

Wyoming Department of Education

Parentally-placed Private School Proportionate Share

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Purpose and Authority

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 §§300.129-300.144](#) and [Appendix B](#)).

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 (see [34 CFR §300.131](#)).

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. A services plan must be developed and implemented for each private school child with a disability who has been designated by the LEA in which the private school is located to receive special education and related services.

Parentally-placed Private School Students

Definition

Under IDEA [34 CFR §300.130](#), parentally-placed private school children with disabilities are children with disabilities enrolled by their parents in private, nonprofit schools, including religious schools or facilities that meet the definition of **elementary school or secondary school**, as outlined in state and federal regulations, excluding children with disabilities placed or referred by public agencies.

Under Wyoming State Code [W.S 21-4-101 \(a\)](#), “private school” is any nonpublic, elementary or secondary school providing a basic academic educational program for children and may include parochial and church or religious schools and home-based educational programs.

Under Wyoming State Code [W.S 21-13-101\(a\)](#):

- Elementary school means a school consisting of kindergarten through grade five (5), or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board of trustees.
- High school means a school consisting of grades nine (9) through twelve (12), or any combination of grades within this range, as determined by the plan of organization by the district board.
- Middle school means a school consisting of grades six (6) through eight (8), or any combination of grades within this range, as determined by the plan of organization by the district board.
- Home-based educational programs mean a program of educational instruction provided to a child by the child's parent or legal guardian or by a person designated by the parent or legal guardian.

LEAs must use Wyoming State’s private school definition when making the determination of eligibility to receive the IDEA Part B parentally-placed private school proportionate share. Under this definition, preschools are not considered elementary schools for this purpose. Additionally, home-based programs are not required to meet Wyoming's other educational regulations and standards to meet the criteria of elementary and secondary school. Therefore, these programs are not considered elementary and secondary school and should not be included in the parentally-placed private school proportionate share calculation.

LEA Requirements in Wyoming

Under WDE [Administrative Rules Chapter 18](#), in order to provide equitable services to parentally-placed private school children with disabilities, LEAs must comply with the following:

- applicable safety and health statutes of Wyoming, including but not limited to W.S. 14-3-201 through 14-3-215, W.S. 21-4-309, W.S. 35-1-102, W.S. 35-9-107, W.S. 35-9-121, and W.S. 35-9-505.
- common core of knowledge:
 - definition: areas of knowledge each student is expected to acquire at levels established by the school. All students shall meet the student performance standards at the level set by the school in the following areas of knowledge: (a) reading/language and; (b) social studies; (c) mathematics; (d) science; (e) fine arts and performing and; (f) physical education; (g) health and safety; (h) language; (i) career/vocational education; (j) foreign cultures and language; (k) applied technology; (l) and government and civics, including state and federal constitutions pursuant to W.S. 21-9-102.
- common core of skill:
 - definition: skills each student is expected to demonstrate at levels established by the school. All students shall meet student performance standards at the level set by the school in the following skills: (a) problem-solving; (b) interpersonal communication; (c) keyboarding and computer applications; (d) critical thinking; (e) creativity; and (f) life skills, including personal financial management skills.
- instruction in state and federal constitutions:
 - Schools shall give instruction in the essentials of the United States Constitution and the Constitution of the State of Wyoming, including the study of and devotion to American institutions and ideals.
- transfer of records:
 - The private school's educational program shall ensure the transfer of all pertinent educational records to a public, private, or parochial educational institution that requests these records for the admission or readmission of a student.
- Special Education:
 - A private school shall have a written procedure for notifying parents if the school suspects a child may have a disabling condition and that a child with a disability may access public school services under W.S. 21-2-501 and P.L. 101-476 and amendments.

