

IDEA's Equitable Services Set-Aside

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**FUNDING
SPECIAL EDUCATION FOR PARENTALLY
PLACED PRIVATE SCHOOL CHILDREN**

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Entitlement funds under IDEA are awarded on a non-competitive basis for programs and services to students with disabilities

Preschool (PS)
Provides funds for special education services to children ages 3 to 5

Flow-through (FT)
Provides funds for special education services to children ages 3 to 21

Types of IDEA Entitlement Grants

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Equitable Services Set-Aside Regulations

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- Children With Disabilities Enrolled by Their Parents in Private Schools (34 CFR § 300.130 through 300.148)
- Definition of a private school: Wisconsin statute § 118.165
 - Not home schooled children
- Applicable *only* to children placed in private schools by their parents

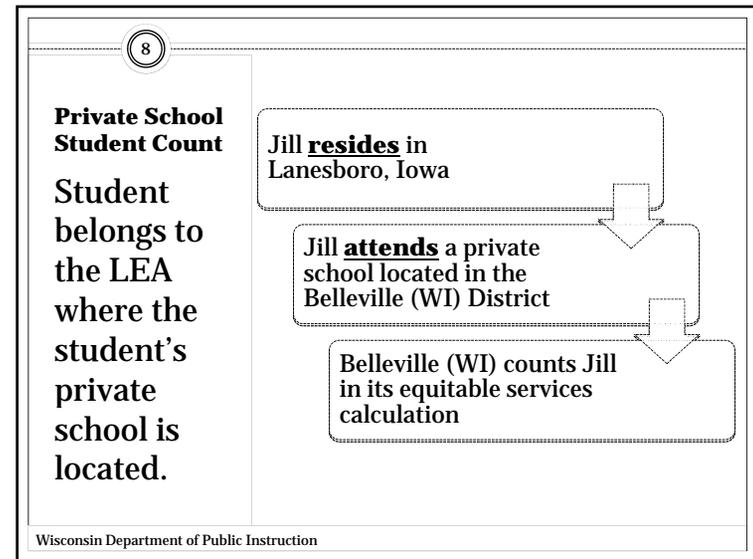
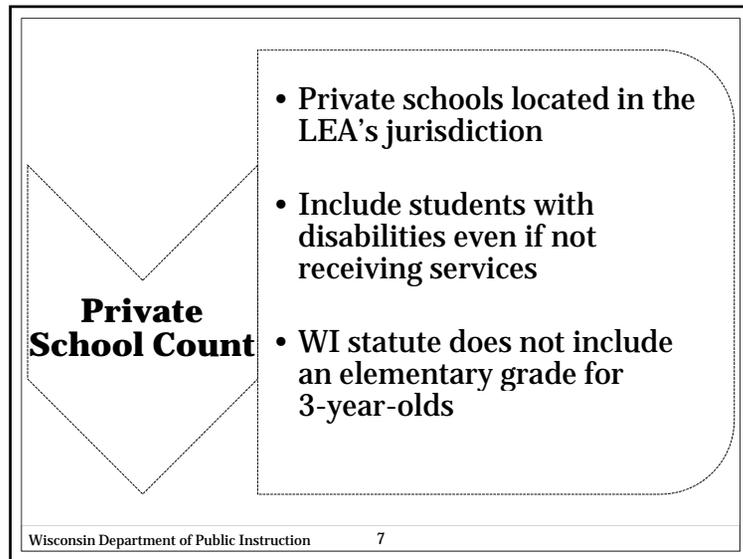
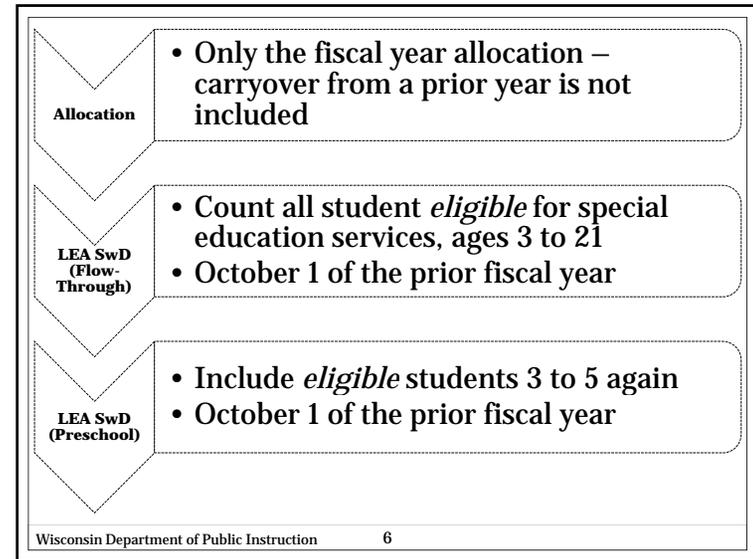
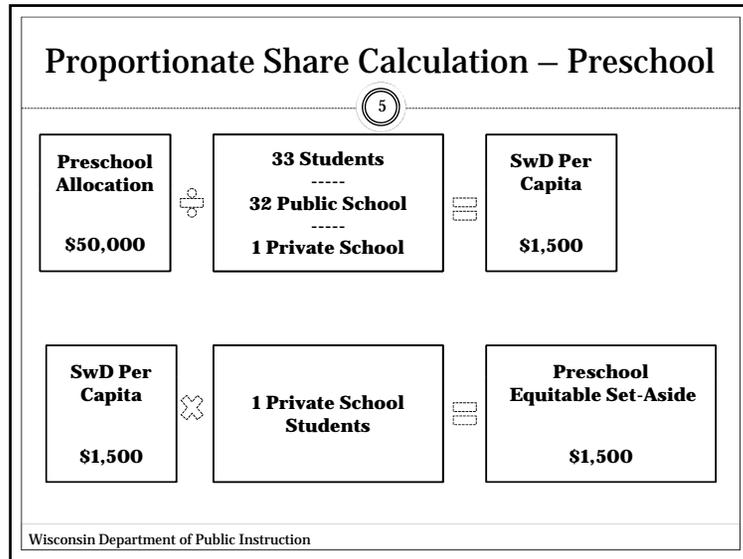
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Proportionate Share Calculation – Flow-through

