

# STUDENTS VOLUNTARILY ENROLLED IN PRIVATE SCHOOLS

Does your child have special needs?

Principals and Parents  
Resource Guide



SERVICES, RESOURCES, AND RESEARCH FOR EDUCATION

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## Appendix – Sample Letters

Sample Letter Requesting an Evaluation – Parents copy

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Additional copies of this booklet may be downloaded from the  
website: [www.aiu3.net/idea](http://www.aiu3.net/idea)

## Does Your Child Have Special Needs?

### **Is your child having difficulty in school? Has your child been identified as needing special education services?**

If you believe your child may have a disability and may be in need of special education services, an evaluation process is available to you at no cost through the school district in which you live or from the intermediate unit (IU) in which your private school is located. Special education often involves adapting materials and modifying instruction to better meet your child's specific learning needs.

If you request these services, your child will receive an evaluation from a team of experts trained in assessing children. This team will determine if your child has a disability and if so, is in need of special education. You are an important member of your child's evaluation team.

Before the school district or the intermediate unit proceeds with an evaluation, it will notify you in writing of the specific types of tests and procedures it plans to use, and of your rights throughout this process. The evaluation cannot be scheduled until you sign the Permission to Evaluation (PTE), written notice indicating that you consent to the proposed testing and assessments, and return the notice to the school district or intermediate unit.

If, after an evaluation, your child is found to have a disability and to need special education, the public school will develop, with your participation, an *Individualized Education Program* (IEP). An IEP is a written document that specifically describes the services your child needs. The services in the IEP will be offered to your child in a public school-sponsored placement. If you wish to accept the offer, you will have to enroll your child in the public school. If you choose not to accept the program specified in the IEP, your child's private school may still be eligible for certain services.

If your child has already been evaluated and offered services in an IEP, and you chose not to accept the services, communicate this to your child's principal. Again, your child's private school may still be eligible for certain services.

Certain services are available to students identified as eligible for special education who are unilaterally placed by their parents in private schools through a federal requirement called *Equitable Participation* (EP). In Pennsylvania, the IU is the agency responsible for the implementation of the federal requirement for EP. EP requires that each IU, following a federal funding calculation, must expend a designated amount of federal IDEA funds on services and/or resources for students identified as eligible for special education services whose parents have unilaterally chosen to place their child in a private school. The IU is not required to offer the same services that would be offered as a free and appropriate public education (FAPE) in the public school. The IU is mandated to deliver those services determined by their annual consultation with their private school agencies. In circumstances where the allocation of funds for EP under the federal calculation is exhausted, the IU would cease to provide any EP services until the next fiscal year. The IU must participate annually in the notification, consultation, and collaboration with their private school agencies in their local geographic area as required under IDEA 2004 regulations §§300.130-300.144.

If you are interested in finding out more about the special education process, please speak with your child's principal. For additional information, feel free to contact the school district in which you live, or the intermediate unit in which your child's school is located.

## SPECIAL EDUCATION DISABILITIES

### ❖ Autism

A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

### • Deaf-Blindness

Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

### • Deafness

A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a child's education performance.

### ❖ Emotional Disturbance

Defined as follows: (i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to marked degree that adversely affects a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health related factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems,

(ii) The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

### • Hearing Impairment

An impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

### • Intellectual Disability

A significantly sub-average general intellectual functioning, that exists concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

- **Multiple Disabilities**  
A concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which caused such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.
- **Orthopedic Impairment**  
A severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).
- **Other Health Impairment**  
Having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the education environment, that –(i) is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and (ii) adversely affects a child's educational performance.
- **Specific Learning Disability**  
Defined as follows:
  - *General.* The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
  - *Disorders not included:* The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
- **Speech or Language Impairment**  
A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.
- **Traumatic Brain Injury**  
An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychological behavior; physical functions; information processing; and speech. The

term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

- Visual Impairment including Blindness  
Impairment in vision, that even with correction, adversely affects a child’s educational performance. The term includes both partial sight and blindness.

### **Equitable Participation Evaluation Process** (Updated 11/2017)

- Parents express interest in having their child evaluated
- Parents should contact their building principal to discuss evaluation options of FAPE or Equitable Participation

<b>HOME SCHOOL DISTRICT</b>	<b>INTERMEDIATE UNIT</b>
<b>FAPE</b> - Parents would like to explore the need for special education services in the school district	<b>EQUITABLE PARTICIPATION</b> – Parent is only interested in EP services in the non-public school (no individual entitlement)
Parents must contact the home school district where the child resides and request an evaluation	Building Principal submits an EP Referral to the AIU EP Program for an observation to begin evaluation process
District will issue a “Permission to Evaluate”	AIU will issue a “Permission to Evaluate”
An evaluation is completed within 60 calendar days from the date parent signed the permission form	Upon receipt of the signed permission form the AIU Pupil Services Dept. assigns an evaluator to the case
If the student is eligible for special education, the district will offer FAPE	An evaluation is completed within 60 calendar days from the date the parents signed the permission form. The report is mailed to the parents and the principal (with parent permission)
<p><b>Parents must decide to:</b></p> <ul style="list-style-type: none"> <li>• Accept IEP and enroll in the public school</li> <li>• Accept IEP and inquire about dual enrollment</li> <li>• Keep the child enrolled in non-public school (student will receive EP, not FAPE)</li> </ul>	

## Equitable Services

Equitable services are services provided to parentally-placed private school children with disabilities in accordance with the provisions in IDEA and its implementing regulations at 34 CFR §§300.130 through 300.144.

