

Supplemental Statement of Rights for Private School/Home Schooling Students with Disabilities

If you are a parent of a child with disabilities, or suspect that your child may have a disability that is covered by state or federal special education laws, and your child is in a private school or an approved home schooling program, you have the following rights:

- A. A parent/guardian has the right to have his/her child located, identified and evaluated by the school unit as a possible special education student, including referral of the student to a Pupil Evaluation Team (PET) to determine whether the student qualifies as a special education student. The school unit's child find and referral obligations toward the student while he/she is in a private school/home school program are the same as for students enrolled in public school.
- B. Students with disabilities enrolled in private schools or in home schooling programs do not have an individual right to special education and related services while enrolled in the private school or home schooling program.
- C. The school unit has an obligation to consult with representatives of private school and home schooling students with disabilities on how to carry out the school unit's duty to locate, identify and evaluate all private school/home schooling students with disabilities and also to consult in a timely way on:
 - a. Which students will receive services;
 - b. What services will be provided;
 - c. How and where the services will be provided; and
 - d. How the services will be evaluated.
- D. The school district's obligation to identified private school/home schooling students with disabilities is as a *group*. Hence, the district must spend a dollar amount on services to those students as a *group* that is at least equal to the proportion of the district's total federal local entitlement funds as the number of private school/home schooling students with disabilities is to the total number of students with disabilities in the district. To illustrate, if a district's local entitlement is \$100,000, and private school and home schooling students make up 5% of the total number of students with disabilities in the district the district must spend at least \$5000 (5% of \$100,000) out of these local entitlement funds to provide special education and supportive services to private school/home schooling students. This is the extent of the district's obligation.
- E. The school unit shall make the final decisions with respect to the services to be provided to eligible private school/home schooling students with disabilities.

- F. For any private school/home schooling student with a disability to whom the school unit decides it will provide services, the school unit shall initiate and conduct a meeting of the PET 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 Individualized Education Program.
- G. Parents may file a complaint with the Maine Department of Education, Division of Special Services (287-5950) alleging that the school unit has failed to comply with any of its obligations toward private school/home schooling students. Parents have a right to a due process hearing from the Maine Department of Education only on issues relating to the school unit's duty to locate, identify and evaluate all private school/home schooling students with disabilities.
- H. As a resident of the local school unit, the parent/guardian has a right to enroll his/her child in the local public school. If at any time the parent chooses to do so and his/her child is a student with a disability, the PET will meet to review and/or develop an IEP for implementation upon enrollment of the child in public school. If the child is enrolled in public school, the parent/guardian and his/her child are entitled to all the rights set forth in the school unit's attached special education Statement of Rights.
- I. If a parent would like a complete copy of the state and federal regulations addressing the duties of the school unit toward private school/home schooling students with disabilities, please contact the special education office at the school unit or the Maine Department of Education, Division of Special Services (287-5950). If a parent has any concerns about his/her child, please address those concerns in writing to:

M.S.A.D. #3
Director of Pupil Services
74 School Street
Unity, ME 04988-9734

or telephone the Office of Special Education at 948-6136 and ask to speak with the Director of Pupil Services. Questions may also be addressed to the Maine Department of Education, Division of Special Services, at 287-5950.

Legal Reference: 20 USC § 1412(a)(10)
34 CFR § 300.450-.462 (March 1999)
Me. Dept. of Ed. Reg. ch. 101 § 4.7 (Nov. 1999)

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