CHILD FIND

1. **Who are eligible parentally placed private school students with disabilities?**

"Eligible parentally placed private school students with disabilities" means students with disabilities, three through 21 years old, who are enrolled by their parents in private schools or facilities. Private schools include religious schools. It is the responsibility of the State and each local school system to engage in child find activities that identify all students with disabilities within the State. This includes:

- Students with disabilities enrolled by their parents in private schools that receive services from the local school system through a service plan; and
- Students with disabilities enrolled in private schools by their parents that do not receive services from the local school system.

This definition **does not** include:

- Students to be placed in or referred to a nonpublic school by a local school system;
- Students with a disability placed by their parents in a private school when a free appropriate public education (FAPE) is at issue; or
- Students with disabilities placed in a program that does not meet the State definition of a private (nonpublic) school.

Students with disabilities, three through five years old, that are enrolled by their parents in a private nursery school, kindergarten, or child care center with an approved educational program are also considered eligible parentally placed private school students with disabilities under the Individuals with Disabilities Education Act (IDEA). These students may be eligible to receive public preschool special education services, including related services, as determined appropriate by an Individualized Education Program (IEP) team on an individualized basis.

[20 U.S.C. §1412(a)(10)(A)(i)(I); 34 CFR §§ 300.400-300.403; 300.453(a)(1); 34 CFR §300.453(a)(2)]

2. **What is a private school and does this include private preschools, and private home childcare programs for children, ages three through five?**

A private school means an educational program, which is governed and operated by an individual or entity, excluding the federal government or any State, county, or municipal agency, or division of these. Private schools are nonpublic schools as defined in COMAR 13A.05.03B(68). Private schools include religious schools. For the remainder of the questions and answers within this bulletin the term "private school" will be used to reflect the above definition.

The State Board of Education shall provide a certificate of approval to an individual or entity that operates an
educational program in a private nursery school, kindergarten, elementary or secondary school. A school operated by a bona fide religious organization is not required to hold a certificate of approval from the State Board, but is required to be registered with the State Board. Private educational programs include private nursery schools or kindergartens operated within a child care center, which hold a certificate of approval from the State Board of Education or are registered with the State Board of Education. Private child care programs, including home child care programs, and home instruction are not included in the definition of private schools.

[20 USC §1412(a)(10)(A); 34 CFR §§300.450-300.462; OSEP Memorandum 00-014 Questions 11, 38, and 44; Education Article §2-206; Advice of Counsel Memorandum, April 2000; COMAR 13A.05.01.03B(39), .03B(68), and .16B(2); 13A.09.09.03]

3. How does a local school system determine the number of "eligible" parentally placed private school students with disabilities residing in the jurisdiction of the local school system?

A local school system must have child find policies and procedures to ensure that all students, ages three through 21 years old, including private school students, who reside within the jurisdiction of the local school system, suspected of having a disability are located, identified, and evaluated. Activities undertaken by the local school system to identify parentally placed private school students with disabilities must be comparable to activities undertaken to identify public school students with disabilities. Each local school system shall implement child find in consultation with appropriate representatives of parentally placed private school students with disabilities.

The purpose of this consultation is to:
- Receive input from representatives of parentally placed private school students with disabilities on how and when the local school system shall implement its child find obligation;
- Determine the number of students with disabilities currently attending private schools; and
- Determine the number of students suspected of having a disability and in need of assessment and evaluation.

Child find activities may include:
- Distributing informational brochures;
- Public service announcements;
- Exhibits at health fairs and other community activities;
- Establishing direct liaisons with private schools;
- Notices to local media and community newsletters;
- Letters to private schools; and
- Announcements of public meetings.

Child find enables a local school system to offer a free appropriate public education (FAPE) to all eligible students with disabilities that reside within the jurisdiction of the local school system. Child find for parentally placed private school students with disabilities is extremely important. The offer of FAPE for private school students with disabilities is accomplished by offering to make available to the student a public school program or a nonpublic school placement by the local school system. Local school systems need data to develop an accurate count of the total number of eligible parentally placed private school students with disabilities residing in their jurisdiction. For additional information on child find, please refer to Technical Assistance Bulletin 6, Child Find.

