

POLICY

Graduation Requirements

Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school in the state.

19 TAC 74.26(a)(1), (c).

Academic Achievement Record

Pioneer Technology & Arts Academy (“School”) shall use the academic achievement record (transcript) form designated by the State Board. This form shall serve as the academic record for each student and shall be maintained permanently by the School.

Any credit earned by a student must be recorded on the academic achievement record, regardless of when the credit was earned. A student’s performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c), must be included in the student’s academic achievement record.

Copies of the record shall be made available to students transferring to another district. The information may be provided to the student or to the district to which the student is transferring, or both. The School shall respond promptly to all requests for student records from receiving districts.

Education Code 28.025(e), 39.023(c-5); 19 TAC 74.14(b)–(c), 101.81(c).

Transcript Seals

Students who complete high school graduation requirements shall have attached to the academic achievement record the State Board-approved seal.

19 TAC 74.14(d).

Certificate of Coursework Completion

A student who completes all graduation requirements except for required exit-level examinations may be issued a certificate of coursework completion. The academic achievement record shall include a notation of the date a certificate of completion was issued to the student.

The School may allow a student who receives a certificate to participate in a graduation with students receiving high school diplomas.

Education Code 28.025(d); 19 TAC 74.14(d)–(e).

(REQUIRED BY LAW)

(b) An open-enrollment charter school is subject to: . . . accelerated instruction under Section 28.0211

Education Code 12.104(b)(2)(D).

POLICY

Unsatisfactory Performance on Assessment Instruments

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the School shall provide to the student accelerated instruction in the applicable subject area.

Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. The School shall be responsible for providing transportation to students required to attend accelerated instruction programs if these programs occur outside of regular school hours.

Accelerated instruction shall be based on, but not limited to, guidelines on research-based best practices and effective strategies as outlined in the Grade Placement Committee (GPC) manual, published annually by TEA.

The School must accommodate the request of an out-of-district student to participate in any established, on-campus summer accelerated instruction program, provided the student is living away from his or her home district and the program matches the accelerated instruction prescribed by the student's GPC.

Education Code 28.0211(a-1); 19 TAC 101.2001(c), .2006(a)–(d).

Unsatisfactory Performance

On Grade Advancement Tests

The School shall provide to a student who initially fails to perform satisfactorily on a grade advancement test at least two additional opportunities to take the assessment instrument. Education Code 28.0211(b).

Accelerated Instruction

Each time a student fails to perform satisfactorily on a grade advancement test, the School shall provide the student with accelerated instruction in the applicable subject area. A student who fails to perform satisfactorily on a grade advancement test shall be provided accelerated instruction before the next administration of the applicable

assessment. An accelerated instruction group for students who have failed an assessment may not have a ratio of more than ten students for each teacher per class. The accelerated instruction must satisfy the standards found in 19 TAC 101.2006. Education Code 28.0211(c); 19 TAC 101.2006(e)(1).

If a student fails to perform satisfactorily on a grade advancement test after three attempts, the accelerated instruction shall be provided during the next school year according to an educational plan developed for the student by the student's GPC. The School shall provide the instruction regardless of whether the student has been promoted or retained. The educational plan shall be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure the student is progressing in accordance with the plan. The School shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the School regularly administers the assessment instrument for that school year. Education Code 28.0211(f).

Parental Notification of Performance and Accelerated Instruction

In addition to providing the accelerated instruction, the School shall notify the student's parent or guardian of:

1. The student's failure to perform satisfactorily on the assessment instrument;
2. The accelerated instruction program to which the student is assigned; and
3. The possibility that the student might be retained at the same grade level for the next school year.

Whenever the School is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the School shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language.

Education Code 28.0211(d), (h)

Notice After Early Identification of At-Risk Students

The School shall provide early notice to parents or guardians of students identified in a preceding grade to be at risk of failure on the first administration of the assessment required for grade advancement the next year. The Superintendent shall establish the instruments/procedures to be used to make this determination. This notice shall include accelerated instruction participation requirements as stipulated by 19 TAC 101.2006 and be provided before the end of the school year preceding the grade advancement requirements. 19 TAC 101.2009(b).

Notice After First Testing Opportunity

The Superintendent shall establish procedures to notify the parent or guardian of a student who has failed to demonstrate proficiency on the first administration of a grade advancement assessment. This notification should be made within five working days of the School's receipt of student assessment results. This notice shall include the student's assessment results, a description of the School's grade advancement policy, the required accelerated instruction to which the student has been assigned, and the possibility that the student might be retained at the same grade level for the next school year. In addition, the notice shall encourage parents or guardians to meet immediately with the student's teacher to outline mutual responsibilities to support the student during accelerated instruction. 19 TAC 101.2009(c).

Notice After Second Testing Opportunity

Within five working days of the School's receipt of student assessment results for the second administration of the assessment required for grade advancement, the School shall notify the Principal of student assessment results for each student who fails to demonstrate proficiency. Upon receipt of this notice, the Principal shall notify the teacher and parent or guardian of the assessment results. This notice shall include a description of the purpose and responsibilities of a GPC and the time and place for the first meeting of the GPC. 19 TAC 101.2007(c).

Grade Placement Committee

After a student fails to perform satisfactorily on an assessment instrument a second time, a GPC shall be established to prescribe the accelerated instruction the student is to receive before the assessment instrument is administered the third time. The Superintendent shall establish procedures for convening the GPC.

In accordance with 19 TAC 101.2006(d), decisions by the GPC shall be made on an individual student basis, address required participation of the student in accelerated instruction, and ensure the most effective instruction to support the student's academic achievement on grade level.

The GPC shall be composed of the Assistant Principal or the Assistant Principal's designee, the student's parent or guardian, and the student's teacher of the subject of the grade advancement assessment on which the student failed to perform satisfactorily. If this teacher is unavailable, the Principal shall designate to serve on the committee a teacher certified in the subject of the assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

If more than one parent or guardian has the authority to make educational decisions regarding the student, a good faith effort must be made to notify both parents, but participation of any one parent or guardian is sufficient. Either parent or only one guardian may initiate an appeal. If both parents or guardians serve on the GPC but do not agree, either may agree to promote the student if the remaining members of

the GPC also agree to the promotion. The School may accept a parent's or guardian's written designation of another person to serve on the GPC for all purposes. The School may accept a parent's or guardian's written and signed waiver of participation in the GPC and designation of the remaining members of the GPC as the decision-making entity for all purposes.

If a parent or guardian or designee is unable to attend a meeting, the School may use other methods to ensure parent participation, including individual or conference telephone calls. The School may designate another person to act on behalf of the student in place of a parent, guardian, or designee if no such person can be located. A surrogate parent named to act on behalf of a student with a disability shall be considered a parent for this purpose. The School shall make a good faith effort to notify a parent or guardian to attend the GPC. If the parent or guardian is unavailable, the remaining members of the GPC must convene as required by law and take all necessary actions required.

Education Code 28.0211(c); 19 TAC 101.2007(a), (b).

Alternate Assessment

For the third testing opportunity, the Board may choose to use a state-approved alternate assessment instead of the statewide assessment instrument, and select from a list provided annually by the Commissioner only one test for each applicable grade and subject. The alternate assessment must be given during the period established by the Commissioner in the assessment calendar to coincide with the date of the third administration of the statewide assessment. 19 TAC 101.2011(a)–(b).

Parental Waiver

The Superintendent shall establish a waiver process by which a parent or guardian may request that a student not participate in the third test opportunity due to potential harm to the student. The waiver must provide documentation of potential harm, student need, and other appropriate information. If a parental waiver is granted, the student must still participate in all required accelerated instruction and is subject to retention based on the failure on the second test administration. 19 TAC 101.2015.

Notice After Third Testing Opportunity

The GPC must convene again if a student fails to demonstrate proficiency on the third administration of an assessment required for grade advancement and is thereby automatically retained at the same grade level. Within five working days of receipt of student assessment results, the School shall notify the Principal of the assessment results for each eligible student who fails to demonstrate proficiency. Upon receipt of this notice, the Principal shall notify the teacher and parent or guardian of the time and place for the GPC to hold a meeting. This notice shall inform the parent or guardian of the opportunity to appeal the automatic retention of the student. The Superintendent shall establish a procedure to ensure a good faith effort is made

toward securing the parent's or guardian's receipt of the retention notification. 19 TAC 101.2007(e).

Retention and Appeal

A student who fails to perform satisfactorily after at least three attempts on one of the grade advancement tests shall be retained at the same grade level for the next school year. The parent or guardian may appeal the retention by submitting a request to the GPC within five working days of receipt of the retention notification. Education Code 28.0211(e); 19 TAC 101.2007(e).

The GPC may not agree to promote a student unless a parent, guardian, or designee has appealed. 19 TAC 101.2007(b)(2).

If an appeal is initiated by the parent or guardian, the GPC may decide in favor of promotion only if the GPC concludes, upon review of all facts and circumstances, and in accordance with standards adopted by the Board, that the student is likely to perform on grade level given additional accelerated instruction during the next school year. A student may be promoted only if the decision of the GPC is unanimous and the student has completed all required accelerated instruction.

The review and decision of the GPC must be appropriately documented as meeting the standards adopted by the Board and made in conformance with procedures specified in the GPC manual and as required by 19 Administrative Code 101.2001(b). These standards must include consideration of the following:

1. The recommendation of the student's teacher;
2. The student's grades;
3. The student's assessment scores; and
4. Any other necessary academic information as determined by the School.

19 TAC 101.2007(f).

The placement decision by the GPC shall be made before the start of the next school year, or if applicable, upon re-enrollment of the student after this date. 19 TAC 101.2007(g).

The committee's decision regarding placement is final and may not be appealed. Education Code 28.0211(e)

A student who is promoted to the next grade level must complete accelerated instruction required under Education Code 28.0211(a-1) before placement in the next grade level. A student who fails to complete required accelerated instruction may not be promoted. Education Code 28.0211(a-2); 19 TAC 101.2006(e)(2).

In each subject in which the student failed to perform satisfactorily on the grade advancement test, a student who is promoted by the GPC must be assigned to a teacher who meets all state and federal qualifications to teach that subject and grade. Education Code 28.0211(n).

Transfer Students

A student who has been promoted upon completion of a school year in a school other than a Texas public school may be enrolled in that grade without regard to whether the student has successfully completed a grade advancement test. This does not limit the School's ability to appropriately place such a student. 19 TAC 101.2007(h).

Limited English Proficient Students

The language proficiency assessment committee (LPAC) shall determine appropriate assessment and accelerated instruction for a limited English proficient (LEP) student who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.1011. The GPC for a LEP student shall make its decisions in consultation with a member of the student's LPAC. 19 TAC 101.2003(e).

Special Education Students

A student who is receiving special education services, including a LEP student, who is enrolled in grade 5 or 8, and who is receiving instruction in the essential knowledge and skills in reading or mathematics is eligible for grade advancement testing as outlined in the official GPC manual. The student's admission, review, and dismissal (ARD) committee shall determine appropriate assessment and accelerated instruction for the student. Decisions regarding assessments for LEP students who receive special education services shall be made by the ARD committee in conjunction with the LPAC. Education Code 28.0211(i); 19 TAC 101.2003(d), (f).

(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

Admission, Review and Dismissal Committees

The School shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined at 34 CFR 300.321.

ARD Committee Responsibilities

The ARD committee and the School are responsible for:

1. Evaluating, reevaluating, and determining eligibility for special education and related services;
2. Placement of students with disabilities, including disciplinary changes in placement;
3. Development of student IEPs;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of personal graduation plans;
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213;
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

19 TAC 89.1050(a); 34 CFR 300.116(a), 300.321(a).

Committee Members

The School shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

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3. At least one special education teacher, or where appropriate, at least one special education provider of the child;
4. A representative of the School who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of the School's resources;
5. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee (who may be a member of the committee listed in items 2–5);
6. At the discretion of the parent or the School, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
7. The child, whenever appropriate;
8. A representative from career and technical education, preferably the teacher, when considering initial or continued placement of a student in a career and technical education program;
9. For a child with limited English proficiency, a member of the child's language-proficiency assessment committee (LPAC) when deciding upon the selection of assessments and appropriate accommodations;
10. For a child with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of children with auditory impairments; and
11. For a child with a visual impairment, including deaf-blindness, a teacher who is certified in the education of children with visual impairments.