- Teacher Certification and Administration:
 - Except as provided in (c), all professional educational staff members assigned to the private school's educational program must have certificates with the necessary endorsements covering specific assignments, and all educational members must be assigned in accordance with the certificates and endorsements as specified in the certification regulations set by the Professional Teaching Standards Board.
 - A chief administrator for the educational programs must be certified as an administrator under the certification regulations established by the Professional Teaching Standards Board.
 - Should any professional staff member or administrator not qualify for certification or endorsement by the Professional Teaching Standards Board, the private school shall provide notification to all parents and the public that their teachers are not certified by the state.
- Administrative Responsibilities:
 - Transportation used for students as part of the private school's educational program shall comply with the most recent edition of Wyoming Pupil Transportation Manual.
 - The private school's educational program shall be covered by an Emergency Operating Plan.
 - The private school's educational program shall be operated in conformance with W.S. 21-4-102(a).
- Annual Reporting:
 - The private school shall submit evidence of compliance with licensing requirements of W.S. 21-2-401 through W.S. 21-2-407. The school shall submit an application for license renewal and the school's annual report before July 1 of each year on forms prescribed by the WDE. With the forms, the school shall also submit an application or renewal fee of two hundred dollars (\$200.00) by check or money order made payable to the State of Wyoming, Wyoming State Department of Education.
- Licensing:
 - Applicants whose licenses are denied or suspended may appeal through procedures outlined by the Wyoming Administrative Procedures Act, W.S. 16-3-113-18.5.

LEA General Requirements for Private Schools

Timely and Meaningful Consultation

Annually, LEAs are required to invite private school representatives and representatives of parents of eligible privately enrolled students to a consultation meeting. IDEA does not preclude private school staff from representing the interest of the student in lieu of a parent representative. During that meeting, topics that must be discussed are the child find process, determination of proportionate share, the consultation process, provision of special education and related services, and provision of a written explanation by the district regarding services (in the event of disagreement between the district and private school officials). Although the initial consultation must occur prior to other required activities, additional consultation should subsequently occur and be an ongoing process. Ongoing consultation may be with individuals or groups of private school representatives ([34 CFR §300.134](#))

If a private school refuses to participate in meaningful consultation, an LEA should document all attempts to engage the private school and any communication sent to and received from the private school. A private school has the right to file a complaint with the WDE if it deems that timely and meaningful consultation was not provided by the LEA. 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. However, only due process complaints regarding child find may be filed, and they must be filed with the LEA and then sent to WDE Special Education Services.

Written Affirmation Following Consultation

After the annual meeting, each LEA must obtain written affirmation confirming that timely and meaningful consultation has occurred, signed by the private school representatives. The written affirmation is a confirmation that consultation has occurred—not that there is agreement among meeting participants regarding any parentally-placed student with disabilities provisions ([34 CFR §300.135](#)).

Child Find

The WDE is responsible for ensuring that all students who reside in the state—including students enrolled in private schools—and who are in need of 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 and must be provided in a comparable time period. Funds spent on child find may not be counted toward the LEA's

proportionate share expenditures. Child find data must be used to ensure equitable services are provided to identified children with disabilities ([34 CFR §300.131](#)).

Evaluation and Determination of Eligibility

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. The LEA must maintain and provide to WDE the number of children evaluated, determined to be children with disabilities, and served each year.

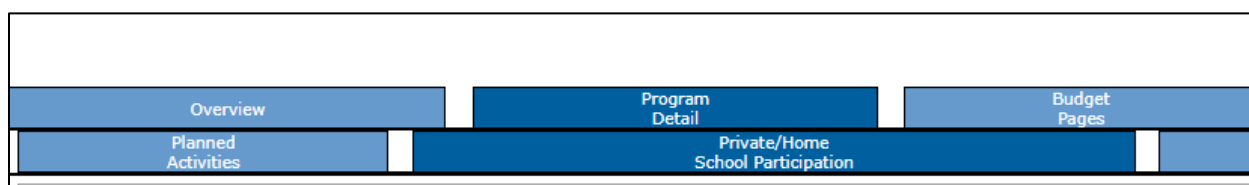
LEA Fiscal Requirements for Private Schools

Child Count and Proportionate Share Calculation

To ensure the provision of equitable services for parentally-placed private school children with disabilities, LEAs are required to determine the number of parentally-placed private school children with disabilities enrolled in the LEA. The child count is the number of eligible students, not the number of students receiving services ([34 CFR §300.133](#) and [Appendix B](#) to the Regulations).

