



THE SCHOOL DISTRICT OF
PHILADELPHIA

The School District of Philadelphia / IU 26

**GUIDE TO IDEA EQUITABLE
PARTICIPATION FOR NONPUBLIC
SCHOOLS**

August 2022

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BACKGROUND

Pennsylvania Intermediate Unit (IU) 26 receives a yearly federally funded Individuals with Disabilities Education Act (IDEA) award from the Pennsylvania Department of Education (PDE) as supplemental assistance to educate students with disabilities. By formula, the award provides assistance to students attending the School District of Philadelphia and Philadelphia public Charter Schools. Based on a statutory formula, PDE calculates the distribution of the award between the School District of Philadelphia and each of the operating Charter Schools in Philadelphia County. The yearly award maximum period of availability is 27 months.

Federal law requires that a share of the award received by IU 26 be distributed to nonpublic schools based on the proportion of children who have disabilities enrolled in nonpublic schools to the total of students (both School District of Philadelphia and private) identified as disabled in the geographic boundary of IU-26. This allocation is called Equitable Participation (EP) and is to be administered by IU 26 in consultation with nonpublic schools on behalf of nonpublic school staff training and services to students¹.

This document addresses the IU 26 implementation of federal and state laws, rules and guidance related to several topics:

1. Consultation requirements between IU 26 and nonpublic schools;
2. Child Find, or the identification of children who have disabilities in nonpublic schools, which is the basis for calculating the share of the IU 26 award allocated to nonpublic schools (EP); and
3. Services to be rendered to nonpublic school staff and/or students pursuant to EP consultation.

CHILD FIND

Child Find Identification of Nonpublic School Students Attending Philadelphia County Nonpublic Schools

IU 26 procedures for Child Find adhere to the requirements consistent with US Department of Education (ED) *Guidance* (see question B-1) that reiterates federal rules that indicate²:

the LEA where the private school is located is responsible for conducting child find for parentally placed private school children. The child find requirements for

¹ U.S. Dept. of Educ., *IDEA: Provisions Related to Children With Disabilities Enrolled by Their Parents in Private Schools*, https://www2.ed.gov/admins/lead/speced/privateschools/report_pg3.html

SDP Guide to Nonpublic School Programs, <https://www.philasd.org/grantcompliance/wp-content/uploads/sites/113/2017/10/SDP-Guide-to-Nonpublic-Programs-November-2017.pdf>;

Pennsylvania Dept. of Educ., *Questions and Answers Regarding Equitable Participation*, [https://www.education.pa.gov/Documents/K-](https://www.education.pa.gov/Documents/K-12/Special%20Education/Equitable%20Participation/Questions%20and%20Answers%20Regarding%20Equitable%20Participation.pdf)

[12/Special%20Education/Equitable%20Participation/Questions%20and%20Answers%20Regarding%20Equitable%20Participation.pdf](https://www.education.pa.gov/Documents/K-12/Special%20Education/Equitable%20Participation/Questions%20and%20Answers%20Regarding%20Equitable%20Participation.pdf);

² Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private schools, US department of Education, revised April 2011, https://sites.ed.gov/idea/files/Private_School_QA_April_2011.pdf

parentally placed children make clear that the LEA, after timely and meaningful consultation with private school representatives, must conduct a thorough and complete child find process to determine the number of parentally placed children with disabilities attending private schools located in the LEA (34 CFR §300.131).

Further, the Guidance (see question B-2) cites federal rules to indicate that:

under 34 CFR §300.131, the LEA is responsible for locating, identifying, and evaluating all children with disabilities who are enrolled by their parents in private, including religious, elementary schools, as defined in 34 CFR §300.13, and secondary schools, as defined in 34 CFR §300.36, located in the LEA. The LEA, in conducting child find for parentally placed private school children with disabilities, must undertake activities similar to activities undertaken for the agency's public-school children. The child find process must be completed in a time period comparable to that for students attending public schools in the LEA. The LEA where the private elementary or secondary school is located has a number of options as to how it meets its child find responsibilities. For example, the LEA may assume the responsibility itself, contract with another public agency (including the public agency where the child resides), or make other arrangements by contracting with a third party to conduct child find activities. Child find is an ongoing process. Therefore, if a child who enters a private school without having been previously identified as a child with a disability is suspected of having a disability during the school year, the LEA where the private school is located is responsible for ensuring such a child is identified, located, and evaluated. In addition, it is possible that a child who was previously evaluated and determined not eligible for special education and related services by another LEA, may in fact be determined eligible for special education and related services at a later time through the child find process conducted by the LEA where the private school is located.

In Pennsylvania, the responsibility of performing Child Find for private school students has been delegated from the LEA to the Intermediate Unit of the LEA in which the child attends in the IU. Therefore, IU 26 is required to perform Child Find for private school students in Philadelphia County and IUs surrounding Philadelphia County are responsible for performing Child Find for the private school students in their IU boundaries.

Regarding the IU 26 efforts of Child Find for students attending public schools, the Office of Specialized Services (OSS) web site contains the [2019-20 SPED Guide for Families](#) where on page 3 it indicates that:

Students may be identified as needing special education services when a multidisciplinary evaluation team determines that a student has a disability and needs specially designed instruction to meet his or her unique needs. Students can be referred for a multi-disciplinary evaluation by the school's support team. Parents may also request a multi-disciplinary evaluation in writing or verbally to their child's school.

On page seven of the SDP Guide under the heading "Basic Steps for Special Education Services", it indicates that:

A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or another school professional to ask that their child be evaluated. This request may be verbal, but it's best to put it in writing. Once you make the request, the school will either issue a "permission to evaluate" (PTE) or explain, in writing, why a PTE may not be issued.