[20 USC §1412(a)(3)(A); 34 CFR §§300.125; 300.451(a); 300.454-300.455; OSEP Memorandum 00-014 Questions 1, 3, 4, 5, and 13; Education Article §8-401; COMAR 13A.05.02.04A; 13A.05.02.13A]
4. Are students with disabilities who receive home instruction considered eligible parentally placed private school students with disabilities?

No. The provisions of 34 CFR §§300.450-300.462 and COMAR 13A.05.01.16B that apply to students with disabilities enrolled in private schools by their parents do not pertain to students with disabilities receiving home instruction. Home instruction does not meet the State's definition of a private school. Home instruction means the parents choose to educate their children at home in accordance with COMAR 13A.10.01. This is also commonly referred to as "home schooling." Each local school system is obligated to include students with disabilities receiving home instruction in all child find activities. These activities include identification and evaluation procedures. No additional services are required. However, a local school system may, at local discretion, provide services to students with disabilities receiving home instruction.

Before establishing a "blanket rule" through local policies and procedures, as to whether or not to provide services to students with disabilities that receive home instruction, a local school system needs to consider the following factors:

- Regulations do not prohibit a local school system from providing services to students with disabilities receiving home instruction;
- Whether or not the local school system allows a student receiving home instruction to be dually enrolled in an approved home instruction program and a public school;
- Students with disabilities who have been receiving home instruction quite often enroll in a public high school at some time prior to graduation; and
- Therefore, by not providing services earlier, a student's need for special education and related services may be greater than had services been provided.

It is recommended that local school systems work cooperatively with parents of students with disabilities receiving home instruction. If services to these students have been available in the past, and a local school system intends to change its local policy because of this information, parents should be provided written notice regarding what services will be available and how parents may access services.

[OSEP Memorandum 00-014 Questions 38 and 44; COMAR 13A.09.09; COMAR 13A.10.01; Advice of Counsel Memorandum, April 2000]

ANNUAL COUNT

5. Why must students be counted?

To ensure that all students with disabilities are provided the opportunity to receive FAPE and participate in services under the IDEA, the State and local school systems must first locate, identify, and evaluate all students with disabilities, regardless of the severity of their disabilities, including students with disabilities enrolled by their parents in private schools, in accordance with 34 CFR §300.125. The State's child find procedures require each local school system to implement comprehensive practical procedures in order to locate, identify and evaluate all students with disabilities, regardless of the severity of their disabilities, residing within the jurisdiction of the local school system. Procedures must include how the local school system will account for parentally placed private school students with disabilities and explicitly describe how the local school system will implement and document specific activities and strategies to accomplish this obligation. This includes the school system's ability to collect, track and maintain data on the number of ALL eligible parentally placed private school students with disabilities residing within the jurisdiction, whether or not the students will receive services. Accordingly, under the State's general supervisory responsibilities, the Maryland State Department of Education (MSDE) is required to monitor local school systems to ensure they are meeting the statutory and regulatory requirements applicable to parentally placed private school
6. **How is a local school system to conduct the annual count of eligible parentally placed private school students with disabilities?**

A local school system shall consult with appropriate representatives of parentally placed private school students with disabilities to decide how to conduct the annual count of the total number of eligible parentally placed private school students with disabilities. This annual count of eligible parentally placed private school students with disabilities is used to determine the minimum amount a local school system must spend on services to parentally placed private school students with disabilities in the subsequent fiscal year.

Since local school systems are also required to consult with appropriate representatives of parentally placed private school students with disabilities regarding child find, the services to be provided, and the use of Part B funds, these consultations may occur simultaneously.

[20 U.S.C. §1412(a)(10)(A); 34 CFR §§300.121, 300.125, 300.220; 300.451-300.453; OSEP Memorandum 00-014 Questions 20, 21, 42; Education Article §8-401, Annotated Code of Maryland; COMAR 13A.05.01.01; 13A.05.02.07, .13C, and .13G]

7. **Which students must be counted on December 1?**

As a condition for federal funds, the State is required to report the number of students with disabilities receiving special education and related services, as of December 1, annually, to the Office of Special Education Programs (OSEP). This is referred to as the "December 1 child count." The State is also required to conduct an annual count of **ALL** eligible parentally placed private school students with disabilities on the same date, **December 1**. This count of parentally placed private school students with disabilities **IS NOT LIMITED** to the number of parentally placed private school students with disabilities receiving services in accordance with a service plan. As of December 1, annually, each local school system must accurately count and report to MSDE, the:

- Total number of **ALL** eligible parentally placed private school students with disabilities; **AND**
- Total of **ALL** eligible students with disabilities residing within the jurisdiction of the local school system.

