

IDEA's Equitable Services Set-Aside

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

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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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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

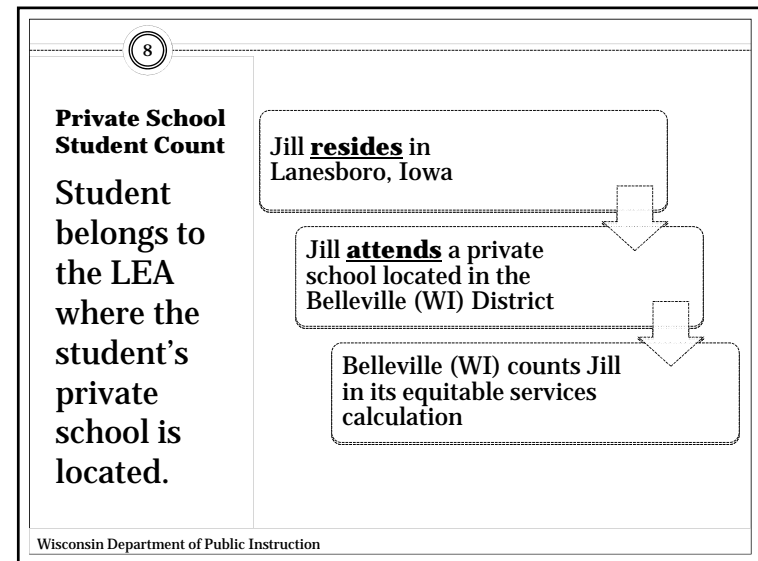
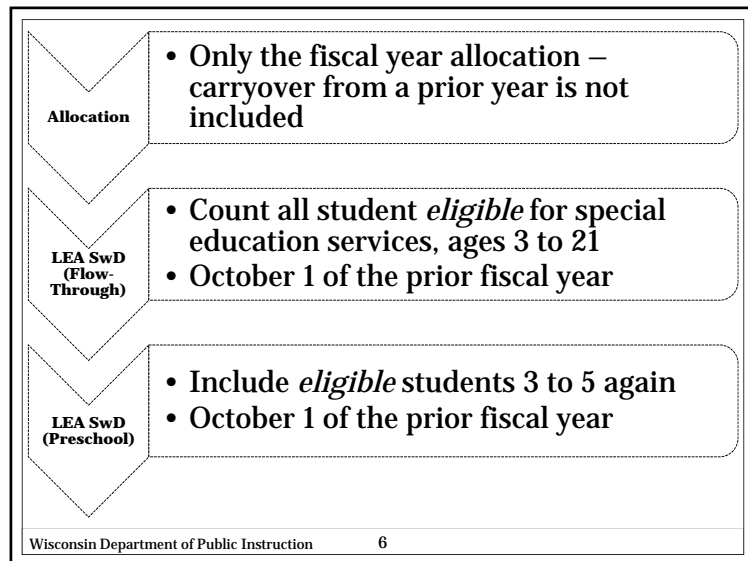
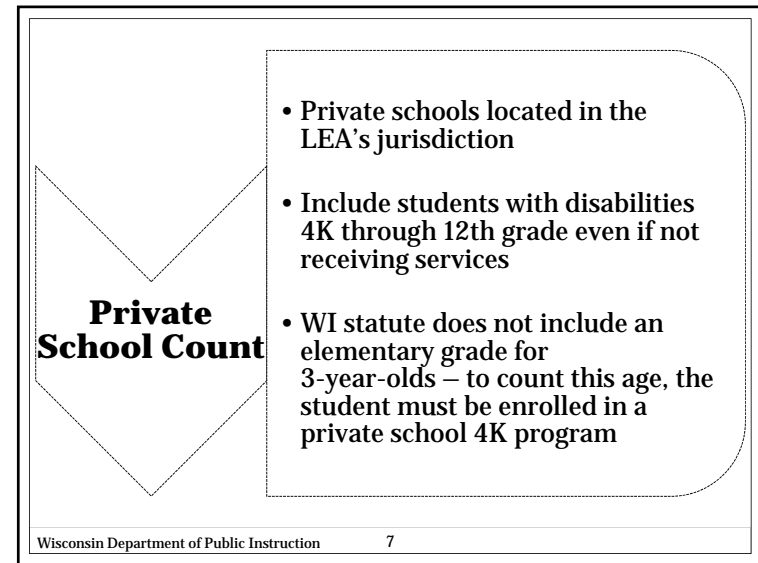
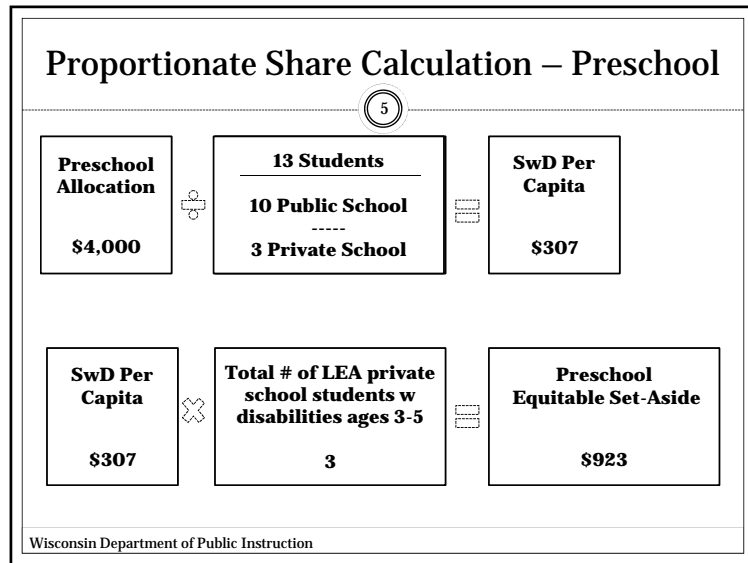
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Proportionate Share Calculation – Flow-through

