



IDEA Equitable Services

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- What are Equitable Services?
- Legal Framework
- Key Requirements
- Child Find Responsibilities
- Consultation Process
- Calculating Proportionate Share
- Delivering Services
- Fiscal Responsibilities

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Purpose of IDEA Equitable Services

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- **Access, not individual entitlement**
 - Parentally placed, non-public school students with disabilities do not receive FAPE through IDEA Part B, but LEAs must provide a fair opportunity to participate in services.
- **Consultation drives services**
 - Equitable services are determined through ongoing consultation and available funding, supporting clear communication and shared responsibilities.
- **Compliance and student impact**
 - Proper implementation avoids monitoring findings and can provide meaningful supports like speech, OT, and academic interventions.

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Legal Framework and Requirements

IDEA §612(a)(10)(A)

- IDEA §612(a)(10)(A) outlines the responsibilities of states and Local Education Agencies (LEAs) for parentally placed non-public school children with disabilities. These requirements were significantly updated in the 2004 reauthorization of IDEA.
- Services are provided to parentally placed private school children with disabilities in accordance with the provisions of IDEA and its implementing regulations in 34 CFR §§ 300.130 through 300.144

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Key Provisions of IDEA Part B Equitable Services



Child Find



LEA in which the private school is physically located – not the LEA of residence – is responsible for:

Conducting Child Find that is comparable to Child Find in public schools and completed in a timely manner.



Meaningful Consultation



Before deciding what services will be provided, LEAs must engage in timely and meaningful consultation with:

- Non-public school representatives
- Representatives of parents of non-public school students with disabilities



Proportionate Share for Services



LEAs must spend a proportionate amount of their IDEA Part B funds on equitable services for children with disabilities who are parentally placed in non-public schools located in the LEA.

Responsibility for providing student data for calculating the proportionate share falls on the LEA and is based on eligible students as of Dec 1.

Key Provisions of IDEA Preschool Equitable Services



Child Find



LEAs in which the private school is located must conduct Child Find for all preschool-aged children (3-5) enrolled in a private, non-profit preschool program in a school meeting the definition of an “elementary school” in Tenn. Code Ann. § 49-6-301



Meaningful Consultation



Before deciding what services will be provided, LEAs must offer special education services through and IEP and engage in timely and meaningful consultation with:

- Private school representatives
- Representatives of parents of private school students with disabilities



Proportionate Share for Services



LEAs must spend a proportionate amount of their IDEA Preschool funds on equitable services for children with disabilities who are parentally placed private schools located in the LEA.

Responsibility for providing student data for calculating the proportionate share falls on the LEA and is based on eligible students as of Dec 1.

Child Find and Consultation

Child Find with Private Schools (PK-12)

- **Who is responsible?**
 - Child Find fully applies to parentally placed students attending a non-profit private school. The LEA where the private school is physically located leads identification – not the LEA of residence.
- **Comparable activities & timelines**
 - Outreach, referrals, and evaluations must be comparable to public school practices. Timelines must be met, and evaluations are conducted at no cost to parents.
- **Best practices & common challenges**
 - Communicate routinely with non-public schools, clarify referral steps, and document outreach. Identification does not guarantee services, but it supports proportionate share and reduces compliance risk from delays and missed documentation.



Child Find for Preschool Children Attending Child Care or Private Preschools

When the child care or private preschool is not within a private nonprofit day or residential school that meets the definition of an “elementary school” under state law:

- The LEA of Residence is responsible for:
 - Affirmative child find requirements, including initial evaluation(s) upon suspicion of disability, and
 - Making an offer of FAPE to eligible children through an IEP with consideration of the child care location as the child’s least restrictive environment (LRE).
- The LEA where the private preschool or child care is located is responsible for:
 - Cooperating and supporting child find efforts within the child care program in its geographic area, including ensuring the child care understands how to identify the LEA of residence for children.
- Optional: The LEA where the private preschool or child care is located may establish an MOU stating that they will evaluate and, if eligible, make a provision of FAPE to all children attending the preschool program, regardless of their residency.