[20 U.S.C. §1412(a)(10)(A); 34 CFR §§300.121, 300.125, 300.220; 300.451-300.453; OSEP Memorandum 00-014 Questions 16, 20, 21, 42; Education Article §8-401, Annotated Code of Maryland; COMAR 13A.05.01.01; 13A.05.02.07, .13C and .13G]

8. **What does the TOTAL number of eligible students with disabilities mean?**

The total number of **eligible** students with disabilities means the count of **ALL** students who reside in the jurisdiction of the local school system, 3 through 21 years of age, that have been located, identified and evaluated as being students with disabilities in accordance with 34 CFR §300.535. This includes students with disabilities parentally placed in a private nursery school, kindergarten, elementary, or secondary school. This means that if **ALL** of these students were to enroll in the local school system, they would be **eligible** to receive FAPE in accordance with the IDEA. However, students with disabilities placed by their parents in private schools that do not meet the State definition of private school cannot receive services under Part B and cannot be included in the annual count of eligible parentally placed private school students with disabilities.

[20 USC §1412(a)(10)(A); 34 CFR §§300.121, 300.125, 300.220; §§300.450-300.462; OSEP Memorandum 00-014]
9. **How is this information reported through the Student Services Information System (SSIS)?**

The State requires each local school system to annually report, as of December 1, **ALL eligible** students with disabilities through the SSIS database. Each student with a disability is expected to have a student record. The service record information for each student will differ depending on whether the student is:

1. **An eligible student with a disability enrolled in a public school or placed in a nonpublic school by the public agency (local school system) to receive FAPE.**
   The student's Residence Public Agency and Residence School (R-Public Agency/R-School) and Service Public Agency and Service School (S-Public Agency/S-School) shall be reported as:
   - R Public Agency/R School = LSS/SOP code and 4-digit school number of the school the student would attend if not disabled.
   - S Public Agency/S School = LSS/SOP code and 4-digit school number where the student receives special education and related services.

   The student's service record will be reported as follows:
   - **Service Section** = all Special Education services and Related services provided.

2. **An eligible parentally placed private school student with a disability receiving special education and/or related services through a service plan.**
   The student's Residence Public Agency and Residence School (R-Public Agency/R-School) and Service Public Agency and Service School (S-Public Agency/S-School) shall be reported as:
   - R Public Agency/R School = LSS/SOP code and **9967** (indicating parentally placed private school student).
   - S Public Agency/S School = LSS/SOP code and 4-digit school number (public or private) of where the student is receiving the service(s) in accordance with the service plan.

   The service record in the SSIS database will be reported as:
   - **Service Section** = The Special Education and/or Related services provided in accordance with the student's service plan.

3. **An eligible parentally placed private school student with a disability NOT receiving services.**
   The student's Residence Public Agency and Residence School (R-Public Agency/R-School) and Service Public Agency and Service School (S-Public Agency/S-School) shall be reported as:
   - R Public Agency/R School = LSS/SOP code and **9967** (indicating parentally placed private school student).
   - S Public Agency/S School = LSS/SOP code and 4-digit **PRIVATE SCHOOL** number where the student was parentally placed.
   - **The service record for these students in the SSIS data system shall be blank.**
10. Is a local school system required to annually count and report data of eligible parentally placed private school students with disabilities that do not receive services from the local school system?

YES. Each local school system is required to annually count and report to MSDE the number of ALL parentally placed private school students with disabilities residing in the jurisdiction. Data and documentation concerning eligible parentally placed private school students with disabilities must be maintained for at least three years beyond the date the records are no longer needed for educational purposes and the local school system can verify that:

- The student's parents moved outside the jurisdiction of the local school system;
- The student is no longer enrolled in a private school;
- The student exceeds the State's age of eligibility for services under the IDEA; or
- The student is determined, through reevaluation by the IEP team, to no longer be a student with a disability that requires special education and related services under the IDEA. A local school system may maintain a permanent record of a student's name, address, and phone number, grades, attendance record, services, grade level completed, and year completed without limitation.

[20 USC §1412(a)(10)(A); 34 CFR §300.453(b); §§300.560-300.576; OSEP Memorandum 00-014 Question 15; COMAR 13A.05.02.13G]

EXPENDITURES

11. How much of the local school system's IDEA Part B funds must be expended on services to parentally placed private school students with disabilities?