Commented [AK1]: TASB policy includes #'s 10 and 11; but, I don't see any special requirements for auditory or visual impairments in CFR or TAC. TAC does mention CTE and LEP students...

20 U.S.C. 1414(d)(1)(B); 34 CFR 300.321; 19 TAC 75.1023(d)(1), 89.101.1009

A School member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the School agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A School member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the School consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 CFR 300.321(e)

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Transition Meeting Membership

If the ARD committee is meeting to consider postsecondary goals and the transition services needed to assist the student in reaching those goals, the School shall invite:

1. The student. If the student does not attend, the School shall take other steps to ensure that the student’s preferences and interests are considered.
2. To the extent appropriate, and with the consent of the parent or student who has reached the age of majority, a representative of any other agency that is likely to be responsible for providing or paying for transition services.

34 CFR 300.321(b).

Parental Involvement

The School shall take steps to ensure that one or both of the parents of a student with a disability are present at each ARD committee meeting or are afforded the opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include all information required by applicable regulation); and
2. Scheduling the meeting at a mutually agreed time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the Student will invite the student, and identify any other agency that will be invited to send a representative. 34 CFR 300.322(a)–(b); 19 TAC 89.1045.

Alternative Participation Methods

If neither parent can attend an ARD committee meeting, the School must use other methods to ensure parent participation, including individual or conference telephone calls. 20 U.S.C. 1414(f); 34 CFR 300.322(c).

An ARD committee meeting may be conducted without a parent in attendance if the School is unable to convince the parents that they should attend. In such event, the School must keep a record of its attempts to arrange a mutually agreed time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; and
3. Detailed records of visits made to the parent’s home or place of employment and the results of those visits.

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34 CFR 300.322(d).

ARD Committee Meetings

The School shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability. The committee shall review each student's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once per year.

A meeting does not include informal or unscheduled conversations involving School personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that School personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. 20 U.S.C. 1414(d)(4); 34 CFR 300.116(b)(1), 300.324(b), (c)(1); 300.501(b)(3).

Meeting At Parent Request

A parent may request an ARD committee meeting at any mutually agreeable time to address specific concerns about his or her child's special education services. The School must respond to the request by holding the meeting or requesting TEA's assistance through the mediation process. The School shall inform parents of the functions of the ARD committee and the circumstances or types of problems for which requesting an ARD committee meeting would be appropriate. 19 TAC 89.1045(b)

Transfer Students

If a student transfer to the School, and the student had a previous IEP in place, the School shall provide the student with a FAPE, including services comparable to those described in the previous IEP, in consultation with the parents, until:

1. In the case of a student who transfers within the state, the School adopts the previous IEP or develops, adopts, and implements a new IEP.
2. In the case of a student who had an IEP in effect in another state, the School conducts an evaluation, if determined necessary by the School, and develops, adopts, and implements a new IEP, if appropriate.

20 U.S.C. 1414(d)(2)(C)(i); 34 CFR 300.323(e), (f).

Transfer of Records

The School shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the child's previous district. 20 U.S.C. 1414(d)(2)(C)(ii); 34 CFR 300.323(g).

Military Dependents

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The School shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the School from performing subsequent evaluations to ensure appropriate placement of the student. Education Code 162.002 art. V, § C.

Individualized Education Program (IEP)

The School shall develop, review, and revise an IEP for each child with a disability. 20 U.S.C. 1412(a)(4); 34 CFR 300.320(a).

The School shall have an IEP in effect for each child with a disability at the beginning of each school year. 20 U.S.C. 1414(d)(2)(A); 34 CFR 300.323(a).

The term “individualized education program” means a written statement for each child with a disability that includes:

1. A statement of the child’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the child’s progress toward the annual goals will be measured and when periodic reports on the progress of the child will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child;
5. A statement of the program modifications or supports for school personnel that will be provided for the child;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state or system-wide assessments;
9. If the ARD committee determines that the child must take an alternative assessment instead of a particular regular state or system-wide assessment, a statement of why the child cannot participate in the regular assessment and why the particular assessment selected is appropriate for the child;
10. Beginning not later than the first IEP to be in effect when the child is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary

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goals and transition services needed to assist the child in reaching those goals;
and

11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

20 U.S.C. 1414(d); 34 CFR 300.320; 19 TAC 89.1055

Translating IEPs

If the child's parent is unable to speak English, the School shall:

1. Provide the parent with a written or audio-taped copy of the child's IEP translated into Spanish if Spanish is the parent's native language; or
2. If the parent's native language is a language other than Spanish, make a good faith effort to provide the parent with a written or audiotaped copy of the child's IEP translated into the parent's native language.

Education Code 29.005(d).

Autism/Pervasive Developmental Disorders

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;

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10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made. 19 TAC 89.1055(e)–(f).

Visual Impairment

The School shall adopt written procedures as required in Education Code 30.002(c)(10) for providing special education services to students with visual impairments, if such services are necessary. 19 TAC 89.1075(b).

Collaborative Process

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions concerning the required elements of the IEP shall be made by agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Recess

When agreement about all required elements of the IEP is not achieved, the parent or adult student who disagrees shall be offered a single opportunity to have the committee recess for a period not to exceed ten school days. This recess is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program.

These requirements do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than failure of the parents and the School to reach agreement about all required elements of an IEP.

During the recess, the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the committee to reach agreement.

The date, time, and place for continuing the ARD committee meeting shall be determined by agreement before the recess.

No Agreement Reached

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If, after the ten-day recess, the ARD committee still cannot reach agreement, the School shall implement the IEP it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.

When the School implements an IEP with which the parents or adult student disagree, it shall provide prior written notice in compliance with applicable regulations and School policy.

Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point, when they disagree with ARD committee decisions. 19 TAC 89.1050(h).

IEP Modification

Changes to an IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and School may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, the School shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child. 20 U.S.C. 1414(d)(3)(D)–(F); 34 CFR 300.324(a)(4)–(a)(6).

(REQUIRED BY LAW)

(b) An open-enrollment charter school is subject to: . . . bilingual education under Subchapter B, Chapter 29
Education Code 12.104(b)(2)(G).

POLICY

Title III Requirements

The School shall comply with the statutory requirements regarding limited English proficient (LEP) and immigrant students upon receipt of funds under Title III of the No Child Left Behind Act. 20 U.S.C. 6801–7014.

State Policy

It is the policy of the state that every student who has a home language other than English and who is identified as LEP shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program.

School Responsibilities

The School shall:

1. Identify LEP students based on criteria established by the state;
2. Provide bilingual education and ESL programs, as integral parts of its regular program;
3. Seek certified teaching personnel to ensure that LEP students are afforded full opportunity to master the essential skills and knowledge required by the state; and
4. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for LEP students and the schools that serve them.

Education Code 29.051; 19 TAC 89.1201(a).

Identifying LEP Students

Within the first four weeks following the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the Board the number of LEP students at each campus and shall classify each student according to the language in which the student possesses primary proficiency. The Board shall report that information to the TEA before November 1 every year.

Language Proficiency Assessment Committees

The School shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of LEP students.

LPAC Membership

Each LPAC shall include:

1. a professional bilingual educator;
2. a professional transitional language educator;
3. a parent of a LEP student; and
4. a campus administrator.

The School may add other members to the committee in any of the required categories. If the School does not have an individual in one or more of the job classifications required, another professional staff member shall designate to serve on the LPAC.

In schools and grade levels at which the School is not required to provide a bilingual education program, the LPAC shall be composed of one or more professional personnel and a School-designated parent of an LEP student.

No parent serving on the LPAC shall be an employee of the School.

The professional staff members of the LPAC(s) shall be assigned those duties by the Superintendent or designee. Selection of parent members of LPAC(s) shall be made after soliciting volunteers and upon the recommendation of professionals involved in the bilingual/ESL programs.

Education Code 29.063; 19 TAC 89.1220.

Training

The School shall provide orientation and training for all members of the LPAC(s), which shall include a discussion of the committee's duties and a thorough explanation and review of all laws and rules governing the confidentiality of information regarding individual students. In performing their duties, committee members—including parents—shall be acting for the School and shall observe requirements regarding confidentiality of student records.

Education Code 29.063(a), (b); 19 TAC 89.1220(a)–(f)

Duties of LPAC

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 TAC 89.1220(g)–(j), (l).

Home Language Survey

Within four weeks of each student's enrollment, the School shall conduct a home language survey to determine the language normally used in the home and the language normally used by the student, whenever possible. The home language

survey shall be conducted in English and in the home language, and signed by the student's parents if the student is in prekindergarten through grade 8, or by the student if the student is in grades 9 through 12. The original copy of the survey shall be kept in the student's permanent record.

The School shall conduct only one home language survey of each student.

If a student is identified through the home language survey as normally speaking a language other than English, the student shall be tested in accordance with 19 TAC 89.1225 and, for students with disabilities, in accordance with 19 TAC 89.1230.

Education Code 29.056(a); 19 TAC 89.1215.

Classification as LEP

The LPAC may classify a student as LEP if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

Parental Notice and Consent

Not later than the 10th day after the LPAC's classification of a student as LEP, the LPAC shall give written notice of the classification to the student's parent. The notice must be in English and in the parent's primary language. The parents of students eligible to participate in the required bilingual education program shall be informed of the benefits of the bilingual education or special language program and that it is an integral part of the school program.

Pending parent approval, the School shall place the student in the recommended program, but may count only LEP students with parental approval for bilingual education allotment.

Education Code 29.056(a), (d); 19 TAC 89.1220(k)

PARTICIPATION OF NON-LEP STUDENTS

With the approval of the School and a student's parent, a student who is not LEP may participate in a bilingual education program. The number of participating students who are not LEP may not exceed 40% of the number of students enrolled in the program.

Education Code 29.058

Bilingual and ESL Programs

Upon the enrollment of 20 or more LEP students in any language classification in the same grade, the School shall offer a bilingual education or special language program as follows:

1. Bilingual education in kindergarten through the elementary grades.
2. Bilingual education, instruction in English as a second language, or other TEA-approved transitional language instruction in post-elementary grades through 8th grade.
3. Instruction in English as a second language in grades 9–12.

If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by TEA.

Education Code 29.053(c)-(d), 29.054.

Program Content

The School's bilingual education program shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills. An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. The bilingual or ESL program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

LEP students shall participate fully with English-speaking students in regular classes provided in subjects such as art, music, and physical education. The School shall provide students enrolled in the bilingual or ESL program a meaningful opportunity to participate fully with other students in all extracurricular activities. Elective courses may be taught in a language other than English.

Education Code 29.055; 19 TAC 89.1210(g).

Classes and Facilities

Students enrolled in the bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of educational attainment.

The School shall ensure that each student's instruction is appropriate to the student's level of educational attainment, and the District shall keep adequate records of the educational level and progress of each student enrolled in the program.

Bilingual education and special language programs shall be located in each regular School campus rather than in separate facilities. The School may concentrate the programs at a limited number of schools, provided that the enrollment in those schools shall not exceed 60% LEP students.

Education Code 29.057; 19 TAC 89.1235.

Cooperation Among Districts

The School may join with one or more other districts to provide the required bilingual and special education programs. The availability of the programs shall be publicized throughout the districts involved.

The School may allow a nonresident LEP student to enroll in or attend its bilingual education or special language program if the student's district of residence does not provide an appropriate program. The district of residence shall pay the tuition for the student.

Education Code 29.059.

Summer Program

If the School is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the Board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the Board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. The School shall comply with the requirements of 19 TAC 89.1250 in providing such a program.

Other Program

The School may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special language programs for LEP students and may join with other districts in establishing such programs.

Neither the summer program nor the other programs may substitute for the program to be provided during the regular school year.

Education Code 29.060.

