

**Academy of Careers & Technologies  
2010-2011**

# **Student Handbook**



## Introduction

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Welcome to Academy of Careers and Technologies (ACT). The faculty and administration hope that your educational experience, as a student or a parent/guardian, here will be positive and successful.

We encourage parents and students to become familiar with this handbook. Compliance with the Handbook will allow students, parents/guardians, and the school faculty to expend all energies and resources on improving our educational system—teachers will be able to teach, students will be able to learn, and parents will be able to provide “home-front support.”

## Student Policy Goals

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It is the desire of the Academy of Careers & Technologies Charter High School (herein referred to as the "School") to provide an effective educational program for each student. The student's educational development is the central concern of the Board's Policies and the administrative regulations.

The Board expects the positive involvement of students and staff in the many learning opportunities making up the education program. administrators and teachers are expected to devote their time and effort to sound preparation and management of instruction and its many related learning activities. The Board expects a reasonable amount of commitment and effort on the part of all students, commensurate with their ability and skill development. The Board also desires every student to have an opportunity whereby s/he may achieve the maximum benefit from his/her school education.

## Equal Education Opportunities

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### Nondiscrimination Policy

No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination under, any program or activity that receives federal financial assistance on the basis of sex, race, color, national origin, or disability.

20 USC §1681 (Title IX); 42 USC 2000d (Title VI); 29 USC §794 (Section 504); 42 USC §12132 (Americans with Disabilities Act).

## Civil Rights Coordinator

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**ADA/ Section 504 / Title IX Coordinator.** The School shall designate at least one employee to coordinate its efforts to comply with the requirements of Title IX, Section 504, and the ADA. Inquiries concerning the application of the foregoing statutes may be referred to the employee so designated. The School shall notify and/or make available to all students, employees and interested persons the name, office address and telephone number of the employee(s) so designated. This designation shall be made and published in the Parent/Student Handbook.

34 CFR 106.8 (Title IX); 34 CFR 104.7(a) (Rehabilitation Act, Section 504); 28 CFR 35.107(a) (Americans with Disabilities Act).

## **Parent Complaints – Non-Delegable Duty**

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Absent a specific written waiver from the Commissioner of Education, the charter holder Board shall not delegate final authority to hear or decide employee grievances, citizen complaints, or parental concerns.

19 Tex. Admin. Code §100.1033(c)(6)(C)(i).

### **Parent/Student Complaints**

(1) **Scope**

This Policy applies to all complaints or grievances from students or parents for which no other formal complaint process exists. (Refer to the Sexual Harassment Policy for information regarding sexual harassment complaints).

(2) **Procedures**

All complaints must be in writing and first presented to the Superintendent, who may designate a Principal or other person as the initial respondent. Parents or students dissatisfied with the initial response may appeal in writing to the Superintendent for further review. The appeal should include a description of the matters remaining in dispute and a proposed resolution. The Superintendent shall respond in writing. Parents dissatisfied with the Superintendent's response may, within 15 calendar days of the date of the Superintendent's response, submit to the Superintendent a written request that their complaint be considered by the Board of Trustees at the next regularly scheduled Board meeting.

## **Civil Rights Complaints Procedure**

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### **A. Statutory Requirements**

The School shall adopt and publish complaint/grievance procedures for prompt and equitable resolution of student complaints alleging discrimination under the statutes below.

34 CFR 106.8 (Title IX); 34 CFR 104.7 (Rehabilitation Act, Section 504); 28 CFR. 35.107(a) (Americans with Disabilities Act).

### **B. Title IX Complaints**

Title IX complaints pertaining to sexual harassment of students shall be brought under the complaint procedure contained in the **Sexual Discrimination/Harassment** section of this Policy Manual.

**C. Procedures**

Complaints of parents, students who have concerns regarding compliance of the School with civil rights statutes other than Title IX, may file complaints with the School in the manner provided for such complaints in the **Parent/Student** complaints section of this Policy Manual.

## **Sexual Discrimination/Harassment**

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**A. Nondiscrimination Policy**

No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance except as permitted by law. Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator.

20 USC §1681(a) (Title IX).

**B. Notice of Nondiscrimination**

The School does not discriminate on the basis of sex in its educational programs or activities including admissions. This Policy statement shall be described in each School announcement; bulletin, catalog, or application form used in connection with the recruitment of students, and the School shall require its student admissions and/or its recruitment representatives to adhere to this Policy.

34 CFR 106.9 (Title IX).

**C. Policy Statement**

The School does not tolerate sexual harassment of a student by employees or other students. Sexual harassment includes unwelcome sexual advances, unwelcome touching, requests for sexual favors, offensive jokes, vulgar comments, name-calling, slurs, or other sexually-motivated physical, verbal or nonverbal conduct. Romantic relationships between students and School employees are prohibited, even if consensual.

**D. Sexual Harassment Reporting Procedure**

Students, who believe they are the subjects of sexual harassment by other students, or teachers or other employees, should report the incident immediately to one of the following: a teacher, a counselor, the Principal, the Title IX Coordinator, or the Superintendent. School employees who receive complaints of sexual harassment are to report the matter as soon as practically possible to the Title IX Coordinator or other School administrators or staff with the authority to undertake investigations of sexual harassment complaints. School employees receiving complaints shall make reports as may be required by law (refer to the Policy: Duty of Professionals to Report Child Abuse). Students are not required to report the harassment to the alleged harasser. Complaints against the Title IX Coordinator may be made directly to the Superintendent or to the Board.

**E. Investigation/Complaint Procedures**

The School may request but need not require the student to prepare a written report. Upon receipt of a complaint, the Title IX Coordinator, or other authorized School official, shall determine whether the allegations, if proven, would constitute prohibited sexual harassment. If so, the Title IX Coordinator, or other authorized School official, shall promptly authorize or undertake an investigation. When appropriate, the School may take interim action to avoid additional opportunities for harassment. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may include analysis or other information or documents related to the allegations.

**F. Remediation/Disciplinary Action**

When the results of the investigation indicate that a prohibited harassment has likely occurred, the School shall promptly respond by taking appropriate corrective action reasonably calculated to address the harassment and prevent its recurrence. The School may take appropriate disciplinary action based on the results of an investigation, even if the School concludes that the conduct did not rise to the level of harassment prohibited by law or Policy.

**G. Appeals**

Appeals from the administrative decision resulting from the investigation are made first to the Superintendent, unless it is the decision of the Superintendent that is being appealed, in which case the appeal is made to the Board. In case appeal is made to the Superintendent, the Superintendent's decision may be appealed to the Board. Appeals to the Superintendent or the Board shall be in writing, filed within 10 school days of notice of the decision being appealed, and shall contain the date and the details of the incident, the identity of the alleged perpetrator, the identity of witnesses, the reasons for appealing the decision of the Superintendent, and the relief requested.

## **School Admissions**

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**A. Admissions Policy**

Admission and enrollment of students shall be open to any person who resides within the geographic boundaries stated in the School's charter, and who is eligible for admission based on lawful criteria identified in the charter. The total number of students enrolled in the School shall not exceed the number of students approved in the charter or subsequent amendments. Applications for admission shall be due by a reasonable deadline to be set each year by the administration.

**B. Exception**

The School's charter may provide for the exclusion of a student who has a documented history of a criminal offense, juvenile court adjudication, or discipline problems under subchapter A, Chapter 37 of the Texas Education Code.

Tex. Educ. Code §12.111(a)(6)(A).

**C. Lottery**

If the number of eligible applicants does not exceed the number of vacancies, then all qualified applicants who have timely applied will be offered admission. If there are more eligible applicants than available spaces in a class, then a lottery will be conducted at the end of April of each year. A name (or number assigned to a name) will be drawn for each vacancy that exists, and each applicant whose name is drawn will be offered admission. Notification will be made by telephone, e-mail or U.S. Postal Service. Failure of an applicant to respond within 48 hours of the date of the telephone call or e-mail, or within three (3) business days of a post-marked letter, will forfeit his/her position in the application process. Parents or guardians notified by mail should call the School immediately upon receipt of the notice in order to preserve their child's position in the lottery. The remaining names will then be drawn and placed on a waiting list in the order in which they were drawn. If a vacancy arises before the commencement of the school year, the individual on the waiting list with the lowest number assignment will be offered admission and then removed from the waiting list. If an application is received after the application period has passed, the applicant's name will be added to the waiting list behind the names of the applicants who timely applied.

Tex. Educ. Code §12.117; 20 USC §7221i(1)(H) (NCLB Act).

**D. Exceptions**

Federal guidelines permit the School to exempt students already admitted, siblings of students already admitted, children of the charter's founders, and children of employees in a work-site charter school.

NCLB, Charter Schools Program, Title V, Part B, Non-Regulatory Guidance; July 2004.

**E. Nondiscrimination**

No student shall be denied admission on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or with regard to the School District the child would otherwise attend in accordance with School District student admissions laws.

Tex. Educ. Code §12.111(a)(6).

**F. Performing Arts Exception**

An open-enrollment charter that specializes in one or more performing arts may require an applicant to audition for admission to the School.

Tex. Educ. Code §12.1171.

## **Student Attendance**

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**A. Compulsory Attendance**

- (1) A child who is at least six (6) years of age, or who is younger than six (6) years of age and has previously been enrolled in 1st grade, and who has not yet reached his/her 18th birthday, shall attend school.
- (2) On enrollment in pre-kindergarten or kindergarten, a child shall attend school.

- (3) A person who voluntarily enrolls in school, or voluntarily attends school after the person's 18th birthday, shall attend school each school day for the entire period the program of instruction is offered or the School may revoke his/her enrollment after five (5) unexcused absences.

Tex. Educ. Code §25.085 (a)(b)(c), (e).

**B. Warning Notice to Parents**

The School shall notify a student's parents in writing at the beginning of the school year that the student's parents and the student are subject to prosecution if the student is absent from school on 10 or more days, or parts of days within a six-month period in the same school year, or on three (3) or more days, or parts of days within a four-week period.

Tex. Educ. Code §25.095(a).

**C. Parent Liability**

- (1) If a parent or person standing in parental relation, with criminal negligence fails to require the child to attend school as required by law, and the child has absences for 10 or more days, or parts of days within a six-month period in the same school-year. or on three (3) or more days or parts of days within a four-week period, the Attendance Officer shall file a complaint against him/her in an appropriate court, as permitted under Tex. Educ. Code §25.093(b).

Tex. Educ. Code §25.093(a)-(b).

- (2) One-half of any fines collected shall be deposited with the school the child attends.

