

SUPPLEMENTAL STATEMENT OF RIGHTS
FOR PRIVATE SCHOOL STUDENTS WITH DISABILITIES

- 1.0 If you are the parent or 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 Scarborough, you have the following rights.
- 2.0 You have the right to have your child located, identified and evaluated by the School Department 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 Department's child find and referral obligations toward your child while he/she is parentally placed in a private school program located in Scarborough are the same as for students enrolled in public school, as described in the attached special education Safeguards Statement. (These are available upon request in the Special Education Office.)
- 3.0 Children with disabilities who have been parentally placed in private schools located within Scarborough do not have an individual right to special education and related services while enrolled in the private school program.
- 4.0 When designing and implementing special education services for parentally placed private school children attending private schools within the School Department, the School Department has an obligation to consult in a timely and meaningful manner with representatives of those children and with private schools regarding the following issues:
 - 4.1 The child find process itself, and whether parentally placed private school and home school children participate in that process equitably, and how parents of these children and private schools are notified of the process;
 - 4.2 How the School Department determined the proportionate share of federal dollars that will be spent;
 - 4.3 The consultation process itself, including how that process will operate throughout the school year so as to ensure meaningful participation in services;
 - 4.4 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
 - 4.5 If the School Department disagrees with views of private school officials on the provision and types of services, how the School Department will provide a written explanation of the reasons why the School Department made the decisions that it did.

- 5.0 The School Department 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 Department's federal special education dollars as the number of those students is to the overall total number of children with disabilities within the School Department's jurisdiction. If some of those funds are not expended in a given year, the School Department must carry over unspent funds to the following year for expenditure on these services.
- 6.0 The School Department, not the IEP Team, will 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 4.0 above.
- 7.0 For any parentally placed private school student with a disability for whom the School Department decides that it will provide services, the School Department will 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.
- 8.0 Parents may file for a due process *hearing* with the Maine Department of Education, Division of Special Services, alleging that the School Department 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 policy. Finally, private school officials may file a *complaint* with the Maine Department of Education, Division of Special Services, alleging that the School Department has not engaged in consultation that was timely or meaningful or did not give due consideration to the views of the private school official.
- 9.0 Should the parents of a parentally placed private school child choose to enroll that 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 from that public school unit. Parents of such children who reside in Scarborough should contact the Director of Special Services located in the Superintendent's Offices if you have any interest in exploring what special education services your child might received if enrolled in public school here. The School Department 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 rights set forth in the special education Safeguards Statement.
- 10.0 If you would like a complete copy of the state and federal regulations addressing the duties of the School Department toward private school/home school students with disabilities or have any questions, please contact the special education office at the School

Department or the Maine Department of Education, Division of Special Services. If you have any concerns about your child, please address those concerns in writing to: Director of Special Education, Scarborough School Department, P. O. Box 370, Scarborough, Maine 04070-0370.

References: 20 U.S.C. § 1412(a)(10)(A)
34 C.F.R. § 300.130 to .144 (August 2006)
Maine DOE Reg. Ch 101, § II(20), IV(4)(G)(2008)

Adopted: September 16, 2010