**Section 226.340 Nonpublic Placements by Parents** **Where FAPE is at Issue**

This Section shall apply to students with disabilities who have been, or are to be, placed in a non-public facility by their parents following the parents' refusal to accept an offer of FAPE by a school district. For such students, the reimbursement obligations and other requirements set forth at 34 CFR 300.148 shall be applicable. If a determination is made by a hearing officer or court of law that the school district is not obligated to provide special education or reimbursement to such a student, the school district shall treat the student as a student defined by Section 226.350 of this Part.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)