Personnel

Teachers assigned to bilingual education and ESL programs must be appropriately certified in bilingual education or ESL, respectively. Education Code 29.061(b), (c).

If the School is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates, the School may file an application for exception with TEA in accordance with 19 TAC 89.1207.

Education Code 29.054; 19 TAC 89.1207.

LEP Students and State Assessments

In grades 3–12, an LEP student shall participate in the assessment of academic skills in accordance with Commissioner's rules at 19 TAC Chapter 101, subchapter AA. 19 TAC 101.5(c).

Program Exit

The School may transfer an LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;
2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g).

Notice to Parents

The School shall notify the student's parent of the student's reclassification as English proficient and his or her exit from the bilingual education or English as a second language program and acquire approval as required under Education Code 29.056(a).

Students meeting exit requirements may continue in the bilingual or English as a second language program with parental approval but are not eligible for inclusion in the School's bilingual education allotment.

19 TAC 89.1240(b).

Evaluation of Transferred Students and Reenrollment

The LPAC committee shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under the Student Code of Conduct.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

PEIMS Reporting Requirements

If required to offer bilingual education or special language programs, the School shall include the following information in its PEIMS report:

1. Demographic information on students enrolled in the School's bilingual education or special language programs;
2. The number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the School; and
3. The number and percentage of students identified as LEP students who do not receive specialized instruction.

Education Code 29.066(a).

CHARTER SCHOOL BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
BILINGUAL EDUCATION AND ENGLISH AS A
SECOND LANGUAGE SERVICES

PG-2.4

POLICY

Pioneer Technology & Arts Academy (“School”) shall provide accelerated and/or compensatory educational services based on needs assessment to students in all grade levels who have been identified as being at-risk of dropping out of school, who are not performing at grade level, or who did not perform satisfactorily on a state-mandated assessment. Assistant Principals are responsible for ensuring that each identified student receives such students.

The services provided to each identified students shall be consistent with the School’s goals and strategies for assisting students in need of academic assistance, and shall be reviewed for effectiveness at the close of each grading period.

Parents shall be encouraged to participate in the planning of educational services for their child and shall be kept informed regarding the child’s progress toward educational goals. Parents of students who are not successful in meeting requirements for promotion shall be informed of any available options, such as an extended year program or summer school.

Compensator Education Allotment

The School is entitled to an annual allotment for each student who is educationally disadvantaged. The number of educationally disadvantaged students is determined by the formula set forth at Education Code 42.152(b). Education Code 42.152(a)–(b).

Use

The School shall use its compensatory education allotment to fund supplemental programs and services designed to eliminate any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other students, and for any other purpose allowed by Education Code 42.152.

Specifically, the School may use the funds, other than an indirect cost allotment established by State Board rule, to meet the costs of providing a compensatory, intensive, or accelerated instruction program or to support a Title I program at a campus at which at least 40% of the students are educationally disadvantaged.

The School may also used allocated funds for:

1. A program specifically designed to serve students at risk of dropping out of school, as defined by Education Code 29.081;
2. An accelerated reading instruction program under Education Code 28.006(g);
3. A program for treatment of students who have dyslexia or a related disorder as required by Education Code 38.003; and

4. A mentoring services program under Education Code 29.089.

Education Code 42.152(c), (c-1), (c-2).

Dropout Prevention Strategies

Upon request from the Commissioner, the School shall submit a plan to the Commissioner describing the manner in which the School intends to use its compensatory education and high school allotments for developing and implementing research-based strategies for dropout prevention.

The School shall submit its plan no later than December 1 of each school year preceding the school year in which the School will receive the compensatory education or high school allotment to which the plan applies. The plan must meet the requirements at 19 Administrative Code 89.1701(e).

If the School is required to submit both a school improvement plan due to failure to meet the required performance standard regarding dropout rates or completion rates as well as a dropout prevention strategy plan, the School may request that its school improvement plan be used to satisfy both requirements.

The School may not spend or obligate more than 25% of its compensatory education or high school allotment without approval by the Commissioner. Education Code 29.918; 19 TAC 89.1701.

Students At Risk Of Dropping Out Of School

A “student at risk of dropping out of school” includes each student who is under 21 years of age and who:

1. Was not advanced from one grade level to the next for one or more school years (unless the student did not advance from prekindergarten or kindergarten to the next grade level only as the result of a request by the student’s parent);
2. If the student is in grades 7–12 and did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

5. Is pregnant or is a parent;
6. Has been placed in an alternative education program in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the PEIMS to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Education Code 29.052;
11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless, as defined by 42 U.S.C. 11302 and its subsequent amendments; or
13. Resided in the preceding school year or resides in the current school year in a residential placement facility, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

Education Code 29.081(d)–(d-1).

Local Eligibility Criteria

The Board may adopt local eligibility criteria that allow a student to receive compensatory educational services. The number of students receiving services under local eligibility criteria during a school year may not exceed 10% of the students described as students at risk of dropping out of school during the preceding school year. Education Code 29.081(g).

Compensatory, Intensive, and Accelerated Instruction

The School shall use the student performance data resulting from the State’s basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students that enable the students to be performing at grade level by the conclusion of the next regular school term. Education Code 29.081(a).

Accelerated Instruction

The School shall provide accelerated instruction to a student who has taken an end-of course assessment instrument and has not performed satisfactorily on the assessment instrument or who is at risk of dropping out of school. Education Code 29.081(b), 39.025(b-1).

Effectiveness

The School shall evaluate and document the effectiveness of its accelerated instruction in reducing any disparity in performance on assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other students. Education Code 29.081(c).

Dropout Recovery Education Programs

The School may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The programs must:

1. Provide not less than four hours of instructional time per day;
2. Employ as faculty and administrators persons with baccalaureate or advanced degrees;
3. Provide at least one instructor for each 28 students;
4. Perform satisfactorily according to performance indicators and accountability standards adopted for alternative education programs by the Commissioner; and
5. Comply with the Education Code and adopted rules except as otherwise allowed by law.

Students in attendance at a dropout recovery program shall be included in the School's average daily attendance for funding purposes. Education Code 29.081(e)–(f).

Optional Extended Year Program

The School may set aside an amount from its compensatory education allotment or may apply to the TEA for funding of an extended year program for a period not to exceed 30 instructional days for students in:

1. Kindergarten through grade 11, who are identified as not likely to be promoted to the next grade level for the succeeding school year; or
2. Grade 12, who are identified as not likely to graduate from high school before the beginning of the succeeding school year.

A student who does not demonstrate proficiency in a subject area as determined by the School is also eligible for services.

An optional extended year program (OEYP) may extend the day, the week, or the year to provide additional support and instruction for eligible students. The program shall be conducted beyond the required instructional year, which may include intercessions for year round programs.

Policy

If the School provides an OEYP, the Chief Executive Officer shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Program Criteria

An OEYP must meet the requirements set forth at Education Code 29.082 and 19 TAC 105.1001.

Student Promotion

A student who attends at least 90% of the program days and who satisfies the requirements at Education Code 28.021 shall be promoted to the next grade level at the beginning of the next school year in accordance with Education Code 29.082(e) unless a parent of the student presents a written request to the Assistant Principal that the student not be promoted.

Transportation

The School shall provide transportation to each student who is required to attend an EYP and who is eligible for regular transportation services. Education Code 29.082; 19 TAC 105.1001.

Optional Flexible Year Program

The School may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level.

Program Criteria

An OFYP must meet the requirements set forth at Education Code 29.0821 and 19 TAC 129.1029.

Optional Flexible School Day Program

The School may apply to the Commissioner to provide a flexible school day program (OFSDP) for students, in accordance with 19 Administrative Code 129.1027.

Program Criteria

Upon meeting application requirements, the School may:

1. Provide flexibility in the number of hours each day a student attends;
2. Provide flexibility in the number of days each week a student attends; or
3. Allow a student to enroll in less than or more than a full course load.

Student Eligibility

The School may provide an OFSDP for students who:

1. Have dropped out of school or are at risk of dropping out of school;

2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the Commissioner; or
3. As a result of attendance requirements, will be denied credit for one or more classes in which the students have been enrolled.

A student who will be denied credit for one or more classes as a result of attendance requirements may enroll in a course in a OFSDP offered during the school year or during the period in which school is recessed for the summer to enable the student to earn class credit that the student would not otherwise be able to receive without retaking the class.

Participation in Extracurricular Activities

A student enrolled in an OFSDP may participate in a competition or activity sanctioned by the University Interscholastic League (UIL) only if the student meets all UIL eligibility criteria.

Performance Review

The School shall annually review its progress in relation to performance indicators required by 19 TAC 129.1027(h). Progress should be assessed based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status.

Education Code 29.0822; 19 TAC 129.1027.

Tutorials

The School may provide tutorial services at its campuses. If such services are provided, students whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 must attend tutorials.

The School may provide transportation services to accommodate students who are required to attend tutorial services and who is eligible for regular transportation services. Education Code 29.084.

Basic Skills Programs for High School Students

The School may apply to the Commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the Commissioner. The School may assign a student to the basic skills program with consent from the student's parent or guardian.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

After-School and Summer Intensive Mathematics Instruction Programs

The School may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course;
or
3. Other students as determined by the School.

Before providing a program, the Chief Executive Officer shall develop a policy for:

1. Determining student eligibility for participating in the program that:
 - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
 - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;
4. Ensuring that the program is offered at one or more locations in the District that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

The Board shall adopt a policy developed by the Chief Executive Officer. Education Code 29.088, .090; 19 TAC 102.1041.

Mentoring Services Program

The School may provide a mentoring services program to students at risk of dropping out of school. The Board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

The Board may arrange for any public or nonprofit community-based organization to come to the School's campuses and implement the program. Education Code 29.089.

Accelerated Reading Instruction Program

The School shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The Chief Executive Officer shall determine the form, content, and timing of the program.

The School shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment, as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Limitation

The School may implement an accelerated reading instruction program only if the Commissioner certifies that funds have been appropriated during a school year for administering the program.

Education Code 28.006(f), (g), (g-1), (k).

Intensive Program of Instruction

State Assessments

The School shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument. The program shall be designed to:

1. Enable the student to:
 - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
 - b. Attain a standard of annual growth specified by the District and reported by the District to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211.

Students Receiving Special Education Services

For a student in a special education program who does not perform satisfactorily on a state assessment instrument, the student's admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211.

Graduation Requirements

The School shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.

Education Code 28.0213.

POLICY

Career and Technology Education

The Board may contract with another school district, public or private post-secondary institution, or trade or technical school that is regulated by the state, as designated in the state plan for career and technology education, to provide career and technology classes for students. Education Code 29.184(a).

In addition, the Board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may receive specific education in a career and technology profession. Education Code 29.187.

Students with Disabilities

The School may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. Education Code 29.008(a).

Prekindergarten Licensing Standards

If the School contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042. Education Code 29.1532(b).

POLICY

Credit By Examination: With Prior Instruction

A student in any of grades 6–12 may be given credit for an academic subject in which he or she has had some prior instruction if the student scores 70% or higher on a criterion-referenced test for the applicable course. Education Code 28.023; 19 TAC 74.24(c)(3).

The Assistant Principal or designee shall have authority to offer the student the opportunity to demonstrate mastery in a subject or to earn course credit by examination when the student has had prior instruction in a subject and when:

1. The student is enrolling in the School from a nonaccredited school;
2. The student has failed a subject or course; or
3. The student has earned a passing grade in a subject or course but has failed to earn credit because of excessive absences.

Examinations shall assess the student's mastery of the essential knowledge and skills and shall be administered according to established School procedures.

Prior to offering a student an opportunity to demonstrate mastery or earn credit by this method, an appropriate School employee shall review the student's records to determine whether the student has had prior instruction in the subject or course.

Credit By Examination: Without Prior Instruction

With Board approval, the School shall develop or purchase examinations for acceleration that thoroughly test the essential knowledge and skills for each primary school grade level and for credit for secondary school academic subjects.

Education Code 28.023(b), 19 TAC 74.24(b).

