

Services to Nonpublic School Students

22 Pa. Code Chapter 15

DATE OF ISSUE: July 1, 2001

DATE OF REVIEW: November 2009, June 30, 2005

REPLACES: Services to Nonpublic School Students, BEC 22 Pa. Code Chapter 15, issued September 1, 1997

PURPOSE

This Basic Education Circular addresses issues concerning the provision of Chapter 15 services to "protected handicapped students" enrolled in private, nonpublic schools. Chapter 15 services are described as those aids, services, or accommodations which must be provided by public educational agencies to ensure that each "protected handicapped student" has equal opportunity to participate in the public school programs and extracurricular activities to the maximum extent appropriate to the ability of the student in question.

CHAPTER 15 REQUIREMENTS

The term "protected handicapped students" is central to Chapter 15, and distinguishes it from Chapter 14 which concerns "eligible students" entitled to special education services. Services to protected handicapped students are not special education services, but rather are services within regular education to provide the student an equal opportunity to participate in the public school program.

If a private school receives federal financial assistance as defined under Section 504 of the Rehabilitation Act's implementing regulations, 34 CFR §104.2, it will acquire its own responsibilities under federal law. This would not, however, increase the responsibility of a public school to children in those private schools. If the protected handicapped student is attending only the private school, the public school bears no responsibility to provide aids, services, or accommodations within the private school. Chapter 15 is aimed at ensuring equal opportunity to participate in and benefit from the public school program. If the student is attending only the private school, a public school's provision of a Chapter 15 service, such as catheterization or wheelchair accessibility, would not create the right to an equal opportunity to access this service in the private school.

If a private school student is dually enrolled in a public school pursuant to Section 5-502 of the School Code, 24 P.S. § 5-502, meaning the student is receiving some educational services from the public school as well as the private school, the public school's Chapter 15 obligations apply to the extent that equal opportunity must be provided with respect to that portion of the student's educational program. For example, if the student is attending an advanced placement math class in the public school (but attends all other educational programs at the private school), the public school would have to provide aids, services or accommodations required under Chapter 15 to the extent that such services would be necessary for equal participation in the advanced placement math class in the public school.

The Pennsylvania Supreme Court has also interpreted Section 5-502 of the Pennsylvania School Code, 24 P.S. § 5-502, to support the concept that dually enrolled students can obtain the implementation of a Section 504 agreement at the public school.

Questions concerning the implementation of Chapter 15 and requests for resolution under 22 Pa. Code §15.8 should be directed to the Bureau of Special Education. Requests for formal due process hearings should be forwarded to the Office for Dispute Resolution located online at the [Pennsylvania Training and Technical Assistance Network](#) or phone 800-222-3353.

REFERENCES:

State Board of Education Regulations

[22 Pa. Code Chapter 15](#)

State Statutes

24 P.S. § 5-502

Federal Statutes

29 USCA §794, Section 504 of the Rehabilitation Act of 1973

Federal Regulations

34 CFR Part 104

Other

Lower Merion School District v. Doe, 593 PA 437 (2007)

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