

## PS3502—Private Nonprofit School Participation

The authorizing statute for this program requires that, after consultation with appropriate private school officials, you will provide for the benefit of private school children and assure equitable participation in services, materials, and equipment. Use this form to report on these activities. Refer to the Application Guidelines—Part 2: Program Guidelines and Use of Funds for more information related to private nonprofit school participation.

**Note:** This form is *not applicable to open-enrollment charter schools* or applicant agencies providing only early childhood intervention (ECI) programs. If your organization is an open-enrollment charter school, check the box named **Applicant agency is an open-enrollment charter school** at the top of the form, and then save the form.

This form is also not applicable if there are no private schools located within the legal boundaries of the applicant agency, including home schools.

A shared services arrangement (SSA) may omit this schedule from the application only if none of the member LEAs has any private schools, including home schools, located in their district.

Only secular, neutral, and nonideological services, materials, and equipment may be provided to participating students. Such participation usually includes training opportunities for teachers of private school children but not for substitute teachers. In all cases, your organization makes the final decision about the services to be provided to private school participants (34 Code of Federal Regulations [CFR] 300.138).

If this schedule is active, you must complete it even if no private schools chose to participate. This schedule is required if there are any private schools located within the legal boundaries of your organization, including home schools. If there are such schools or students but none are participating in the program, include this information on this schedule, along with the manner in which the schools were contacted.

If it is required, applications that do not include this completed schedule are not eligible for funding.

In determining whether a school or entity is a private school, school districts must determine if the private school does all of the following:

- Is a *nonprofit entity*
- Provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses
- Conducts formal reviews and documents student progress

A home school is not required to be a nonprofit entity to be considered a private school. To be considered a private school, a home school must provide elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses and formal review and documentation of student progress.

## Shared Services Arrangements

Submit one composite schedule for all members of the SSA arrangement.

## Funds Management

In no case are funds actually transferred to participating private schools. You must maintain administrative direction and control over funds, supplies, and equipment that benefit private school students. Materials and equipment are “on loan” to the private school for the duration of the grant project.

## Equitable Services

The services that an LEA provides to private school participants must be equitable in comparison to the services provided to public school participants. However, parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools. No parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school (35 CFR 76.651, 76.654, 300.137, 300.138).

The services provided to parentally placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally placed private school children with disabilities are not required to meet the highly qualified special education teacher requirements of 34 CFR 300.18 (34 CFR 300.138).

The LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private elementary and secondary schools, including religious schools, located in the school district served by the LEA. The child-find process must be designed to ensure the equitable participation of parentally placed private school children and an accurate count of those children. In carrying out the requirements of child find, the LEA must undertake activities similar to those undertaken for the LEA’s public school children. The child-find process must be completed in a time period comparable to that for students attending public schools in the LEA consistent with 34 CFR 300.301 Initial Evaluations (34 CFR 300.131).

Special education and related services provided to parentally placed private school children with disabilities, including materials and equipment, must be secular, neutral, and nonideological (34 CFR 300.138).

## Proportionate Share

During the grant period, LEAs must expend an amount that is equal to both of the following on the provision of special education and related services for the parentally placed private school children with disabilities enrolled in private elementary and secondary schools located in the LEA:

- A proportionate share of the LEA’s subgrant under section 611(f) of the act for children with disabilities aged 3–21

This amount is the same proportion of the LEA’s total subgrant under section 611(f) of the act as the number of parentally placed private school children with disabilities aged 3–21 enrolled in private elementary and secondary schools located in the LEA is to the total number of children with disabilities enrolled in public and private elementary and secondary schools located in the LEA aged 3–21

- A proportionate share of the LEA’s subgrant under section 619(g) of the act for children with disabilities aged 3–5

This amount is the same proportion of the LEA's total subgrant under section 619(g) of the act as the total number of parentally placed private school children with disabilities aged 3–5 enrolled in private elementary schools located in the LEA is to the total number of children with disabilities enrolled in the public and private elementary schools located in the LEA aged 3–5.