Required Consultation Process

- **Purpose & participants**
 - IDEA requires timely, meaningful consultation with non-public school representatives and parents of parentally placed non-public school students with disabilities.
- **Required topics**
 - Child find procedures, proportionate share calculation, services to be provided, delivery, details (how/where), and disagreement resolution.
- **Ongoing + documentation**
 - Consultation is ongoing throughout the year. Agendas, sign-in sheets, notes should be kept for documentation and to reduce complaints as well as protect against non-compliance.



Funding, Services, and Implementation

Understanding Proportionate Share

- **What is it?**
 - The portion of IDEA Part B and IDEA Preschool funds an LEA must reserve to provide equitable services for parentally placed private school students with disabilities.
- **Annual calculation & documentation**
 - Based on prior-year Child Find counts: eligible non-public school students + total eligible students. Calculate yearly and keep records.
- **Allowable uses & fiscal rules**
 - Track funds separately and spend only on allowable special education costs (e.g., direct services or PD benefitting eligible students). Not tuition or general supports. Follow carryover/timelines to prevent lapsing and clarify expectations in consultation.



Student Count for Proportionate Share

- The LEA's internal record keeping system is the most reliable source for child count information.
- Data source for additional analysis
 - TN Pulse

***New Tool** – [Table Chart for Proportionate Share Calculation](#)



Designing Services

- **What services can be included**
 - Special education and related supports, such as speech-language therapy, occupational therapy, academic interventions, or behavioral consultation.
- **How decisions and delivery work**
 - Determined through consultation and aligned with proportionate share funds; services may be direct to students or indirect via consultation and professional development.
- **Locations, oversight, and success factors**
 - May occur at the private school, public school, or neutral site; LEA supervises services. Effective delivery needs flexible scheduling, clear communication, monitoring, and collaboration.



Allowable Expenditures

- Special education instructional services
- Related services
- Transportation, if necessary to access equitable services.
- Direct service documentation and preparation time
- Non-public services plan meeting for an individual child.
- Mileage and travel time
- Fringe benefits
- Professional development



Unallowable Expenditures

- Child find activities
- Evaluations and re-evaluations
- Determination of eligibility
- Timely and meaningful consultation
- Administrative costs
- Direct payments to private schools
- Repairs, minor remodeling, or construction of private school facilities



Progress Monitoring

- **Purpose and scope**
 - Service plans (ISPs) document equitable services an LEA will provide. Unlike IEPs that provide FAPE, ISPs reflect only agreed services funded through the proportionate share.
 - **Required components**
 - Typically includes present levels, measurable goals tied to provided services, service frequency and duration, and defined progress. Plans should be designed collaboratively and reviewed periodically.
 - **Monitoring and accountability**
 - Progress monitoring supports student outcomes and demonstrates an appropriate use of funds. Clear documentation provides transparency and protects both the LEA and the student.
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Compliance and Collaboration

Fiscal Responsibilities & Documentation

- **Separate Tracking & Required Records**
 - Track proportionate share expenditures separately and retain invoices, services logs, and time-and-effort documentation.
- **Timelines, Carryover, and Audit Risk**
 - Spend funds within required timelines and follow carryover rules. Missing documentation can trigger audit findings or repayment.
- **Internal Procedures & Transparency**
 - Set clear procedures to review spending throughout the year. Transparent fiscal practices support compliance and partner trust.



Collaboration

- **Strong Collaboration**
 - Clear communication, consistent processes, and shared understanding reduce conflict and improve equitable-services outcomes.
- **Address misconceptions**
 - Private schools do not choose services, and eligible parentally placed students do not receive IEPs through equitable services.
- **Apply IDEA in practice**
 - When consultation disagreements or limited funds arise, problem-solve within the legal framework to stay compliant and maintain relationships.



New Tools

IDEA Equitable Services Tracker

- The [tracker](#) is designed to assist LEA staff:
 - Compile data relevant to the implementation of requirements for parentally placed school students with disabilities, and
 - Determine whether the LEA is meeting the proportionate share requirements.
- The LEA will be able to compile data related to required activities, child count, and proportionate share amounts for one fiscal year in a comprehensive document. The tool may also be used for comparing expenditures to the initial proportionate share obligation in subsequent years to ensure the timely expenditure of funds on equitable services.
- This is not considered the only approach to tracking and may be modified as needed.