Pursuant to both federal laws and rules and the process for identifying public school students, IU 26 has agreed through Consultation with nonpublic schools that it shall assess, and potentially identify, nonpublic school students attending Philadelphia County nonpublic schools that are presented to IU 26 consistent with the process described in the 2019-20 SPED Guide for Families.

Child Find Identification of Nonpublic School Students Attending Non-Philadelphia County Nonpublic Schools

Per 34 CFR §300.131, the LEA is responsible for locating, identifying, and evaluating all children with disabilities who are enrolled by their parents /guardians in private, including religious, elementary schools. Therefore, the LEA of attendance and not residence of the child governs Child Find responsibilities under the law. If IU 26 is contacted by another IU or nonpublic school or parent /guardian of a child attending a nonpublic school outside of IU26, the person contacting IU26 will be informed that it's the IU in which their child attends the nonpublic school who has responsibility in the first instance to perform Child Find.

However, some circumstances may require IU 26 to perform an assessment of a child who attends a nonpublic school outside of IU 26 but who is a resident of IU 26. ED addresses this topic in their previously cited Guidance in question B-4 which states in its entirety:

Question B-4: Is it possible for a parent / guardian to request evaluations from the LEA where the private school is located as well as the district where the child resides?

*Answer: The Department recognizes that there could be times when parents /guardians request that their parentally placed child be evaluated by different LEAs if the child is attending a private school that is not in the LEA in which the child resides. For example, because most States generally assign the responsibility for making FAPE available to the LEA in which the child's parents /guardians reside, and because that could be an LEA that is different from the LEA in which the child's private school is located, parents /guardians **could ask two different LEAs to evaluate their child for different purposes at the same time. The Department, however, does not encourage this practice** (emphasis added). Note that a new requirement in 34 CFR §300.622(b)(3) requires parental / guardian consent for the release of information between LEAs about parentally placed private school children. Therefore, as a practical matter, one LEA may not know that a parent / guardian also requested an evaluation from another LEA. However, the Department does not believe that the child's best interests would be served if parents /guardians request evaluations of their child by the resident LEA and*

the LEA where the private school is located, even though these evaluations are conducted for different purposes. Subjecting a child to repeated testing by separate LEAs in close proximity of time may not be the most effective or desirable way to ensure that the evaluations are meaningful measures of whether a child has a disability, or of obtaining an appropriate assessment of the child's educational needs. Although the Department discourages parents /guardians from requesting evaluations from two LEAs, if the parent /guardian chooses to request evaluations from the LEA responsible for providing the child FAPE and from another LEA that is responsible for considering the child for the provision of equitable services, both LEAs are required to conduct an evaluation.

This guidance makes clear that ED discourages the practice of both the LEA of attendance AND residence both conducting evaluations of nonpublic school students. The LEA of attendance is responsible for performing Child Find. However, the guidance indicates that if a child RESIDES in Philadelphia County but attends a private school outside of Philadelphia County, IU 26 as the IU of student residence is obligated to perform a second evaluation if the PARENT / GUARDIAN asks that the additional evaluation be made. Based on this guidance, IU 26 policy is as follows:

- IU 26 MAY assess a child attending a nonpublic school outside of the boundaries of Philadelphia County IF that child resides in the boundaries of Philadelphia County³.
- IU 26 will not assess a nonpublic school student attending a nonpublic school outside of the boundaries of the Philadelphia County UNLESS REQUESTED TO DO SO BY THE PARENT OR LEGAL GUARDIAN OF THE CHILD. IU 26 will not honor requests made by staff of a surrounding LEA or IU. Only the parent /guardian may make the request. The parent / guardian is required to give formal permission to assess as required.
- If IU 26 seeks the assessment performed by the IU/LEA of attendance, the parent /guardian would need to provide consent as well and the IU/LEA of attendance is obligated to provide it to IU 26.
- The IU/LEA of attendance is required by law to perform the assessment per Child Find. Therefore, the IU/ LEA of attendance must FIRST assess the child before the SDP will honor a parent or guardian's request for an additional assessment for students residing in Philadelphia County.

Special Note on Students Enrolled in Nonpublic Schools Outside of Philadelphia County

When a parent / guardian makes a request for an evaluation for a student attending a nonpublic school outside of the IU 26, they will be notified of the responsibility of the IU of enrollment's Child Find responsibility. For these students, the IU of Enrollment (Chester, Bucks, Montgomery, etc.) is responsible for evaluating, in the first instance, and providing any equitable

³ Issues may arise surrounding the "IU of student residence" which may need to be settled prior to moving forward.

participation of services to these students. This means that only students ENROLLED in schools within Philadelphia County are eligible for equitable participation provided by IU 26.

If these student in question is a resident of Philadelphia County, IU 26 would only be required to make an offer of FAPE which includes an evaluation* and, if indicated by parent / guardian, a contingent IEP.

Alternatively, if a student **attends** a school within IU 26 county boundaries but does not live in Philadelphia County, there would be no offer of FAPE, as IU 26 can only offer FAPE to students residing within our IU boundaries so equitable participation of services would include an evaluation only.