Tex. Educ. Code §25.093(d).

**D. Student Liability**

A student who is required to attend, and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year, or on three (3) or more days or parts of days within a four-week period, may be prosecuted for truancy in:

- (1) The justice court of any precinct in the county in which the student resides;
- (2) The justice court of any precinct in the county in which the School is located;
- (3) The municipal court in the municipality in which the child resides; or
- (4) The municipal court in the municipality in which the School is located.

Tex. Educ. Code §25.094(a)-(b).

**E. Excused Absences**

- (1) A student shall be excused for temporary absence resulting from causes, and in compliance with procedures to be determined by the School's administration subject to approval by the Board.

Tex. Educ. Code §25.087 (a).

- (2) A student shall be excused from attending school for the purpose of attending religious holy days, including traveling for that purpose.

Tex. Educ. Code §25.087 (b).

**F. Attendance Officer**

- (1) The School Board may select a School Attendance Officer, who may be compensated from the School's funds.

Tex. Educ. Code §§25.088(3); 25.089(a).

- (2) If an Attendance Officer is not selected, the duties of the Attendance Officer shall be performed by the peace officers of the county in which the School is located. Additional compensation may not be paid for those services.

Tex. Educ. Code §25.090(b)-(c).

**G. Powers and Duties of Peace Officers and Other Attendance Officers**

- (1) Definitions –

- a. "Parent" includes a person standing in parental relation.
- b. "Peace officer" has the meaning assigned by Article 2.12, Tex. Crim. Proc. Code.

Tex. Educ. Code §25.091(c).

- (2) A peace officer serving as an Attendance Officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

- a. To investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;
- b. To enforce compulsory school attendance requirements by:
  - (i) Referring a student to a juvenile court or filing a complaint against the student in a justice or municipal court if the student has unexcused absences for the amount of time specified under §25.094, or under §51.03(b)(2), Tex. Fam. Code.
  - (ii) Filing a complaint in a justice or municipal court against parents who violate Tex. Educ. Code §25.093.
- c. To serve court-ordered legal process;
- d. To review School attendance records for compliance by each student investigated by the officer;
- e. To maintain an investigative record on each compulsory School attendance requirement violation and related court action and, at the request of a court, the Board of the School, or the Commissioner of

Education, to provide a record to the individual or entity requesting the record;

- f. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory School attendance requirements, except that a peace officer may not enter a residence without the permission of the parents of the student (required under this Policy to attend school), or of the tenant or owner of the residence, except to lawfully serve court-ordered legal process on the parents; and
- g. To take the student into custody with the permission of the student's parents, or in obedience to a court-ordered legal process.

Tex. Educ. Code §25.091(a).

- (3) An Attendance Officer employed by the School who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory School attendance requirements:

- a. To investigate each case of a violation of the compulsory School attendance requirements referred to the Attendance Officer;
- b. To enforce compulsory School attendance requirements by:
  - (i) Referring the student to a juvenile court or filing a complaint against the student in a justice or municipal court if the student has unexcused absences for the amount of time specified under §25.094, or under §51.03(b)(2), Tex. Fam. Code; and
  - (ii) Filing a complaint in a justice or municipal court against the parents who violate Tex. Educ. Code §25.093;
- c. To monitor School attendance compliance by each student investigated by the officer;
- d. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the Board of the School, or the Commissioner, to provide a record to the individual or entity requesting the record;
- e. To make a home visit or otherwise contact the parents of the student in violation of compulsory school attendance requirements, except that the Attendance Officer may not enter the residence without permission of the parents or of the owner or tenant of the residence;
- f. At the request of the student's parents, to escort the student from any location to the School campus to ensure the student's compliance with compulsory School attendance requirements; and
- g. If the Attendance Officer has, or is informed of a court-ordered legal process directing that the student be taken into custody, and the School employing the Officer does not employ its own police department, to contact the sheriff, constable, or any peace officer to request that the student be taken into custody and processed according to the legal process.

Tex. Educ. Code §25.091(b).

## Attendance Accounting

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The School shall comply with the Texas Education Agency (TEA) Student Attendance Accounting Handbook [See 19 Tex. Admin. Code §129.1025] and with state laws and rules regarding attendance accounting. 19 Tex. Admin. Code §§129.1023(a) and 129.1025(a). The School shall observe the following attendance accounting rules:

- (1) All public schools in Texas shall maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program funds and other funds allocated by the TEA;
- (2) The Superintendent, Principal(s), and teachers shall be responsible to the School's Board and to the state to maintain accurate, current attendance records;
- (3) The School shall maintain records and make reports concerning student attendance and participation in special programs as required by the Commissioner;
- (4) Effective January 1, 2001, before the School may count a student in attendance when the student was allowed to leave campus during any part of the school day, the School shall adopt a Policy addressing parental consent for a student to leave campus and distribute the Policy to staff and to all parents of students in the School;
- (5) If the School chooses to use a locally developed record or automated system, it must contain the minimum information required by the Commissioner;
- (6) When classroom instruction is organized on a departmentalized basis, a central attendance accounting system must be used;
- (7) Excused days for travel for the purpose of observing religious holy days shall be limited to not more than one (1) day for travel to and one (1) day for travel from the site where the student will observe the holy days;
- (8) If a student has a documented appointment with a health care professional during regular school hours, the appointment must be supported by a document such as a note from the health care professional;
- (9) In accordance with Tex. Educ. Code §25.087, a student may be excused for medical, dental, and psychological appointments; for special education assessment procedures; and for special education related services;
- (10) The Superintendent is responsible for the safekeeping of all attendance records and reports. The Superintendent may determine whether the properly certified attendance records or reports for the school year are to be filed in the central office or properly stored on School campuses. Regardless of where such records are filed or stored, they must be readily available for audit by the TEA Division of Audits;
- (11) A student must be enrolled for at least two (2) hours to be considered in membership for half-day, and for at least four (4) hours to be considered in membership for one full day;
- (12) Attendance for all grades shall be determined by the absences recorded in the second or fifth period of the day, unless permission has been obtained from TEA for an alternate period to record absences;
- (13) Students enrolled on a half-day basis may earn only half-day of attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half-day that they are scheduled to be present;

- (14) The established period in which absences are recorded may not be changed during the school year;
- (15) A student who is absent at the time the attendance roll is taken during the daily period selected, will be counted absent for the entire day. Students present at the time the attendance roll is taken during the daily period selected, are counted present for the entire day;
- (16) A student who is not actually in school at the time attendance is taken shall not be counted in attendance for Foundation School Program funding purposes unless the student is participating in an activity which meets the conditions set out in this Policy;
- (17) A student not actually on campus at the time attendance is taken may be considered in attendance for Foundation School Program purposes under the following conditions:
  - a. The student is participating in an activity which is approved by the School's Board of Trustees, and is under the direction of a member of the professional staff of the School, or an adjunct staff member who:
    - (i) Has a minimum of a bachelor's degree; and
    - (ii) Is eligible for participation in the Teacher Retirement System of Texas;
  - b. The student is participating in a mentorship approved by School personnel to serve as one or more of the advanced measures needed to complete the Distinguished Achievement Program;
  - c. The student is a Medicaid-eligible child participating in the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) implemented by the Texas Department of Human Services with contractual cooperation of the Texas Department of Health. Such students may be excused for up to one (1) day at any time without loss of ADA.
  - d. One day for travel to, and one day for travel from the site where the student will observe holy days.
  - e. The student has a documented appointment with a health care professional during regular school hours supported by a document such as a note from the health care professional.

19 Tex. Admin. Code §129.21.

### Exceptions

- (1) The School is not required to comply with TEA rules regarding attendance of court-related students. 19 Tex. Admin. Code §100.1047(d)(1).
- (2) The School shall report its actual student attendance data to TEA at six-week intervals, or as directed by TEA.

19 Tex. Admin. Code §100.1047(d)(2).

## Campus and Classroom Behavior

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One of the primary goals of the School is to establish and maintain a favorable academic atmosphere for students and staff. Effective learning cannot take place in a classroom where student behavior interferes with the ability of the teacher to teach effectively, or the ability of other students to participate in classroom learning activities.

Students shall be expected to abide by the Student Code of Conduct, and any other appropriate classroom rules established by the Principal and/or classroom teacher for the purpose of maintaining order and a favorable academic atmosphere. Students are required to comply with the rules established by the Student Code of Conduct during school hours, while traveling to and from School, during School-sponsored activities, and during participation at any School-sponsored function/activity on or off campus.

Each student is expected to behave in a responsible manner by:

- ▶ Demonstrating courtesy and respect for others.
- ▶ Accepting responsibility for his/her actions.
- ▶ Attending all classes, regularly and on time.
- ▶ Preparing for each class by taking the appropriate materials and assignments to class.
- ▶ Being well-groomed and dressing appropriately as defined by the School's code for dress and grooming standards.
- ▶ Obeying all campus, classroom and extracurricular rules.
- ▶ Respecting the rights and privileges of other students, School staff, and other adults on campus or at School-related activities on or off campus.
- ▶ Representing the School and its student body in a positive manner when participating in School functions and activities on or off campus.
- ▶ Respecting the property of others, including School property and facilities.
- ▶ Cooperating or assisting the School staff in maintaining safety, order, and discipline.
- ▶ Complying with the Student Code of Conduct.

## **Student Records**

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### **A. Definitions**

"Education records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution, or by a person acting for such agency or institution. The term "education records" does not include:

- (1) Records that contain only information about a student after s/he is no longer a student in the School.
- (2) Records made by School personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
- (3) Records maintained by a law enforcement unit of the School that were created by that law enforcement unit for the purpose of law enforcement.

20 USC §1232g; 34 CFR 99.3.

### **B. Parental Access to Records**

Access to the education records of a student who is or has been in attendance at the School shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes. "Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

34 CFR 99.3(b), 99.31(a)(8).

**C. Parental Authority**

The School shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator.

34 CFR 99.4; Tex. Fam. Code §§153.012, 153.073.

**D. Scope**

A parent is entitled to access to all written records of the School concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and counselor evaluations, and reports of behavioral patterns.

Tex. Educ. Code §26.004.

**E. Student Majority**

Whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the rights accorded to, and consent required of parents, transfer from the parents to the student.

34 CFR 99.5.

**F. Reasonable Time**

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. The School shall respond to reasonable requests for explanations and interpretations of the records.

34 CFR 99.10.

**G. Access by Third Parties**

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following:

- (1) School officials, including teachers, who have legitimate educational interests. (An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by the School for reasons determined in the School's Policy. Tex. Educ. Code §38.009).