LEAs report the number of parentally-placed private school children with disabilities eligible to receive special education and related services annually to the WDE through the submission of the IDEA Part B Consolidated application by July 1. The collection is built into the Grant Management System (GMS) – Program Details Section of the IDEA Part B – 611 & 619.

Figure 1. Screenshot of IDEA Part B, 611 & 619 Program Details



Every year with the submission of the IDEA Part B Consolidated Application, LEAs fill in the number of identified students in private and public schools.

Figure 2. Screenshot of IDEA Part B 611 Private/Home School Participation

IDEA - Part B 611 Private/Home School Participation

The number of students entered in #4 and #5 have been locked into the IDEA 611 sub-grant. Changes to these numbers have to be made by submitting an amendment in the 611 sub-grant. Changes made in the IDEA Part B 611 application

1. 1795056	Allocation for this grant
2. 0.00	Enter any Indirect Costs (in whole dollars) charged to this grant. Indirect Cost from Budget Detail page: 0 (You must enter an amount equal to the amount entered on the budget detail page.)
3. 1795056	Remaining funds (Line 1 minus Line 2. If the allocation or Indirect Costs change, you MUST re-save this page to correct the calculations.)
4. 6.00	Enter the number of students with disabilities attending Private/Nonpublic School
5. <input checked="" type="radio"/> Yes <input type="radio"/> No	Has the district conducted a timely and meaningful consultation with private school representatives and representatives of parents of parentally-placed private school children with disabilities? (34 CFR § 300.134)
6. 863.00	Enter the number of students with disabilities enrolled in the district
7. 869	Sum of District and Private/Nonpublic and District enrollments (Line 4 plus Line 5)
8. 0.006904	Proportion of participating Private/Nonpublic School enrollment compared to total enrollment (Line 4 / Line 6)
9. 12393	Proportionate Share - The District must allocate at least this amount (Line 7 X Line 3 rounded to a whole dollar)

****Please remember to budget the required amount for Proportionate Share under the Budget Pages Tab.**

To calculate proportionate share separately for the IDEA Section 611 and Section 619 grants, the WDE's GMS automatically calculates each LEA's proportionate share 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 number of eligible students, including public and private school students, by the total grant award (Sections 611 and 619 separately) 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 private school students.

The child count collected between October 1 to December 1 is used to determine the proportionate share amount for the following school year.

Each LEA with calculated private school proportionate share funds must budget for it within the GMS as part of the IDEA Part B Consolidated Application submission. The budget line item is called *145 – Proportionate Share*.

Figure 3. Screenshot of Activity Description

Activity Description	\$
115-Professional Development	40000.00
116-Implementation of Research-based Programs	4000.00
119-Positive Behavioral Intervention and Supports	75000.00
120-Assistive Technology	30000.00
121-Extended School Year	1000.00
123-Contracts with Spec. Ed/Related Service Providers	0
127-Student Info Tracking such as IEP Systems/Software	300000.00
128-Other	0
131-Parent Involvement Activities	0
133-Administrative Costs	50000.00
141-Coordinated Early Intervening Services	140000.00
145-Proportionate Share	0
Sub Total	\$640,000.00

Proportionate Share Expenditure and Allowable Use of Funds

Following consultation with representatives of the private schools and parent representatives of eligible private school students, LEAs determine which services to provide. IDEA allowability rules apply to proportionate share funds. LEAs must document expenditures and other activities related to IDEA and proportionate share.

In addition to special education and related services, 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. Transportation used for students as part of the private school's educational program shall comply with the most recent edition of the [Wyoming Pupil Transportation Manual](#). The LEA may include the cost of transportation in calculating whether it has spent the proportionate share of IDEA Part B funds.

