



# State of Arizona Department of Education Exceptional Student Services



Date: November 15, 2019  
To: School District Special Education Directors  
From: Exceptional Student Services Operations Unit  
Subject: Proportionate Share Preschool Services Code PJ Removed from AzEDS

The Arizona Department of Education, Exceptional Student Services (ADE/ESS), has received clarification, including feedback from the Arizona Attorney General's Office, regarding proportionate share services specific to preschool students. Clarification was sought on whether proportionate share services could be used for parentally private-placed students who are enrolled in a preschool program that is not a part of a district but is located within the boundaries of a school district.

Proportionate share services falls under a federal requirement for a school district to spend a proportion of its federal Individuals with Disabilities Education Act (IDEA) grant award for parentally placed private school children with disabilities attending private, including religious, elementary and secondary schools located within the school district boundaries. This requirement is for children aged 3 through 21 for the IDEA Basic grant and children aged 3 through 5 for the IDEA Preschool grant. The definitions for elementary schools and secondary schools are defined under 34 CFR § 300.13 & 34 CFR § 300.36:

*"Elementary school means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law."*

*"Secondary school means a nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12."*

With feedback from the Arizona Attorney General's Office, it has been determined that preschool students who would be considered parentally placed do not meet the requirement of attending an elementary school. While districts are required to operate special education programs for preschool students with disabilities, preschool programs are specifically excluded under the definition of elementary grades under A.R.S. § 15-



101(12) which indicates that *“Elementary grades means kindergarten programs and grades one through eight.”*

As a result of this clarification, the least restrictive environment (LRE) code of PJ has been removed from AzEDS effective this year. The AzEDS team has taken steps to remove this from data submission portals and update integrity rules as necessary. For reference, the LRE code of PJ was defined as the following in older versions of guidance materials:

*“Private School placement; enrolled by parent(s). Student enrolled by parents or guardians in a regular parochial or other private school that meets the definition of a common school district. There is no entitlement to special education and related services. However, a PEA must expend a proportionate amount of federal funding on students in this type of private placement from IDEA 611 and preschool 619 funds. This does NOT include children who are homeschooled.”*

This change will require that districts ensure that their current year grants do not have proportionate share expenditures obligated to parentally placed preschool students on an individual service plan (ISP). ESS Data Management will be evaluating data submissions for any codes of PJ and working with districts who have tried to report this to have the reports corrected. ESS Program Management will be working with districts to ensure that, when the grant closes on September 30, 2020, there are no budgeted items in the IDEA Consolidated grant that have proportionate share expenditures for preschool students.

Any school districts that are providing proportionate share services to parentally placed preschool students may be able to have this determined as allowable for one year in the IDEA Consolidated grant. Please contact ESS Program Management and provide information regarding the service plans and student IDs so that they can be tracked appropriately before a completion report is done for this fiscal year.

For assistance with special education data submissions, please contact ESS Data Management at [essdatamgmt@azed.gov](mailto:essdatamgmt@azed.gov).

For assistance with the IDEA Consolidated grant, please contact ESS Program Management at [essprogmgmt@azed.gov](mailto:essprogmgmt@azed.gov).