

Sec. 1. CHILD FIND PRIVATE SCHOOL STUDENTS

Erath Excels Academy shall coordinate with home school districts, who are primarily responsible for consulting with private school representatives, regarding the child find process and the provision of special education and related services to children enrolled in private schools within Erath Excels Academy's boundaries.

Erath Excels Academy shall undertake activities similar to those undertaken for children enrolled in public schools and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending the public schools within Erath Excels Academy's boundaries.

20 U.S.C. 1412(a)(10)(A)(ii)-(iv).

Sec. 2. SPECIAL EDUCATION STUDENTS PLACED IN PRIVATE SCHOOL

a) *Placement by Erath Excels Academy*

If Erath Excels Academy places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, Erath Excels Academy shall ensure that the child is provided special education and related services, in accordance with an individualized education program ("IEP"), at no cost to the parents.

20 U.S.C. 1412(a)(10)(B)(i).

b) *Placement by the Parent*

When a student with a disability who has been placed by his or her parent directly in a private school is referred to Erath Excels Academy, Erath Excels Academy shall convene an admission, review, and dismissal ("ARD") committee to determine whether Erath Excels Academy can offer the child a free appropriate public education ("FAPE"). If Erath Excels Academy determines that it can offer a FAPE to the student, Erath Excels Academy is not responsible for providing educational services to the student, except as provided in 34 CFR 300.130-300.144 or 19 TAC 89.1096(e), until such time as the parents choose to enroll the student in Erath Excels Academy full time.

19 TAC 89.1096(b).

Sec. 3. REJECTION OF OFFER OF FAPE

a) *Student Receives ISP*

If Erath Excels Academy offers to provide a FAPE to a child with a disability and the parents elect to place the child in a private school or facility, Erath Excels Academy is not required to pay for the cost of education, including special education and related services. However, Erath Excels Academy must develop and implement an individualized services plan (“ISP”) for the child.

20 U.S.C. 1412(a)(10)(C)(i); 34 CFR 300.148(a).

b) *Reimbursement*

If the parents of a child with a disability, who previously received special education and related services under the authority of Erath Excels Academy, enroll the child in a private school without the consent or referral by Erath Excels Academy, a court or a hearing officer may require Erath Excels Academy to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that Erath Excels Academy had not made a FAPE available to the child in a timely manner before the enrollment.

20 U.S.C. 1412(a)(10)(C)(ii); 34 CFR 300.148(c).