The regulations at 34 CFR §300.137(a) **explicitly provide that children with disabilities enrolled in private schools by their parents do not have an individual right to receive some or all of the special education and related services they would receive if enrolled in the public schools.** Under the Act, the IU which operates as the LEA, have an obligation to provide parentally-placed private school children with disabilities an opportunity for equitable participation in the services funded with Federal Part B dollars that the LEA/IU has determined, after consultation, to make available to its population of parentally-placed private school children with disabilities.

The consultation process is important to ensure the provision of equitable services. Consultation among the LEA/IU, private school representatives, and parent representatives must address how the consultation will occur throughout the school year so that parentally-placed children with disabilities identified through child find can meaningfully participate in special education and related services will be provided for parentally-placed private school children with disabilities is determined during the consultation process.

Equitable direct services for a parentally-placed private school child with disabilities must be provided in accordance with a services plan. A services plan must describe the specific special education and related services that will be provided to a parentally-placed private school child with disabilities designated to receive services. If through meaningful consultation the LEA/IU, private school and parent representatives agree to a consultation based model for professional development and training; then a services plan is not necessary.

## SERVICES PLAN

**NOTE: THIS IS NOT OFFERED AT AIU3 IN 2016 – 2017.  
PLEASE CONTACT YOUR IU TO SEE IF THIS IS OFFERED.**

### A. WHAT IS A “SERVICES PLAN”?

Because the IDEA 04 and its final regulations provide for a proportionate amount of funding that is used to serve parentally-placed private school students, and such students have no individual right to special education, related services, or FAPE, the final regulations use the term “Services Plan” instead of the term IEP. The “Services Plan” is the document that sets forth the specific direct special education and related services that the Intermediate Unit will provide to an eligible private school student who has been designated to receive special education and related services under IDEA.

Once the Intermediate Unit has calculated the proportionate amount of funds that will be designated to provide IDEA services to eligible private school students, required consultation with private school representatives will take place to decide what services will be provided, which children will be receive services, how and where services will be provided and how services will be evaluated. The next step is the development of written plans that set forth the services that designated private school students will receive from the Intermediate Unit.

Under the new 34 CFR §300.455(b)(1), every private school student with a disability who has been designated to receive IDEA services must have a services plan that describes the specific special education and related services that the Intermediate Unit will provide. The services plan must be developed in the same manner as IEPs are developed; with the additional requirement that the Intermediate Unit must ensure that a private school representative either attends the services plan meeting or provides input through other means. 34 CFR §300.454(C).

In addition, the services plan must indicate the location where public school services will be provided to designated private school students, especially since this issue can sometimes be the most controversial aspect of serving privately placed IDEA students. The services plan form should also show that a representative from the private school has either attended the services to be provided, how they will be provided, and where they will be provided, among others.

The regulations also indicate that, to the extent appropriate, the services plans must be developed according to normal IEP procedures and meet general IEP content requirements, 34 CFR §300.455(b)(2)(ii) must be followed in developing services plans.

## Provision of Services Questions and Answers

**1. What is a Services Plan?**

A. A Services Plan means a written statement that describes the special education and related services the LEA (IU) will provide to a parentally-placed child with a disability enrolled in a private school who has been designated to receive direct services, including the location of the services and any transportation necessary.

**2. Does every student getting direct EP services get a Services Plan?**

A. Yes, every student getting direct EP services is required to have a Services Plan.

**3. If a child is not getting a direct service should they have a Services Plan?**

A. If through the timely and meaningful consultation between the private schools and the LEA (IU) where the schools are located, EP includes services such as teacher consultation and/or professional development only; there would be no individual services plan. These services would be outlined in the EP Services agreed to by the LEA (IU) and the private schools through timely and meaningful consultation.

**4. What does a Services Plan look like?**

A. There is nothing in either IDEA 2004 or the 2006 implementing regulations that specifically describe the format of the Services Plan.

**5. Can a child have a Services Plan and an IEP?**

A. A child would not have both an EP Services Plan and an IEP; and EP Services Plan describes the EP services; while the IEP describes the FAPE. A child receives EP services in a private school, whereas, FAPE is provided in a public school in most cases.

**6. Once a student receives EP Services, when may the services end?**

A. A student no longer receives EP services when he is no longer eligible for such services; when funds for EP Services are exhausted; or after timely and meaningful consultation with representatives of private elementary schools and secondary schools and representatives of parents of parentally-placed private school children with disabilities, the LEA (IU) determines that it will no longer offer the type of services that the student receives.

**7. How often must a student receiving EP services be re-evaluated?**

A. A student receiving EP services must be re-evaluated following the same timelines for reevaluation as outlined in IDEA 2004 and its 2006 implementing regulations.

**8. Does the LEA where the private school is located (IU) notify the district of residence that a re-evaluation is needed?**

A. No, the LEA where the private school is located (IU) is responsible for conducting the re-evaluation. In fact, the LEA (IU) would have to secure written consent to share such information with the district of residence.

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