The amount of federal funds to be expended annually on parentally placed private school students with disabilities is proportionate to the total number of ALL eligible students with disabilities residing in the jurisdiction of the local school system. A local school system must spend, during a grant period, at least a proportionate share of the local school system's:

- Part B Passthrough funds for three through 21 year old parentally placed private school students with disabilities that is the same proportion as the number of all eligible three through 21 year old parentally placed private school students with disabilities is to the total number of all eligible three through 21 year old students with disabilities residing in the jurisdiction; AND
- Part B Preschool Passthrough funds for three through five year old parentally placed private school students with disabilities that is the same proportion as the number of eligible three through five year old parentally placed private school students with disabilities is to the total number of all eligible three through five year old students with disabilities residing in the jurisdiction.

[20 USC §1412(a)(10)(A); 34 CFR §300.453(a)]

12. How does a local school system determine the proportionate share?

To calculate the proportionate share of both Part B Passthrough and Part B Preschool Passthrough funds that must be expended, a local school system must first collect and use specific data of the TOTAL number of all eligible students with disabilities residing within the jurisdiction of the local school system and Total number of all eligible parentally placed private school students with disabilities. The following six steps will enable a local school system to determine the proportionate share for services to private school students with disabilities.

Step 1: Determine the total number of eligible students with disabilities in public school programs and placed in
nonpublic schools by the school system to receive FAPE.
- In column (a) enter the total number of eligible three through 21 year old students with disabilities in public school programs or placed in nonpublic schools by the school system.
- In column (b) enter the total number of three through five year old students with disabilities in public school programs or placed in nonpublic schools by the school system.

Step 2: Determine the total number of eligible parentally placed private school students with disabilities that reside in the jurisdiction of the local school system.
- In column (a) enter the total number of eligible three through 21 year old parentally placed private school students with disabilities that reside in the jurisdiction of the local school system.
- In column (b) enter the total number of eligible three through five year old parentally placed private school students with disabilities that reside in the jurisdiction of the local school system.

Step 3: These two groups of students added together represent the TOTAL of ALL eligible students with disabilities residing within the jurisdiction of the local school system.
- Add 1(a) and 2(a) for the TOTAL of ALL eligible three through 21 year old students with disabilities residing within the jurisdiction of the local school system.
- Add 1(b) and 2(b) for the TOTAL of ALL eligible three through five year old students with disabilities residing within the jurisdiction of the local school system.

Step 4: To find the proportion of eligible parentally placed private schools students with disabilities, a local school system divides the number of eligible parentally placed private school students with disabilities by the TOTAL of ALL eligible students with disabilities residing within the jurisdiction of the local school system.
- Divide 2(a) by 3(a) for the proportion of eligible three through 21 year old parentally placed private school students with disabilities.
- Divide 2(b) by 3(b) for the proportion of eligible three through five year old parentally placed private school students with disabilities.

Step 5: Identify the local school system's Part B Passthrough allocations for the grant period.
- Enter the total Part B Passthrough allocation from the local school system's Notice of Grant Award for the grant period in 5(a).
- Enter the total Part B Preschool Passthrough allocation from the local school system's Notice of Grant Award for the grant period in 5(b).

Step 6: Multiply the local school system's Part B Passthrough allocations for the grant period by known proportion.
- Multiply 5(a) by 4(a) for the amount of Part B Passthrough that must be expended on three through 21 year old private school students with disabilities.
- Multiply 5(b) by 4(b) for the Part B Preschool Passthrough that must be expended on three through five year old private school students with disabilities.

13. How may Part B funds be expended for private school students with disabilities?

Part B Passthrough and Part B Preschool Passthrough funds may be used for:
- Direct special education and/or related services to designated private school students with disabilities;
- Consultative services to private school personnel working with designated private school students with disabilities;
- Materials, equipment, supplies, training;
- Transportation services for private school students with disabilities to enable the students to access offered special education and related services;
• Services of an employee of a private school if that employee performs services outside his or her regular hours of duty and the employee performs the services under public supervision and control.

The proportionate share of Part B funds to be expended on parentally placed private school students with disabilities during a grant period **DOES NOT** include the local school system's obligation to conduct child find, including individual evaluations and reevaluations, that exist independently from the service provision. A local school system may use other resources including State and local funds to provide services to parentally placed private school students with disabilities.

