

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

If you are the parent/legal guardian of a child with a disability 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 RSU 19 as a possible special education student, including referral of your child to an IEP Team to determine if your child qualifies as a special education student. If identified, the child has the right to be re-evaluated at least every three years to determine your child's continued eligibility for special education. RSU 19's childfind and referral obligations toward your child while he/she is parentally placed in a private school program located in RSU 19 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 RSU 19 shall receive special education services to the extent consistent with law.
  
- C. When designing and implementing special education services for parentally placed, private school children attending private schools within RSU 19, 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 childfind 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 alternate services delivery mechanisms, 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 RSU 19 disagrees with views of private school officials on the provision and types of services, RSU 19 will provide a written explanation of the reasons why the local unit made the decisions that it did.
- D. RSU 19 has a duty to expend funds on 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 RSU 19's jurisdiction. If some of those funds are not expended in a given year, RSU 19 must carry over unspent funds to the following year for expenditure on these services.
- E. 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.
- F. For any parentally-placed, private school student with a disability for whom RSU 19 decides that it will provide services, RSU 19 shall initiate and conduct a meeting of the IEP Team to develop, review, and revise an Individual Service 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 shall develop the Individual Service 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), believing that RSU 19 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 if they believe that RSU 19 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 child with a disability 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 RSU 19 should contact the Office of Special Services, PO Box 40, Newport, ME 04953, (207) 368-5146, if you have any interest in exploring what special education services your child might receive if enrolled in the school unit's public schools. RSU 19 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 RSU 19 toward private school/home school students with disabilities or have any other questions, please contact the special education office at RSU 19 at (207) 368-5146 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, RSU 19, PO Box 40, Newport, ME 04953.

Legal 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)