**Note:** Additional guidance is available for [parentally placed private school children with disabilities](#).

## Specific Instructions

### **Part 1: This schedule must be completed unless one of the following exception applies:**

You must complete this form unless your organization is an open-enrollment charter school or unless no private schools, including home schools, are located within your legal boundaries. If one of these exceptions applies, do the following:

1. Check the box that applies.
2. Save the form.
3. If neither condition applies, complete the form.

### **Part 2: Children Evaluated**

Type the total number of parentally placed private school students ages 3–21 who were evaluated for Special Education services between the dates listed on the form.

### **Part 3: Consultation During the Development and Design Phase . . .**

In a manner that is “timely and meaningful,” you must annually contact the private school officials in your district to determine if they want their students to receive services.

*Before completing and submitting this application, you must contact officials of private schools located within your organization's boundaries to ascertain if they want children enrolled in their schools to participate in the purposes and benefits of this program.*

Such initial contact may be carried out through a variety of communication forms, including documented phone calls, letters (preferably certified), fax, email, or meetings with the officials.

**Note:** If representatives of private school students decline services, you must retain records to document appropriate consultation.

Your agency must maintain documentation which consists of the following:

- A list of representatives of private school children with disabilities contacted in compliance with the consultation requirements under 34 CFR §§ 300.134 and 300.137
- For participating private schools, the number of students in each school who will receive services and a description of the services to be provided to the students at each school

### Timely and Meaningful Consultation Methods

1. Check all consultation methods that you used to provide a timely and meaningful opportunity for participation during the development and design phase.
2. For **Other**, type any additional consultation methods used to provide a timely and meaningful opportunity for participation during the development and design phase.

### Applicant's Assurance That Consultation with Private School Representatives . . .

If parents want their children with disabilities to participate, you must involve the participating private school officials during all phases of the development and design of the program through ongoing communication between appropriate parties.

You must consult with private school officials before making any decision that affects the opportunities of those students to participate in the project throughout the implementation and assessment of the grant project. You must give private school officials a genuine opportunity to express their views regarding each issue subject to the following consultation requirements:

- Child Find process:
  - How parentally placed private school children suspected of having a disability can participate equitably (34 CFR 300.134[a][1])
  - How parents, teachers, and private school officials will be informed of the process (34 CFR 300.134[a][2])
- Determination of Proportionate Share:
 

How the proportionate share of Federal funds available to serve parentally placed private school children with disabilities was calculated (34 CFR 300.134[b])
- Consultation process:
  - How the consultation process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child-find process can meaningfully participate in special education and related services (34 CFR 300.134[c])
  - How the LEA will consult with appropriate representatives of parentally placed private school children with disabilities before it makes any decision that affects the opportunities of those children to participate in the program (34 CFR 76.652)
  - How the LEA will give the appropriate representatives a genuine opportunity to express their views of each matter, subject to the consultation requirements of 34 CFR 300.134 and 34 CFR 76.652
- Provision of Services:
  - Which children will receive services (34 CFR 76.652)
  - How the children's needs will be identified (34 CFR 76.652)
  - What types of services, including Direct Services and Alternative Service Delivery Mechanisms will be provided (34 CFR 300.134 and 34 CFR 76.652)
  - How the services will be provided (34 CFR 76.652)

- How the project will be evaluated (34 CFR 76.652)
- How special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school children, and how and when those decisions will be made (34 CFR 300.134[d])
- How and when those decisions listed above will be made (34 CFR 300.134)
- How, if the LEA disagrees with the views of the private school officials on the provision of services or types of services, the LEA will provide a written explanation to the private school officials of the reasons why the LEA chose not to provide services directly or through a contract to the private school officials (34 CFR 300.134[e])

Check each box to indicate that your consultation with participating private school officials included consideration of all required elements. The application is not eligible to be funded unless each of these elements is considered.

#### Child Find Activities Were Implemented through:

1. Check the methods used to implement Child Find activities.
2. If other methods were used, check **Other** and type a short description.

#### Part 4: Proportionate Share Calculation for IDEA-B Formula Funds

Follow these instructions to calculate proportionate share for IDEA-B Formula funds.

**Line a** shows the entitlement of Formula funds for the school year.

In **line b**, type the total number of eligible children ages 3–21 in public schools on the last Friday of October in the year listed on the form, including children ages 3–4 who were dually enrolled in public and private schools.