Part B funds may **not** be used for:
• Repairs, minor remodeling, or construction of private school facilities;
• Meeting the general needs of a private school or the students enrolled in a private school;
• Financing an existing level of instruction in a private school; or
• To otherwise benefit a private school.

[20 USC §1412(a)(10)(A); 20 USC §1412(a)(3); 34 CFR §§300.451-300.462; OSEP Memorandum 00-014 Questions 2, and 6-11]

**DETERMINATION OF SERVICES**

**14. For what purposes and how often is a local school system required to consult with representatives of private school students with disabilities?**

The federal regulations do not include a specific schedule for consultation. In addition to consultation with representatives of parentally placed private school students with disabilities concerning child find and the annual count of parentally placed private school students with disabilities, local school systems are to provide representatives of parentally placed private school students with disabilities a genuine opportunity to express their views regarding:
• Which students will receive services;
• What services will be provided;
• How and where the services will be provided; and
• How the services provided will be evaluated.

This consultation must occur in a timely and meaningful way before a local school system makes any decisions that affect the opportunities of parentally placed private school students with disabilities to participate. The needs of parentally placed private school students may vary over time depending upon the circumstances in a particular jurisdiction in a particular year. The local school system makes the final decisions with respect to the services to be provided to parentally placed private school students with disabilities.

MSDE encourages public agencies to consult annually with appropriate representatives of parentally placed private school students with disabilities. Consulting annually provides public agencies and representatives of parentally placed private school students the opportunity for open, meaningful communication in the consideration of changes, options, and alternatives before a local school system makes its final decision about services.

[20 USC §1412(a)(10)(A); 34 CFR §§300.453-300.454; OSEP Memorandum 00-014 Question 24]
15. **Who are considered "appropriate representatives" of parentally placed private school students with disabilities?**

Federal regulations do not specify which individuals are "appropriate representatives." MSDE considers it appropriate and reasonable to include the parents of private school students with disabilities as "appropriate representatives" since one purpose of the consultation is to discuss the needs of parentally placed private school students with disabilities. Other "appropriate representatives" may be private school teachers, principals, and other private school administrators responsible for the administration of private school policies and services, representatives of the Council for American Private Education (CAPE), and other local organizations with which private schools are affiliated.

[20 USC §1412(a)(10)(A); 34 CFR §300.453(b); §300.454(b); OSEP Memorandum 00-014 Question 25]

16. **How does a local school system determine what services to provide and to whom?**

Each local school system makes the final determination with respect to the services to be provided to parentally placed private school students with disabilities after consultation with appropriate representatives of parentally placed private school students with disabilities. The local school system decisions must address the following questions:

- Which parentally placed private school students with disabilities will receive services?
- What services will be provided to designated parentally placed private school students with disabilities?
- How and where will the services be provided?
- How will the provision of services be evaluated?

[20 USC §1412(a)(10)(A); 34 CFR §§300.451(b); 300.453-300.454; OSEP Memorandum 00-014 Questions 22, 23, 26, 27, 29, 35-37]

### PROVISION OF SERVICES

17. **Is an eligible parentally placed private school student with a disability entitled to FAPE?**

No. Parents have the right to choose to enroll their child with a disability in a private school. Parentally placed private school students with disabilities do not have an individual entitlement to receive some or all of the special education and related services they would receive if enrolled in public schools. A local school system is responsible to make FAPE available to all eligible students with disabilities, ages three through 21, residing in the jurisdiction of the local school system and enrolled in the local public schools.

[20 U.S.C. §1412(a)(10)(A); 34 CFR §§300.125; 300.451; 300.454; OSEP Memorandum 00-014 Questions 39, 40; Education Article§8-401; Advice of Counsel Memorandum, April 2000; COMAR 13A.05.01.16B(1-2)]

18. **Are the requirements for assessment and evaluation of parentally placed private school students with disabilities the same as for public school students with disabilities?**

Yes. Evaluation must be conducted in accordance with 34 CFR §§ 300.320-300.321, 300.532-300.536 and COMAR 13A.05.01.04-.06 for all students suspected of having a disability in accordance with 34 CFR §300.7. If parents enroll their child in a private school, the child is entitled to receive an evaluation from the local school system, at no cost, to determine whether or not their child is a student with a disability. Parents must provide informed written
consent to conduct assessment procedures. Following the initial evaluation, the IEP team must determine a student's eligibility as a student with a disability and provide the parents with a copy of the evaluation report and documentation of the eligibility determination.

