

POLICY

Nondiscrimination Policy

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any service, program, or activity provided or offered by Heritage Academy 42 U.S.C. 12132; 29 U.S.C. 794(a); 34 CFR 104.4(a).

Free Appropriate Public Education

Eligible students with disabilities shall enjoy the right to a free appropriate public education (FAPE), which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. Education Code 29.003(a).

FAPE means special education and related services that:

- 1) Have been provided at public expense, under public supervision and direction, and without charge;
- 2) Meet standards set out by TEA;
- 3) Include an appropriate preschool, elementary school, or secondary school education; and
- 4) Are provided in conformity with the student's individualized education program (IEP).

20 U.S.C. 1401(9); 34 CFR 300.13, 300.17, 300.36.

Least Restrictive Environment

Heritage Academy shall ensure that, to the maximum extent possible, children with disabilities shall be educated with children who are not disabled. Special classes, special schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved. 20 U.S.C. 1412(a)(5); 34 CFR 300.114(a)(2).

Discipline

All disciplinary actions regarding students with disabilities shall be determined in accordance with applicable federal regulations, Education Code Chapter 37, and 19 Administrative Code 89.1053. 19 TAC 89.1050(g).

Instructional Arrangements and Settings

Instructional arrangements and settings shall be based on the individual needs and IEPs of eligible students receiving special education services. Instructional arrangements and settings include:

1. Mainstream: services provided in the regular classroom in accordance with the student's IEP;
2. Homebound: services provided at home or hospital bedside;
3. Hospital class: services provided in a classroom, hospital facility, or residential care and treatment facility not operated by Heritage Academy;
4. Speech therapy: speech therapy services provided, whether in a regular education classroom or other setting;
5. Resource room/services: services provided in a setting other than the regular classroom for less than 50% of the regular school day;
6. Self-contained (mild, moderate, or severe) regular campus: services provided to a student who is in a self-contained program for 50% or more of the regular school day on a regular school campus;
7. Off home campus: services provided in an inter district program, through Heritage Academy personnel in a non-Heritage Academy facility, or at a Heritage Academy campus that provides only special education and related services.
8. Nonpublic day school: services provided through a contractual agreement with a nonpublic school;
9. Vocational adjustment class/program: services provided to a student who is placed on a job with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP;
10. Residential care and treatment facility (not Heritage Academy resident): services provided to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of Heritage Academy;
11. State supported living center: services provided to a student who resides at a state supported living center when the services are provided at the state supported living center location; or
12. Other program options, including contracts with other districts and programs approved by TEA.

19 TAC 89.63(c), (f).

Shared Services Arrangement

Heritage Academy may enter into a written contract to jointly operate its special education programs. The contract must be approved by the Commissioner of Education. Education Code 29.007.

Related Services

"Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from

special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device. 20 U.S.C. 1401(26); 34 CFR 300.34.

Transportation

Heritage Academy shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. 19 TAC 89.1096(e).

Extended School-Year Services

Heritage Academy shall ensure that extended school-year (ESY) services are available as necessary to provide a student with a disability with a FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for a FAPE. Heritage Academy may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services. 34 CFR 300.106; 19 TAC 89.1065.

Special Education Students Placed In Private School

Placement by Heritage Academy

If Heritage 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, Heritage Academy 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 Heritage Academy, Heritage Academy shall convene an admission, review, and dismissal (ARD) committee to determine whether Heritage Academy can offer the child a free appropriate public education (FAPE). If

Heritage Academy determines that it can offer a FAPE to the student, Heritage Academy 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 Heritage Academy full time. 19 TAC 89.1096(b).

Rejection of Offer of FAPE

Student Receives ISP

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

Reimbursement

If the parents of a child with a disability, who previously received special education and related services under the authority of Heritage Academy, enroll the child in a private school without the consent or referral by Heritage Academy, a court or a hearing officer may require Heritage Academy to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that Heritage 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).