- (2) Officials of other schools or school systems in which the student seeks or intends to enroll, provided that the School either:
  - a. Includes in its Policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
  - b. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

In either case, the School shall furnish a copy of the transferred records to the parent if requested, and give the parent an opportunity for a hearing to challenge the content of the record.

- (3) Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs, or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs.
- (4) Personnel involved with a student's application for or receipt of, financial aid.
- (5) State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute adopted:
  - a. Prior to November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, or
  - b. After November 19, 1974, if:
    - (i) The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and
    - (ii) The officials and authorities to whom such information is disclosed certify in writing to the School that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.
- (6) Organizations conducting studies for educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies. Such information must be destroyed when no longer needed for the original purposes of the studies.
- (7) Accrediting organizations that require the information for purposes of accreditation.
- (8) Parents of a student who is a dependent for tax purposes.
- (9) Appropriate persons who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

- (10) The disclosure of information the School has designated as “directory information” upon public notice of the type of information so designated.
- (11) The disclosure is to comply with a judicial order or lawfully issued subpoena after a reasonable effort to notify the parent.

34 CFR 99.31, 99.34, 99.35.

**H. Written Parental Consent**

The parent shall provide a signed and dated written consent before the School discloses personally identifiable information from a student’s education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released.

34 CFR 99.30, 99.31.

**I. Record**

The School shall maintain a record, kept with the education record of each student, which indicates all individuals, agencies, or organizations who have requested or obtained access to a student’s education records. The records shall include at least the name of the person or agency that made the request, and the legitimate interest the person or agency had in the information. The record will be maintained as long as the School maintains the student’s education record. The record of access shall be available only to parents, School officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system.

20 USC §1232g.

**J. Exception**

The record shall not include requests for access by, or access granted to, parents of the student or officials of the School, requests accompanied by prior written consent of the parent, or requests for directory information.

34 CFR 99.32.

**K. Amendment of Records**

The parent of a student whose records are covered by this Policy may ask the School to amend the student’s record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student’s right of privacy or other rights. If the School decides not to amend the education records requested, it shall inform the parent of its decision and his/her right to a hearing to challenge the content of the student’s education records.

**L. Hearing**

If the School decides to amend the records as a result of a hearing, it shall inform the parent in writing. If, as a result of the hearing, the School decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the School. Any explanation shall be

maintained with the contested part of the record for as long as the record is maintained, and shall be disclosed whenever the contested portion of the record is disclosed.

34 CFR 99.20, 99.21.

**M. Annual Notification**

The School shall give parents of students in attendance, and eligible students in attendance, annual notification of their rights under the Family Educational Rights and Privacy Act of 1974, and of the places where copies of this Policy may be located, including notice of the right to file complaints concerning alleged failures by the School to comply with the provisions of the Act. The School shall effectively notify parents of students who have a primary or home language other than English.

20 USC §1232g(e); 34 CFR 99.7.

**N. Directory Information**

“Directory information” means information contained in an education record of a student that would not generally be considered harmful, or an invasion of privacy if disclosed. Directory information includes the student’s name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially-recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended.

The School may release directory information if it has given public notice of:

- (1) The types of personally identifiable information that it has designated as directory information;
- (2) The right of the parent to refuse to permit the School to designate any or all of that information about the student as directory information;
- (3) The period of time within which the parent must notify the School, in writing, that s/he does not want any or all of those types of information about the student designated as directory information.

**O. Objection to Release**

Directory information about a student will be released to anyone who follows the procedures for requesting the information unless a parent or guardian objects to the release of the directory information.

34 CFR 99.3, 99.37; Education Code §26.013.

**P. Military Recruiters**

Federal law requires schools receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter, or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the School that the parent does not want the student’s information disclosed without the parent’s prior written consent.

## Student Speech Activities

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### A. Speech Activities

Activities such as distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern are protected by the First Amendment. The School, however, may prohibit expression by students if:

- (1) It materially and substantially interferes with School activities;
- (2) It materially and substantially interferes with the rights of other students or teachers;
- (3) Vulgar or profane;
- (4) Might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized order;
- (5) Inappropriate for the level of maturity of the readers;
- (6) Associates the School with any position other than neutrality on matters of political controversy; or
- (6) The School can demonstrate reasonable cause to believe that the expression would engender material and substantial interference with its educational program.

### B. Content Neutrality

The School shall not prohibit student expression solely because other students, teachers, administrators, or parents may disagree with its content.

### C. Prior Review

The School may subject student expression to prior screening under clear and reasonable regulations. The School may limit student expression in manner, place, or time by means of reasonable and equally-applied regulations.

## Law Enforcement Interrogations of Students

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### A. Procedures for Law Enforcement Interviews

The following procedures shall be followed when law enforcement officers and other lawful authorities want to question or interview a student at the School. When the investigation involves allegations of child abuse, special rules apply. Refer to **Child Abuse Investigations** section of this Policy Manual.

- (1) The School administration shall verify and record the identity of the official and request an explanation of the need to question or interview the student at School;
- (2) The School administration shall make reasonable efforts to notify the student's parent/guardian;

- (3) Unless prohibited by law or when the student has been arrested or taken into police custody, the School administration or other adult witness shall be present during the questioning or interview.

**B. Procedures for Assuming Custody of Student**

The School shall permit a student to be taken into custody:

- (1) Pursuant to an order of the juvenile court.
- (2) Pursuant to the laws of arrest.
- (3) By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- (4) By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court. Pursuant to a properly issued directive to apprehend.
- (5) By an authorized representative of Child Protective Services (CPS), Texas Department of Family and Protective Services (FPS), a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in Family Code 262.104 relating to the student's physical health or safety.

Tex. Fam. Code §§52.01, 262.104.

**C. Notification**

The School administration shall notify all instructional and support personnel who have responsibility for supervising a student who has been arrested or taken into custody as provided by a law enforcement agency. All personnel shall keep the information received confidential.

Code of Criminal Procedure 15.27(a).

## **Child Abuse Investigations**

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**A. Cooperation**

The School administration shall cooperate with law enforcement child abuse investigations including investigations by the Texas Department of Protective and Regulatory Services. A School official may not refuse to permit a Department investigator or other designated agency to interview a child/student at School who is alleged to be a victim of abuse or neglect under Family Code 261. A School official may not require the CPS investigator to permit School personnel to be present at a child/student interview conducted at School.

Tex. Fam. Code §§261.302(b), 261.303(a); Atty. Gen. Op. DM-476 (1998).

**B. School Interviews**

Authorized officials conducting an investigation of a report of child abuse or neglect shall be permitted to conduct the required interview with the child/student at any reasonable time at the School.

### C. Notification of Parents

Investigations at School may be conducted by authorized law enforcement or state agencies without the consent of the child/student's parents if necessary, including investigations by the Department of Protective and Regulatory Services.

Tex. Fam. Code §261.302(b)(1); Tex. Educ. Code §38.004(a).

### D. Rules Applicable to Child Abuse Investigations Where Abuse is Alleged of School Personnel or Volunteers

- (1) **Prior Notice of Investigation.** Prior to conducting an investigation of School personnel or volunteers, CPS shall notify the School administration of the fact that a report has been assigned for investigation, the nature of the allegations contained in the report, and the date and time when the investigator plans to visit the School campus to begin the investigation.

The CPS investigator must request that the School administration not alert the alleged perpetrator or others regarding the report until the investigator have first had an opportunity to interview the alleged perpetrator.

40 Tex. Admin. Code §700.407.

- (2) **Non-Interference.** School officials, or other persons related to the school setting may not interfere with investigation of a report of child abuse or neglect conducted by the Department of Protective and Regulatory Services. Interviews and examinations in a School investigation may take place on or off School premises, as deemed appropriate by the CPS investigator, provided the investigator notifies the Principal (or that individual's supervisor in the event that the Principal is the alleged perpetrator) prior to conducting an interview or examination on School premises. CPS may request that School personnel or volunteers not be present during the interview or examination of an alleged victim, an alleged perpetrator, an adult or child witness, or any other person who may have information relevant to the investigation, if the investigator determines that (1) the presence of School personnel or volunteers would compromise the integrity of the investigation; or (2) a better interview or examination of the child/student would result without School personnel or volunteers being present.

40 Tex. Admin. Code §700.409.

## Religious Activity

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### A. Neutrality

The School will neither advance nor inhibit religion. Specific time will not be set aside during the school day for religious meditation, Bible reading, or prayer.

*Wallace v. Jaffree*, 105 S. Ct. 2479 (1985); *Karen B. v. Treen*, 653 F.2d 897 (5th Cir. 1981); *Meltzer v. Bd. of Public Instruction of Orange County, Florida*, 577 F.2d 311 (5th Cir. 1978) (en banc); *cert. denied*, 439 U.S. 1089 (1979).

**B. Limited Open Forum**

A limited open forum allows one or more non-curriculum related student groups to meet on School premises during non-instructional time. If the Board decides to establish a limited open forum in a secondary school, student groups shall be permitted to meet on campus for religious purposes during non-instructional time.

20 USC §4071(b)-(c) (Equal Access Act).

**C. Student Rights**

Students of the School have a right to voluntarily and silently pray or meditate in School in a manner that does not disrupt the instructional or other activities of the School. A student shall not be required, encouraged, or coerced to engage in or refrain from such prayer or meditation during any School activity.

*Santa Fe Indep. Sch. Dist. v. Doe*, 120 S. Ct. 2266 (2000).

**D. Nonendorsement**

The School shall not allow a School-sponsored, student-led prayer or other religious message to be delivered over the public address system at School sporting events. The School shall not adopt a Policy that has the perception of School endorsement of prayer or establishes an election on religion.

*Santa Fe Indep. Sch. Dist. v. Doe*, 120 S. Ct. 2266 (2000).

## Teaching Materials

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**A. Parental Access to Textbooks**

A student's parent is entitled to request that the School allow the student to take home any textbook used by the student. Subject to the availability of a textbook, the School shall honor the request. A student who takes home a textbook must return the textbook to the School at the beginning of the next school day if requested to do so by the student's teacher.

Tex. Educ. Code §26.006(c).

**B. Failure to Return Textbooks**

Each student, or the student's parent/guardian, is responsible for each textbook not returned by the student. A student who fails to return all textbooks forfeits the right to free textbooks until each textbook previously issued but not returned is paid for by the student or the parent/guardian. The School administration may waive or reduce the payment requirement if the student is from a low-income family. The School administration shall allow the student to use textbooks at School during each school day. The School administration may not prevent a student from graduating, participating in graduation, or receiving a diploma by reason of the failure of the student to return a textbook.