[34 CFR §§300.125; 300.320; 300.450-300.451; 300.532-300.543; 300.500-300.505; OSEP Memorandum 00-014 Questions 6-8; COMAR 13A.05.01.04-.06; 13A.05.01.11-13]

19. Must a local school system develop an IEP for a private school student with a disability?

As a general rule, if an IEP team determines a private school student has a disability and eligible to receive special education and related services, in accordance with 34 CFR §300.7, a local school system may want the IEP team to develop an IEP in accordance with 34 CFR §§300.340-300.350 and COMAR 13A.05.01.07-.09 that documents the full range of specialized instruction and services the IEP team believes the student needs to receive FAPE. If the student's parents make it clear to the IEP team that they are not interested in a public school program or placement in a public school and that they intend to either enroll their child in a private school or continue their child's current enrollment in a private school, the IEP team is not required to develop an IEP. If a parentally placed private school student with a disability is designated by the local school system to receive any service from the local school system, in accordance with 34 CFR §§300.450-300.462, the IEP team is responsible for the development, review, and revision of a service plan for the student, as appropriate.

[34 CFR §§300.125; 300.320; 300.346-300.348; 300.450-300.462; 300.500-300.505; 300.532-300.543; OSEP Memorandum 00-014 Questions 8, and 30; COMAR 13A.05.01.04-.06; .11-13; .16B]

20. What is a service plan and who is responsible for the development, review, and revision of a student's service plan?

A service plan describes the specific special education and/or related services that a local school system shall make available to each parentally placed private school students with disabilities designated to receive a service. The service plan is developed, reviewed, and revised with respect to the services a local school system has determined it will provide the student in accordance with 34 CFR §§300.342-300.346. The local school system is responsible for conducting meetings to develop a service plan in accordance with 34 CFR §300.455(b). A local school system is also responsible for ensuring a representative of the private school participates in each service plan meeting. If a representative of the private school cannot attend, the local school system must use other methods to ensure participation by the private school, including individual or conference telephone calls.

[34 CFR §§300.342-300.346; 300.455; OSEP Memorandum 00-014 Questions 31-32; COMAR 13A.05.01.07-.09; .16B]

21. What is included in a service plan?

A service plan would include only those applicable services offered a parentally placed private school student with a disability designated to receive a service(s) from the local school system. To the extent appropriate, the service plan must meet the IEP content requirements of 34 CFR §300.347 and COMAR 13A.05.01.09. This is intended to ensure that the service(s) provided address the student's individual needs.

[34 CFR §§ 300.347; 300.455; 22 IDELR 501 Letter to Hayden (OSEP 1994); OSEP Memorandum 00-014 Questions 28 and 33; COMAR 13A.05.01.03 09 and .05.01.16B(2); 22]
22. Is a local school system required to transport parentally placed private school students with disabilities?

If it is necessary for a parentally placed private school student with a disability to benefit from or participate in the services, a local school system must provide transportation from the student’s home or private school to the service site and from the service site to the private school or student’s home. If services are offered at a site separate from the student’s private school, transportation may be necessary to get the student to and from the service site. Failure to provide transportation could deny the student the opportunity to benefit from or participate in the services. The cost of this transportation may be included in calculating whether the local school system has met the requirement of expending at least a proportionate share of Part B Passthrough and Part B Preschool Passthrough funds in accordance with 34 CFR §300.453.

[20 U.S.C. §1412(a)(10)(A); 34 CFR §300.451-300.456; Memorandum 00-014 Questions 36 and 37]

23. Is informed parental consent required prior to the provision of services?

Yes. A local school system shall obtain written informed parental consent before the initial evaluation and initial provision of special education and related services through a service plan to a parentally placed private school student with a disability. If parents disagree with the services the local school system proposes to provide, the parents may refuse the services offered. The regulations do not provide parentally placed private school students with disabilities with an individual entitlement to any or all services under Part B.

[34 CFR §300.505(a)(2); COMAR 13A.05.01.13B]

24. Is a local school system responsible for conducting reevaluations of parentally placed private school students with disabilities?