In **line c**, type the total number of eligible children ages 3–21 in private schools on the last Friday of October in the year listed on the form, not including children ages 3–4 who were dually enrolled in public and private schools.

The system calculates the following:

- Total number of eligible children
- Average allocation per child
- Proportionate share amount from IDEA-B Formula funds to be expended for parentally placed private school children with disabilities, ages 3–21, in the current school year

**Note:** Additional guidance is available on the calculation of proportional share for parentally placed private school children with disabilities.

#### Part 5: Proportionate Share Calculation for IDEA-B Preschool Funds

Follow these instructions to calculate proportionate share for IDEA-B Preschool funds.

**Line a** shows the Preschool maximum entitlement for the school year.

In **line b**, type the total number of eligible children ages 3–5 in public schools on the last Friday of October in the year listed on the form, including children ages 3–4 who were dually enrolled in public and private schools.

In **line c**, type the total number of eligible children ages 3–5 in private schools on the last Friday of October in the year listed on the form, not including children ages 3–4 who were dually enrolled in public and private schools.

The system calculates the following:

- Total number of eligible children
- Average allocation per child
- Proportionate share amount from IDEA-B Preschool funds to be expended for parentally placed private school children with disabilities, ages 3–5, in the current school year

#### **Part 6: Children Served**

Type the total number of parentally placed private school children ages 3–21 who received special education/related services during the previous school year.

#### **Part 7: Services**

Services may be provided to private school participants:

- By employees of a public agency
  - Through a contract with a person, association, agency, or corporation that, in the provision of services, is independent of the private school and of any religious organizations
- Such employees or contracts must be under the control and supervision of the public agency. For this reason, expenditures for substitute teachers for the private school cannot be paid from grant funds, even if the private school teachers are participating in grant-funded training or activities.

Private school personnel may provide services if employees perform the services outside their regular hours of duty and under public supervision and control (34 CFR 300.142).

Complete the following sections according to CFR 76.656.

#### **On What Basis . . .**

How does your LEA determine which private school students receive services? Describe the process you use to make that determination. Do not provide the information by individual campus. If, after consultation, representatives of private school students with disabilities chose not to participate, indicate that in this section (34 CFR 76.656). If there are no children with disabilities in the private schools, indicate the basis that would be used if you were serving students.

#### **Designated Places/Sites Where the Parentally Placed Private School Children Will Receive Services**

1. Check the designated places or sites where services and benefits will be delivered to participants. If there are no children with disabilities in the private schools, indicate the places/sites that would be used if you were serving children.

2. For **Other Place**, list another designated place or site where services and benefits will be delivered to participants, if applicable.

**Designated Times the Parentally Placed Private School Children Will Receive Services**

1. Check the designated times when services and benefits will be delivered to participants. If there are no children with disabilities in the private schools, indicate the times for delivery of services and benefits if you were serving children.
2. For **Other Time**, list another designated time when services and benefits will be delivered to participants, if applicable.

**Types of Services the Parentally Placed Private School Children with Disabilities Will Receive**

Check the types of services that will be delivered to participants. If there are no children with disabilities in the private schools, indicate the types of services that would be delivered if you were serving children.

**Parentally Placed Private School Children with Disabilities Are Not Entitled to Receive Some or All of the Services They Would Receive if Enrolled in Public Schools**

Complete this part according to CFR 76.656.

**Describe the Differences, if Any**

If your organization will be providing any services to public schools that are different from those provided to private schools, describe the differences.

**Describe the Reason for Differences**

If you described differences, explain the reason for the differences.

**Part 8: Documentation of the Consultation Process**

Check the appropriate box indicating whether timely and meaningful consultation took place and representatives of participating private schools provided written affirmation of this consultation to your organization. Be sure to include documentation of the attempts you made to obtain the private school representatives' written affirmation that timely and meaningful consultation occurred by attaching the "Private Schools Consultation Process" document.

**Part 9: Assurances**

Check the boxes to certify acceptance and compliance with IDEA-B Federal regulations. When maximum entitlements are released, re-save the PS3502 Form during the amendment process.

## Reference Material

The following documents or websites contain additional information to assist with program requirements and compliance questions.

- [34 CFR § 76.650–76.662](#)

- [34 CFR § 300.129–300.148](#)
- [Private School Guidance](#)