

Equitable Participation

If the parents choose to enroll their child in a private school, they are entitled to an evaluation for identification purposes from their school district of residence, the IU and the school district where the private school is located. They are also entitled to services identified by the IU under the “equitable participation” guidelines of IDEA. The services provided are determined in consultation with the IU and private schools.

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 provide the services identified in consultation with the private schools to be of need. 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 private school agencies in their local geographic area as required under IDEA 2004 regulations §§300.130-300.144. EP services are only available to IDEA eligible students placed in non-profit schools such as private, including religious schools or facilities. 34 CFR §300.13 states elementary school means a nonprofit institutional day or residential school, including a public elementary charter school, which provides elementary education, as determined under State law. Secondary school at 34 CFR §300.26 states 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. EP services are not required to take place at the private school setting, unless the school district where the private school is located provides the same services in its settings. For example, if a privately enrolled special education student is offered EP vision services, the student will receive the services in the private school setting, rather than off-site so long as the local school district provides vision services in its building.

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. There is no entitlement to the provision of FAPE when a parent unilaterally places their child in a private school. A school district is not mandated or required to provide FAPE in private school.

Requesting An Evaluation Of Your Child To Determine Educational Needs.

Parents or guardians, who are interested in having their child evaluated by the Riverview School District through a school based multi-disciplinary evaluation (initial evaluation) or re-evaluation (already identified as needing special education supports), should provide a written request to the building principal located in their child’s school.

The written request should include the reason(s) for the request and specifically, the educational concern(s) that you have for your child (i.e. academic, behavioral, social).

If written consent is provided to conduct an evaluation/re-evaluation, the student evaluation will be completed and shared with the parent(s) or guardian(s) within 60 calendar days. At that time, the parent(s) or guardian(s) will be invited to attend a multidisciplinary or IEP team meeting to review the results of the report, ask questions to school personnel and if the student is found eligible or continues to be eligible for special education services to develop or revise an individualized education program.

If you have additional questions as you move forward with discussions of information shared on the website, please contact us for further assistance.