Grades 6–12

A student in any of grades 6–12 shall be given credit for an academic subject in which he or she has had no prior instruction if the student scores 90% or above on a criterion-referenced test for the applicable test. If such credit is given, the School shall enter the examination score on the student's transcript.

Test Selection

The Superintendent or designee shall be responsible for the development or selection of tests a student may use to earn course credit or accelerate to the next grade level without prior instruction in a course or grade level. Each examination shall thoroughly test the essential knowledge and skills in the applicable course or grade level.

Special Requests

The School may deny a parent's or student's request for an alternative examination or alternative date.

Credit Approval

The Superintendent or designee shall award course credit or approve acceleration on the basis of an examination for acceleration, in accordance with State Board rules.

Annual Administration of Exams

The Superintendent or designee shall establish a schedules of dates, in accordance with law, when examinations for acceleration shall be administered in grades 1 through 12. The dates must be publicized in the community. 19 TAC 74.24(a)(1).

The School may allow a student to accelerate at a time other than those selected by the Superintendent or designee by developing a cost-free option approved by the Board that allows students to demonstrate academic achievement or proficiency in a subject or grade level. 19 TAC 74.24(a)(4).

Fees

The School shall not charge for an examination for acceleration administered on the published dates or alternate dates. The student's parent shall pay for an alternative examination approved by the School. 19 TAC 74.24(a)(2).

POLICY

Career and Technology Program

Each student shall master the basic skills and knowledge necessary for managing the dual roles of family member and wage earner and for gaining entry-level employment in a high-skill, high-wage job or continuing the student's education at the postsecondary level. Education Code 29.181.

The Board may conduct and supervise career and technology classes and other educational programs for students and for other persons of all ages and spend local maintenance funds for the cost of those classes and programs. In developing a career and technology program, the Board shall consider the state plan for career and technology education. Education Code 29.183.

Distinguished Achievement in Career and Technology Education

The Board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may:

1. Receive specific education in a career and technology profession that leads to postsecondary education or meets or exceeds business or industry standards; and
2. Obtain from the School an award for distinguished achievement in career and technology education and a stamp or other notation on the student's transcript that indicates receipt of the award.

An award granted under this provision is not in lieu of a diploma or certificate of coursework completion.

In developing such a plan, the Board shall consider the state plan for career and technology education. The Board must submit a proposed program to the Commissioner in accordance with criteria established by the Commissioner. Education Code 29.187.

Contracts with Other Entities

The Board may contract with an entity listed in Education Code 29.184(a) for assistance in developing the program or providing instruction to students participating in the program. The Board may also contract with a local business or a local institution of higher education for assistance in developing or operating a career and technology education program. A program may provide education in areas of technology unique to the local area. Education Code 29.187(d), (e).

Insurance

The Board may provide insurance to protect a business that contracts with the District under this provision. The Board shall notify the parent or guardian of each

student working for a business if the Board provides such insurance. The amount of insurance provided by the School must be reasonable. Education Code 29.187(f).

Providing Career and Technical Education

The following provisions apply only if the School receives federal career and technical education funds. 19 TAC 75.1021.

Students with Disabilities

A student with a disability shall be provided career and technical education in accordance with all applicable federal law and regulations including the Individuals with Disabilities Education Act (IDEA) of 2004 and its implementing regulations, state statutes, and rules of the SBOE and the Commissioner.

A student with a disability shall be instructed in accordance with the student's IEP, in the least restrictive environment, as determined by the student's ARD committee. If a student with a disability is unable to receive a free appropriate public education (educational benefit) in a regular career and technical education program, using supplementary aids and services, the student may be served in separate programs designed to address the student's occupational/training needs, such as career and technical education for students with disabilities.

A student with a disability identified in accordance with IDEA of 2004 is an eligible participant in career and technical education when the following requirements are met:

1. The ARD committee shall include a representative from career and technical education, preferably the teacher, when considering initial or continued placement of a student in career and technical education program;
2. Planning for the student shall be coordinated among career and technical education, special education, and state rehabilitation agencies and should include a coherent sequence of courses;
3. The School shall monitor to determine if the instruction being provided a student with a disability in career and technical education classes is consistent with the student's IEP;
4. The School shall provide supplementary services that each student with a disability needs to successfully complete a career and technical education program, such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices;
5. The School shall help fulfill the transitional service requirements of the IDEA of 2004 and implementing regulations, state statutes, and rules of the Commissioner for each student with a disability who is completing a coherent sequence of career and technical education courses.

6. When determining placement in a career and technical education classroom, the ARD committee shall consider a student's graduation plan, the content of the individual transition plan, the IEP, and classroom supports. Enrollment numbers should not create a harmful effect on student learning for a student with or without disabilities in accordance with the provisions in the IDEA of 2004 and its implementing regulations.

19 TAC 75.1023.

Student Organizations

The School may use federal career and technical education funds to provide opportunities for student participation in approved student leadership organizations and assist career and technical student organizations in accordance with all applicable federal and state laws, rules, and regulations. However, students shall not be required to join such an organization. Student participation in career and technical student organizations shall be governed in accordance with 19 TAC Chapter 76 (relating to extracurricular activities).

The following career and technical student organizations are recognized by the U.S. Department of Education and the TEA:

1. Business Professionals of America (BPA);
2. DECA;
3. Future Business Leaders of America (FBLA);
4. FFA;
5. Family, Career, and Community Leaders of America (FCCLA);
6. Health Occupations Students of America (HOSA);
7. Technology Student Association (TSA); and
8. Skills USA.

19 TAC 75.1024 [See FM]

Program Evaluation

The School shall annually evaluate its career and technical education programs. 19 TAC 75.1025.

Annual Notification

Prior to the beginning of each school year, the Chief Executive Officer shall advise students, parents, employees, and the general public that all career and technical education opportunities will be offered without regard to race, color, national origin, sex, or disability. Such notification shall comply with the guidelines provided by the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap*, published by the Office for Civil Rights.

(REQUIRED BY LAW)

(b) An open-enrollment charter school is subject to: . . . public school accountability under Subchapters B, C, D, E, G, and J, Chapter 39

Education Code 12.104(b)(2)(L).

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. The Algebra I, Algebra II, and geometry end-of-course assessment instruments must be administered with the aid of technology. **A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled to account for 15 percent of the student's final grade for the course. If a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course.** If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

Education Code 39.023(c).

POLICY

End-of-Course Assessments

A student's performance on an end-of-course (EOC) assessment instrument for an Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history course in which the student is enrolled shall account for 15% of the student's final grade for the course.

Retakes

If a student retakes an EOC assessment instrument referenced above, the School is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course.

POLICY

School Year

Pioneer Technology & Arts Academy (“School”) shall operate so that it provides the minimum number of instructional days specified in the School’s charter currently on file with the State of Texas.

Length of School Day

A school day shall be at least 7 hours each day, including intermissions and recesses.

Required Instruction

A primary purposes of the School’s curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. The School shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks.

The School shall ensure that all students enrolled participate actively in a balanced curriculum designed to meet individual needs.

The School shall offer to students in all grade levels the curriculum required by the School’s charter currently on file with the State of Texas.

School Calendar

The Superintendent shall develop a school calendar reflecting the School’s operations in accordance with the requirements of the School’s charter. The Superintendent or designee shall distribute the School calendar to all students and parents.

Celebrate Freedom Week

To educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded, the week in which September 17 falls is designated as Celebrate Freedom Week. Education Code 29.907.

Generation Texas Week

To educate middle school and high school students about the importance of higher education, the Chief Executive Officer shall designate one week during the school year as Generation Texas Week. The Chief Executive Officer shall designate one week during the school year as Generation Texas Week for all middle school, junior high, and high school students attending the School.

During the designated week, each middle school and high school shall provide students with comprehensive grade-appropriate information regarding the pursuit of higher education. The information provided must include information regarding:

1. Higher education options available to students;
2. Standard admission requirements for institutions of higher education, including:
 - a. Overall high school grade point average;
 - b. Required curriculum;
 - c. College readiness standards and expectations as determined under Education Code 28.008; and
 - d. Scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;
3. Automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803; and
4. Financial aid availability and requirement, including the financial aid information provided under Education Code 33.007(b).

Education Code 29.911.

Exercise of Constitutional Right to Pray

A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A person shall not require, encourage, or coerce a student to engage in or refrain from such prayer or meditation during any school activity. Education Code 25.901.

POLICY

Gifted and Talented Program

The Superintendent shall develop a gifted and talented program that is approved by the Board and disseminated to parents. The program shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently;
2. A continuum of leaning experiences that leads to the development of advanced-level products and performances;
3. In-school and, when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year; and
4. Opportunities to accelerate in areas of strength.

19 TAC 89.1, 89.3.

For purposes of this policy, "gifted and talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. Exhibits high performance capability in an intellectual, creative, or artistic area;
2. Possesses an unusual capacity for leadership; or
3. Excels in a specific academic field.

Education Code 29.121.

Program Requirements

The program developed by the Superintendent shall incorporate the following requirements:

Nomination

Students may be nominated or referred for the gifted and talented program at any time by teachers, counselors, parents, or other interested persons.

Conferences

Conferences shall be held with nominated students and their parent(s), if appropriate, to determine if the students are interested in the program.

Screening and Identification Process

Assessment opportunities related to the screening and identification process for nominated and referred students shall be conducted at least once per school year.

Parental Consent

Written parental consent shall be obtained before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections of the Family Educational Rights and Privacy Act.

Identification

The program shall establish criteria to identify gifted and talented students. The criteria shall conform to the state definition of gifted and talented, and shall ensure the fair assessment of students with special needs, including the culturally different, the economically disadvantaged, and students with disabilities.

Assessments

Individual eligibility for the program shall be determined from data collected through both objective and subjective assessments measured against the criteria approved by the Board. Assessment tools may include, but are not limited to, achievement tests, creativity tests, behavioral checklists completed by teachers and parents, teacher nominations, student/parent conferences, and available student work product.

Selection

Each campus shall establish a selection committee to evaluate each nominated student according to the established criteria. The committee shall be composed of at least three educators who have received training in the nature and needs of gifted students. The committee shall select those students for whom the gifted and talented program is the most appropriate educational setting.

Selection Notification

Parents and students shall be notified in writing upon selection of the student for the gifted and talented program. Participation in any program or services provided for gifted students is voluntary. The School shall obtain written permission from the parent(s) before placing a student in the program.

Reassessment

The School shall reassess students to determine appropriate program placement when a student moves from the elementary level to the middle school level, and from the middle school level to high school.

Transfer Students

When a student identified as gifted by a previous school district enrolls in the School, the student's records shall be reviewed by the appropriate selection committee to determine if placement in the School's gifted and talented program is appropriate. If the transferring student's records are limited or not available, or if the identification criteria for placement in the program for gifted and talented students at the previous school are not comparable to the School's, the standard procedures for identifying gifted and talented students shall be employed.

The committee shall make its determination within 30 days of the student's enrollment in the School, and shall base its decision on the transferred records, observation reports of School teachers who instruct the student, and student and parent conferences.

Furloughs

Any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the gifted and talented program may be placed on furlough. The School, a parent, or the student may initiate a furlough.

The selection committee shall document the specific reasons for granting the furlough and the time period for which the furlough shall last. At the end of a furlough, the student may reenter the program, be placed on another furlough, or be exited from the program.

Program Exit

Student performance in the program shall be monitored. The selection committee may exit a student from the program at any time if the committee determines it is in the student's best interest and his or her educational needs. If a student or parent requests removal from the program, the selection committee shall meet with the parent and student before granting the request.

Appeals

A parent or student may appeal a final decision of the selection committee regarding selection for or removal from the gifted and talented program. Appeals shall first be made to the selection committee. Any subsequent appeals shall be made in accordance with the Formal Grievance Process (See Student and Parent Complaints and Concerns in the Parent Student Handbook).

