

**(REQUIRED BY LAW)**

**TEC 12.104. Applicability of Title**

(a) An open-enrollment charter school is subject to . . . special education programs under Subchapter A, Chapter 29.

**POLICY**

**Shared Service Arrangements**

The School may enter into a written contract to jointly operate its special education program. Any such contract must be approved by the Commissioner. Education Code 29.007.

**Special Education Students Placed In Private School**

**Placement by the School**

If the 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, the School shall ensure that the child is provided special education and related services, in accordance with an IEP, at no cost to the parents. 20 U.S.C. 1412(a)(10)(B)(i).

**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 the School, the School shall convene an admission, review, and dismissal (ARD) committee to determine whether the School can offer the child a free appropriate public education (FAPE). If the School determines that it can offer a FAPE to the student, the School is not responsible for providing educational services to the student, except as provided in 34 DFR 300.130–300.144 or 19 TAC 89.1096(e), until such time as the parents choose to enroll the student in the School full time. 19 TAC 89.1096(b).

**Rejection of Offer of FAPE**

**Student Receives ISP**

If the 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, the School is not required to pay for the cost of education, including special education and related services. However, the 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).

**Reimbursement**

If the parents of a child with a disability, who previously received special education and related services under the authority of the School, enroll the child in a private

school without the consent or referral by the School, a court or a hearing officer may require the School to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the 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).