Child Assessment

Children with disabilities enrolled in nonpublic schools shall be periodically re-assessed. Under 34 CFR §300.131, the SDP / IU 26 *“must undertake activities similar to activities undertaken for the agency’s public school children. The child find process must be completed in a time period comparable to that for students attending public schools in the LEA.”*

EQUITABLE PARTICIPATION (EP) OF SERVICES

The Individuals with Disabilities Education Act (IDEA) is a federal law that requires each state to ensure that a free appropriate public education (FAPE) is available to all eligible children with disabilities residing in that state. For children who are enrolled by their parents / guardians in private schools, including religious schools, the provision of FAPE is not at issue. In IDEA, these children are often referred to as "parentally placed private school children" with disabilities, and the benefits available to them differ from the benefits for children with disabilities in public schools.

The LEA's obligations to guardian or parentally placed private school children with disabilities are different from its responsibilities to those enrolled in public schools or to children with disabilities placed in a private school by a public agency (rather than by parents / guardians) as a means of providing FAPE. Parentally placed children with disabilities do not have an individual entitlement to services they would receive if they were enrolled in a public school. Instead, the LEA is required to spend a proportionate amount of IDEA federal funds to provide equitable services to this group of children. LEAs are required to consult with private school representatives and representatives of parents /guardians of parentally placed children with disabilities during the design and development of special education and related services for these children.

Therefore, neither Intermediate Unit 26 nor the School District of Philadelphia are required to provide FAPE or a Service Plan (nonpublic school version of an IEP), or provide remedial education services for parentally placed private school students identified with a disability under IDEA. However, IU 26, on behalf of the SDP, is obligated to provide an Offer of FAPE to the

parent / guardian of a private school student identified with a disability at the request of the parent / guardian.

The request is typically made by the parent / guardian at the meeting where student evaluation results are discussed and recorded on the *Intent to Enroll Form*. However, the parent /guardian of a student identified with a disability attending a private school may make a request for an Offer of FAPE at any time. When a request is made, the SDP will convene a multi-disciplinary team and provide an offer of FAPE through a contingent IEP. The contingent IEP will include the offered special education program and school placement. The offered school of placement will be held for 10 school days, which is the time allotted for a parent /guardian to decide to accept or deny an offered IEP. If a parent /guardian accepts the offered program after the allotted 10 days, but the offered school placement is no longer available, an alternative school location that can implement the offered IEP program will be offered. If the offer is accepted and after the child is enrolled in the SDP, the IEP team will reconvene within 30 days of attendance to revise the IEP if needed consistent with the provisions of IDEA.

Special Note on Equitable Participation of Services

As noted in the background section, there is no entitlement to direct EP services for parentally placed students enrolled in private schools, including religious schools. These students do not have an individual entitlement to the services they would receive if they were enrolled in a public school.

The specific services to be provided under Equitable Participation are subject to consultation between IU 26 and non-public school representatives. Services may be in the form of support for students with disabilities, professional development for school staff, equipment or supplies, or other allowable activities under IDEA. IU 26 does not generate enough funds each year to offer direct services to individual students. So each year, through annual consultation with Philadelphia County nonpublic schools it is determined that equitable services would be provided in the form of professional development to nonpublic school staff.

EP Calculation

The results of the Child Find process drives the calculation of the portion of the yearly IU 26 IDEA award to be used to provide special education services to nonpublic schools in Philadelphia County. This process and the resulting dollar amount are called Equitable Participation (EP). The specific services to be provided under EP are subject to consultation between IU 26 and nonpublic school representatives. Services may be in the form of support for students with disabilities, professional development for school staff, equipment or supplies, or other allowable activities under IDEA.

The annual EP calculation process is addressed fully in the Office of Nonpublic Programs “Guide for Nonpublic School Equitable Share Consultation, Funding and Service Delivery”.

IU 26 CHILD FIND PROCESS

Child Find, or the identification of children who have disabilities enrolled in private schools in Philadelphia County, is the basis for calculating the share of the IU 26 IDEA-B award allocated to private schools. The resulting dollar value of the award is used to provide equitable participation (EP) services to private school staff and students. Equitable Participation is a federal requirement that allows for certain services to be available to private schools where there are students attending the school identified as eligible for special education. In Pennsylvania, the responsibility of performing Child Find for private school students has been delegated from the LEA to the Intermediate Unit of the LEA in which the child attends. Therefore, IU 26 is required to perform Child Find for private school students in Philadelphia County and IUs surrounding Philadelphia County are responsible for performing Child Find for the private school students within their IU boundaries. The Philadelphia County IU will share specialized knowledge and skills with the nonpublic school teachers, parents /guardians, administrators, and other professionals and will, through consultation with private school staff, determine what services will be provided.

Student Evaluation

IU 26 shall assess, and potentially identify, nonpublic school students attending Philadelphia County nonpublic schools. Students are determined eligible when a multidisciplinary evaluation team determines that a student has a disability and needs specially designed instruction to meet his or her unique needs. Parental permission is required for students to be evaluated for disabilities that may hinder their educational progress. The manner in which students become known to IU 26 for assessment must, per federal rules, be comparable to the methods used to identify public school students. There are two paths by which a student may become known to IU 26 for possible evaluation:

- A. Nonpublic school staff make a referral for evaluation when they suspect that a child may have a learning difficulty.
- B. A parent or legal guardian communicates directly to IU 26 through OSS requesting an evaluation. Parents / guardians contacting SDP schools to initiate the evaluation process will be directed to IU 26 staff.

In all cases, a parent or legal guardian must sign a Prior Written Notice for Initial Evaluation and Request for Consent form (PWNConsent) prior to a student evaluation being scheduled. To facilitate the disclosure of student data necessary to complete the PWNConsent and conduct a thorough evaluation, a Release of Student Records form must be included with the PWNConsent form.