Tex. Educ. Code §31.104(d).

**C. Selection of Textbooks**

The Board shall adopt a Policy for selecting instructional materials. Final selections must be recorded in the Board Minutes.

19 Tex. Admin. Code §66.104(a).

**D. Costs of Textbooks**

The Board is responsible to the publisher for the costs of selected textbooks above the state minimum.

19 Tex. Admin. Code §66.104(b).

**E. Enrichment Materials**

The Board is responsible to the publisher for a proportion of the costs of instructional materials for enrichment subjects not adopted by the SBOE. The Board Minutes of the meeting adopting the enrichment materials shall reflect the agreement of the Board to bear responsibility for its portion of the cost.

19 Tex. Admin. Code §66.104(d).

**F. Required Report**

A report listing instructional materials selected for use shall be transmitted to the TEA no later than April 1 of each year.

19 Tex. Admin. Code §66.104(g).

## **Transportation**

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The School shall provide transportation to each student attending the School to the same extent a public school district is required by law to provide transportation to District students.

Tex. Educ. Code §12.109.

## **Curriculum Requirements**

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**A. Essential Knowledge and Skills**

As a condition of accreditation, the School shall provide instruction in the essential knowledge and skills at appropriate grade levels.

Tex. Educ. Code §§12.111(1), 28.002(c), (g)-(h).

**B. Required Curriculum**

Each school that offers kindergarten through grade 12 shall offer, as a required curriculum, a foundation curriculum and an enrichment curriculum.

**C. Foundation Curriculum**

The foundation curriculum shall include all of the following:

- (1) English language arts and reading;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which consists of history, government, and geography of Texas, the United States, and the world;
- (5) Spanish language arts and English as a second language.

The School may add elements at its discretion but must not delete or omit instruction in the foundation curriculum specified above.

**D. Enrichment Curriculum**

The enrichment curriculum shall include all of the following:

- (1) Languages other than English, to the extent possible;
- (2) Health;
- (3) Physical Education;
- (4) Fine Arts;
- (5) Economics, with emphasis on the free enterprise system and its benefits;
- (6) Career and technology education;
- (7) Technology applications.

Tex. Educ. Code §§12.111(1), 28.002(a), (d); 19 Tex. Admin. Code §74.1.

**E. Local Instructional Plan**

The School's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. The School is encouraged to exceed minimum requirements of law and state board rule.

Tex. Educ. Code §28.002(g).

## **Assessment of Academic Skills**

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**A. State Assessment of Academic Skills**

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- (1) **Essential Skills Assessment.** The state-adopted criterion-referenced assessment program is designed to assess essential knowledge and skills in reading, writing, mathematics, science, and social studies. Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced tests.
- (2) **Exit Level Assessment.** The state-adopted exit-level assessment instrument shall be designed to be administered to students in grade 11 to assess essential knowledge and skills in mathematics, English language arts, social studies, and science. To be eligible to receive a high school diploma, a nonexempt student must demonstrate satisfactory performance, as determined by the SBOE, on the exit-level test.

Tex. Educ. Code §39.023(a),(c); 19 Tex. Admin. Code §§101.5(a), 101.7(a).

## **B. Notice Requirements**

In order to provide timely and full notification to students and their parents/guardians of graduation requirements and of testing requirements for advancement at certain grades, the Superintendent shall be responsible for complying with all notification procedures outlined by the Commissioner of Education:

- (1) **Notification of Graduation Requirements**
  - a. Notification shall be made to each student and his/her parents/guardians, in writing, no later than the beginning of the student's 7th grade year, of the testing requirements for graduation.
  - b. Notification shall be made to each student in grades 7-12, who is new to the School and his/her parents/guardians, in writing, of the testing requirements for graduation.
  - c. Notification shall be made to each student, who shall take the tests required for graduation and his/her parents/guardians, as well as out-of-school individuals, of the dates, times, and locations of testing.
- (2) **Notification of Testing Requirements for Advancement**
  - a. Notification shall be made to each student and his/her parents/guardians, in writing, no later than the beginning of the student's 1st grade year, or no later than the beginning of the student's kindergarten year, of the testing requirements for grade advancement.
  - b. Notification shall be made to each student in grades 1-8 who is new to the School, and his/her parents/guardians, in writing, of the testing requirements for grade advancement.
  - c. Notification shall be made to each student required to take the grade advancement tests of the dates, times, and locations of testing.

19 Tex. Admin. Code §101.13.

## **C. Testing**

- (1) **Schedule for Testing**

The Commissioner of Education shall specify the schedule for testing. The Superintendent shall be responsible for administering tests. The Commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 Tex. Admin. Code §101.25.

(2) **Required Student Participation**

All students, except students who are exempt, who are in special education programs, and whose Admission, Review, and Dismissal (ARD) Committees determine the assessment instrument would not provide an appropriate measure of achievement, shall be assessed in:

- a. Mathematics, annually in grades 3 through 7 without the aid of technology, and in grades 8 through 11 with the aid of technology on any assessment instruments that include algebra;
- b. Reading, annually in grades 3-9;
- c. Writing, including spelling and grammar, in grades 4 and 7;
- d. English language arts in grade 10;
- e. Social studies in grades 8 and 10; and
- f. Science in grades 5 and 10.

Tex. Educ. Code §39.023(a).

(3) **Administration of Assessment Instruments**

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

- a. Maintaining the integrity of the test administration process; and
- b. Ensuring that every test administrator receives at least annual training in these procedures, as provided by the TEA through Regional Education Service Centers.

19 Tex. Admin. Code §101.27.

**D. Retesting of Students**

According to procedures specified in the applicable test administration materials, an eligible student or out-of-school individual who has not met graduation requirements may retest on a schedule determined by the Commissioner. A student who has been denied a diploma because the student failed to meet standards of performance on any sections of the instrument, may retake the sections each time the instrument is administered. The student shall not be required to demonstrate performance at a standard higher than the one in effect when the student was first eligible to take the test.

Tex. Educ. Code §39.025(b); 19 Tex. Admin. Code §101.7(a)(2), (d).

**E. Students With Disabilities**

(1) **Assessment Required**

A student receiving special education services, enrolled in grades 3-8, 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 whole or part, the student shall take the alternative assessment of academic skills in whole or part. Each testing accommodation shall be documented in the student's IEP in accordance with federal law, 34 CFR 300.347(a)(5)(i) and (ii). Beginning with the 2004-2005 school year when alternative assessment of academic skills is available for grades 9-10, this provision also applies to students enrolled in these grades. The ARD Committee shall determine the level of performance considered to be satisfactory on the assessment instruments administered to the student in accordance with applicable TEA rules.

Tex. Educ. Code §§39.023(a)-(c), 39.024(a); 19 Tex. Admin. Code §101.5(b).

(2) **Alternative Assessment**

TEA shall develop or adopt appropriate criterion-referenced assessment instruments to be administered to each student in a special education program who receives instruction in the essential knowledge and skills, but for whom the standard criterion-referenced assessment instrument, even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the student's ARD Committee. The alternative assessment instrument must assess essential knowledge and skills and growth in reading, mathematics, and writing and shall be administered on the same schedule as the assessment instruments administered to all other students. The alternative assessment instruments will be on the same schedule as the other assessment instruments administered.

Tex. Educ. Code §39.023(b); 19 Tex. Admin. Code §101.23(b).

**F. Testing Accommodations**

Testing accommodations on the assessments administered 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 necessary for the student to take the assessments, and shall document them in the student's IEP. Permissible testing accommodations shall be described in the appropriate test administration materials.

19 Tex. Admin. Code §101.29.

**G. Reporting Testing Results**

(1) **To the Board**

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

19 Tex. Admin. Code §101.81(a).

(2) **To Parents/Guardians and Students**

The School shall notify each of its students and his/her parents/guardians of test results, observing confidentiality requirements stated at Tex. Educ. Code §39.030(b). All test results shall be included in each student's academic achievement record, and shall be furnished for each student transferring to another School or School District.

19 Tex. Admin. Code §101.81(b), (c).

(3) **To the Public**

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

Tex. Educ. Code §39.030(b).

**H. Security of Testing Program**

The state-wide assessment program is a secure testing program. Procedures for maintaining security shall be specified in the appropriate test administration materials. Secure test materials must be accounted for before, during, and after each test administration. Only authorized personnel may have access to secure test materials.

Tex. Educ. Code §39.030(a); 19 Tex. Admin. Code §101.61.

**I. Confidentiality**

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

Tex. Educ. Code §39.030(b); 19 Tex. Admin. Code §101.63.

**J. Penalties**

The Superintendent shall develop procedures to ensure the security and confidential integrity of the tests, and shall be responsible for notifying 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 in TEA rules.

19 Tex. Admin. Code §101.65(g).

## **High School Graduation Requirements**

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**A. Responsibility of the School**

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The School shall ensure that each student enrolls in the courses identified by the SBOE as the recommended and advanced high school programs, except that a student may be permitted to the minimum high school program when the student's parent or other person standing in parental relation to the student, and a School counselor or School administrator agree the student should be admitted to the minimum program.

Tex. Educ. Code §28.025(a) and (b).

**B. Diploma**

A student may graduate and receive a diploma only if the student:

- (1) Successfully completes the curriculum requirements identified by the SBOE, and has performed satisfactorily on the exit-level assessment instruments including English, language arts, mathematics, social studies, and science; or
- (2) In the case of special education students, completes an IEP.

Tex. Educ. Code §28.025(c).

**C. Reports**

The School shall report the academic achievement record of students who have completed a minimum, recommended, or advanced high school program on transcript forms adopted by the SBOE.

Tex. Educ. Code §28.025(e).

**D. Personal Graduation Plans**

The charter holder shall consider including in the School's charter a requirement that the School develop and administer personal graduation plans under TEC §28.0212.

Tex. Educ. Code. §12.111(b).

**E. Graduation Credit**

Credit for courses for high school graduation may be earned only if the student received a grade which is equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for each course.

Tex. Educ. Code §28.025; 19 Tex. Admin. Code §74.26(c).

**F. Partial Credits**

In accordance with School Policy, students who are able to successfully complete only one semester of a two-semester course can be awarded credit proportionately.

Tex. Educ. Code §28.025; 19 Tex. Admin. Code §74.26(d).

# Bilingual Program

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## A. Definitions

- (1) “Student of limited English proficiency” – means a student whose primary language is other than English, and whose English language skills are such that the student has difficulty performing ordinary class work in English.
- (2) “Parent” – includes a legal guardian of a student.