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Flow-Through Allocation \$800,000	+	200 Students ----- 196 Public School ----- 4 Private School	=	SwD Per Capita \$4,000
SwD Per Capita \$4,000	×	4 Private School Students	=	Flow-through Equitable Set-Aside \$16,000

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Calculator Demonstration

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Obligation Period

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- A set-aside is determined each fiscal year
- Two years to spend a single year's set-aside

Set-Aside determined July 1, 2013

Total amount expended by June 30, 2014

- ✦ 2013-2014 – YEAR 1
- ✦ 2014-2015 – YEAR 2

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Obligation Period

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- An LEA has 27 months to spend a single year's allocation (Tydings Period)
- Equitable services requires a 24 month spending period
- Funds not expended at the close of the 24 month period may be used at the LEA's discretion
 - Only if the LEA is meeting all equitable services requirements
 - <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C1%2C> (OSEP Guidance, H-5)

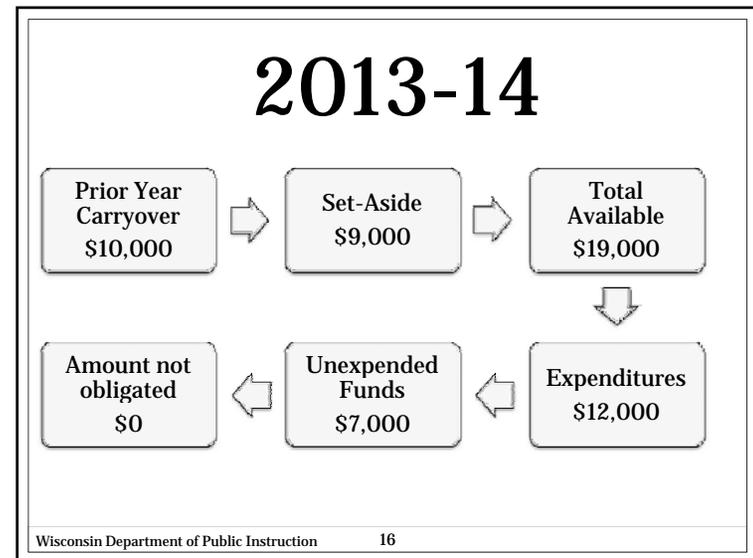
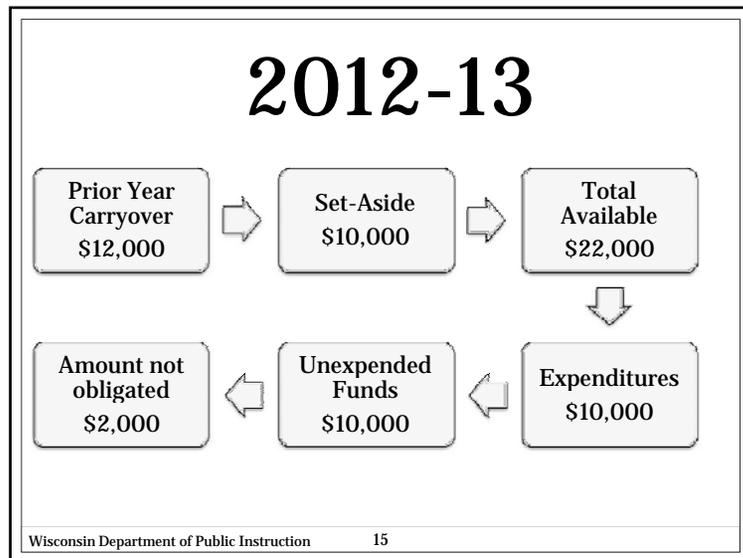
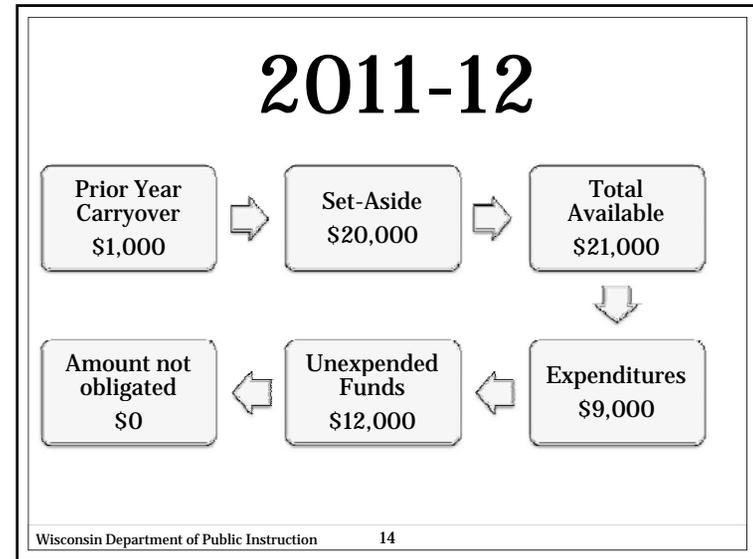
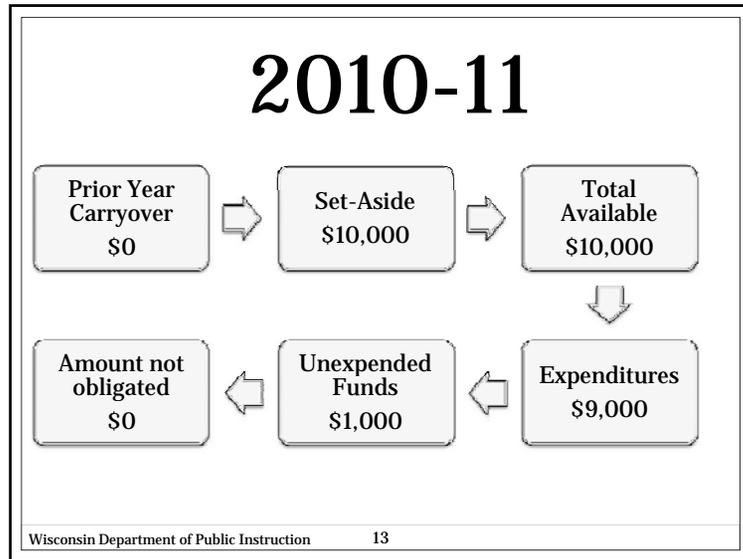
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Unobligated Funds Example

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**FIRST IN
FIRST OUT**

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Eligible Expenditures

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- **Direct Student Services (Required)**
 - Costs of providing special education and related services, including transportation to these services
 - ✦ Speech & Language
 - ✦ Physical Therapy
 - ✦ Deaf and Hard of Hearing
- **Indirect Services (Not Required)**
 - Special Education training for private school personnel
 - Resource / assistive technology library accessible to private schools

