

RSU #63

- a. **NEPN/NSBA Code:** IHBGB
- b. **Title:** Supplemental Statement of Rights For Private School Students with Disabilities
- c. **Author:**
- d. **Replaces Policy:**
- e. **Date Approved:** 05/17/2021 RSU #63
- f. **Previously Approved:** 08/25/2014
- g. **Policy Expiration:** Review as Needed
- h. **Responsible for Review:** Director of Special Services/Policy Committee
- i. **Date Reviewed:** 04/29/2021 Director of Special Services
05/03/2021 Policy Committee
- j. **References:** 20 U.S.C. § 1412(a)(10)(A)
34 C.F.R. § 300.130-.144
Maine DOE Rule Ch. 101, § II (24),
IV (4)(G, H) (July 2011)
- k. **Narrative:**

If you are the parent/legal guardian of a child with a disability or suspect that your child may have a disability covered by state or federal special education laws, and you have privately placed your child in a private school program located within RSU 63 (the District), you have the following rights:

- I. To have your child located, identified, and evaluated by the RSU 63 Director of Special Services (DSS), or designee, as a possible special education student, including referral of your child to an Individualized Education Program (IEP) Team to determine whether your child qualifies as a special education student; and to have your special education student re-evaluated at least every three years to determine your child's continued eligibility for special education. The District's Child Find and referral obligations toward your child while they are parentally placed in a private school program located within the district's jurisdiction are the same as for students enrolled in public school.
- II. Students with disabilities, who have been parentally placed in private schools located within districts under the jurisdiction of RSU 63, do not have an individual right to special education and related services while enrolled in the private school program.
- III. When designing and implementing special education services for parentally placed, private school children attending private schools within the jurisdiction of RSU 63, the DSS, or designee has an obligation to consult in a timely and meaningful manner with representatives of those children and with private schools regarding the following issues:
 - A. 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;

- B.** How the public school determines the proportionate share of federal dollars that will be spent;
 - C.** The consultation process itself, including how that process will operate throughout the school year so as to ensure meaningful participation in services;
 - D.** 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
 - E.** If the DSS, or the District disagrees with views of private school officials on the provision and types of services, the DSS, or designee will provide a written explanation of the reasons why the District made the decisions that it did.
- IV.** RSU 63 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 each district's federal special education dollars as the number of those students is to the overall total number of students with disabilities within the District. If some of those funds are not expended in a given year, the District must carry over unspent funds to the following year for expenditure on these services.
- V.** The DSS, not the IEP Team, will make the final decisions with respect to services to be provided to eligible parentally placed, private school students with disabilities, following timely and meaningful consultation as described in III.
- VI.** For any parentally placed, private school student with a disability for whom the District decides it will provide services, the district 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, including goals for measuring the outcome of such services. To the extent appropriate, the IEP Team will develop the services plan in a manner consistent with development of an IEP.
- VII.** Parents may file for a due process hearing with the Maine Department of Education (DOE), Division of Special Services (207 - 624-6650), alleging the District 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 DOE, Division of Special Services, alleging that the District has not engaged in timely or meaningful consultation or did not give due consideration to the views of the private school official.
- VIII.** Should the parents of a parentally placed, private school student with a disability choose to enroll their child in the public-school program where they reside, the child would have a right to receive a free, appropriate, public education and an IEP from that public school unit. Parents of such children who reside in districts within RSU 63 should contact the Director of Special Services, 202 Kidder Hill Road, Holden, ME 04429, (207) 843-0702,

if they have any interest in exploring what special education services their child might receive if enrolled in the District's public schools. The District would then convene an IEP Team meeting to discuss this with them further. If the child is enrolled in public school, the parents and child are entitled to all the rights set forth in the district's special education "Procedural Safeguards Statement."

- IX.** A complete copy of the state and federal regulations addressing the duties of districts within RSU 63 toward private school/home school students with disabilities or have any other questions are available through the RSU 63 Office of Special Education Office at (207) 843-0702 or the Maine Department of Education, Division of Special Services (207-624-6650). Any parent/guardian having concerns about their child may address those concerns in writing to:

**Director of Special Services
202 Kidder Hill Road
Holden, ME 04429**