Tex. Educ. Code §29.052.

## B. 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 English as a second language (ESL) program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences.

Tex. Educ. Code §29.055(a).

## C. Program Design

The bilingual, or ESL program, shall be designed to consider the students’ learning experiences, and shall incorporate the cultural aspects of the students’ backgrounds.

Tex. Educ. Code §29.055(b).

## D. Method of Instruction

Limited English proficiency (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.

Tex. Educ. Code §29.055(c)-(e).

## E. Required Bilingual Program

- (1) If the School has an enrollment of 20 or more LEP students in any language classification in the same grade level, it shall offer a bilingual education program for the LEP students in pre-kindergarten through the elementary grades who speak that language. Elementary grades shall include at least pre-kindergarten through grade 5; 6th grade shall be included when clustered with elementary grades.

Tex. Educ. Code §29.053(a).

- (2) The School is authorized to establish a bilingual education program at grade levels in which the bilingual education program is not required.

19 Tex. Admin. Code §889.1205(c).

- (3) The School shall offer all of the following:

- a. Bilingual education in kindergarten through the elementary grades;
- b. Bilingual education, instruction in ESL, or other transitional language instruction approved by the TEA in post-elementary grades through grade 8;
- c. Instruction in ESL in grades 9-12.

Tex. Educ. Code §29.053(c)-(d).

- (4) The bilingual education program shall be provided by offering either a dual-language program that meets the requirements for program content and design, as established in 19 Tex. Admin. Code §89.1210, or a dual-language program designed by the School and approved by the Commissioner of Education, as provided by 19 Tex. Admin. Code §89.1255. The school-designed program shall address the affective, linguistic, and cognitive needs of the LEP students, and shall incorporate the cultural aspects of the students' backgrounds.

Tex. Educ. Code §29.053(c)-(d); 19 Tex. Admin. Code §89.1205(a)-(c).

#### **F. Required ESL Program**

- (1) All LEP students for whom the School is not required to offer a bilingual education program shall be provided an ESL program, regardless of the students' grade levels and home language, and regardless of the number of such students.
- (2) The ESL program shall be provided by offering either an ESL program that meets SBOE requirements for program content and design, as established in 19 Tex. Admin. Code §89.1210, or an ESL program approved by the Commissioner, as provided by 19 Tex. Admin. Code §89.1255. The program must address the affective, linguistic, and cognitive needs of the LEP students.

19 Tex. Admin. Code §89.1205(d)-(e).

#### **G. Exceptions**

- (1) **Alternate Program**

Schools which are unable to provide a bilingual education program as required by statute shall request from the Commissioner of Education an exception to the program and approval to offer an alternative program. The request must include a statement of the reasons the School is unable to offer the bilingual program with supporting documentation.

19 Tex. Admin. Code §89.1205(g).

- (2) **Insufficient Supply of Qualified Teachers for ESL program**

If the School is unable to hire a sufficient number of teachers with bilingual teaching certificates to staff the ESL program, the School shall request from the Commissioner a waiver of the certification requirements for teachers who will provide the ESL instruction. The application must give a statement of the reasons the School is unable to provide a sufficient number of certified ESL teachers and provide other information and documentation.

19 Tex. Admin. Code §89.1205(h).

(3) **Duration of Exceptions**

Exceptions shall be granted on an individual school basis and are valid for one (1) year.

19 Tex. Admin. Code §89.1205(g)-(h).

**H. Home Language Survey**

For purposes of identifying limited English proficient students, the School shall administer to the home language survey. The home language survey shall be administered only one time to each student. Administration shall be to students new to the School, and to students previously enrolled who were not surveyed in the past. The survey shall be signed by the parent for students in pre-kindergarten through grade 8, and by the students in grades 9-12. The original copy of the survey shall be retained in the student's permanent record. If the home language survey indicates a language other than English is used, the student shall be tested in accordance with 19 Tex. Admin. Code §89.1225.

Tex. Educ. Code §29.056(a); 19 Tex. Admin. Code §89.1215.

**I. Language Proficiency Assessment Committees**

(1) **Composition**

If the School is required to offer bilingual and special language programs, it shall establish one or more Language Proficiency Assessment Committees (LPAC) according to locally-established procedures for the selection, appointment, and training of members. The LPAC shall include at least:

- a. A professional bilingual educator;
- b. A professional transitional language educator;
- c. A parent of a limited English proficient student who is not an employee of the School;
- d. A Campus Administrator.

If the School does not have an individual in one or more of the job classifications required, it shall designate another professional staff member to serve on the LPAC. In 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.

Tex. Educ. Code §29.063(a), (b); 19 Tex. Admin. Code §89.1220(a)-(d).

(2) **Initial LPAC Matters**

a. **Identification and Assessment**

Within four (4) weeks of their initial enrollment in the School, students shall be identified, assessed, and classified for bilingual education or ESL programs according to the criteria and procedures established in rules adopted by the Commissioner.

Tex. Educ. Code §29.056(a); 19 Tex. Admin. Code §89.1225(a)-(g).

b. **Reports to the Board**

Within four (4) weeks of the beginning of school, the LPAC shall determine and report to the Board the number of LEP students on each campus, and shall classify each student according to the language(s) in which the student possesses primary proficiency. The Board shall report that information to TEA before November 1 of each year.

Tex. Educ. Code §29.053(b).

c. **Parental Approval**

Within 10 days after a student's classification as LEP, the LPAC shall give written notice of such classification to the student's parent advising that a student has been classified as LEP, and requesting approval to place the student in the required bilingual or ESL program. Such notice shall be in English and in the parent's primary language. The notice shall include information about the benefits of the program for which the student is recommended, 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 receive its bilingual allotment only for those students in the bilingual program with parent approval.

Tex. Educ.. Code §29.056(d).

The entry, placement of a student in, and exit of a student from, the bilingual or ESL program must be approved, in writing, by the student's parent. Approval shall be considered valid for the student's continued participation in the program until the student meets the established exit criteria, graduates from high school, or the parent requests a change in program placement.

Tex. Educ. Code §29.056(a); 19 Tex. Admin. Code §§89.1220(l), 89.1240(a).

(3) **Other Duties**

The LPAC shall perform all the following duties:

- a. Review all pertinent information on all LEP students, including the home language survey, the language proficiency tests in English, and the primary language, each student's achievement in content areas, and each student's emotional and social attainment;

- b. Make recommendations concerning the most appropriate placement for the educational advancement of the LEP student after the elementary grades;
- c. Review each LEP student's progress at the end of the school year in order to determine future appropriate placement;
- d. Monitor the progress of students formerly classified as LEP who have transferred out of the bilingual or ESL program within the past two (2) years;
- e. Determine the appropriateness of a program that extends beyond the regular school year based on the needs of each LEP student;
- f. Make the determinations required regarding placement in and exit from bilingual and ESL programs;
- g. Before the annual administration of the state criterion referenced test (or TAKS), and according to criteria set forth in the Commissioner's rules, determine the eligibility of LEP students in grades 3-8 for:
  - (i) Exemption from the test;
  - (ii) Administration of the Spanish version of the test; or
  - (iii) Administration of the English version of the TAKS;
- h. Perform additional duties described in 19 Tex. Admin. Code §89.1220, as well as those prescribed by TEA.

Tex. Educ. Code §29.063(c); 19 Tex. Admin. Code §89.1220(g)-(i), (m).

## **J. Program Exit**

A student may not be exited from the bilingual or ESL program in pre-kindergarten through grade one.

For exit from a bilingual education or English as a second language program, a student:

- (1) May be classified as English proficient at the end of the school year in which a student would be able to participate equally in a regular, all-English, instructional program as determined by:
  - a. Agency-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; and
  - b. satisfactory performance on the reading assessment instrument under Section 39.032(a) or an English language arts assessment instrument under Section 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 about the 40th percentile in the reading and language arts sections of an English standardized test approved by the Agency; and
  - c. Agency-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Tex. Educ. Code §29.056(g); 19 Tex. Admin. Code §89.1225(h)-(j).

A student exited from the program may be re-enrolled if later evidence indicates that the student has inadequate English proficiency and achievement.

Tex. Educ. Code §29.056(h).

The School shall notify the parent of a student's reclassification as English proficient and his/her exit from the bilingual or ESL program.

19 Tex. Admin. Code § 89.1240(b).

The LPC shall re-evaluate a student who is transferred out of a bilingual education or special language program under §29.056(g) if the student earns a failing grade in a subject in the foundation curriculum under §28.002(a)(1) during any grading period in the first two school years after the student is transferred to determine whether the student should be re-enrolled in a bilingual education or special language program. The re-evaluation shall conform to the requirements of Tex. Educ. Code §29.0561(b). After an evaluation under this section, the LPC may required intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Tex. Educ. Code §29.0561(a)-(c).

**K. Facilities**

Bilingual education and special language programs shall be located in the School rather than in separate 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 School shall keep adequate records of the educational level and progress of each student enrolled in the program. In order to provide the required program, the School may concentrate the programs at a limited number of schools, provided that the enrollment in those schools shall not exceed 60% limited English proficient students.

Tex. Educ. Code §29.057; 19 Tex. Admin. Code §89.1235.

**L. Required Programs During the Summer**

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 1st 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 (8) 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 Tex. Admin. Code § 89.1250 in providing such a program.

Tex. Educ. Code §§12.104(b)(2)(G), 29.060(a)-(c); 19 Tex. Admin. Code §89.1250.

**M. Testing of LEP Students**

- (1) **Record of LPAC's Decision**

The LPAC shall select the appropriate assessment option for each LEP student at the exit level and at other grades. The LPAC must document the reason for the postponement or exemption in the student's permanent record file.

19 Tex. Admin. Code §101.1003.

(2) **Exemptions**

A student may be exempted from the administration of an assessment instrument:

- a. Under Tex. Educ. Code §39.023(a) or (l), for a period of up to one (1) year if the student is of limited English proficiency and has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of an LEP student; or
- b. Under Tex. Educ. Code §39.023(a) or (l), for an additional two (2) years if the student received the one-year exemption, and is a recent unschooled immigrant, or is in a grade for which no assessment instrument in the primary language of the student is available.

“Recent unschooled immigrant” – means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment instrument under Education Code §39.023(a), or (l), and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC.

To the extent authorized by federal law, a child's prior enrollment in a school in the United States shall be determined on the basis of documents and records required for enrollment.

Tex. Educ. Code §39.027(a)(3) and (4)(g).

