

Child Find Private School Students

Heritage Academy shall conduct a timely and meaningful consultation 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 the Heritage Academy boundaries.

Heritage Academy shall undertake activities similar to those undertaken for public school children 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 the Heritage Academy boundaries. 20 U.S.C. 1412(a)(10)(A)(ii)–(iv).

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).