

Sec. 1. CHILD FIND PRIVATE SCHOOL STUDENTS

Positive Solutions Charter School 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 Positive Solutions Charter School's boundaries.

Positive Solutions Charter School 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 Positive Solutions Charter School's boundaries.

20 U.S.C. 1412(a)(10)(A)(ii)–(iv).

Sec. 2. SPECIAL EDUCATION STUDENTS PLACED IN PRIVATE SCHOOL

a) *Placement by Positive Solutions Charter School*

If Positive Solutions Charter School 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, Positive Solutions Charter School 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 Positive Solutions Charter School, Positive Solutions Charter School shall convene an admission, review, and dismissal ("ARD") committee to determine whether Positive Solutions Charter School can offer the child a free appropriate public education ("FAPE"). If Positive Solutions Charter School determines that it can offer a FAPE to the student, Positive Solutions Charter School 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 Positive Solutions Charter School full time.

19 TAC 89.1096(b).

Sec. 3. REJECTION OF OFFER OF FAPE

a) *Student Receives ISP*

If Positive Solutions Charter School 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, Positive Solutions Charter School is not required to pay for the cost of education, including special education and related services. However, Positive Solutions Charter School 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 Positive Solutions Charter School, enroll the child in a private school without the consent or referral by Positive Solutions Charter School, a court or a hearing officer may require Positive Solutions Charter School to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that Positive Solutions Charter School 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).