Gifted and Talented Teachers

The Superintendent shall ensure that:

1. Prior to assignment in the program, teachers who provide instruction and services that are art of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented

- students, assessing student needs, and curriculum and instruction for gifted students;
2. Teachers without the required training who provide instruction and services that are part of the gifted and talented program complete the 30-hour training requirement within one semester;
 3. Teachers who provide instruction and services that are part of the program receive a minimum of six hours annually of professional development in gifted education; and
 4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

19 TAC 89.2.

Program Evaluation

The gifted and talented program shall be evaluated annually, and evaluation information shall be shared with Board members, administrators, teachers, counselors, students in the gifted and talented program, and the community. Evaluation information shall also be used to modify and update the program.

Community Awareness

The Superintendent shall ensure that information about the School's gifted and talented program is available to parents and community members, and that they have an opportunity to develop an understanding of and support for the program.

POLICY

General Homebound Education

In accordance with the TEA's Student Attendance Accounting Handbook, (SAAH), a student to be confined for a minimum of four weeks to a hospital or homebound for medical reasons specifically documented by a physician licensed to practice in the United States may be eligible for general homebound education services. A parental request for such services shall be made through the Principal in accordance with the SAAH and administrative procedures.

The Assistant Principal or designee shall convene a placement committee composed of at least a campus administrator, a teacher of the student, and the student's parent or guardian to consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type and amount of instruction to be provided and the length of the transition period when the student is able to return to the regular educational setting, based on current medical information.

Special Education Students

The ARD committee shall determine the type and amount of instruction to be provided to special education students and, when the student is able to return to the regular educational setting, the length of the transition period based on current medical information.

Documentation of Services

The School shall maintain full documentation regarding students receiving homebound services in accordance with administrative procedures.

POLICY

Essential Knowledge and Skills

Pioneer Technology & Arts Academy (“School”) shall establish instructional objectives that relate to the essential knowledge and skills for grade-level subjects or courses. These objectives shall address the skills needed for successful performance in the next grade or next course in a sequence of courses.

Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that the student’s performance indicates the level of mastery of the designated School objectives. The student’s mastery level shall be a major factor in determining the grade for a subject or course.

Guidelines for Grading

The Superintendent or designee shall ensure that each campus or instructional level develops guidelines for teachers to follow in determining grades for students. These guidelines shall ensure that grading reflects a student’s relative mastery of an assignment and that a sufficient number of grades are taken to support the grade average assigned. Guidelines for grading shall be clearly communicated to students and parents.

In accordance with grading guidelines, a student shall be permitted a reasonable opportunity to redo an assignment or retake a test for which the student received a failing grade.

Progress Reporting

Grade reports shall be issued every 6 weeks on a form approved by the Superintendent or designee.

Interim Reports

Interim progress reports shall be issued for all students after the [#] week of each grading period. Supplemental progress reports may be issued at the teacher’s discretion.

Conferences

Conferences may be requested by a teacher or parent as needed.

Academic Dishonesty

Students found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another

supervising professional employee, taking into consideration written materials, observation, or information from students.

POLICY

Students shall be expected to make up assignments and tests after absences. Students shall receive a zero for any assignment or test not made up within the allotted time.

Teachers may assign additional work to ensure that students who have been absent have sufficient opportunity to master the Texas Essential Knowledge and Skills (TEKS) or to meet subject or course requirements. The assignments shall be based on the instructional objectives for the subject or course and may provide greater depth of subject matter than routine make-up work.

Tests and Makeup Work

Students shall be permitted to take tests administered in any class missed because of absence.

For any class missed, the teacher may assign the student make-up work based on the instructional objectives for the subject or course and the needs of the individual student in mastering the essential knowledge and skills or in meeting subject or course requirements.

A student shall be responsible for obtaining and completing the make-up work in a satisfactory manner and within the time specified by the teacher.

Late Projects

Teachers may assign a late penalty to any project turned in after the due date in accordance with previously established guidelines approved by the Principal and disseminated to students.

(REQUIRED BY LAW)

(b) An open-enrollment charter school is subject to: . . . public school accountability under Subchapters B, C, D, E, G, and J, Chapter 39

Education Code 12.104(b)(2)(L).

Sec. 39.303. REPORT TO PARENTS. (a) The school district a student attends shall provide a record of the comparisons made under Section 39.034 and provided to the district under Section 39.302 in a written notice to the student's parent or other person standing in parental relationship.

(b) For a student who failed to perform satisfactorily as determined under either performance standard under Section 39.0241 on an assessment instrument administered under Section 39.023(a), (c), or (l), the school district shall include in the notice specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources described by Section 32.252(b)(2) and assessment instrument questions and answers released under Section 39.023(e).

Education Code 39.023(c).

POLICY

Report of Student Performance to Parents

The School shall provide a record of the comparisons of student performance made under Education Code 39.034 and provided to the School under Education Code 39.302 in a written notice to the student's parent or other person standing in parental relationship.

For a student who failed to perform satisfactorily as determined under either performance standard under Education Code 39.0241 on an assessment instrument administered under Education Code 39.023(a), (c), or (l), the School shall include in the notice specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources described by Education Code 32.252(b)(2) and assessment instrument questions and answers released under Education Code 39.023(e).

Education Code 39.303.

(REQUIRED BY LAW)

(b) An open-enrollment charter school is subject to: . . . reading instruments and accelerated reading instruction programs under Section 28.006 Education Code 12.104(b)(2)(C).

POLICY

Selection of Reading Instruments

The Commissioner shall adopt a list of reading instruments that the School may use to diagnose student reading development and comprehension. The School may adopt a list of reading instruments for use in addition to the reading instruments on the Commissioner's list. Each reading instrument adopted must be based on scientific research concerning reading skills development and reading comprehension. A list of adopted reading instruments must provide for diagnosing the reading development and comprehension of students participating in a bilingual education or special language program. Education Code 28.006(b).

Student Reading Assessments

Seventh Grade

During the first six weeks of the school year, the School shall administer the reading instrument specified by the Commissioner to each student in seventh grade whose performance on the sixth grade state reading assessment in reading did not meet the passing standard. The ARD committee for each student who was administered a modified state assessment in reading may determine if the diagnostic assessment is appropriate for use with that student. Education Code 28.006(c-1), 19 TAC 101.6001(a).

A seventh-grade student who does not have a score for the statewide reading assessment in grade six may be given an equivalent comprehension assessment. If that student does not meet the passing standard, then the student must be administered the diagnostic reading assessment selected by the Commissioner. 19 TAC 101.6001(b).

The School must use the Texas Middle School Fluency Assessment and/or an alternate diagnostic reading instrument. The School must submit an alternate diagnostic reading instrument to the TEA for approval. An alternate diagnostic reading instrument must:

1. Be based on published scientific research in reading;
2. Be age and grade-level appropriate, valid, and reliable;
3. Identify specific skill difficulties in word analysis, fluency, and comprehension; and

4. Assist the teacher in making individualized instructional decisions based on the assessment results.

19 TAC 101.6001(c), (d).

Superintendent Reports

The Superintendent shall:

1. Report the results of the reading instruments to the Commissioner and the Board;
2. Report, in writing, to a student's parent or guardian the student's results on the reading instrument; and
3. Report each student's raw score on the reading instrument to the TEA using the school readiness certification system.

Education Code 28.006(d).

Parental Notification

The School shall notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. Education Code 28.006(g).

The School shall make a good faith effort to ensure that this notice is provided either in person or by regular mail, and that the notice is clear and easy to understand and is written in English and in the parent or guardian's native language. Education Code 28.006(h).

Accelerated Reading Instruction Program

The School shall implement an accelerated reading instruction program that provides reading instruction addressing reading deficiencies to students identified as at risk for dyslexia or other reading difficulties, and shall determine the form, content, and timing of that program. The ARD committee of a student who participates in the School's special education program and who does not perform satisfactorily on a reading instrument shall determine the manner in which the student will participate in an accelerated reading instruction program. Education Code 28.006(g).

(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

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 the School. 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

The School 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 the School;
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 interdistrict program, through School personnel in a non-School facility, or at a School 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 School resident): services provided to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the School;
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

The School 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

The School 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

The School 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. The School 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.

(REQUIRED BY LAW)

TEC 38.003. Screening and Treatment for Dyslexia and Related Disorders.

- (a) Students enrolling in public schools in this state shall be tested for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education.
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.

TEC 12.104. Applicability of Title

- (c) An open-enrollment charter school is subject to . . . health and safety under Chapter 38.

POLICY

Dyslexia and Related Disorders

The Board shall ensure that procedures for identifying and providing appropriate instructional services to students for dyslexia and related disorders are implemented by the School. These procedures shall be implemented in accordance with the State Board of Education's *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)*.

Identification and Testing

Screening should be done only by individuals or professionals who are trained to assess students for dyslexia and related disorders.

Before an identification or assessment procedure is used selectively with an individual student, the School must notify the student's parent or guardian or another person standing in parental relation to the student.

A process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available, as outlined in the *Dyslexia Handbook*.

Treatment

The School shall provide each identified student access at his or her campus to instructional programs and to the services of a teacher trained in dyslexia and related services. The School may, with the approval of each student's parents or guardians, offer additional services at a centralized location, so long as such centralized services do not preclude each student from receiving services at his or her campus.

Reading Program

The School shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the *Dyslexia Handbook*.

Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multi-sensory, phonetic methods and a variety of writing and spelling components described in the *Dyslexia Handbook*. The professional development activities specified by each School and/or campus planning committee shall include these instructional strategies.

Parental Notifications

The School shall inform parents and guardians of students eligible under Section 504 Of all services and options available to the student under that law.

Parent Education Program

The School shall develop and provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program should include:

- Awareness of characteristics of dyslexia and related disorders;
- Information on testing and diagnosis of dyslexia;
- Information on effective strategies for teaching dyslexic students; and
- Awareness of information on modification, especially modifications allowed on standardized testing.

Education Code 38.003; 19 TAC 74.28.

(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

Child Find

The School shall ensure that all children residing within the School's boundaries who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 CFR 300.111(a)(1)(i), (c).

Private School Students

The School 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 School's boundaries.

The School 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 School's boundaries. 20 U.S.C. 1412(a)(10)(A)(ii)–(iv).

Preschool Students

The School shall develop a system to notify residents within the School's boundaries with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of such programs. Education Code 29.009

Referral

Referral of students for a full and individual initial evaluation for possible special education services shall be a part of the School's overall general education referral or

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screening system. Either a parent, TEA, another state agency, or the School may initiate a request for an initial evaluation.

Before referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students. If a student continues to experience difficulty in the general classroom after the provision of interventions, School personnel must refer the student for a full and individual initial evaluation. 20 U.S.C. 1414(a)(1); 34 CFR 300.301; 19 TAC 89.1011.

NOTICE OF RIGHTS

The School shall provide written notice to a student's parent or guardian within a reasonable time before proposing or refusing to initiate the identification, evaluation, or educational placement of a student or the provision of a FAPE. 20 U.S.C. 1415(b)(3); 34 CFR 300.503(a).

Initial Evaluation

The School shall conduct a full and individual initial evaluation before the initial provision of special education and related services. 20 U.S.C. 1414(a)(1)(A).

The School shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. 20 U.S.C. 1414(b)(3)(D).

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. 20 U.S.C. 1414(a)(1)(E).

Consent For Initial Evaluation

The School shall make reasonable efforts to obtain informed parental consent before conducting an initial evaluation.

If the parent does not provide consent for an initial evaluation or fails to respond to a request to provide consent, the School may—but is not required to—pursue the initial evaluation by utilizing due process procedures, except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services. 20 U.S.C. 1414(a)(1)(D)(i)(1); 34 CFR 300.300.

Wards of the State

If the child is a ward of the state and is not residing with the child's parent, the District shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. The School cannot discover the whereabouts of the parent, despite reasonable efforts to do so;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 CFR 300.300(a)(2).

The School must conduct the initial evaluation within 45 days of receiving parental consent for the evaluation, or a shorter time frame if one is established by the state.

This time frame shall not apply if:

1. A child enrolls in the School after the relevant time frame has begun and before the child's previous district made a determination as to whether the child has a disability, but only if the School is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the School agree to a specific time for completion of the evaluation; or
2. The parent repeatedly fails or refuses to produce the child for the evaluation.