(3) **Language Determination**

In grades 3-12, an LEP student, as defined by Tex. Educ. Code, Chapter 29, subchapter B, shall participate in the assessments in accordance with the Commissioner's rules at 19 Tex. Admin. Code, Chapter 101, subchapter AA. In grades 3-6, the 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. The decision as to the language of the assessment shall be based on the assessment that will provide the most appropriate measure of the student's academic progress.

Tex. Educ. Code §§12.104(b)(2)(L), 39.023(l)-(m), 19 Tex. Admin. Code §101.5(d).

(4) **Academic Progress Evaluation**

The Commissioner shall develop an assessment system that shall be used for evaluating the academic progress, including reading proficiency in English, of all students of limited English proficiency. An LEP student who is exempt from the administration of an assessment instrument, who achieves reading proficiency in English as determined by the assessment system, shall be administered the appropriate assessment instrument.

Tex. Educ. Code §§12.104(b)(2)(L), 39.027(e).

**N. Compliance**

TEA shall notify the School, in writing, if found in noncompliance, not later than the 30th day after the date of the on-site monitoring. The School must take immediate corrective action. The School is subject to sanctions, removal of accreditation and/or loss of foundation school funds, if it fails or refuses to comply after proper notification from TEA.

Tex. Educ. Code §§12.104(b)(2)(G), 29.062(d)-(e).

**O. Appeals**

The parent of a student enrolled in the School offering bilingual education or special language programs may appeal to the Commissioner if the School fails to comply with the requirements established by law or by TEA. If the parent disagrees with the placement of the student in the program, the parent may appeal that decision to the Board. Appeals shall be conducted in accordance with procedures adopted by the Commissioner.

Tex. Educ. Code §§12.104(b)(2)(G), 29.064.

## **Higher Education Counseling**

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### **Counseling Regarding Higher Education**

Each counselor at the School shall advise students and their parents/guardians regarding the importance of higher education, coursework designed to prepare students for higher education, and financial aid availability and requirements.

During the first school year a student is enrolled in high school, and again during a student's senior year, a counselor shall provide information about higher education to the student and the student's parents/guardians. The information must cover:

- (1) The importance of higher education;
- (2) The advantages of completing the recommended or advanced high school program;
- (3) The disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
- (4) Financial aid eligibility;
- (5) Instruction on how to apply for federal financial aid;
- (6) The center for financial aid information established under Tex. Educ. Code §61.0776;
- (7) The automatic admission of certain students to general academic teaching institutions:
  - a. Each general academic teaching institution shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10% of the student's high school graduating class in one of the two school years preceding the academic year to which the applicant is applying for admission, and the applicant graduated from an accredited public or private high school in this state. To qualify for admission

- an applicant must submit an application before the expiration of any application filing deadline established by the institution;
- b. If an applicant is admitted, the institution shall review the applicant's record and any other factor the institution considers appropriate to determine whether the applicant may require additional college-level work or would benefit from inclusion in a retention program. The institution may require a student so identified to enroll during the summer immediately after the student is admitted to participate in appropriate enrichment courses and orientation programs; and
- (8) The eligibility and academic performance requirements for the Toward Excellence, Access, and Success (TEXAS) Grant Program, administered by the Texas Higher Education Coordinating Board.

Tex. Educ. Code §§33.007, 51.803.

- (9) The School shall notify students in middle school, junior high school, and high school, and those students' teachers, counselors, and parents of:
- a. The TEXAS program and the Teach for Texas program;
  - b. The eligibility requirements of each program;
  - c. The need for students to make informed curriculum choices to be prepared for success beyond high school; and
  - d. Sources of information on higher education admissions and financial aid in a manner that assists the School in implementing its strategies, contained in the School improvement plan, for resources needed to implement identified strategies.

Tex. Educ. Code §§33.007(b)(8), 56.308.

## **Title I Requirements**

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Eligibility for Title I, Part A funding for compensatory education programs designed to provide supplemental services for disadvantaged student populations, whether in the form of school-wide or targeted assistance programs, requires the filing with the TEA of a Plan that meets federal requirements.

### **A. School Plan**

(1) **Plan Provisions**

The School plan shall include:

- a. A description of additional high-quality student assessments, if any, other than assessments described in the state plan that the School will use to –
  - (i) Determine the success of children served in meeting the state's student performance standards, and provide information to teachers, parents/guardians, and students on the progress being made toward meeting these standards;

- (ii) Assist in diagnosis, teaching, and learning in the classroom in ways that best enable all children served to meet the state standards and do well in the local curriculum;
  - (iii) Determine what revisions are needed to projects so that such children will meet the state's student performance standards; and
  - (iv) Effectively identify students who may be at risk for reading failure, or who are having difficulty reading, through the use of screening, diagnostic, and classroom-based instructional reading assessments.
- b. A description of any other indicators that will be used, in addition to the assessments indicated;
- c. A description of how the School will provide additional educational assistance to individual students assessed as needing help in meeting the state's challenging student academic achievement standards;
- d. A description of the strategy the School will use to provide professional development for teachers, and where appropriate, pupil services personnel, administrators, parents/guardians, and other staff;
- e. A description of how the School will coordinate and integrate services provided with other educational services at the School, such as –
  - (i) Even Start, Head Start, and other pre-school programs, including plans for the transition of participants in such programs to local elementary school programs, vocational educational programs, and school-to-work transition programs; and
  - (ii) Services for children with limited English proficiency or with disabilities, migratory children, neglected or delinquent youth, and youth at risk of dropping out, homeless children, and immigrant children, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;
- f. An assurance that the School will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics;
- g. A description of the poverty criteria that will be used to select School attendance areas;
- h. A description of how teachers, in consultation with parents/guardians, administrators, and pupil services personnel, in targeted assistance schools, will identify eligible children most in need of services;
- i. A general description of the nature of the programs to be conducted by the School and, where appropriate, educational services outside the School for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;
- j. A description of how the School will ensure that migratory children and formerly migratory children who are eligible to receive services are selected to receive such services on the same basis as other children who are selected to receive services described;
- k. A description of how the School will use funds to support pre-school programs for children, particularly children participating in a Head Start or Even Start program, which services may be provided directly by the School or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services;

- l. A description of the actions the School will take to assist its low-achieving schools identified as in need of improvement;
- m. A description of the actions the School will take to implement public school choice and supplemental services;
- n. A description of how the School will meet the requirements for teacher qualifications;
- o. A description of the services the School will provide to homeless children;
- p. A description of the strategy the School will use to implement effective parental/guardian involvement; and
- q. Where appropriate, a description of how the School will use the funds received to support after-school (including before school and summer school) and school-year extension programs.

20 USC §6312(b).

(2) **Assurances**

The school plan shall provide assurances that the School will:

- a. Inform eligible schools and parents/guardians of school-wide program authority and the ability of the School to consolidate funds from federal, state, and local sources;
- b. Provide technical assistance and support to school-wide programs;
- c. Work in consultation with schools as the schools develop the schools' plans and assist schools as the schools implement such plans so that each school can make adequate yearly progress toward meeting the state content standards and state student performance standards;
- d. Fulfill the School's improvement responsibilities;
- e. Provide services to eligible children attending private elementary and secondary schools;
- f. Take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades of school;
- g. Ensure that early childhood development services to low-income children below the age of compulsory attendance comply with the appropriate federal standards if the School chooses to use funds under Title I;
- h. Work in consultation as the School develops and implements its plan;
- i. Comply with the requirements regarding the qualifications of teachers and paraprofessionals and professional development;
- j. Inform eligible schools about the School's authority to obtain waivers;
- k. Coordinate and collaborate with other agencies providing services to children, youth, and families, including health and social services;
- l. Ensure, through incentives for voluntary transfers, the provision of professional development, recruiting programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers;
- m. Use the results of the student academic assessments, and other measures or indicators available to the School, to annually review the progress of the School;
- n. Ensure that the results from the academic assessment required will be provided to parents/guardians and teachers as soon as is practicably possible after the

- test is taken, in an understandable and uniform format and, to the extent practicable, in a language that the parents/guardians can understand; and
- o. Develop or identify examples of high-quality effective curricula.

20 USC §6312(c).

## **B. School-Wide Programs**

### (1) **Eligibility**

An eligible school may use Title I funds or services to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40% of the children are from low-income families, or not less than 40% of the children enrolled in the school are from such families. Alternatively, schools ineligible for the school-wide program may qualify for targeted assistance funds provided there is an eligible school population meeting the requirements of 20 USC §6315.

### (2) **Supplemental Funds**

A school participating in a school-wide or targeted assistance program shall use funds made available under the program only to supplement the amount of funds that would, in the absence of funds under this program, be made available from non-federal sources for the education of those students participating in the program.

### (3) **Components of a School-Wide Program**

A school-wide program shall include a number elements, including but not limited to a comprehensive needs assessment of the entire school, and school-wide reform strategies that strengthen the core academic program in the school, increase the amount and quality of learning time, address the needs of low-achieving children and those at risk of not meeting the state student academic achievement standards, provide high-quality and ongoing professional development for teachers, principals, and paraprofessionals, and attract high-quality highly qualified teachers to high-need schools.

### (4) **Comprehensive Plan**

A school that operates a school-wide program shall develop a comprehensive plan for reforming the total instructional program in the school that: (a) describes how the school will implement the components of the school-wide program; (b) describes how the school will use resources under the school-wide program and from other sources to implement those components; (c) includes a list of state educational agency and local educational agency programs and other federal programs that will be consolidated in the school-wide program; and (d) describes how the school will provide individual student academic assessment results in a language the parents can understand, including an interpretation of those results, to the parents of a child who participates in the academic assessments under 20 USC §6311(b).

### (5) **State-Wide Plan Development**

The comprehensive plan will normally be developed during a one-year period (exceptions apply in the case of a school that was operating a school-wide program on the day

preceding January 8, 2002), and shall be developed in consultation with the involvement of parents, members of the community to be served, teachers, Principals, and administrators.

20 USC §6314.

**C. Annual Review by the School**

- (1) As a recipient of Title I funding, the School shall review annually the state academic assessments to determine whether the School is making adequate yearly progress as defined in 20 USC §6311(b)(2).
- (2) The School shall publicize and disseminate to teachers and other staff, parents/guardians, students, the community, and administrators the results of the annual review.

20 USC §6316(a).

**D. State Review**

TEA shall review annually the progress of each school served under Title I to determine whether the schools receiving Title I funding are making adequate progress toward enabling their students to meet the state's student academic achievement standards.