Template for Written Procedures

- To ensure that all LEAs have developed a comprehensive procedure for providing IDEA equitable services to parentally placed students, TDOE has developed a template that may be used to address implementing equitable services under [34 CFR §§ 300.130 through 300.144](#).
- [Written Procedures for IDEA Equitable Services -template](#)



Table Chart for Proportation Share Calculation

The chart provides a detailed list of which students would be in Row A for public school count and Row B for parentally placed private school count.

- Table Chart for Proportionate Share Calculation



Check for Understanding

True or False

The LEA where the child resides is responsible for conducting Child Find for a parentally placed student in a private K-12 school.

False. The LEA where the private K-12 school is located is responsible for Child Find.



True or False

The amounts expended for child find, including individual evaluations, can be deducted from the required amount of funds to be expended on services for parentally placed private school children with disabilities.

False. The obligation to conduct child find, including individual evaluations, exists independently from the equitable services provision.



True or False

IEPs provide a full provision of FAPE while ISPs may be more limited in the services available to parentally placed students.

True. Children with disabilities enrolled in private schools by their parents have no individual entitlement to receive some or all of the special education and related services they would receive if enrolled in a public school other than child find, including evaluations.



True or False #4

A preschool child enrolled at a private preschool within an elementary school may access FAPE through an IEP with services provided at the private school location.

True. A preschool child who is parentally placed in a private school (including an umbrella home school program through the Category IV church-related school) that also serves children in kindergarten or other elementary grades is eligible to receive services through an IEP at the private preschool location. However, if the child’s parent declines the right to an IEP, preschool children may be eligible to receive equitable services through a service plan. If the private school does not serve children in kindergarten or other elementary grades, the preschool child is not eligible to receive equitable services through a service plan.



Scenario #1

The private school requests reimbursement for supplemental materials purchased to provide academic interventions. Is the LEA responsible for reimbursing the private school?

No. Private school officials may not obligate or receive Part B funds. The LEA must control and administer the funds used to provide special education and related services to parentally-placed private school children with disabilities, and maintain title to materials, equipment and property purchased with those funds.



Scenario #2

The private school requests for funds from the proportionate share be spent on a new door lock system for the school. This system is part of their school safety plan and will require persons entering the school to be allowed in through the front office.

No. IDEA equitable services may only be spent on services for identified students and/or professional development for their teachers. Funds may not be spent on improving or adding to the buildings infrastructure.



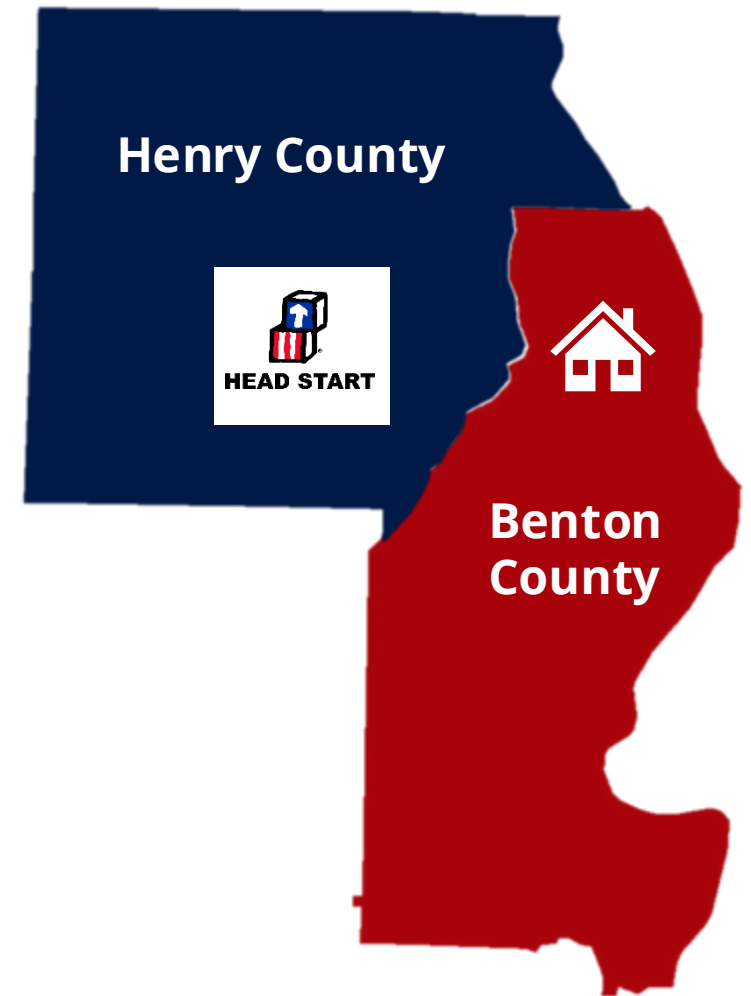
Scenario #3

Parker lives in Benton County but attends a Head Start program in Henry County.

