

Policy: IHBGB

**SUPPLEMENTAL STATEMENT OF RIGHTS
FOR PRIVATE SCHOOL STUDENTS WITH DISABILITIES**

If you are the parent/legal guardian of a disabled child or suspect that your child may have a disability that is covered by state or federal special education laws, and you have privately placed your child in a private school program located within this school district, you have the following rights.

- A. You have the right to have your child located, identified and evaluated by the MSAD 44 as a possible special education student, including referral of your child to an IEP Team to determine whether your child qualifies as a special education student, and to be re-evaluated at least every three years to determine your child's continued eligibility for special education. The school unit child find and referral obligations toward your child while he/she is parentally placed in a private school program located in MSAD 44 are the same as for students enrolled in public school, as described in the attached special education "Procedural Safeguards Statement."
- B. Students with disabilities who have been parentally placed in private schools located within MSAD 44 do not have an individual right to special education and related services while enrolled in the private school program.
- C. When designing and implementing special education services for parentally placed, private school children attending private schools within the school unit, the school unit has an obligation to consult in a timely and meaningful manner with representatives of those children and with private schools regarding the following issues:
1. The child find process itself, and whether parentally placed private school and home school students participate in that process equitably, and how parents of these children and private schools are notified of the process;
 2. How the public school determines the proportionate share of federal dollars that will be spent;
 3. The consultation process itself, including how that process will operate throughout the school year so as to ensure meaningful participation in services;
 4. How, where, and by whom special education and related services will be provided, including the types of services and how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and
 5. If the local unit disagrees with views of private school officials on the provision and types of services, the local unit will provide a written explanation of the reasons why the local unit made the decisions that it did.
- D. MSAD 44 has a duty to expend on the pool of identified parentally-placed,

private school students with disabilities an amount that is the same proportion of the school unit federal special education dollars as the number of those students is to the overall total number of students with disabilities within the school unit's jurisdiction. If some of those funds are not expended in a given year, the school unit must carry over unspent funds to the following year for expenditure on these services.

E. The school unit, not the IEP Team, shall make the final decisions with respect to the services to be provided to eligible parentally-placed, private school students with disabilities, following timely and meaningful consultation as described in Paragraph C. above.

F. For any parentally-placed, private school student with a disability for whom the school unit decides that it will provide services, the school unit shall initiate and conduct a meeting of the IEP Team to develop, review, and revise a services plan detailing the special education and related services to be provided and including goals for measuring the outcome of such services. To the extent appropriate, the Team shall develop the services plan in a manner consistent with development of an IEP.

G. Parents may file for a due process *hearing* with the Maine Department of Education, Division of Special Services (624-6650), alleging that the MSAD 44 has failed to meet its child find duty to locate, identify, and evaluate all private school/home school students with disabilities. Parents may also file due process *complaints* with the same agency regarding the implementation of any of the rights addressed in this document. Finally, private school officials may file a *complaint* with the Maine Department of Education, Division of Special Services, alleging that the MSAD 44 has not engaged in consultation that was timely or meaningful or did not give due consideration to the views of the private school official.

H. Should the parents of a parentally-placed, private school student choose to enroll their child in the public school program where they reside; the disabled child would have a right to receive a free, appropriate public education and an Individualized Education Program (IEP) from that public school unit. Parents of such children who reside in MSAD 44 should contact the office of the Director of Special Services if you have any interest in exploring what special education services your child might receive if enrolled in the school unit's public schools. MSAD 44 would then convene an IEP Team meeting to discuss this with you further. If you enroll your child in public school, you and your child are entitled to all the rights set forth in the school unit's attached special education "Procedural Safeguards Statement."

I. If you would like a complete copy of the state and federal regulations addressing the duties of the MSAD 44 toward private school/home school students with disabilities or have any other questions, please contact the special education office at the MSAD 44 at 824-2185 or the Maine Department of Education, Division of Special Services (624-6650). If you have any concerns about your child, please address those concerns in writing to: Director of Special Education, MSAD 44, 21Philbrook St. Bethel, ME 04217

Legal References: 20 U.S.C. § 1412(a)(10)(A)
34 C.F.R. § 300.130 to .144 (August 2006)

Me. DOE Reg. Ch. 101, § II(20), IV(4)(G) (Aug. 2007)

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