

FAQ for OSEP Corrective Action Plan for Proportionate Share Determination for 3-to-5-Year Olds

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Section A - Requirements of the OSEP Corrective Action Plan

Question A-1: Why is Colorado under a corrective action plan?

Answer: After a monitoring visit conducted by the Office of Special Education Programs (OSEP) in December 2023, CDE was notified that Colorado's procedures governing the calculation of Proportionate Share Funds for 3- to 5-year-olds is not in compliance with the requirements of IDEA. As a result, the state must engage in a corrective action plan (CAP) to remedy the noncompliance. As part of the CAP ordered by OSEP, every AU in the state must recalculate Proportionate Share funds for 3-to-5-year-olds who were parentally placed in private schools from 2019 to 2023 using the best available data.

Question A-2: What is CDE doing to help AUs complete the required CAP?

Answer: CDE conducted a webinar on October 24, 2024, providing an overview of the requirements of the CAP. If you were unable to attend the webinar you can watch a recording of it by clicking [here](#). CDE is also offering Office Hours in which you can ask any questions you have regarding the completion of the CAP. Dates and times for the Office Hours can be found by clicking [here](#). CDE has also developed a dedicated [webpage](#) for updates and contact information.

Question A-3: What funding sources must my AU consider as part of the OSEP mandated CAP?

Answer: Two funding sources are involved in the CAP. IDEA Part B flow through funds for 3-to 21-year-olds (611 funding) must be included in the CAP and IDEA Part B flow through funds for 3-to 5-year-olds (619 funding) must be included. ESSER funding,

which was distributed as part of the IDEA flow through for the 2020-21 fiscal year, are already included in the calculation tool provided by CDE. AUs do not need to do any added work to account for these funds.

In consideration of funds spent to provide services to meet the proportionate share calculated amount the CAP allows for AUs to use expenditures made from IDEA 611 and 619 funds as well as state and local funding. Expenditures must be verifiable by the CDE or state and/or local auditors.

Question A-4: What documentation will I need to provide evidence that my AU has completed the required elements of the CAP?

Answer: CDE has developed two forms that each AU must submit to evidence the implementation of the CAP at the AU level. The first form is a fillable PDF that the AU will use to document that it has completed the required consultation process and collected data on parentally placed private school children ages 3-to-5-years-old. If the AU has additional documentation, such as signatures from an earlier consultation that has already occurred, then these may be included with the PDF.

The second form is an Excel Workbook that AUs must use to document their revised count for eligible parentally placed 3-to-5-year-olds and document the revised amount of IDEA funds that must be set aside based on the new 3-to 5-year-olds count. These two forms were sent out via email on the Departments "SPED, CDE" listserv on Tuesday, October 29th. If you need either of these forms to be resent, please email Suzy Shotts at shotts_s@cde.state.co.us.

Question A-5: If my AU finds that it must set aside additional IDEA funds from either 611 or 619 funds based on a revised proportionate share count of 3-to-5-year-olds, how do we do this?

Answer: Any IDEA funds identified because of the revised proportionate share count must be reflected in your AU's budget submission for the 2025-26 school year. The calculated proportionate share for the 2025-26 year plus any shortfall from the recalculation because of the CAP must be included in the Private School Proportionate Share sections of both the Narrative and the Budget.

Question A-6: What is the deadline for sending these forms to CDE?

Answer: All documentation must be given to CDE no later than the close of business on February 28, 2025.

Question A-7: How should I submit these documents to CDE?

Answer: You should plan to send these documents plus any additional documentation to ESSUPropShare@cde.state.co.us.

Question A-8: If my AU has already engaged in its annual consultation with private school representatives and parents, is it required to repeat this process to satisfy the requirements of the corrective action plan?

Answer: No, if the AU has already completed its annual consultation with private school representatives and representatives of parents of parentally-placed private school children with disabilities, it is not required to repeat this process. However, AUs must also provide counts of parentally placed private school students ages 3-to-5 for previous school years beginning with the 2019-20 school year. AUs are reminded that this is an annual process and AUs should have written procedures detailing the process.

Section B - Definitions

Question B-1: How does the IDEA define a private school?

Answer: The Individuals with Disabilities Education Act (IDEA) defines a private school as a nonprofit elementary or secondary school that meets certain requirements:

- The school is a nonprofit entity that meets the definition of nonprofit in [34 CFR, §77.1](#).
- The school provides an adopted curriculum that meets basic educational goals.
- The school formally reviews and documents student progress.

Question B-2: Should a standalone preschool be considered as a part of the private school calculation for proportionate share funds?

Answer: No. A preschool must be affiliated with an elementary school that meets the requirements of a private school as defined in Question B-1.

Questions B-3: Should a private preschool that is affiliated with a kindergarten program only be considered as a part of the private school calculation for proportionate share funds?

Answer: Yes. CDE believes that the affiliation with a kindergarten program is sufficient if the preschool to kindergarten program meets the requirements of a private school defined in Question B-1.