- What is Henry County's responsibility?
- What is Benton County's responsibility?

Henry County's Responsibility: Coordinate and support child find efforts within the child care program in its geographic area, including ensuring the child care understands how to identify the LEA of residence for children

Benton County's Responsibility: Affirmative child find requirements, including initial evaluation(s) upon suspicion of disability, and, if eligible, making an offer of FAPE through an IEP with consideration of the child care location as the child's least restrictive environment (LRE)

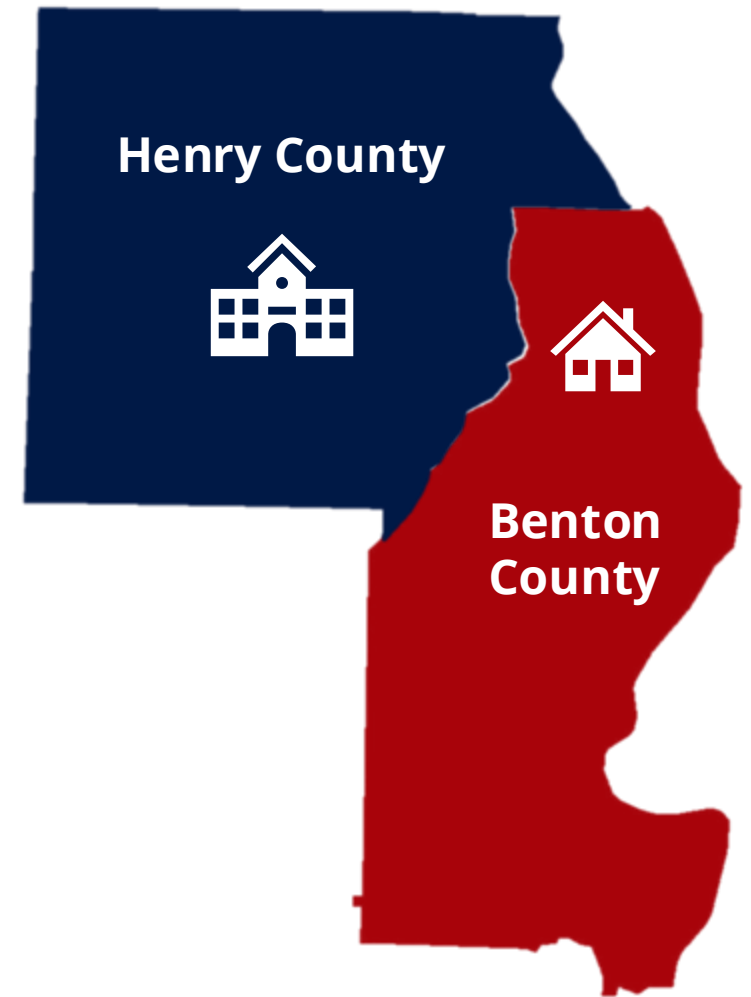


Scenario #4

Parker lives in Benton County but attends a private preschool program within a private elementary school in Henry County.

- What is Henry County's responsibility?

Henry County's Responsibility: Affirmative child find requirements, including initial evaluation(s) upon suspicion of disability, and, if eligible, making an offer of FAPE through an IEP with consideration of the private preschool location as the child's least restrictive environment (LRE)



Resources

Resources

- [OSERS Q&A on Serving Students Parentally Placed in Private Schools](#)
- [IDEA Equitable Services Toolkit](#)
- [IDEA Equitable Services Tracker](#)
- [Template for Written Procedures to Provide IDEA Equitable Services](#)
- [Non-Public Schools Intent to Participate Form for IDEA Programs](#)
- [IDEA Affirmation of Meaningful Consultation](#)
- [IDEA Equitable Services Complaint to Ombudsman](#)



Questions?

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