Yes. The requirements of reevaluation apply equally to all eligible students with disabilities, whether they receive FAPE through the public school program or are parentally placed private school students with disabilities. Local school systems must conduct reevaluations of all parentally placed private school students with disabilities at least once every three years or more frequently if conditions warrant a reevaluation or the child's parent or teacher request a reevaluation. This means all parentally placed private school students with disabilities, even those that do not receive services from the local school system through a service plan. Reevaluation is conducted at no cost to parents and expenditures for reevaluations may not be considered as part of the proportionate share. Reevaluation is a meeting of the IEP team to review information from parents, and existing data used to determine whether:

• The student continues to have a disability in accordance with 34 CFR §300.7;
• Additional data are needed; and/or
• The student needs special education and related services.

Before additional assessments are conducted, informed parental consent must be obtained. A local school system must evaluate a private school student with a disability in accordance with 34 CFR §300.532 and §300.533 before determining a student is no longer a student with a disability and terminating a student’s eligibility under Part B.

[20 USC §1412(a)(10)(A); 1412(a)(3); 34 CFR §§300.451; 300.532-536; OSEP Memorandum 00-014 Questions 9-10]
25. What recourse do parents of parentally placed private school students with disabilities have if they disagree with a local school system?

Parentally placed private school students with disabilities do not have an individual entitlement to services under Part B. The due process procedures under 34 CFR §§300.504-300.515 and COMAR 13A.05.01.15C do not apply to any dispute over whether a local school system failed to meet the requirements of serving parentally placed private school students with disabilities or an alleged failure to provide the services specified on a student's service plan in accordance with 34 CFR §§300.452-300.462.

A parent of a private school student with a disability may use the due process procedures described in 34 CFR §§300.504-300.515 and COMAR 13A.05.01.15C regarding issues related to:

- Child find activities;
- Identification;
- Evaluation;
- Reevaluation;
- Disagreements involving a student's eligibility for special education and related services; and
- A local school system's refusal to conduct an evaluation or reevaluation.

Parents of private school students with disabilities may also file a written complaint with the MSDE, as described in 34 CFR §§300.660-300.662 and COMAR 13A.05.01.15A, regarding alleged violations of a local school system's failure to meet the requirements regarding:

- Child find, including evaluation and reevaluation [34 CFR §300.451]
- Provision of services [34 CFR §300.452]
- Expenditure of funds [34 CFR §300.453]
- Determination of services [34 CFR §300.454]
- Services provided [34 CFR §300.455]
- Location of services and transportation [34 CFR §§300.456; 300.458;300.459]
- Use of public and private school personnel [34 CFR §§300.460-300.461] and
- Property, equipment, materials, supplies [34 CFR §300.462].

A State complaint alleging that a local school system failed to offer services to a particular parentally placed private school student with a disability would not violate IDEA since no parentally placed private school student with a disability has an individual entitlement to services under Part B of the IDEA.

[20 USC §1412(a)(10)(A); 34 CFR §§300.454(a); 300.457; OSEP Memorandum 00-014 Questions 12 and 34]

For more information, call 410-767-0858

MARYLAND STATE DEPARTMENT OF EDUCATION
Nancy S. Grasmick, State Superintendent of Schools
Carol Ann Baglin, Assistant State Superintendent
Division of Special Education/Early Intervention Services
200 West Baltimore Street
Baltimore, MD 21201
INSTRUCTIONS
CALCULATION OF PROPORTIONATE SHARE

Step 1: Determine the total number of eligible students with disabilities in public school programs or placed in nonpublic schools by the school system.
- In column (a) enter the total number of eligible 3 through 21-year-old students with disabilities in public school programs and placed in nonpublic schools by the local school system.
- In column (b) enter the total number of 3 through 5-year-old students with disabilities in public school programs and placed in nonpublic schools by the local school system.

Step 2: Determine the total number of eligible parentally placed private school students with disabilities that reside in the jurisdiction of the local school system.
- In column (a) enter the total number of eligible 3 through 21-year-old eligible parentally placed private school students with disabilities that reside in the jurisdiction of the local school system.
- In column (b) enter the total number of 3 through 5-year-old eligible parentally placed private school students with disabilities that reside in the jurisdiction of the local school system.