Pursuant to 34 CFR § 99.1, private schools may be subject to the Family Educational Rights and Privacy Act (FERPA) if they receive any federal funding from the U.S. Department of Education. (Participation in equitable services alone does not make the private school a “recipient” of federal funds subject to these requirements.) If the private

school is subject to FERPA, it must obtain prior written parental / guardian consent, pursuant to 34 CFR § 99.30, before sharing student protected information with the IU.

Intermediate Unit-26 through the Office of Specialized Services will perform the evaluation in the time frame comparable to that required for public school students.

Special Note on EP Eligibility

- The nonpublic school of enrollment must be a NONPROFIT school⁴.
- If in Kindergarten, students must be enrolled within an elementary school.
 - Students enrolled in standalone daycare centers are not eligible for Equitable Participation

Requesting an Evaluation or Reevaluation

The initiation of an evaluation or reevaluation for special education occurs through two pathways:

1. Parent / Guardian completion of the [EP Evaluation Request Form - Private School Students](#) (hyperlink) The form can be completed online or via hard copy in person.
2. Nonpublic School referral of students “thought to be exceptional” via the [EP Evaluation Request Form - Private School Students](#) (hyperlink).

If a parent makes a direct request to nonpublic school staff:

- Provide a copy of the PATTAN Child Find Brochure (“Evaluation for Children who are Parentally Placed in Private School”) and the IU 26 Equitable Participation flyer.
- Direct the parent/guardian to use the QR code on the flyer or visit the [IU 26 EP website](#) (hyperlink) to complete the EP Evaluation Request Form - Private School Students.
- Alternately, parents / guardians may be directed to contact the IU 26 Office of Specialized Services directly at (215-400-4170). Persons calling the phone number will be invited to complete the request form in person. In some cases, if necessary, the webform may be completed over the phone with the assistance of OSS staff.

Parents / guardians may also contact their neighborhood public school directly to initiate the evaluation process. In this instance, local school staff shall conduct the steps listed above.

Nonpublic school staff can refer a student directly, at any time by completing the [EP Evaluation Request Form - Private School Students](#) (hyperlink) as a “nonpublic school staff” requestor.

Prior to making such referral, the requestor should discuss their concerns with the parent / guardian of the child.

⁴ 34 CFR §300.13 and 34 CFR §300.36

When referring a student thought to be exceptional for an IDEA evaluation consideration should be given to the factors precipitating the referral to ensure the effective identification of students who are truly in need of a special education evaluation versus students who may require intervention strategies to address areas of skill weakness.

The Nonpublic School Child Find Referral Matrix in Appendix D offers elements that nonpublic school teams can consider prior to identifying a student as “thought to be exceptional”. This guidance will support the school team with: (1) identifying the specific area(s) of concern for the student (which will inform the evaluation); (2) considering the students’ response to any research-based interventions that were implemented; and (3) differentiating students with chronic challenges from those with acute challenges.

Once IU 26 receives the request form, staff will review the information to determine if additional information is needed or if there are any initial questions.

If a parent / guardian makes the request, IU 26 or a designated contractor will make contact to discuss the evaluation process and provide the required documentation for initiating the initial evaluation including: Prior Written Notice for Initial Evaluation and Request for Consent (PWNConsent) form, Procedural Safeguards Notice and Release of Student Records form prior to beginning the evaluation. The parent / guardian will have the opportunity to provide information that led them to believe the child might have a disability that hinders their education progress.

If the request was made by nonpublic school staff, the requestor will be contacted to determine the basis for the student referral. Following this conversation, the parent / guardian will be contacted as detailed above to obtain consent for the evaluation.

Per 34 CFR §300.131, the LEA of attendance and not residence of the child governs Child Find responsibilities under the law. Therefore, staff from nonpublic schools outside of Philadelphia County / IU 26 requesting evaluation will be redirected to the Intermediate Unit that covers the geographic area of their private school as this IU has responsibility in the first instance to perform Child Find.

However, per ED guidance, some circumstances may require IU 26 to perform an assessment of a child who attends a nonpublic school outside of IU 26 but who is a resident of IU-26. In this instance, IU 26 will not assess a nonpublic school student attending a nonpublic school outside of the boundaries of the Philadelphia County UNLESS REQUESTED TO DO SO BY THE PARENT OR LEGAL GUARDIAN OF THE CHILD.

After the PWNConsent form and the Release of Records are signed and returned, the evaluation process can begin. The entire evaluation process will be completed within 60 calendar days of the consent form being signed, excluding summer break.

A detailed process flow of the Initial Evaluation and Reevaluation process conducted by IU 26 can be found in Appendices B and C.

Special Notes on Requesting an Evaluation or Reevaluation

Translation / Interpretation

We have translated our required documentation (Consent Forms, Requests for Release of Records, Procedural Safeguards) into the city's most common languages. These include Albanian, Arabic, Chinese, Croatian, French, German, Gujarati, Haitian Creole, Hebrew, Italian, Japanese, Khmer, Korean, Polish, Portuguese, Russian, Spanish, Ukrainian, Urdu, and Vietnamese.

If a parent / guardian or student requires language support, this should be indicated on the online evaluation request form

Related Services Evaluation

In addition to a disability, if a student is suspected of having a learning challenge that require assessment by a related service provider such as an occupational therapist, speech pathologist, or physical therapist, it is important to note these in the summary of concerns at the time of request.

Parents / guardians can also indicate this in their summary of concerns.

Gifted Evaluations

Gifted Evaluations are handled by a separate office. Parents / guardians may still request a gifted evaluation using the Evaluation Request Form. These requests will then be forwarded to the gifted office UNLESS there are also concerns about a disability affecting the students' academic progress.