20 U.S.C. 1414(a)(1)(C); 34 CFR 300.301(c)–(e); Education Code 29.004

Psychological Exams

If the School determines that an additional examination or test is required for the evaluation, the School shall provide the information required by Education Code 29.0041(a) and shall obtain parental consent. If a parent does not give consent within 20 calendar days after the School provides the information, the parent's consent is considered denied.

The time required for the School to provide information and seek consent may not be counted toward the 60 calendar days for completion of an evaluation. Education Code 29.0041.

Eligibility Determinations

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

The School shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. 20 U.S.C. 1414(b)(4)(B); 34 CFR 300.306(a).

Reevaluations

The School shall ensure that each child with a disability is reevaluated if the School determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the School agree otherwise; and
2. At least once every three years, unless the parent and the School agree that a reevaluation is unnecessary.

The School shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the School can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond. 20 U.S.C. 1414(a)(2), (c)(3); 34 CFR 300.303.

Evaluation for Change in Eligibility

The School shall evaluate a child before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. 20 U.S.C. 1414(c)(5); 34 CFR 300.305(e).

Independent Evaluation

Parents have a right to obtain an independent educational evaluation of their child. Upon such a request, the School shall provide the parents with information regarding where one can be obtained and the School's criteria for independent evaluations.

At Public Expense

If a parent requests an independent evaluation at public expense, the School shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless the School demonstrates that the evaluation obtained by the parent did not meet the School's criteria for independent evaluations.

At Private Expense

If the School initiates a hearing, and the final decision is that the School's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense. If the parent obtains an independent evaluation at private expense, the School shall consider the results of the evaluation, if it meets the School's criteria, in any decision made with respect to providing FAPE to the child. 34 CFR 300.502.

Eligibility for Participation

A student is eligible to participate in the School's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035, 89.1040.

Visual and Auditory Impairments

A student with a visual or auditory impairment shall be eligible to participate in the School's special education program from birth. 19 TAC 89.1035(b); Education Code 30.002.

Parental Consent

The School must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the School:

1. May not use the procedures in 34 CFR part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the School requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the School:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;

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2. May not use the procedures in 34 CFR part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and
4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 CFR 300.300(b).

Requiring Prescription Medication

School employees are prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

School employees are not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services. 20 U.S.C. 1412(a)(25)

(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

Procedural Safeguards

The Superintendent shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). 20 U.S.C. 1415(a)–(b).

These procedures shall include:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. 34 CFR 300.501.
2. An opportunity for the parents to obtain an independent educational evaluation of the child. 34 CFR 300.502.
3. Assignment of an individual to act as a surrogate for the parent when no parent can be identified, the School cannot locate the parents, or the child is a ward of the state. 34 CFR 300.519.
4. Prior written notice to the parents whenever the School proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. 34 CFR 300.503.
5. Procedures to allow parties to resolve disputes through a mediation process. 34 CFR 300.506.
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. 34 CFR 300.507.
7. Procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which shall remain confidential). 34 CFR 300.508.

Consent

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, the School is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 CFR 300.9

Language of Notices

The procedural safeguards and prior notices described below must be written in language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. 34 CFR 300.503(c), 300.504(d).

Electronic Delivery of Notices

A parent of a child with a disability may elect to receive required notices by electronic mail, if the School makes that option available. 34 CFR 300.505.

Notice of Procedural Safeguards

The School shall provide a copy of the procedural safeguards to parents only once per year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

The School may also place a current copy of the procedural safeguards notice on its Internet Web sit.

Contents of Notice

The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;

4. Access to educational records;
5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
 - a. The time period in which to file a complaint,
 - b. The opportunity for the School to resolve the complaint; and
 - c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

20 U.S.C. 1415(a)–(b), (d); 34 CFR 300.504(c).

Prior Notice and Consent

The School shall provide prior written notice to the parents within a reasonable time before the School proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of a FAPE to the child. 34 CFR 300.503(a).

“Reasonable time” is defined as at least five school days, unless the parents agree otherwise. 19 TAC 89.1015.

Contents of Notice

The notice must include:

1. A description of the action proposed or refused by the School;
2. An explanation of why the School proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report the School used as a basis for the proposed or refused action;
4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the IDEA rules;

6. A description of other options the ARD committee considered and the reasons why those options were rejected; and
7. A description of other factors relevant to the School's proposal or refusal.

34 CFR 300.503(b)

Consent to Initial Evaluation

Before the School conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation the School proposes to conduct, and obtain informed consent for the evaluation from the parents. 20 U.S.C. 1414(a)(1)(D), (E); 34 CFR 300.304(a).

Consent to Services

The School shall seek informed consent from the parent before providing special education and related services to a child. 20 U.S.C. 1414(a)(1)(D).

Consent to Reevaluation

The School shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the School can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. 20 U.S.C. 1414(c)(3).

Psychological Examinations and Tests

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, the School shall provide to the child's parent:

1. the name and type of the examination or test; and
2. an explanation of how the examination or test will be used to develop an appropriate IEP for the child.

If the School determines that an additional examination or test is required for the evaluation of a child's need for special education, the School shall provide the information above to the parent regarding the additional examination or test and shall obtain additional consent for the examination or test. Education Code 29.0041(a), (b).

Complaint Procedures

Whenever a due process complaint has been received by the School, the parent shall have an opportunity for an impartial due process hearing, which shall be conducted by TEA.

Time Limit

A due process complaint must set forth an alleged violation that occurred not more than one year before the date the parent or School knew or should have known about

the alleged action that forms the basis of the complaint. 20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(c).

Exception

This timeline shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by the School that it had resolved the problem forming the basis of the complaint; or
2. The School's withholding of information from the parent that the School was required by the IDEA to provide.

20 U.S.C. 1415(f)(3)(D); 34 CFR 300.511(f).

“Stay Put”

During the pendency of any proceeding conducted under IDEA part B (except proceedings to challenge a disciplinary change of placement or manifestation determination), the child shall remain in the then-current educational placement unless the School and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. 20 U.S.C. 1415(j); 34 CFR 300.518, 300.533.

Exception

When a due process hearing has been requested by a parent or district concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the parent and School agree otherwise. 20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 CFR 300.533.

Resolution Process

Within 15 days of receiving notice of a parent's due process complaint, and before initiating a due process hearing, the School shall convene a meeting with the parent and the relevant member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that the School has the opportunity to resolve the dispute.

The meeting need not be held if the parent and the School agree in writing to waive the meeting, or the parent and the School agree to use the mediation process.

If the School has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. If the School is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the School may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint. 34 CFR 300.510.

Transfer of Rights to Adult Students

When a student reaches the age of 18, the School shall notify the student and the parents of the transfer of parental rights. This notice is separate and distinct from the requirement that, beginning at least one year before the student reaches the age of 18, the student's IEP include a statement regarding transfer of parental rights.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student. 34 CFR 300.520; Education Code 29.017(a)–(b); 19 TAC 89.1049(c).

(REQUIRED BY LAW)

(b) An open-enrollment charter school is subject to: . . . public school accountability under Subchapters B, C, D, E, G, and J, Chapter 39

Education Code 12.104(b)(2)(L).

POLICY

English Language Proficiency Assessments

In kindergarten through grade 12, an English language learner (ELL), as defined by Education Code, Chapter 29, Subchapter B as a student of limited English proficiency, shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state requirements under Education Code, Chapter 39, Subchapter B, and applicable federal requirements. 19 TAC 101.1003(a).

Special Education Students

In rare cases, the student's ARD committee and language proficiency assessment committee (LPAC) may determine that it is not appropriate for an EL receiving special education services to participate in an English language proficiency assessment for reasons associated with the student's particular disability. The ARD shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. The ARD committee and LPAC shall also determine and document the need for allowable testing accommodations in accordance with administrative procedures established by the TEA. 19 TAC 101.1003(b)-(c).

Assessment of Achievement in Academic Content Areas and Courses

Selection of Assessment Instrument

The LPAC shall select the appropriate state-mandated assessment option for each ELL in accordance with applicable Commissioner's Rules.

Assessment Selection for Special Education Students

For each ELL receiving special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments. The LPAC shall document the decisions and justifications in the student's permanent record file, and the ARD committee shall document the decisions and justifications in the student's IEP.

Assessment decisions shall be made on an individual student basis and in accordance with administrative procedures established by the TEA. 19 TAC 101.1005(a).

Testing Accommodations

The LPAC shall, in conjunction with the ARD committee if the ELL is receiving special education services, determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by the TEA. 19 TAC 101.1005(e).

Refusal of Services

An ELL whose parent or guardian has declined bilingual education and special language program services is not eligible for special assessment, accommodation, or accountability provisions made available to ELLs on the basis of limited English proficiency. 19 TAC 101.1005(f).

Rules for Students First Enrolled in Grade 9 or Below in the 2011–2012 School Year

An ELL shall participate in the grades 3–8 and end-of-course requirements as required by Education Code 39.023(c). Except as provided below, an ELL shall be administered the general form of the English-version state assessment:

1. A Spanish-speaking ELL in grades 3–5 may be administered the Spanish-version assessment if the Spanish assessment will provide the most appropriate measure of the student’s academic progress.
2. An ELL in grade 3 or higher may be administered the linguistically-accommodated English version of the state’s mathematics, science, or social studies assessment if:
 - a. A Spanish-version assessment does not exist or is not the most appropriate measure of the student’s academic progress;
 - b. The student has not yet demonstrated English language proficiency in reading as determined by the state’s English language proficiency assessments; and
 - c. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less, as those terms are defined by Commissioner’s Rule.

In certain cases, an ELL who receives special education services may, as a result of his or her particular disabling condition, qualify for an alternative assessment instrument based on alternative achievement standards. 19 TAC 101.1005(b).

Assessment Provisions for Graduation

An ELL shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States.

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However, the following provisions apply to an ELL enrolled in an English I or II course or an English for Speakers of Other Languages I or II course if the ELL:

1. Has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less, as those terms are defined by Commissioner's Rule; and
2. The student has not yet demonstrated English language proficiency in reading as determined by the state's English language proficiency assessments.

Concerning the applicable English I or English II assessment in which the student is enrolled, an ELL who meets the above criteria shall not be required to:

1. Use the assessment score as part of the cumulative score for graduation;
2. Retake the assessment each time it is administered if the student passes the course but fails to achieve the established minimum score on the assessment; or
3. Have the score on the assessment count for 15% of the student's final grade in the course.

19 TAC 101.1007.

The reason for an exemption shall be documented by the LPAC in the student's permanent record file.

Students exempted under this provision shall be administered assessments in subjects and grades required by federal law and regulations in accordance with linguistically accommodated testing procedures delineated in the test administration materials.

An ELL whose parent or guardian has declined the services required by Education Code, Chapter 29, Subchapter B is not eligible for an exemption listed by Commissioner's Rule. 19 TAC 101.1025.

(REQUIRED BY LAW)

(b) An open-enrollment charter school is subject to: . . . public school accountability under Subchapters B, C, D, E, G, and J, Chapter 39

Education Code 12.104(b)(2)(L).

POLICY

Student Testing Requirements

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code, Chapter 39, Subchapter B.

Education Code 39.023; 19 TAC 101.5(a).

Unless exempted by applicable law, a student may not receive a high school diploma until he or she has performed satisfactorily on the end-of-course assessment instruments required by Education Code, Chapter 39, Subchapter B.

Education Code 39.025(a); 19 TAC 101.7(a).

Special Education and Limited English Proficient Students

A student receiving special education services enrolled in grades 3–11 and who is receiving instruction in the essential knowledge and skills shall take the assessment of academic skills unless the student’s ARD committee determines that it is an inappropriate measure of the student’s academic progress as outlined in the student’s IEP. If the student’s ARD committee determines that the assessment of academic skills is an inappropriate measure of the student’s academic progress in one or more subjects, the student shall take the alternate assessment of academic skills in the subject or subjects. Each testing accommodation shall be documented in accordance with 34 CFR 300.374(a)(5)(i)-(ii).

