

**281—41.209(256B,34CFR300) Treatment of charter schools and their students.**

**41.209(1) *Rights of children with disabilities.*** Children with disabilities who attend public charter schools and their parents retain all rights under this chapter.

**41.209(2) *Charter schools that are public schools of the LEA.***

*a. General.* In carrying out Part B of the Act and these rules with respect to charter schools that are public schools of the LEA, the LEA must:

(1) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and

(2) Provide funds under Part B of the Act to those charter schools:

1. On the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities; and

2. At the same time as the LEA distributes other federal funds to the LEA's other public schools, consistent with the state's charter school law.

*b. Relationship to rule 281—41.705(256B,34CFR300).* If the public charter school is a school of an LEA that receives funding under rule 281—41.705(256B,34CFR300) and includes other public schools:

(1) The LEA is responsible for ensuring that the requirements of this chapter are met, unless state law assigns that responsibility to some other entity; and

(2) The LEA must meet the requirements of paragraph 41.209(2) "a."

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