Initial Evaluation Process

Once consent has been obtained, the contracted psychologist will document any special considerations or needs that should be considered in future communications including preference of evaluation location and confirming evaluation format (virtual or in-person).

Nonpublic staff will be contacted to provide available student records, coordinate student observations and may be asked to support the coordination of testing space

The contractor will then distribute rating scales, and other hardcopy items/questionnaires that are required to facilitate the evaluation process.

While this data is being gathered, the contractor will schedule and administer 1:1 in-person (or virtual by special circumstance) standardized assessments.

Following the testing administration and completion of the written evaluation report, the contractor will coordinate with the evaluation team to review and discuss assessment results to determine eligibility and provide a summary of evaluation data including relevant recommendations.

Reevaluation Process

Once a child has been determined to be eligible, a record of the future point in time date to launch the reevaluation process will be recorded. The reevaluation process is comparable to that of Philadelphia public school students and will be launched in enough time to meet the statutory deadlines. The first step in the process is to determine whether the child is still attending the nonpublic school of record, has matriculated, or moved to another Philadelphia County nonpublic school. Once enrollment has been confirmed the reevaluation will begin with a review of existing data.

If the IEP team determines that no additional data are needed, a summary of findings and conclusions regarding eligibility are documented. The student's IEP will be reviewed and revised within 30 calendar days of the completion of the reevaluation report.

If the IEP team determines that additional data are needed, the reevaluation will be completed and presented to the parents within 60 calendar days (not including summer) of parental consent and by the anniversary date of the previous evaluation or reevaluation Report.

Reporting Data for the Annual Point-in-Time (PIT) Count

A significant part of the Child Find process, the PIT count, is the process of collecting and managing data related to the identification of students with disabilities for determining the following year's equitable share of the IU 26 IDEA award to be made available to private schools under the Equitable Participation (EP) provision of the Individuals with Disabilities Education Act (IDEA).

In early December, nonpublic schools will receive an Equitable Participation memo via email that will include a *Nonpublic Data Sheet (NDS)* for each nonpublic school. Each spreadsheet contains a data tab that lists students previously identified. This is an opportunity for nonpublic schools to ensure that all referred and evaluated students have been captured and that the data recorded is accurate according to the school's records.

Nonpublic Data Sheet

The purpose of the Nonpublic Data Sheet (NDS) is to:

- Re-confirm with nonpublic schools the current list of students determined eligible attending nonpublic schools. This list is the cumulative count of students determined eligible by IU 26 from the prior year's Point-in-Time (PIT) Count plus any additional students added after the December Child Find deadline.
- Remove from the active identified list any students reported by the schools that are no longer in attendance, have graduated, or have been determined ineligible.

The link for the EP Evaluation Request Form - Private School Students and additional information about how parents /guardians can request an evaluation will be included with the memo. Schools will be instructed to provide parents / guardians with information about how to request an evaluation if they suspect their child may have a disability.

Reviewing the Nonpublic Data Sheet (NDS)

Schools will review the NDS attached to the email or via the link provided, if using Google Sheets, with their school-specific data and update it accordingly:

1. Schools are required to complete the following fields:
 - Parent/Guardian Contact Information (Name, Address, Phone, Email) if not pre-populated
 - Current Service Plan (y/n)
 - Currently enrolled and attending school listed (y/n)
 - If not attending school listed, provide full name of school attending
 - Notes.
2. The remaining fields will be pre-populated but should be reviewed for accuracy.
 - School Year
 - Student Last Name
 - Student First Name
 - Student Date of Birth
 - Student Gender
 - Student Race
 - Student Grade
 - Parent/Guardian Name *
 - Parent/Guardian Address *
 - Parent/Guardian Phone Number *
 - Parent/Guardian Email *
 - Nonpublic School Name

* Parent/Guardian contact info may be pre-populated, if IU 26 has this information from past contacts. However, it should still be reviewed/updated, as needed, by the nonpublic school staff.

For continuity of data, it is recommended that the response sheets be completed in Google Sheets, however the data may also be entered via Excel.

Once all PIT count data has been confirmed and new student data has been added to the Nonpublic Data Sheet, the document is ready to submit to IU-26.

Submitting the NDS

Nonpublic schools must review and confirm updates to the NDS no later than mid-January. Confirmed spreadsheets can be uploaded to your nonpublic schools Google Drive folder or emailed to OSSEquitableParticipation-request@philasd.org.

If you have any questions regarding the data included on the NDS or any questions about the equitable participation process, contact the Office of Specialized Services at 215-400-6654

Appendix A: PA State Special Education Process Timelines

Item	Activity	Time Frame
Child Find	Public notice describing special education programs and how to request evaluation	Provided annually to schools
Oral Request for Initial Evaluation by Parent / Guardian	When an oral request is made to any public school professional or administrator, the public school entity must provide the <i>Prior Written Notice for Initial Evaluation and Request for Consent form (PWNConsent)</i> to the parents / guardians	The total time line is 10 calendar days from when the request was made.
Evaluation	Time to conduct evaluation and complete report after informed consent received from parent / guardian Notice period to parent /guardian for a meeting to be scheduled to discuss evaluation results issued	60 calendar days from receipt of signed consent * Exception - summer break At least 10 days (can be waived, if parent/guardian agrees)
Individualized Education Program (IEP) - if applicable	Time following evaluation report to develop IEP Time from development of IEP to implementation Review of IEP	Within 30 calendar days of eligibility determination ASAP or within 10 school days of the child's enrollment At least annually ⁵
Oral Request for Reevaluation by Parent / Guardian	When an oral request is made to any school professional or administrator, the school entity must provide the <i>Prior Written Notice for Initial Evaluation and Request for Consent form (PWNConsent)</i> to the parents / guardians.	Within 10 calendar days
Reevaluation	All students except those with an intellectual disability Students with an intellectual disability	Must be reevaluated at least once every 3 years (can be waived if parent / guardian and LEA agree) Must be reevaluated at least once every 2 years (cannot be waived) ⁶

