

Proportionate Share FAQs

What is Proportionate Share?

Proportionate share is part of a public-school district's federal funding under the Individuals with Disabilities Education Act. The district is to use a proportionate share amount of the annual allocation to provide equitable special education services to parentally placed students with disabilities in nonpublic schools within its boundaries. A student with a disability, placed by parents in a nonpublic nonprofit school, does not have an individual right to receive special education services, meaning, a child may not receive all the special education services the child may need, or possibly not to the extent that the child requires, or may not receive any services at all. The public district is to use its proportionate share amount to provide equitable services to parentally placed students with a disability whom the district determines will receive services in the nonpublic nonprofit school.

How is the proportionate share amount determined?

The Ohio Department of Education calculates a public school district's proportionate share based upon the total count of students with disabilities in the district's schools and students with disabilities at nonpublic nonprofit schools within its boundaries, then divides that number by the district's Part B allocation to determine a per pupil amount. The Department then multiplies the per pupil amount by the number of students with disabilities confirmed to be enrolled in the nonpublic nonprofit schools within the district. This produces the district's proportionate share amount.

Where does the Department get the count for students with disabilities attending nonpublic schools in a district?

Nonpublic schools submit their counts of students with disabilities through the Nonpublic Data System, located on the Ohio Department of Education profile page via the OH|ID platform. The public-school district in which the nonpublic schools is located verifies the counts.

Are students attending nonpublic schools on the Jon Peterson Scholarship or the Autism Scholarship included in the child counts reported to the public districts in which they are located?

Yes, the nonpublic school where each student with a disability is enrolled must include all special education students, including those with the Jon Peterson and Autism scholarship in their child counts in the NPDS. This number must also include any parentally placed students with a disability from other school districts who are enrolled in the nonpublic school, whether or not the child is served or unserved.

Can students who are attending nonpublic schools on Jon Peterson or Autism scholarships be served by proportionate share funds?

Yes, students attending nonpublic schools on these scholarships must be considered in a public district's determination of services, just as any other student with a disability at those nonpublic schools. Districts cannot exclude these scholarship students from consideration in their district plans. However, as with all students with disabilities at nonpublic schools, there is no *assurance* that a student on a scholarship will receive equitable services through proportionate share funds.

Who determines how the proportionate share funds are spent?

The public district is obligated to make the final determination on the equitable services that are provided in a nonpublic, nonprofit school within its boundaries, based on required consultations with the nonpublic school staff and representatives of parents of its students with disabilities. Parentally placed children with disabilities placed into private, nonprofit schools that meet the definition of an elementary or secondary school are eligible to receive special education and related services through IDEA Part B funds.

What if the proportionate share amount is not enough to serve all students who need services?

The public district must consider all nonpublic school students with disabilities and determine what services may be offered to which students, in which nonpublic nonprofit schools within the district, bearing in mind the amount of the proportionate share funds. The law requires a public school district to expend the full amount of the proportionate share funds for services. A public district may choose to supplement its proportionate share dollars with other funds.

What does “timely and meaningful consultation” mean?

Timely consultation means a public district must consult with nonpublic school(s) representatives within its boundary as well as representatives of parentally placed students with a disability about its special education services needs before the beginning of the school year. Best practice is for the district to have periodic consultations with the nonpublic school throughout the year. *Meaningful* consultation means the public school district must consider what the nonpublic school staff and representatives of the parents of its students with disabilities recommend. Ultimately, the public school district determines which equitable services will best benefit the special education students in a nonpublic school.

What is an Individual Services Plan (ISP)?

An Individual Services Plan is a document created for a student with a disability who attends a nonpublic school that indicates which services the child will receive through the public district. The public school district must create the Individual Services Plan to describe the services it will provide to children who will receive services. Ohio law says that all students in nonpublic schools designated to receive special education services through proportionate share funds must have an Individual Services Plan. This includes all students on the Jon Peterson or Autism scholarships, if they will be receiving special education services funded through IDEA Part B funds.

Must every nonpublic school student with a disability have an ISP?

Only students who will receive equitable services through a district’s proportionate share amount must have an Individual Services Plan describing those services. Parentally placed special education students not receiving services should not have an Individual Services Plan.

Do all nonpublic schools have to receive special education services through their public districts’?

No, a nonpublic school may choose not to receive special education and related services. That decision is indicated in the NPDS system each year. However, the district is still obligated to expend the proportionate share funds in providing services to nonpublic, nonprofit school students with a disability within the district, and must verify its efforts to do so. Students in nonpublic schools that are not nonprofit are not eligible to receive special education and related services.

Is each student with a disability at a nonpublic school guaranteed to receive the same amount of service as students in the public district?

No. The public school district determines the best use and extent of the proportionate share amount, based on its consultations with the nonpublic schools and parents of students with disabilities. Ultimately, the district determines which equitable services will best benefit students with a disability in a nonpublic school.

Does a public district have to spend its full proportionate share amount within the school year?

School districts are obligated to provide equitable services each year in its nonpublic schools utilizing the proportionate share funds. If a district has not expended all of the funds by the end of a fiscal year, the district must carry-over and obligate the funds for special education services at the nonpublic school in the following year.

Who is responsible for determining if a student attending a nonpublic school has a disability?

The public district in which a nonpublic school is located is responsible for determining if a student has a disability. This is referred to as *Child Find*. The district evaluation team determines if a child has a disability and creates an Evaluation Team Report identifying the child's disability.

Who is the fiscal agent for proportionate share funds?

The public district is the fiscal agent. Any individual who provides equitable special education services to the nonpublic school must be employed or contracted by the public district. The public-school district also must purchase any items needed to provide those services. Public districts are not to use proportionate share funds to reimburse nonpublic schools for services for which a nonpublic school pays.

Can a child on a scholarship have both an Individualized Education Program (IEP) and an ISP?

A child with a disability who wishes receive support from either the Jon Peterson or Autism Scholarship must have an Individualized Education Plan to be eligible to be considered eligible for a scholarship. In order to receive special education services through the school district, and Individual Services Plan must be in place for each student who will receive services. Therefore, yes, a parentally placed special education student may have and an Individualized Education Plan in effect while receiving services specified in an Individual Services Plan.

Can a public district purchase technology, equipment or other adaptive equipment with proportionate share funds?

Technology, equipment and other adaptive equipment may be purchased with proportionate share funds if, after consulting with the nonpublic school, a public district determines that purchases like these are the best use of the proportionate share funds. Those items must remain the property of the school district and be included in its inventory of property.