If there is not enough evidence of disability, the LEA will inform the parent of the decision not to evaluate through a Prior Written Notice.

Evaluations

- Conduct evaluations consistent with 34 C.F.R. §§ 300.301–300.311 and TN SBE Rule 0520-01-09
- Use nondiscriminatory, valid assessment tools.
- Complete evaluations within 60 calendar days (state-established timeline).

Re-evaluations (34 C.F.R. § 300.303) Re-evaluations are conducted as needed or at least every **three years** unless the team determines otherwise.

Consultation Process (34 C.F.R. § 300.134)

The LEA, along with non-public school offices, and parent representatives of children with disabilities will meet for timely and meaningful discussion on the following topics:

1. Child Find procedures,
2. Determination of proportionate share,
3. How, where, and by whom equitable services will be provided,
4. How the group of children will be selected for services,
5. How disagreements will be documented.

Documentation

The LEA will:

- Create agendas and meeting minutes.
- Obtain a signed consultation affirmation form from non-public school officials (§ 300.135).

Proportionate Share Calculation (34 C.F.R. § 300.133)

Each year, on December 1:

- The LEA collects enrollment numbers of parentally placed non-public school children with disabilities, ages 3–21.
- The LEA will submit to the SEA for calculating the proportionate share based on the equation:

$$\text{Non-Public School Enrollment} \div \text{Total Enrollment} \times \text{IDEA Funds} = \text{Proportionate Share}$$

Tracking and Expenditures

- Funds must be obligated to equitable services before the end of the fiscal year.
- Unspent funds must carry over and remain designated solely for equitable services for one school year.
- Detailed financial records must be maintained.

Determining Equitable Services (34 C.F.R. §§ 300.137–300.139)

Following consultation, the LEA will:

- Determine the type of services
- Decide how and where services will be provided,
- Identify the staff or contractors responsible for delivering services.

The LEA makes the final decisions, consistent with § 300.137(b).

Service Delivery

- Services may be provided at the private school, at a neutral site, or at public school facilities.
- All services must be secular, neutral, and non-ideological (§ 300.138(c)).

Transportation

If transportation is necessary for a child to benefit from services, it may be provided but shall be limited to transportation related to the equitable services (§ 300.139).

Individual Services Plans (34 C.F.R. § 300.138(b))

A child must:

1. Be found eligible for special education under at least one of the 14 federal disability areas and
2. Be designated to receive equitable services based on consultation and the proportionate share plan.

Required Elements of an Individual Services Plan

Each student receiving services will have a written Individual Services Plan (ISP), including:

- Present levels of performance,
- Annual service goals,
- Description of special education and related services offered by the LEA to parentally-placed non-public school children as agreed upon through consultation,
- Frequency, location, and duration of services,
- Progress monitoring procedures.

Individual Services Plans must be reviewed annually. Parent and non-public school representatives should take part in the development of ISPs and the annual review process.

Control of Funds and Property (34 C.F.R. §§ 300.141–300.144)

- The LEA retains administrative control of all IDEA Part B funds used for equitable services.
- Non-public schools may not receive direct funding.
- Materials and equipment purchased remain the property of the LEA and must be used only for allowable purposes.
- LEA staff or contracted providers must supervise service delivery.

Dispute Resolution

- Parentally placed non-public school students do not have entitlement to due process for disputes about the content of equitable services (§ 300.140).
- Due process applies only for Child Find disputes.
- Private school officials may file a complaint with the SEA through the Federal Programs Ombudsman if they believe the LEA did not engage in meaningful consultation (§ 300.136).

Annual Review and Recordkeeping

- The LEA will prepare an annual report summarizing Child Find activities, consultation outcomes, proportionate share expenditures, number of students served, and other required documentation.

All records will be retained according to state and federal requirements.