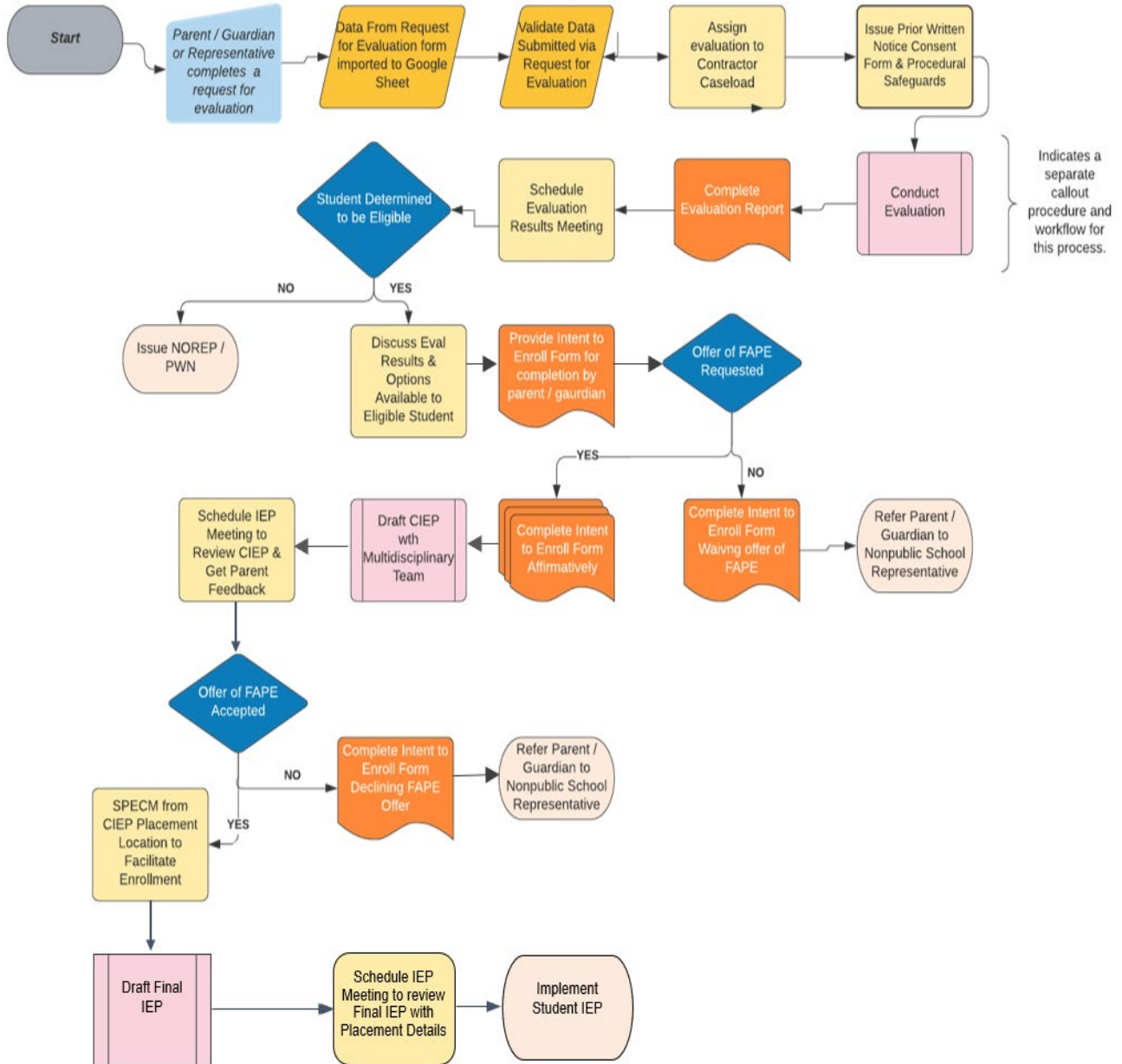
⁵ Note: If the LEA knows or should know that a child has an inappropriate IEP then it must be corrected immediately.

⁶ Note: Summer due dates of a Reevaluation Report are not excused from 2- or 3-year required timeline.

Appendix B: Equitable Participation: Process Flow Initial Evaluation by Request

(Parent / Guardian, Third Party or individual student referral by a nonpublic representative)

The process by which students parentally placed in nonpublic schools come to be evaluated for eligibility for special education services under IDEA Equitable Participation.