Provision of Services and Use of Personnel

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 ([34 CFR §300.137](#)).

LEAs are responsible for ensuring that each parentally-placed private school student with a disability who has been designated to receive proportionate share services has a services plan describing the specific special education services that the LEA will provide, including where and when the district will provide services to the student ([34 CFR §300.138](#)).

In expending federal IDEA Part B funds, 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 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 ([34 CFR §300.141](#)).

LEAs may use proportionate share funds to pay public school personnel to provide services in private schools. 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. 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 ([34 CFR §300.142](#)).

Proportionate Share 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 related to parentally placed private school children with disabilities in 34 CFR §§300.129 through 300.144, the LEA may use the unexpended funds—at the end of the period during which the funds may be spent on parentally placed private school children—to pay for other allowable Part B expenditures for that same LEA. This situation should be the exception.

We emphasize that it is the clear intent of the Act that LEAs spend these funds on providing special education and related services to parentally placed private school children with disabilities as provided in 34 CFR §§300.129 through 300.144. Therefore, if the LEA is not in compliance with these requirements and has not expended the funds on parentally placed private school children, the LEA must return the funds to the U.S. Department of Education.

The WDE is responsible for ensuring that LEAs are in compliance with these requirements. See [34 CFR §§300.149\(a\)](#) and [300.600\(b\)\(2\)](#). If an LEA has not expended the proportionate share by June 30 of the carryover period, the WDE monitors the LEA to ensure that it is meeting these requirements, including the requirement in 34 CFR §300.135 that the LEA obtain written affirmation signed by representatives of participating private schools that timely and meaningful consultation has occurred. In any event, there is no authority that permits the LEA to return the funds to the state educational agency (SEA) for state-level activities or reallocate to another LEA. The WDE will contact the LEA to determine if there is a need to reallocate the funds to use for other IDEA services or activities of the public school.

WDE Private Schools Reporting and Monitoring

Reporting

Per Wyoming [Education Administrative Rules Chapter 18](#), Wyoming's K–12 private schools must provide an annual report to the State Board of Education that includes

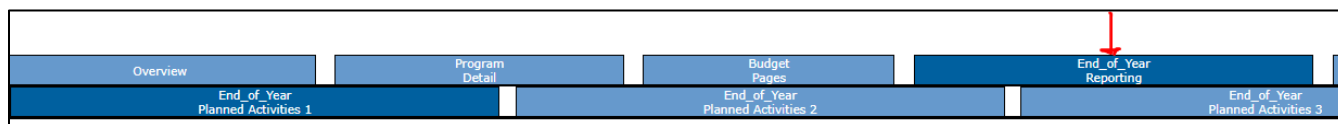
- The number of students enrolled in the school on October 1 of the school year by grade (K–12), the number of students dropping out of grades 9–12 during the school year, and the number of students completing high school and receiving a diploma issued by the school during the end of the school year;
- performance metrics on assessments;
- the number of days students are in school and the number of instructional hours each day;
- the school's recommended course of study for college-bound students and the percent of students who have successfully completed the course of study;
- the number of students involved in extracurricular activities and events;
- school improvement goals; and
- the number of English Learner students enrolled in the school, the name of the English language proficiency assessment used to determine English language status, and the score for each student reported. *Chapter 18, Section 15, Wyoming Department of Education Rules and Regulations.*

All private schools shall submit to on-site investigation and evaluation by the WDE for monitoring purposes.

LEAs in the state of Wyoming must self-report students with disabilities counts in the GMS with the IDEA Part B Consolidated Application that becomes available in early May with a due date of July 1. The LEA must report the count that is conducted on any date between October 1 and December 1 during the school year. After student counts are entered into the system, the grant application automatically populates the LEA's proportionate share (see the *Child Count and Proportionate Share Calculation* section for more detail).

Additionally, LEAs submit an end-of-year IDEA expenditures report to the WDE, which includes parentally-placed private school expenditures. This report will help determine if there is a parentally-placed private school proportionate share carryover balance that must be tracked for the following year.