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Flow-Through Allocation \$150,000	+	113 Students 99 Public School ----- 14 Private School	=	SwD Per Capita \$1,327
SwD Per Capita \$1,327	×	Total # of LEA private school students w disabilities ages 3-21 14	=	Flow-through Equitable Set-Aside \$18,584

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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, 2015
- Total amount expended by June 30, 2017
- ✦ 2015-2016 – YEAR 1
 - ✦ 2016-2017 – YEAR 2

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Unobligated Funds Example

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**FIRST IN
FIRST OUT**

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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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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
 - ✦ Transportation to special education services
- **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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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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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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Equitable Services & Time and Effort Reporting

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Charges to Federal awards must be based on records that accurately reflect the work performed. These records must:

- Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated
- Be incorporated into the official records of the subrecipient
- Document the staff time spent providing equitable services.

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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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WISEgrants Application Process

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- Collect private school student enrollment numbers for equitable services participation
- Collect private school student information for the “Additional Data” reporting requirement
- Reserve funds for equitable services
- Budget for reserved equitable services amount

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Supplement / Not Supplement

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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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WISEgrants Application Process - Enrollment Demo

Enrollment Count Date ▼

Select the date on which the enrollment count was performed. Equitable Services Set-Aside amounts are based on a count of students taken during the prior year. After timely and meaningful consultation with representatives of parentally placed private school students with disabilities, the LEA must determine the number of parentally placed private school students with disabilities attending private schools located in the LEA. This count must have been conducted between October 1 and December 1, 2014.

Count Date Performed

Total Student with Disabilities Enrollment Data ▼

AGES 3 to 5 - Enter the total number of children eligible for special education, enrolled in the LEA's public schools, ages 3 to 5 as of October 1, 2014
 Number of students ages 3 to 5

AGES 6 to 21 - Enter the total number of children eligible for special education, enrolled in the LEA's public schools, ages 6 to 21 as of October 1, 2014
 Number of students ages 6 to 21

WISEgrants Application Process - Enrollment Demo

Private School Code	Private School Name	Number of Students Evaluated	Ages 3 to 5 - Number of Students with Disabilities	Ages 6 to 21 - Number of Students with Disabilities	Number of Students Served
0420	Clinton Amish Schs	1	3	7	9
2485	Sacred Heart Sch	2	0	4	4
Total :		3	3	11	13

LEAs also have the option of downloading a spreadsheet of their private schools to enter enrollment numbers to upload back into the software

Number of Students Evaluated: Enter all private school student special education evaluations performed between July 1 to June 30 of the prior year

Number of Students with Disabilities: Enter all students with disabilities parentally placed into private schools as of **October 1** of the prior year

Number of Students Served: Enter the number students with disabilities parentally placed into private schools who received special education services between July 1 to June 30 of the prior year

Version 1.0

The budget software will track the amounts budgeted for the Program Type "Private School"

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Version 1.0

WISEgrants Application Process Equitable Services "Reservations" Demo

Calculation	Minimum	Flow-Through Amount	Preschool Amount
$\$150,000.00 / 113 = \$1,327.43 * 14 =$	\$18,584.07	\$18,585.00	
$\$4,000.00 / 13 = \$307.69 * 3 =$	\$923.08		\$924.00

Save

↓

Total students with disabilities, both public and private

↓

Private school students with disabilities count

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Version 1.0

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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- **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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- **What if the private school refuses to participate?**
 - Documentation
 - Must still serve students at other private schools

- **What is 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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- **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 2016 because the count from Oct. 1, 2014, was zero. Are we still required to develop service plans?
 - No – If there is no required set-aside amount, then there is no reason to develop a services plan. However, the district must still complete the consultation process.

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Technical Assistance

Equitable Services under IDEA

<http://dpi.wi.gov/sped/topics/private-schools#equitable>

Special Education Team Contacts

<http://dpi.wi.gov/sped/educators/local-performance-plans/contact>

Equitable Services Program Contact

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