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Non-Eligible Expenditures

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- Child find activities
- Special education evaluations
- Administrative Costs (clerical, director)

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Expenditures NOT Allowed

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- Remodeling or repairs of private school facilities
- Paying salaries of private school staff for part of their regular duties
- Response to Intervention (RtI) costs
 - Federal funds cannot be used for the general needs of students enrolled in a private school.
 - ✦ EDGAR § 76.658

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No Benefit to the Private Schools

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- IDEA funds may not be turned over to the private school to use at its discretion
 - Do not send a check to the private school!
 - The LEA must determine the services and pay for them
- Non-disposable items purchased with IDEA funds belong to the LEA, not the private school!
 - Textbooks
 - FM systems
 - iPads

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Equitable Services & Time and Effort Reporting

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- Must be kept by any employee funded with federal grant dollars.
- Type of reporting is dependent on the staff person's normal cost objective.
- Speech & Language therapist would keep semi-annual certification even though providing services to parentally placed private school students
 - But, some type of documentation must be kept to demonstrate that the equitable services provision has been met through this individual's time.

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Equitable Services & Property Management

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- Any equipment purchased for the student attending the private school is OWNED by the LEA.
 - Know what has been purchased with IDEA funds
 - Know where it is located
 - Know how it is being used
 - Get it back when no longer needed by the student at the private school

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Supplement / Not Supplant

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- Must use required IDEA funds to provide special education services to parentally placed private school children BEFORE local funds may be used

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Funding Options

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Preschool

Flow-through

- | | |
|---|---|
| <ul style="list-style-type: none"> • The value of the preschool set-aside calculation • \$1,500 | <ul style="list-style-type: none"> • The value of the flow-through and preschool set-aside calculation • \$17,500 <ul style="list-style-type: none"> ○ \$1,500 Preschool ○ \$16,000 Flow-through |
|---|---|

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Application Process

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- Expenditures within the IDEA flow-through or preschool budget
- No separate budget, functions or line items
- Option to contract for direct student services under purchased services
 - Purchased service is identified as “Equitable Services”

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Accounting for Equitable Services Expenditures

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- Fund: 27
- Function: Special Education Function
- Project Code: 341 (FT) or 347 (PS)
- Revenue Source: 730
- CFDA: 84.027 (FT) or 84.173 (PS)

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Frequently Asked Clarification

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- Zero Students Last Year – 10 Students This Year
 - What’s the set-aside amount?
- 10 Students Last Year – Zero Students This Year
 - What’s the set-aside amount?
 - What are we supposed to do with it?
- What about the private school students who are identified after October 1?

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Frequently Asked Clarification

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- What if the private school refuses to participate?
 - Documentation
 - Must still serve students at other private schools
- What’s the LEA’s responsibility for finding parentally placed private school students?
 - Child find activities similar to those done for the LEA’s public school students
- The private schools just want SMART boards. Can we use our equitable services set-aside to purchase them?

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Frequently Asked Clarification

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- Are Residential Care Centers considered private schools?
 - Yes – if they meet the definition of a private school in Wisconsin, they are private schools under the equitable participation provision of IDEA.
 - The Key: Equitable services are provided to *parentally placed* private school students. So although RCCs are private schools, the student has to be placed by a parent to be included in the calculation.

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Frequently Asked Clarification

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- We bill all of our Speech and Language therapists to Medicaid. Do we have to use IDEA funds to provide services to private school students? We're providing the services, we just want to use local funds.
 - Yes – the equitable services set-aside amount under IDEA must be used. To use local funds instead of the IDEA funds would be considered supplanting.

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Unusual Situation

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- For the first time in years, the private school in our district will enroll a student with a disability in Kindergarten this fall. According to the regs, we do not set-aside funds for FY 2015 because the count from Oct. 1, 2013, was zero. Are we still required to complete the other equitable services steps, such as consultation with the private schools and developing a services plan?
 - No – If there is no required set-aside amount, then there is no reason to develop a services plan.

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Technical Assistance

Equitable Services under IDEA

http://sped.dpi.wi.gov/sped_sbprivschools#equitable

Special Education Team Contacts:

http://sped.dpi.wi.gov/sped_hmstaff

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