Figure 4. Screenshot of End of Year Reporting Tab



Monitoring

The expenditure report is used to monitor the timely obligation of the parentally-placed private school proportionate share funds.

During the IDEA budget submission:

- If the LEA determines that the needs for private school students with disabilities exceed the maximum calculated proportionate share amount, LEAs must reach out to the WDE Senior Fiscal Analyst for approval to use more regular IDEA allocation for private school services.
- If at any point during the carryover period not before June 30, the LEA determines that the needs for private school students with disabilities are less than the calculated proportionate share amount, LEAs must contact the Senior Fiscal Analyst at the WDE to request a reallocation of those funds to other IDEA Part B activities with a justification. Before approval, the WDE Senior Fiscal Analyst must ensure that the LEA is in compliance with the child find, consultation, and other requirements related to parentally placed private school children with disabilities in 34 CFR §§300.129 through 300.144.

The justification must be submitted along with a budget modification request to reflect the reallocation of funds among activities.

Additionally, parentally-placed private school proportionate share requirements are part of the WDE's fiscal monitoring. The LEA may be required to submit detailed expenditures reports and supporting documents to WDE reviewers to assess compliance with IDEA requirements. For more information please see the fiscal monitoring manual.

Timeline and Due Dates

Table 1. Timeline and Due Dates

Activity	Date	Responsible staff
Reporting of private school students by grade level	October 1–December 1	LEA staff
Private school consultation	Ongoing	LEA staff
Reporting of parentally-placed students with disabilities child count to the WDE	May 1–July 1	LEA staff
End-of-Year Report (including private school expenditures report)	July 1–September 30	LEA staff
Request to reallocate private carryover funds to the IDEA public school budget	June 30	LEA staff
Review of parentally-placed private school proportionate share calculation data	July 1–September 30	Senior Fiscal Analyst

Tools and Template

A: Parentally-paced Private School Proportionate Share – 619 Expenditures Report

Parentally-placed Private School Proportionate Share Expenditures Report

School Year		619 Proportionate Share Carryover Prior FY	
School District Number		619 Total Allocation for Current FY	
School District Name		619 Proportionate Share Current FY	
Director Email		619 Total Proportionate Share (current and carryover)	\$ -
Fiscal Lead Email		619 Proportionate Expended to Date	
Quarter		619 Proportionate Unobligated Balance	\$ -

Budget, expenses, and carryover	Certified salaries	Noncertified salaries	Employee benefits	Purchased services	Conference and travel	Professional development and training	Materials and supplies	Equipment and technology	Indirect costs	Total
Budget code										
Approved proportionate share budget										\$ -
Amount of proportionate share funds expended during this period (provide amount for this quarter)										\$ -
Total amount of proportionate share expended to date										\$ -
Amount of proportionate share funds from the current fiscal year remaining										\$ -
Amount of proportionate share carryover (prior year) remaining										\$ -



B: Parentally-placed Private School Proportionate Share – 611 Expenditures Report

Parentally-Placed Private School Proportionate Share Expenditures Report

School Year			611 Proportionate Share Carryover Prior FY							
School District Number			611 Total Allocation for Current FY							
School District Name			611 Proportionate Share Current FY							
Director Email			611 Total Proportionate Share (current and carryover)	\$	-					
Fiscal Lead Email			611 Proportionate Expended to Date							
Quarter			611 Proportionate Unobligated Balance	\$	-					

Budget, expenses, and carryover	Certified salaries	Noncertified salaries	Employee benefits	Purchased services	Conference and travel	Professional development and training	Materials and supplies	Equipment and technology	Indirect costs	Total
Budget code										
Approved proportionate share budget										\$ -
Amount of proportionate share funds expended during this period (provide amount for this quarter)										\$ -
Total amount of proportionate share expended to date										\$ -
Amount of proportionate share funds from the current fiscal year remaining										\$ -
Amount of proportionate share carryover (prior year) remaining										\$ -

