



### IDEA Section 611 and 619 Funding Formula and LEA Jurisdiction

The NHDOE receives federal grants each year under section 611 and 619 of IDEA to provide special education and related services to children ages 3 through 21 and aged 3 through 5, respectively. The federal determination of the amount of that state grant is outlined in the IDEA regulations at 34 CFR §300.703. After setting aside necessary and allowable amounts for state administration and other state-level activities, NHED calculates and allocates the remainder of the grant as sub grants to eligible LEAs, using a specific funding formula.

#### What is the jurisdiction of an LEA?

For the purposes of the calculation in the funding formula, the LEA's jurisdiction refers to the students an LEA is financially responsible for, in accordance with RSA 186-C:13.<sup>1</sup> RSA 186-C:13, I, states that "all expenses incurred by a school district in administering the law in relation to education for children with disabilities in need of special education and related services shall be paid by the school district where the child resides..."

The jurisdiction remains the same when there is a change of school assignment or best interest determination of a student under RSA 193:3 IV (c)<sup>2</sup>, which states that "the district in which the child resides shall retain all responsibility for the provision of special education and related services pursuant to RSA 186-C.

For children with disabilities in placements for which DCYF has financial responsibility for, the financially responsible school district will be determined pursuant to Ed 1127.01(b)<sup>3</sup>.

#### Why is the funding formula configured in this manner in New Hampshire?

In NH, private providers of special education and public academies are not considered public schools and Chartered Public Schools are not considered LEA's for special education. As such, the district of residence remains fiscally responsible for these students as the student is within the jurisdiction of the district where the student resides.

Students placed in private, non-profit schools, are considered within the jurisdiction of the district where the school is located. As such, the district where the private, *non-profit* school is located is the district who is fiscally responsible for the provision of equitable services for students with disabilities who attend these private, *non-profit* schools, pursuant to IDEA 34 CFR 300.133 (a)(1)<sup>4</sup>.

For students placed in private, *for-profit* schools, the students are considered within the district where the student resides, and the district is fiscally responsible. (34 CFR §300.130, 34 CFR §300.13, 34 CFR §300.36).

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<sup>1</sup> [Chapter 186-C SPECIAL EDUCATION \(state.nh.us\)](http://www.state.nh.us/education/special/Chapter186-C%20SPECIAL%20EDUCATION.pdf)

<sup>2</sup> [Section 193:3 Change of School or Assignment; Best Interest of Student. \(state.nh.us\)](http://www.state.nh.us/education/special/Section193-3%20Change%20of%20School%20or%20Assignment%20Best%20Interest%20of%20Student.pdf)

<sup>3</sup> [Ed 1100 \(state.nh.us\)](http://www.state.nh.us/education/special/Ed1100.pdf)

<sup>4</sup> [eCFR :: 34 CFR Part 300 -- Assistance to States for the Education of Children With Disabilities](http://www.ecfr.gov/34%20CFR%20Part%20300%20--%20Assistance%20to%20States%20for%20the%20Education%20of%20Children%20With%20Disabilities)



### **If the child is participating in the EFA program, do they still qualify for special education services?**

If a child is participating in the EFA program, they are considered to be placed by their parent and are not entitled to a Free Appropriate Public Education (FAPE) in connection with their enrollment by their parents in a private school while participating in the State-Funded EFA program. Therefore, they do not qualify for special education services.

### **What are the local education agency's (LEA) (public schools and school districts) financial responsibilities regarding a child who qualifies for an EFA?**

Local education agencies (LEAs), where private elementary schools and secondary schools are located, must ensure that children with disabilities, placed by their parents in private, non-profit schools participating in State-funded EFA programs, are included in the group of parentally placed private school children with disabilities who are eligible for equitable services, including special education and related services from the LEA where private schools are located. This excludes children who are determined to have a disabling condition by a medical professional.

If a child enrolls in a public school with their EFA funds, the resident district is responsible for the provision of special education in the other public school (not charter public school) per the funding formula explained above.

For additional clarification, please see the US Department of Education, Office of Special Education Programs, "Dear Fredette" memo.

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