20 USC §6316(c).

**E. Parental/Guardian Involvement**

- (1) The School's Title I program shall be planned and implemented with meaningful consultation with parents/guardians of participating students. This consultation shall be organized, ongoing, and timely in relation to decisions about the program. The School is required to offer a flexible number of meetings to fit parents'/guardians' schedules and to provide parents/guardians with comprehensive information regarding Title I programs.
- (2) If the school-wide program plan is not satisfactory to the parents/guardians of participating children, the School shall submit any parent/guardian comments on the plan to the Board when the School makes the plan available.
- (3) The School's plan must include a written parent involvement policy that meets the requirements of 20 USC §6318(a)(2), (b), (c) and (d).

20 USC §6318(a), (b).

**F. School/Parent Compact**

As a component of the school-level parental/guardian involvement Policy, each school served under Title I shall develop, with parents/guardians of all participating children, a school/parent compact that outlines how parents/guardian, the entire school staff, and students will share the responsibility for improved student achievement, and the means by which the school and parents/guardians will build and develop a partnership to help children achieve the state's high standards.

20 USC §6318(d).

**G. Building Capacity for Involvement**

- (1) To ensure effective involvement of parents/guardians and to support a partnership among the School, parents/guardians, and the community to improve student achievement, the School *shall*:
  - a. Provide assistance to participating parents/guardians in such areas as understanding national education goals, state standards, and monitoring a child's progress;
  - b. Provide materials and training, such as coordinating necessary literacy training and training to help parents/guardians work with their children;
  - c. Educate teachers, student services personnel, principals, and other staff, with the assistance of parents/guardians, in how to reach out and work with parents/guardians as equal partners and build ties between home and school;
  - d. Coordinate and integrate parent/guardian involvement programs and activities with head start and other programs;
  - e. Ensure, to the extent possible, that information related to school and parent/guardian programs, meetings, and other activities is sent to the homes of participating children in the language used in such homes; and
  - f. Provide other reasonable support for parental/guardian involvement activities as parents/guardians may request.
  
- (2) To ensure effective involvement of parents/guardians and to support a partnership among the School, parents/guardians, and the community to improve student achievement, the School *may*:
  - a. Involve parents/guardians in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;
  - b. Provide necessary literacy training from funds received, if the School has exhausted all other reasonably available sources of funding for such training;
  - c. Pay reasonable and necessary expenses associated with local parental/guardian involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions;
  - d. Train parents/guardians to enhance the involvement of other parents/guardians;
  - e. Arrange School meetings at a variety of times, or conduct in-home conferences between teachers and other educators, who work directly with participating children, with parents/guardians who are unable to attend such conferences at school, in order to maximize parental/guardian involvement and participation;
  - f. Adopt and implement model approaches to improving parental/guardian involvement;
  - g. Establish a school-wide parent advisory council to provide advice on all matters related to parental/guardian involvement; and
  - h. Develop appropriate roles for community-based organizations and businesses in parent/guardian involvement activities.

20 USC §6318(e).

## **Tuition and Fees**

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The School shall not charge tuition to an eligible student who applies for admission.

Tex. Educ. Code §12.108(a).

The School may require a student to pay the following fees:

- (1) Materials used in any program in which the resultant product is in excess of minimum requirements and, at the student's option, becomes the personal property of the student. Fees may not exceed the cost of materials;
- (2) Membership dues in student organizations or clubs, and admission fees or charges for attending extracurricular activities when membership or attendance is voluntary;
- (3) Security deposits for the return of materials, supplies, or equipment;
- (4) Personal physical education and athletic equipment and apparel. However, any student may provide his/her own if it meets reasonable requirements and standards relating to health and safety established by the Board;
- (5) Items of personal use or products which a student may purchase at his/her own option, such as student publications, class rings, annuals, and graduation announcements;
- (6) Fees specifically permitted by any other statute;
- (7) Any authorized, voluntary student health and accident benefit plan;
- (8) A reasonable fee, not to exceed the actual annual maintenance cost, for the use of musical instruments and uniforms owned or rented by the School;
- (9) Items of personal apparel, which become the property of the student, and which are used in extracurricular activities;
- (10) Parking fees and fees for identification cards;
- (11) Driver training courses, provided that such fees shall not exceed the actual School cost per student in such programs for the current school year;
- (12) Courses offered for credit where the activity necessitates the use of facilities not available on the School premises, and participation in the course is optional on the part of the student. Payment may not be required if the course is one requested by parents according to Tex. Educ. Code §28.003;
- (13) Summer school, provided fees are not charged for courses required for graduation unless such courses are offered tuition-free during the regular school term;
- (14) Reasonable fee for transportation of a student who lives within two (2) miles of the school the student attends, to and from the school, except that the school may not charge a fee for transportation for which the school receives funds under Tex. Educ. Code §42.155(d);
- (15) A reasonable fee, not to exceed \$50, for costs associated with an educational program offered outside of regular school hours, through which a student who was absent from class receives instruction voluntarily for the purpose of making up the missed instruction and meeting the level of attendance required under Tex. Educ. Code §25.092. To charge such a fee, the School shall provide a written form to be signed by the student's parent/legal guardian stating that the fee will not create a financial hardship or discourage the student from attending the program. The School may assess the fee only if the student returns the form. Tex. Educ. Code §11.158(a).

a. The following student fees are prohibited:

- (i) Textbooks, workbooks, laboratory supplies, or other supplies necessary for participation in any instructional course, except as authorized under this Policy;
- (ii) Field trips required as part of a basic educational program or course;

- (iii) Any specific form of dress necessary for any required educational program of diplomas;
- (iv) Instructional costs for necessary school personnel employed in any course or educational program required for graduation;
- (v) Library books required to be utilized for any educational course or program. However, fines may be assessed for lost, damaged, or overdue books;
- (vi) Admission fees, dues, or fees for any activity which the student is required to attend as a prerequisite to graduation;
- (vii) Any admission or examination cost for any required educational course or program; or
- (viii) Lockers.

Tex. Educ. Code §11.158(b).

Students may be required to furnish personal or consumable items, including pencils, paper, pens, erasers, notebooks, and school uniforms, except with respect to students who are educationally disadvantaged.

Tex. Educ. Code §11.158(c).

## **Student Withdrawals**

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Within three (3) business days of the withdrawal of a student from the School, the School shall notify the School District in which the student resides of such withdrawal.

19 Tex. Admin. Code §100.1211(c).

## **Health and Safety**

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### **A. Dissemination of Bacterial Meningitis Information**

The TEA shall prescribe procedures by which the School shall provide information relating to bacterial meningitis to its students and their parents each school year. The School, with written consent by TEA, may provide the information required by a method different than prescribed by TEA.

Tex. Educ. Code §38.0025.

### **B. Screening and Treatment for Dyslexia and Related Disorders**

#### **(1) Definitions**

- a. “Dyslexia” – A disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.

- b. "Related disorders" – Disorders similar to or related to dyslexia, such as developmental auditory imperceptions, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

(2) **Testing**

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 SBOE.

(3) **Treatment**

In accordance with the program approved by the SBOE, the School shall provide for the treatment of any student determined to have dyslexia or a related disorder.

Tex. Educ. Code §38.003.

**C. Protective Eye Devices**

Each teacher and student must wear industrial-quality eye-protective devices in appropriate situations as determined by the School.

Tex. Educ. Code §38.005.

**D. Steroid Notice**

A School in which there is a grade level of seven or higher shall post, in a conspicuous location in the School's gymnasium, and each other place in a building where physical education classes are conducted, the following notice:

*Anabolic steroids are for medical use only. State law prohibits possessing, dispensing, delivering, or administering an anabolic steroid in any manner not allowed by state law. State law provides that body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a person who is in good health is not a valid medical purpose. Only a medical doctor may prescribe an anabolic steroid or human growth hormone for a person. A violation of state law concerning anabolic steroids or human growth hormones is a criminal offense punishable by confinement in jail or imprisonment in the institutional division of the Texas Department of Criminal Justice.*

Tex. Educ. Code §38.008.

The School shall, at appropriate grade levels as determined by the SBOE, provide information about the use of anabolic steroids and the health issues involved with such use as determined by the SBOE to students attending the School, particularly to those students involved in extracurricular athletic activities.

Tex. Educ. Code §38.0081.

**E. Access to Medical Records**

A School administrator, nurse, or teacher is entitled to access to a student's medical records maintained by the School for reasons determined by the School's Policy. However, a School administrator, nurse, or teacher who views a student's medical records is required to maintain the confidentiality of his/her records. A School administrator, nurse, or teacher is not authorized by this Policy to require a student to be tested to determine the student's medical condition or status.

Tex. Educ. Code §38.009.

**F. Parental Access to Medical Records**

A parent/guardian of a student is entitled to access to the student's medical records maintained by the School. On request of a student's parent/guardian, the School shall provide a copy of the student's medical records to the parent/guardian. The School may not impose a charge for providing the copy that exceeds the charge authorized by §552.261, Tex. Gov't Code, for providing a copy of public information.

Tex. Educ. Code §38.0095.

**G. Outside Counselors**

The School or School personnel may not refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the School:

- (1) Obtains prior written consent for the referral from the student's parent/guardian;
- (2) Discloses to the student's parent/guardian any relationship between the School and the outside counselor;
- (3) Informs the student and the student's parent/guardian of any alternative public or private source of care or treatment reasonably available in the area;
- (4) Requires the approval of appropriate School personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted; and
- (5) Specifically prohibits any disclosures of a student record that violates state or federal law.

Tex. Educ. Code §38.010.

**H. Dietary Supplements**

(1) **Definitions**

- a. "Dietary Supplement" – The same meaning as found in 21 USC §321 and its subsequent amendments.
- b. "Performance Enhancing Compound" – A manufactured product for oral ingestion, intranasal application, or inhalation that:
  - (i) Contains a stimulant, amino acid, hormone precursor, herb or other botanical, or any other substance other than essential vitamin or mineral; and
  - (ii) Is intended to increase athletic or intellectual performance, promote muscle growth, or increase an individual's endurance or capacity for exercise.

(2) **Prohibition**

An employee of the School may not:

- a. Knowingly sell, market, or distribute a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school duties; or
- b. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school duties.

A person who violates this Policy commits a Class C misdemeanor offense.

(3) **Exception**

An employee of the School may:

- a. Provide or endorse a dietary supplement that contains performance-enhancing compounds to, or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by, the employee's child; or
- b. Sell, market, or distribute a dietary supplement that contains performance-enhancing compounds to, or endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by, a primary or secondary education student as part of activities that:
  - (i) Do not occur on School property or at a School-related function;
  - (ii) Are entirely separate from any aspect of the employee's employment with the School; and
  - (iii) Do not in any way involve information about or contacts with students that the employee has had access to, directly or indirectly, through any aspect of the employee's employment with the School.