Step 3: These two groups of students added together represent the **TOTAL of ALL** eligible students with disabilities residing within the jurisdiction of the local school system.
- Add 1(a) and 2(a) for the **TOTAL of ALL** eligible 3 through 21-year-old students with disabilities residing within the jurisdiction of the local school system.
- Add 1(b) and 2(b) for the **TOTAL of ALL** eligible 3 through 5-year-old students with disabilities residing within the jurisdiction of the local school system.

Step 4: To find the proportion of eligible private schools students with disabilities, a local school system divides the number of eligible parentally placed private school students with disabilities by the **TOTAL of ALL** eligible students with disabilities residing within the jurisdiction of the local school system.
- Divide 2(a) by 3(a) for the proportion of 3 through 21-year-old parentally placed private school students with disabilities.
- Divide 2(b) by 3(b) for the proportion of 3 through 5-year-old parentally placed private school students with disabilities.

Step 5: Identify the local school system's total Part B Passthrough allocation for the grant period.
- Enter the total Part B Passthrough allocation from the local school system's Notice of Grant Award for the grant period in 5(a).
- Enter the total Part B Preschool Passthrough allocation from the local school system's Notice of Grant Award for the grant period in 5(b).

Step 6: Multiply the local school system's total Part B Passthrough allocation for the grant period by known proportion.
- Multiply 5(a) by 4(a) for the minimum Part B Passthrough that must be expended.
- Multiply 5(b) by 4(b) for the minimum Part B Preschool Passthrough that must be expended.
## WORKSHEET
### CALCULATION OF PROPORTIONATE SHARE

<table>
<thead>
<tr>
<th>Steps for Calculation</th>
<th>(a) Part B Passthrough (3-21)</th>
<th>(b) Part B Preschool Passthrough (3-5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. How many eligible students with disabilities are enrolled in public school programs or placed in nonpublic schools by the local school system?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. How many eligible students with disabilities, residing in the jurisdiction of the local school system, are enrolled in private schools by their parents?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Remember</strong>: This includes <strong>ALL</strong> eligible parentally placed private school students with disabilities, that reside in the jurisdiction of the local school system, regardless of the location of the private school or whether or not the students will receive services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. What is the total of <strong>ALL eligible</strong> students with disabilities residing in the jurisdiction?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. What is the proportion of eligible parentally placed private school students with disabilities to the number of <strong>ALL eligible</strong> students with disabilities?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. What is the local school system’s Part B Passthrough and Part B Preschool Passthrough allocation?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. What is the proportionate share, from each Part B allocation, to be expended, at a minimum, on parentally placed private school students with disabilities?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## EXAMPLE
### CALCULATION OF PROPORTIONATE SHARE

<table>
<thead>
<tr>
<th>Steps for Calculation</th>
<th>(a) Part B Passthrough (3-21)</th>
<th>(b) Part B PreschoolPassthrough (3-5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. How many eligible students with disabilities are enrolled in public school programs or placed in nonpublic schools by the local school system?</td>
<td>9,550</td>
<td>625</td>
</tr>
<tr>
<td>3. How many eligible students with disabilities, residing in the jurisdiction of the local school system, are enrolled in private schools by their parents?</td>
<td>450</td>
<td>150</td>
</tr>
<tr>
<td><strong>Remember:</strong> This includes ALL eligible parentally placed private school students with disabilities, that reside in the jurisdiction of the local school system, regardless of the location of the private school or whether or not the students will receive services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. What is the total of ALL eligible students with disabilities residing in the jurisdiction?</td>
<td>(#1 + #2) 9,550 + 450 = 10,000</td>
<td>(#1 + #2) 625 + 150 = 775</td>
</tr>
<tr>
<td>4. What is the proportion of eligible parentally placed private school students with disabilities to the number of ALL eligible students with disabilities?</td>
<td>(#2 ÷ #3) 450 ÷ 10,000 = 0.045</td>
<td>(#2 ÷ #3) 150 ÷ 775 = 0.19354</td>
</tr>
<tr>
<td>5. What is the local school system's Part B Passthrough and Part B Preschool Passthrough allocation?</td>
<td>$1,000,000</td>
<td>$321,250</td>
</tr>
<tr>
<td>6. What is the proportionate share, from each Part B allocation to be expended, at a minimum, on parentally placed private school students with disabilities?</td>
<td>(#5 x #4) $1,000,000 x 0.045 = $45,000</td>
<td>(#5 x #4) $321,250 x 0.19354 = $62,174.73</td>
</tr>
</tbody>
</table>