

**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, you live in Windham, 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 Windham School Department as a possible special education student, including referral of the student to a Individualized Educational Program Team (IEP) to determine whether the student qualifies as a special education student. The Windham School Department'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 Windham School Department has an obligation to consult with representatives of private school and home schooling students with disabilities on how to carry out the School Department's duty to locate, identify, and evaluate all private school / home schooling students with disabilities and also to consult in a timely way on:
 - 1. Which students will receive services;
 - 2. What services will be provided;
 - 3. How and where the services will be provided; and
 - 4. How the services will be evaluated.
- D. The Windham School Department has a duty to expend on the pool of identified private school / home schooling students with disabilities an amount at least equal to the percentage of federal special education dollars received by the School Department as that group of students represents of the overall number of special education students.
- E. The Windham School Department 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 Department decides it will provide services, the School Department 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 Individualized Education Program.

- G. Parents may file a complaint with the Maine Department of Education, Division of Special Services (207-287-5950) alleging that the Windham School Department 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 Department's duty to locate, identify, and evaluate all private school / home schooling students with disabilities.
- H. As a resident of the Windham School District, 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 IEP Team 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 Windham School Department'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 Department toward private school / home school students with disabilities, please contact the Special Education Office of the Windham School Department, or the Maine Department of Education, Division of Special Services (207-287-5950). If a parent has any concerns about his/her child, please address those concerns in writing to:

Director of Special Education
Windham School Department
228 Windham Center Road
Windham ME 04062

or telephone the Office of Special Education at 207-892-1800 and ask to speak to the Director of Student Services.

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

Cross Reference: IHBG – Home Schooling
IHBGA – Home Schooling – Participation in School Programs

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