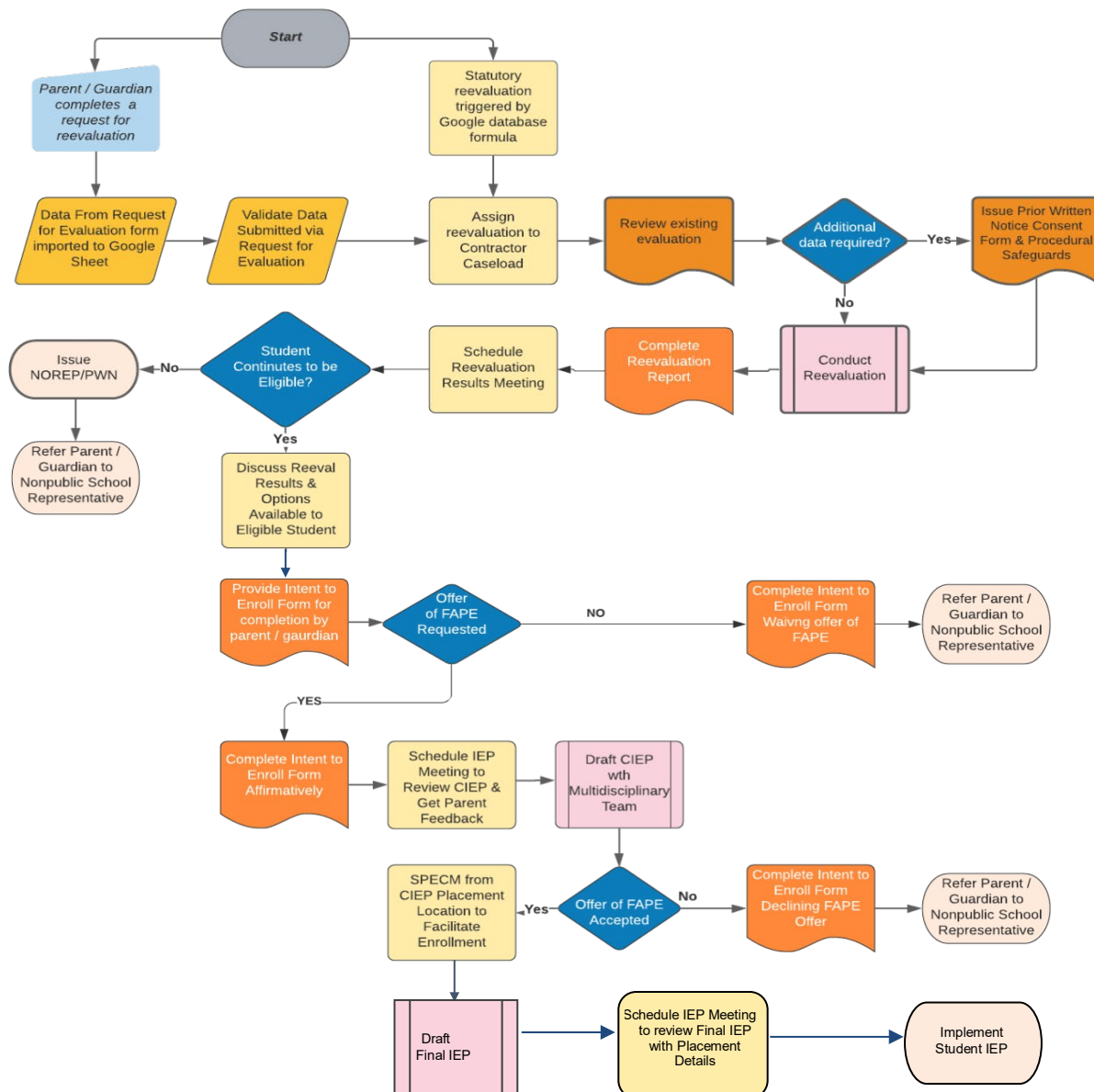


Appendix C: Equitable Participation Process Flow: Reevaluation

The process by which students parentally placed in nonpublic schools are reevaluated for continued eligibility for special education services under IDEA Equitable Participation.

There are two pathways through which students are identified for reevaluation:

1. **Statutory Reevaluation** - Reevaluations are required once every 3 years, unless both the parent and IU 26 agree to waive the reevaluation. In this instance, the “Agreement to Waive” form should be utilized. Students with an intellectual disability must be reevaluated every 2 years; this reevaluation may not be waived.
2. **Parent / Guardian Request for Reevaluation** – a parent or guardian may request a reevaluation at any time. A reevaluation may be conducted sooner than the milestones identified above if the parent/guardian requests the reevaluation.



Appendix D: Nonpublic School Child Find Referral Matrix

The Philadelphia County Intermediate Unit-26 has a responsibility under the IDEA law to identify and assess students for potential disabilities who attend nonpublic schools in the City of Philadelphia. Changes to the existing process are effective with the start of the 2021-22 school year and include efforts to support the identification process of nonpublic school students who are “thought to be exceptional”. This shift will support nonpublic school teams and IU 26 in becoming more efficient and effective with determining students that are truly in need of a special education evaluation versus students who may require intervention strategies to address areas of skill weakness.

The chart below offers elements that nonpublic school teams can consider prior to identifying a student as “thought to be exceptional”. This guidance will support the school team with: (1) identifying the specific area(s) of concern for the student; (2) considering the students’ response to any research-based interventions that were implemented; and (3) differentiating students with chronic challenges from those with acute challenges.