In grades 3–12, a limited English proficient (LEP) student shall participate in the assessments as required by 19 TAC 101.5 and 19 TAC Chapter 101, Subchapter AA. In grades 3–5, the language proficiency assessment committee (LPAC) shall determine whether a nonexempt LEP student whose primary language is Spanish will take the assessment of academic skills in English or in Spanish. This decision shall be based on the assessment that provides the most appropriate measure of the student’s academic progress.

19 TAC 101.5(b), (c).

Military Dependents

If a student is a military dependent, the School shall accept:

1. Exit or end-of-course exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated for a military dependent transferring in his or her senior year, then a Commissioner's substitute passing standard shall apply.

Substitute Passing Standard

A substitute passing standard adopted by the Commissioner may be applied only for a student who enrolls in a Texas public school in this state for the first time after completing the ninth grade or who reenrolls in a Texas public school at or above the tenth grade level after an absence of at least two years from Texas public schools. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, §§ B–C.

Administration of Tests

The School shall follow the test administration procedures established by the TEA in the applicable test administration materials. The Superintendent shall be responsible for:

1. Administering tests;
2. Maintaining the integrity of the test administration process; and
3. Ensuring that every test administrator receives at least annual training in these procedures as provided by the TEA through the education service centers.

19 TAC 101.25(b), 101.27(c).

Testing Schedule

Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

Alternate Test Dates

The School or a campus may request from the Commissioner an alternate test date. Alternate test dates will only be allowed if the School or campus is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that

may affect the School's or campus' ability to administer an assessment or the students' performance on an assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause the School or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the Commissioner may prohibit the School or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the School, campus, and students.

19 TAC 101.5003.

Notice to Students and Parents

The Superintendent shall be responsible for providing timely and full notification of graduation requirements:

1. Notifying each student and his or her parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7–12 new to the School and his or her parent or guardian in writing of the testing requirements for graduation; and
3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

The Superintendent shall be responsible for providing timely and full notification of testing requirements for advancement at certain grades:

1. Notifying each student and his or her parent or guardian in writing of the testing requirements for grade advancement as specified in Education Code 28.0211; and
2. Notifying each student required to take the grade advancement tests of the dates, times, and location of testing.

19 TAC 101.13.

Testing in Grades 3–8

Unless otherwise excepted by law, all students shall be assessed in:

1. Mathematics, annually in grades 3–7 without the aid of technology and in grade 8 with the aid of technology on any assessment instrument that includes algebra;
2. Reading, annually in grades 3–8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

Education Code 39.023(a).

Testing Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction.

For a student receiving special education services, the ARD committee shall determine the allowable accommodations and shall document them in the student's IEP.

19 TAC 101.29.

End-of-Course Assessments

The School shall follow all rules regarding end-of-course assessment instruments for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history.

Impact on Grades

A student's performance on an end-of-course assessment instrument listed above must count for 15% of the student's final grade for the course.

Foreign Exchange Students

A foreign exchange student who has waived in writing his or her intention to receive a Texas high school diploma may be excused from the exit-level assessment requirement.

19 TAC 101.5(d).

Assessment Requirements for Graduation

A student shall not be required to demonstrate performance on exit-level tests at a standard higher than the one in effect when the student was first eligible to take the test.

19 TAC 101.7(a)(2).

Beginning with the 2011–2012 school year, students first enrolled in grade 9 or lower must fulfill testing requirements for graduation with the end-of-course assessment instruments as required by Education Code 39.023, as amended by Senate Bill 1031, 80th Texas Legislature, 2007.

19 TAC 101.7(a)–(b), 101.3003.

Alternative Assessments

An eligible student who has met the passing standard on a state-approved alternative assessment instrument in a particular subject area has satisfied the exit-level testing requirement in that subject area.

19 TAC 101.4001.

Determining Eligibility

A student is eligible to substitute an alternative exit-level assessment for a TAKS exit-level assessment if the student, after January 1 of the year in which the student would otherwise be eligible to graduate:

1. Enrolls in a public school in Texas for the first time; or
2. Enrolls in a public school in Texas after an absence of at least four years from any public school in the state. A student meets this requirement if the student has not been enrolled for one or more days in a public school in Texas in the four years preceding the date on which the student enrolls.

19 TAC 101.4003.

Verification of Results

A student who is eligible to substitute an approved alternative exit-level assessment is responsible for providing to the School an official copy of his or her scores from the alternative assessment.

Upon receipt of official results of an approved alternative exit-level assessment, the School shall:

1. Verify the student's score on the alternative assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the Commissioner.

19 TAC 101.4005.

Re-taking of End-of-Course Assessments

Each time an end-of-course assessment instrument is administered, a student who fails to achieve a minimum score shall retake the assessment instrument. A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under Education Code 39.024(b), may retake the assessment instrument. Any other student may retake an end-of-course assessment instrument for any reason.

A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.

Education Code 39.025(b).

Accelerated Instruction

The School shall provide each student who fails to perform satisfactorily as determined by the Commissioner under Education Code 39.0241(a) on an end-of-course instrument with accelerated instruction in the subject assessed by the assessment instrument.

Education Code 39.025(b–1).

Performance Reports

Public Reports

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of the Board. The information shall not contain the names of individual students or teachers. Education Code 39.030(b).

Reports to the Board

Superintendent shall accurately report all test results, with appropriate interpretations, to the Board according to the schedule in the applicable test administration materials.

19 TAC 101.81(a).

Reports to Students and Parents

The School shall notify each student and his or her parent or guardian of test results, observing confidentiality requirements in Education Code 39.030. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another school district, charter school, or private school.

19 TAC 101.81(c)–(d).

The TEA has adopted a series of questions to be included in an end-of-course assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. The School shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. The School may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course.

Education Code 39.0233(b).

Security of Tests

The statewide assessment program is a secure testing program. Secure test materials must be accounted for before, during, and after each test administration. Only authorized personnel may have access to secure test materials.

19 TAC 101.61.

Confidentiality

The contents of each test booklet and answer document are confidential in accordance with state and federal law. Additionally, individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974.

Education Code 39.030(b); 19 TAC 101.63.

Penalties

Violation of security or confidential integrity of any test shall be prohibited. A person who engages in prohibited conduct may be subject to sanction of credentials.

Procedures for maintaining the security and confidential integrity of a test are specified in the appropriate test administration materials. Conduct that violates the security and confidential integrity of a test is defined as any departure from the test administration procedures established by the Commissioner. Conduct of this nature may include the following acts and omissions:

1. Duplicating secure examination materials;
2. Disclosing the contents of any portion of a secure test;
3. Providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;
4. Changing or altering a response or answer of an examinee to a secure test item or prompt;
5. Aiding or assisting an examinee with a response or answer to a secure test item or prompt;

6. Encouraging or assisting an individual to engage in the conduct described in 1–5 above; or
7. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in 1–6 above.

Any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidential integrity, and any person who fails to report such a violation are subject to the following penalties:

1. Placement of restrictions on the issuance, renewal, or holding of a Texas teacher certificate, either indefinitely or for a set term;
2. Issuance of an inscribed or non-inscribed reprimand;
3. Suspension of a Texas teacher certificate for a set term; or
4. Revocation or cancellation of a Texas teacher certificate without opportunity for reapplication for a set term or permanently.

Any irregularities in test security or confidential integrity may also result in the invalidation of student results.

The Superintendent shall develop procedures to ensure the security and confidential integrity of the tests and shall be responsible for notifying the TEA in writing of conduct that violates the security or confidential integrity of a test. Failure to report can subject the person responsible to the applicable penalties specified above.

19 TAC 101.65.

POLICY

Texas Virtual School Network

Enrolled Students

A student who is enrolled in a Texas school district or open-enrollment charter school as a full-time student may take one or more electronic courses through the Texas Virtual School Network (TxVSN). Education Code 30A.107(b).

Unenrolled Students

A student who resides in Texas but is not enrolled in a school district or open-enrollment charter school as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TxVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TxVSN;
2. Is not considered to be a public school student;
3. Must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;
4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network; and
5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

Education Code 30A.107(c).

“Electronic Course”

For purposes of this policy, “electronic course” means a course in which:

1. Instruction and content are delivered primarily over the Internet;
2. A student and teacher are in different locations for a majority of the student’s instructional period;
3. Most instructional activities take place in an online environment;
4. The online instructional activities are integral to the academic program;
5. Extensive communication between a student and a teacher and among students is emphasized; and
6. A student is not required to be located on the physical premises of the school district or the School.

Education Code 30A.001(4).

Prohibition on Required Enrollment

The School shall not require a student to enroll in an electronic course. Education Code 30A.107(d).

Student Eligibility

A student is eligible to enroll in a course provided through the TxVSN only if the student:

1. Is younger than 21 years of age or younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 42.003 on September 1 of the school year;
2. Has not graduated from high school; and
3. Is otherwise eligible to enroll in a Texas public school.

A student is eligible to enroll full-time in courses provided through the TxVSN only if the student:

1. Was enrolled in a Texas public school in the preceding school year; or
2. Has been placed in substitute care in Texas, regardless of whether the student was enrolled in a Texas public school in the preceding school year.

Exception for Military Dependents

A student is eligible to enroll in one or more courses provided through the TxVSN or enroll full-time in courses provided through the network if the student:

1. Is a dependent of a member of the United States military;
2. Was previously enrolled in high school in Texas; and
3. Does not reside in this state due to a military deployment or transfer.

Education Code 30A.002.

The Superintendent or designee shall establish procedures for students to enroll in courses provided by the TxVSN.

Notice

At the time and in the manner that the School informs students and parents about courses that are offered in the School's traditional classroom setting, the School shall notify parents and students of the option to enroll in an electronic course offered through the TxVSN.

Requests to Enroll

The School may not unreasonably deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TxVSN. The School shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

The School is not considered to have unreasonably denied a request to enroll a student in an electronic course if:

1. The School can demonstrate that the course does not meet state standards or standards of the School that are of equivalent rigor as the School's standards for the same course provided in a traditional classroom setting;
2. A student attempts to enroll in a course load that:
 - a. Is inconsistent with the student's high school graduation plan; or
 - b. Could reasonably be expected to negatively affect the student's performance on an assessment instrument administered under Education Code 39.023; or
3. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the district or open-enrollment charter school providing the course.

Students with Disabilities

The determination of whether or not an electronic course will meet the needs of a student with a disabilities shall be made by the student's ARD committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act and Section 504, Rehabilitation Act of 1973.

Appeals

A parent may appeal to the Commissioner the School's decision to deny a request to enroll a student in an electronic course offered through the TxVSN. The Commissioner's decision is final and may not be appealed.

Education Code 26.0031, 30A.007.

Electronic Course Portability

A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course. Education Code 30A.1051.

Student Assessment

Each student enrolled in an electronic course through the TxVSN must take any assessment instrument under Education Code 39.023 that is administered to students who are provided instruction in the course material in the traditional classroom setting. A proctor must supervise the administration of the assessment instrument to the student enrolled in the electronic course.

The School shall report to the Commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruments administered to students enrolled in an electronic course offered through the TxVSN separately from the

results of assessment instruments administered to other students. Education Code 30A.110.

Fees

The School may charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in Texas and:

1. Is enrolled in a school district or open-enrollment charter school as a full-time student; and
2. Is enrolled in a course load greater than that normally taken by students in the equivalent grade level in other school districts or open-enrollment charter schools.

The School may charge a fee for enrollment in an electronic course provided through the TxVSN during the summer.

The School shall charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in Texas and is not enrolled in a school district or open-enrollment charter school as a full-time student.

The amount of a fee charged a student for an electronic course in which the student enrolls through the TxVSN may not exceed the lesser of:

1. The cost of providing the course; or
2. \$400.

If the School is not the provider school, the School may charge a student enrolled in the School a nominal fee, not to exceed the amount specified by the Commissioner, if the student enrolls in an electronic course provided through the TxVSN that exceeds the course load normally taken by students in the equivalent grade level. Education Code 30A.155.