Things to Consider for Students “Thought to be Exceptional”

Area of Concern: Attendance			
Questions to Consider	Data Sources to Review	Criteria	Exceptions
<ul style="list-style-type: none"> Frequent unexcused tardy arrivals/absences (truancy)? Frequent absences due to medical or mental health issues? Frequent unexcused absences from one or more classes throughout the school day (cutting)? Has a research-based intervention targeting attendance been implemented? How did the student respond? 	<ul style="list-style-type: none"> Daily attendance reports Classroom attendance for individual classes (as applicable) Reports (medical/mental) from non-school agencies Information from Parents/ Guardians 	<ul style="list-style-type: none"> 3 or more unexcused absences for daily attendance. 3 or more unexcused absences from a class (or multiple classes) 	<ul style="list-style-type: none"> Excused absences Suspensions

Area of Concern: Academics: Literacy / Math			
Questions to Consider	Data Sources to Review	Criteria	Exceptions

<ul style="list-style-type: none"> Completed assignments with incorrect responses? Grades of “D” and below (for term or majority of graded tasks) Frequently seems to forget skills previously learned? Inconsistent performance with academic tasks? Good Attendance but student continues to struggle with academic concepts? Has a research-based intervention targeting literacy/math been implemented? How did the student respond? 	<ul style="list-style-type: none"> Grade books Individual assignment grades Work samples Test/quizzes Curriculum based assessments State/local assessments Information from Parents/ Guardians Progress monitoring data (MTSS/RTI) 	<ul style="list-style-type: none"> Grade of D or lower in ELA or Math for more than 1 marking period Grade of D or lower in other core subject courses for more than 1 marking period Fails more than 50% of classroom-based quizzes/tests 	<ul style="list-style-type: none"> Grades are low from poor work completion / submission Student has poor attendance (unexcused)
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Area of Concern: Social-Emotional/Behavioral

Questions to Consider	Data Sources to Review	Criteria	Exceptions
<ul style="list-style-type: none"> Difficulties with listening and understanding/ exchanging information with others? Difficulty with self-expression through speaking or writing? Difficulty with performing everyday tasks independently in school and in the community? Difficulty with displaying/ responding to appropriate social interactions? Has a research-based intervention targeted daily living skills been implemented? How did the student respond? 	<ul style="list-style-type: none"> Information from Parents/ Guardians Observation of student Work samples Progress monitoring data (MTSS/RTI) 	<ul style="list-style-type: none"> 3 or more involuntary removals from class 3 or more requests are required for student to follow instructions/ directions 2 or more out-of-school suspensions in a month for similar behavior or severe behavioral infractions 	<ul style="list-style-type: none"> Students with hearing impairment Situational Stressors (i.e., marriage, death in family, moving, divorce, etc.)

		<ul style="list-style-type: none">• 2 or more in-school suspensions or detentions in a month for similar or severe behavioral infractions• Student requires significant support to perform various activities of daily functioning independently	
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Appendix E: Frequently Asked Questions for Nonpublic School Staff

In the table below, you will find answers to questions frequently asked to IU 26 staff and contractors.

A detailed listing of FAQs related to the IDEA Equitable Participation provided by the Pennsylvania Department of Education can be found by visiting the [Questions and Answers Regarding Equitable Participation](#) (hyperlink) on the PDE website.

1. How do I refer a student for a potential evaluation?

Nonpublic School staff may refer a student by completing the [EP Evaluation Request Form - Private School Students](#) (hyperlink).

2. Are there any considerations to keep in mind prior to referring a student for evaluation?

School teams should refer to the Nonpublic School Child Find Referral Matrix in Appendix D before referring a student for a special education eligibility evaluation. The parent / guardian and school will be asked to be involved with the evaluation and provide their input.

3. What do I need to provide when referring a student for evaluation?

Please include the best contact information for the parent and school, along with a detailed explanation of why you believe this student needs an evaluation.

4. Who is the designated point of contact to discuss the evaluation process?

After completing the EP Evaluation Request form, an IU 26 staff person may be in touch with any questions. If there are no questions, IU 26 will assign a contractor to work on the evaluation. Questions can be directed to ossequitableparticipation-request@philasd.org

5. What is the process?

Once IU 26 receives a completed google evaluation request form, IU 26 will validate the information to ensure the student is eligible for an evaluation (based on the school they attend). Then IU 26 assigns a contractor to the evaluation. The contractor will reach out to the parent / guardian to explain the process and to obtain consent to move ahead with the evaluation. Once consent is obtained, the evaluation process will begin. There will be an evaluation meeting at the end of the process to discuss everything with the parent / guardian, and school contacts. You can also review the process flow chart in appendices B and C.

6. How will principals know about the testing of eligible students?

With parent / guardian consent, the contractor will reach out to the school to collaborate and obtain information about the student.

7. Is there a guarantee that the SDP will not persuade parents to be enrolled in a public school?

If the parent / guardian would like an offer of FAPE, the SDP will provide an offer. It is fully up to the parent / guardian to decide what is best for their child.

8. How were the vendors selected?

The vendors went through a formal RFP process, following SDP/IU 26 procedures.

9. Will there be an outreach person from the SDP to present this information to the nonpublic principals?

IU 26 staff will present about Equitable Participation and Child Find annually at a meeting with nonpublic school leadership. Informational brochures from PATTAN as well as IU 26-specific materials will also be provided to all nonpublic schools to share with parents.

10. Will principals and/or the student's teacher be included in the parent meeting when results are ready?

School staff are welcome to attend the Evaluation Meeting, at the parent / guardian's discretion.

11. Will there be a parent advocate? (Advocate for parent) Will that be provided?

Parents and guardians are welcome to bring advocates with them to the evaluation meeting.

12. Who writes the IEP, the contractor, or the SDP?

When a parent/guardian of a student with a disability determination requests an offer of FAPE, the SDP will convene a multi-disciplinary team and provide an offer of FAPE through a contingent IEP (CIEP). The CIEP team members will include the parent/guardian, at least one central office subject matter expert for the disability in question, or the primary disability if multiple, a certified school psychologist, and the Special Education Compliance Monitor from the preliminary school of program placement.