Teacher and Instructor Qualifications

Each teacher of an electronic course offered by the School through the TxVSN must:

1. Be certified to teach that course and grade level under Education Code Chapter 21, Subchapter B; and
2. Successfully complete the appropriate professional development course provided under Education Code 30A.112(a) or 30A.1121 before teaching an electronic course through the TxVSN.

The School may provide professional development courses to teachers seeking to become authorized to teach electronic courses provided through the TxVSN. Such professional development courses may be provided to any interested teacher, regardless

of whether the teacher is employed by the School. The TEA must review each professional development course provided by the School. Education Code 30A.111, 30A.1121.

Provision of Computer Equipment and Internet Service

This policy does not:

1. Require the School to provide a student with home computer equipment or Internet access for a course provided through the TxVSN; or
2. Prohibit the School from providing a student with home computer equipment or Internet access for a course provided through the TxVSN.

Education Code 30A.003.

Applicability

This policy does not affect the provision of a course to a student while the student is located on the physical premises of the School, unless the School chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of the School.

This policy does not apply to a virtual course provided by the School only to students enrolled in the School if the course is not provided as part of the TxVSN. Education Code 30A.004.

The School as Provider

A school campus is eligible to act as a provider school of the Texas Virtual School Network (TxVSN) if the campus is rated acceptable or higher under Education Code 39.054, except that a campus may act as a provider school to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice if the campus is rated academically acceptable or higher.

A campus may serve as a provider school only:

1. To a student within the school district in which the campus is located or within its service area, whichever is smaller; or
2. To another student in the state:
 - a. Through an agreement with the school district in which the student resides; or
 - b. If the student receives educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice, through an agreement with the applicable agency.

Education Code 30A.101(b).

Contracts with Virtual School Service Providers

Each contract between the School and an administering authority (as that term is defined by Education Code 30A.001(1)) must:

1. Provide that the administering authority may cancel the contract without penalty if legislative authorization for the School through the TxVSN is revoked; and
2. Be submitted to the Commissioner.

A contract submitted under this provision is public information for purposes of Chapter 552, Government Code. Education Code 30A.056.

(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).

(REQUIRED BY LAW)

(b) An open-enrollment charter school is subject to: . . . public school accountability under Subchapters B, C, D, E, G, and J, Chapter 39

Education Code 12.104(b)(2)(L).

POLICY

Local Option

In addition to the state-administered assessment instruments, the School may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. Any such locally adopted norm-referenced assessment instrument must be economical, nationally recognized, and state-approved.

For purposes of this provision, “assessment instrument” means a School-commissioned achievement test, either nationally normed or criterion-referenced, that is group administered and reported publicly (such as to the Board) in the aggregate.

The School shall have 90 days to verify the accuracy of test data after receipt of test data from a company or organization scoring an assessment; assessment results shall be reported to the Board.

The School shall follow procedures for test security and confidentiality set forth in 19 TAC Chapter 101, Subchapter C. Education Code 39.026, 19 TAC 101.101.

Preparation for State-Administered Assessments

In any subject area for which a state assessment is administered, the School may not administer locally required assessments designed to prepare students for state assessments to any student on more than 10% of the instructional days in any school year. A campus-level planning and decision-making committee may limit the administration of locally required assessments to 10% or a lower percentage of the instructional days in any school year.

This prohibition does not apply to the administration of college preparation assessments, advanced placement tests, international baccalaureate examinations, or state assessments. Education Code 39.0262.

College Preparation Assessments

The following policies apply only if the state legislature appropriates funds for the purposes described below.

Each school year, and at state cost, the School shall administer an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument:

1. To students in the spring of the eighth grade for the purpose of diagnosing the academic strengths and deficiencies of students before entrance into high school; and
2. To students in the tenth grade for the purpose of measuring a student's progress toward readiness for college and the workplace

High school students, in the spring of the eleventh grade or during the twelfth grade, may select and take once, at state cost, one of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes. A high school student is not prohibited from taking a test more than once, at his or her own expense. Education Code 39.0261.

POLICY

(REQUIRED BY LAW)

19 Tex. Admin. Code § 66.104 – Selection of Instructional Materials by School Districts

(a) Each local board of trustees of a school district or governing body of an open-enrollment charter school shall adopt a policy for selecting instructional materials. Final selections must be recorded in the minutes of the board of trustees or governing body.

POLICY

In this policy, “instructional materials” means content that conveys the essential knowledge and skills of a subject in the school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, on-line services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open-source instructional material, as defined by Education Code 31.1002.

Local Selection

The Superintendent, at the appropriate time following adoption of instructional materials by the State Board of Education (“State Board”), shall make recommendations to the Board of Directors for appointment of a local textbook selection committee. The Superintendent or designee shall be a member and serve as chair of the committee. Members of the committee shall be professional staff, and the majority shall be classroom teachers. Should the Board reject any recommendation, the Superintendent shall present another recommendation. The official minutes of the Board meeting at which the appointment is made shall include the names of the persons appointed to serve.

A quorum, consisting of a majority of the committee members, must be present when selections are made. After examining all instructional materials adopted by the State Board, the textbook selection committee shall select materials for use in the School and recommend the selections to the Board for ratification. In the event that the Board does not ratify all of the selections, the reasons shall be included in the Board minutes. The committee shall make other recommendations for selection until the Board has ratified all selections.

The Superintendent or designee shall be responsible for coordinating the time frame for meetings of the committee and meetings of the Board to ensure compliance with state timelines.

Foundation Textbooks

The Board shall select textbooks for a subject in the foundation curriculum from among the textbooks on the appropriate conforming list or the nonconforming list, including the electronic textbook and instructional materials list. Education Code 31.101(a)(1)

The Board may select a supplemental textbook adopted by the SBOE, as set forth at Education Code 31.035. If the Board selects a supplemental textbook for a course in the foundation curriculum, the School shall certify to TEA that the supplemental textbook, in combination with any other textbooks or supplemental textbooks used by the School, cover the essential knowledge and skills for the course. Education Code 31.035(d), (f)

Enrichment Textbooks

The Board may select textbooks for courses in the enrichment curriculum from among the textbooks on the appropriate conforming list or the nonconforming list, including the electronic textbook and instructional materials list, or it may select books that do not appear on either list (nonadopted materials). Education Code 31.101(a)(2)

The School is responsible for providing Braille and/or large-type versions of nonadopted enrichment materials. [19 TAC 66.104\(d\)](#)

Special Education

Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. [19 TAC 66.104\(m\)](#)

Duration of Selection

Nonadopted instructional materials selected and purchased by the School shall be used during the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the materials are used. Instructional materials requisitioned by and delivered to the School shall be continued in use during the contract period or periods of the materials. Education Code 31.101(d); [19 TAC 66.104\(f\), \(j\)](#)

Exception

If the School selects a subscription-based electronic textbook or instructional material on the conforming list or the electronic textbook and instructional materials, the School may cancel the subscription and subscribe to a new electronic textbook or instructional material on either list before the end of the state contract period if:

1. The School has used the electronic textbook or instructional material for at least one school year; and
2. TEA approves the change based on a written request to TEA by the School that specifies the reasons for changing the electronic textbook or instructional material used by the School.

Education Code 31.101(e)

Ownership and Distribution of Instructional Materials

Each instructional material purchased by the School is the property of the School.

Electronic instructional material purchased by the School is the property of the School only to the extent of any applicable licensing agreement.

The Board shall distributed printed instructional material to students in a manner that the Board determines is the most effective and economical. Education Code 31.102.

Report

By April 1 of each year, the School shall transmit a report to TEA listing the instructional materials selected for use by the School. Selections certified to TEA are final and, therefore, not subject to reconsideration during the original contract period or readoption contract periods covering the instructional materials selected. [19 TAC 66.104\(g\), \(h\)](#)

Criminal Offense

A Board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

A Board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person’s school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with funds from the state textbook fund.

“Gift, favor, or service” does not include:

1. Staff development, in-service, or teacher training; or
2. Instructional materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

Ancillary Materials

Selection and use of ancillary materials is at the discretion of the Board. [19 TAC 66.104\(p\)](#)

Certification of Provision of Instructional Materials

CHARTER SCHOOL BOARD POLICY MANUAL

POLICY GROUP 2 – INSTRUCTION

SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS

PG-2.29

The School shall annually certify to the State Board and the Commissioner that, for each subject in the required curriculum under Section 28.002, other than physical education, and each grade level, the School provides each student with instructional materials that cover all elements of the essential knowledge and skills for that subject and grade level.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, the School may consider:

1. Instructional materials adopted by the State Board;
2. Materials adopted or purchased by the Commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B–1;
3. Open-source instructional materials submitted by eligible institutions and adopted by the State Board;
4. Open-source instructional materials made available by other public schools; and
5. Instructional materials developed or purchased by the School.

Education Code 31.004.

POLICY

NOTE: The following consists of basic requirements for schools receiving Title I, Part A funds but does NOT represent a complete list of legal obligations for schools receiving such funds. Schools receiving Title I, Part A funds should carefully review federal and state requirements before use of those funds.

Receipt of Title I Funds

The School may receive funds under Title I, Part A only if the School implements programs, activities, and procedures for the involvement of parents in programs assisted under Title I, Part A, consistent with 20 U.S.C. 6318. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. 20 U.S.C. 6318(a)(1).

School Policy

If the School receives Title I, Part A funds, the School shall develop jointly with, agree on with, and distribute to parents of participating children a written parent involvement policy. The policy shall be incorporated into a School plan developed under 20 U.S.C. 6312, establish the School's District's expectations for parent involvement, and explain how the School will:

1. Involve parents in the joint development of the School plan and the process of school review and improvement under 20 U.S.C. 6316;
2. Provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
3. Build the School's and parents' capacity for strong parental involvement as described at 20 U.S.C. 6318(e);
4. Coordinate and integrate parental involvement strategies under Title I, Part A with parental involvement strategies under other ESEA programs;
5. Conduct, with the involvement of parents, an annual evaluation of the parental involvement policy as described at 20 U.S.C. 6318(a)(2)(E), and use the findings of the evaluation as described in that section; and
6. Involve parents in the activities of the schools served under this part.

20 U.S.C. 6318(a)(2)

Campus Policy

Each school served under Title I, Part A shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of 20 U.S.C. 6318(c)–(f). Parents shall be notified of the policy in an understandable and

uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. 20 U.S.C. 6318(b).

Homeless Children

As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, the School shall serve homeless children according to their best interests. McKinney-Vento Homeless Education Assistance Improvements Act of 2001, part of No Child Left Behind Act of 2001, 42 U.S.C. 11432.

Comparability of Services

The Board shall ensure equity in services among campus programs and shall maintain appropriate records reflecting equity.

As reflected in School records, equity shall be maintained district-wide in one of the following areas:

1. Expenditures of money per student from state and local funds;
2. Instructional salaries per student from state and local funds; or
3. Instructional staff/student ratios.

In special programs, such as special education and bilingual education, a lower ratio may be maintained and more money may be spent as necessary to fulfill other legal requirements.

(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

Definitions

“Transition services” means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and includes:
 - a. Instruction;
 - b. Related services;
 - c. Community experiences;
 - d. The development of employment and other post-school adult living objectives; and
 - e. If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

20 U.S.C. 1401(34); 34 CFR 300.43

Individual Transition Planning

Beginning not later than the first IEP to be in effect when a student turns 16 (or younger, if determined appropriate by the ARD committee), and updated annually, the student’s IEP shall include:

1. Appropriate, measurable post-secondary goals based on age appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the child in reaching these goals.
3. If a participating agency other than Pioneer Technology & Arts Academy (“School”) fails to provide the transition services described in the IEP, the School shall reconvene the ARD committee to identify alternative strategies to meet the transition objectives.

20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 CFR 300.320(b).

Graduation

Graduation with a regular high school diploma under 19 Administrative Code 89.1070(b)(1), (2), or (4) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 Administrative Code 89.1070(b)(3), the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements.

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

The School is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

The School shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. 20 U.S.C. 1414(c)(5); 34 CFR 300.305(e)(2); 19 TAC 89.1070.