Tex. Educ. Code §38.011.

**I. Self-Administration of Prescription Asthma Medicine by Students**

(1) **Definitions**

- a. "Parent" – Includes a person standing in parental relation.
- b. "Self-administration of prescription asthma medicine" – A student's discretionary use of prescription asthma medicine.

(2) **Permissible Administration**

A student with asthma is entitled to possess and self-administer prescription asthma medicine while on School property or at a School-related event or activity if:

- a. The prescription asthma medicine has been prescribed for that student as indicated by the prescription label on the medicine;
- b. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and
- c. A parent of the student provides to the School:
  - (i) Written authorization, signed by the parent, for the student to self-administer prescription asthma medicine while on School property or at a School-related event or activity; and
  - (ii) A written statement from the student's physician or other licensed health care provider, signed by the physician or provider, that states that the student has asthma and is capable of self-administering the medicine; the name and purpose of the medicine; the prescribed dosage for the medicine; the times and circumstances under which the medicine may be administered; and the period for which the medicine is prescribed.

The physician's statement must be kept on file in the office of the School nurse or, if there is not a School nurse, in the office of the principal.

Tex. Educ. Code §38.015.

**J. Implementation of Coordinated Health Program for Elementary School Students**

The School shall participate in appropriate training for the implementation of the health program (coordination of health education, physical education and physical activity, nutrition services, and parental involvement) approved by TEA designed to prevent obesity, cardiovascular disease, and Type II diabetes in elementary school students. The School shall implement the program.

Tex. Educ. Code §38.013-.014.

**K. Communicable Diseases**

(1) **Reports**

School authorities, including the Superintendent, principal, teacher, School health official, or counselor, shall report to the local health authority those students attending school who are suspected of having a notifiable condition, as defined by state law and the Texas Board of Health. If there is no local health authority appointed, or if the School is outside the jurisdiction of a local health authority, the report shall be made to the Texas Department of Health Regional Director.

(2) **Exclusion**

The Principal shall exclude from attendance any student suffering from a communicable condition, as defined by the Texas Board of Health, until one of the criteria for readmittance is fulfilled.

(3) **Readmittance**

Students excluded for reason of communicable disease shall be readmitted by one or more of the following methods, as determined by the local health authority:

- a. Certificate of the attending physician attesting to their recovery and noninfectiousness;
- b. Permit for readmission issued by the local health authority;
- c. After a period of time corresponding to the duration of the communicability of the disease, as established by the Commissioner of Health.

Tex. Health & Safety Code §§81.041-.042; 25 Tex. Admin. Code §§97.2(d), 97.5(a), 97.7(b-d).

## L. Physical Examinations

### (1) Vision and Hearing

- a. When a student's initial enrollment in the School is also the student's initial enrollment in any Texas School, the student shall be screened for possible vision and hearing problems. This screening shall occur prior to completion of the first semester of enrollment, or within 120 calendar days of enrollment, whichever is longer. Students may meet this requirement by providing evidence of screening conducted one (1) year prior to enrollment.
- b. The student or minor student's parent, managing conservator, or guardian, may elect to substitute one or more professional examinations for the required screening tests.
- c. Students in kindergarten and grades 1, 3, 5, 7, and 9 shall be screened for vision and hearing problems annually at any time during the reporting year prior to May 31.

Tex. Health & Safety Code §§36.004-.005; 25 Tex. Admin. Code §37.23(a), (c)-(d).

### (2) Acanthosis Nigricans Screening

"Acanthosis nigricans" means a light brown or black velvety, rough, or thickened area on the surface of the skin that may signal high insulin levels, indicative of insulin resistance.

- a. The Texas-Mexico Border Health Coordination Office of the University of Texas-Pan American shall administer an acanthosis nigricans screening program. The Office shall require that acanthosis nigricans screening be performed at the same time hearing and vision screening or spinal screening is performed.
- b. The executive council advising the Texas-Mexico Border Health Coordination Office by rule shall coordinate screening of individuals who attend public schools located in TEA Regional Education Service Centers 1, 2, 3, 13, 15, 18, 19, and 20.
- c. As soon as possible after admission to a school, and as required by rule, each student required by rule to be screened shall undergo approved screening for acanthosis nigricans.
- d. The student or minor student's parent, managing conservator, or guardian may elect to substitute a professional examination for the screening.

- e. The person performing the screening shall send a report indicating that an individual may have acanthosis nigricans to the student or minor student's parent, managing conservator, or guardian. The report must include:
  - (i) An explanation of acanthosis nigricans and related conditions;
  - (ii) A statement concerning an individual's or family's need for further evaluation of conditions related to acanthosis nigricans; and
  - (iii) Instructions to help the individual or family receive evaluation and intervention by the School.

Tex. Health & Safety Code §§95.001-.004.

(3) **Spinal Screening**

Students in grades 6 and 9 shall be screened for abnormal spinal curvature before the end of the school year. This requirement may be met by a professional examination performed by a state-licensed practitioner with expertise in diagnosing spinal deformities. Students entering the 6th and 9th grades not previously screened shall be screened within 120 days of enrollment. The School may implement a program for conducting spinal screening in grades 5 and 8. If the screening indicates the student may have an abnormal spinal curvature, the Principal shall send the original of the screening report to the student's parent, managing conservator, or guardian, along with a letter advising of the parent's responsibility to select an appropriate health practitioner for an examination.

Tex. Health & Safety Code §§37.001-.002; 25 Tex. Admin. Code §37.148(a), (c), (f).

(4) **Exemptions**

A student is exempt from the screening requirements if the tests conflict with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. The student or minor student's parent, managing conservator, or guardian shall submit to the Principal an affidavit stating the objections to screening. The affidavit must be submitted on or before the day of admission for vision and hearing screening, and on or before the day of the spinal screening procedure and/or screening for acanthosis nigricans.

Tex. Health & Safety Code §§36.005(b), 37.002(b), 95.003(b).

(5) **Annual Reports**

- a. For vision and hearing screening and spinal screening, the School shall submit to the Texas Department of Health, by June 30 of each year, an annual report on the screening status of the individuals in attendance during the reporting year, and shall include in the report any other information required by the Board of Health. The report shall be on a form prescribed by the Health Department and submitted according to Board of Health rules.
- b. For acanthosis nigricans screening, the School shall submit to the Texas-Mexico Border Health Coordination Office an annual report on the screening status of the individuals in attendance during the reporting year, and shall include in the report any other information required by that office. The report shall be on a form

prescribed by the executive council advising the office and submitted according to the executive council's rules.

Tex. Health & Safety Code §§36.006, 37.003, 95.004; 25 Tex. Admin. Code §§37.26(c)(3), 37.148(n).

**M. Administration of Medications**

Employees of the School may administer medication to a student, provided:

- (1) The School has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student;
- (2) When administering prescription medication, the medication appears to be in its original container, and to be properly labeled;
- (3) If the School provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the School, the Board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician;
- (4) The School, the Board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this Policy.

Tex. Educ. Code §§12.1056, 22.052.

**N. Suicide Counseling**

A minor student may consent to counseling or counseling in conjunction with treatment by a physician, psychologist, counselor, or social worker licensed or certified by the state, within the scope of the professional's license, if the treatment and/or counseling is for suicide prevention.

Tex. Fam. Code §32.004.

## **Immunizations**

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**A. Required Immunizations**

Each student shall be fully immunized against diphtheria, rubella (measles), rubella, mumps, tetanus, and poliomyelitis. The Texas Board of Health may modify or delete the required immunizations or add additional ones. A child or student must meet all the immunization requirements specific to an age group upon first entering the age group.

Tex. Educ. Code §38.001(a)-(b).

**B. Exclusions**

Immunization is not a requirement for admission to the School if the person applying for admission:

- (1) Submits one of the following:

- a. An affidavit or certificate signed by a physician who is registered and licensed to practice medicine within the United States, stating that in the physician's opinion the immunization required would be injurious to the health and well-being of the child or any member of his/her family or household;
- b. An affidavit signed by the applicant or, if a minor, by his/her parent/guardian stating that the immunization conflicts with the tenets and practices of a recognized church, religious denomination, or recognized religious organization of which the child is an adherent or member; provided, however, that this exemption does not apply in times of emergency or epidemic declared by the Commissioner of Health or local health authority.

(2) Is serving on active duty with the armed forces of the United States.

Tex. Educ. Code §38.001(c).

**C. Provisional Admittance**

A student may be provisionally admitted to the School if the student has begun the required immunizations and continues to receive the necessary immunizations as rapidly as is medically feasible. The School must ensure that the required immunizations are received on schedule.

Tex. Educ. Code §38.001(e).

**D. Immunization Records**

The School shall keep an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the TEA, or by representatives of local health departments, or the Texas Department of Health.

Tex. Educ. Code §38.002(a).

**E. Transfer of Records**

The School shall cooperate in transferring student immunization records to other schools. Specific approval from a student, and/or his/her parents/guardians is not required before transferring those records.

Tex. Educ. Code §38.002(b).

**F. Annual Reporting**

The TEA and the Texas Department of Health shall develop the form for a required annual report of the immunization status of students, and such annual report shall be submitted by the School at such time and in such manner as is indicated in the instructions printed on the form.

Tex. Educ. Code §38.002(c).

## **Special Program/Dyslexia**

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## **Dyslexia and Related Disorders**

- (1) The School shall ensure that procedures for identifying a student with dyslexia or a related disorder, and for providing appropriate instructional services to the student are implemented in the School. These procedures will be monitored by the TEA with on-site visits conducted as appropriate.
- (2) The School's procedures must be implemented according to the SBOE approved strategies for screening, and techniques for treating, dyslexia and related disorders. Such strategies and techniques are described in "Procedures Concerning Dyslexia and Related Disorders," a set of flexible guidelines for schools and school districts that may be modified by SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state. Screening shall only be done by individuals/professionals who are trained to assess students for dyslexia and related disorders.
- (3) Before an identification or assessment procedure is used selectively with an individual student, the School shall notify the student's parent or guardian or another person standing in parental relation to the student.
- (4) Parents/guardians of students eligible under the Rehabilitation Act of 1973, §504, shall be informed of all services and options available to the student under that federal statute.
- (5) The School shall provide each identified student access at his/her campus to the services of a teacher trained in dyslexia and related disorders. The School may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services will not preclude each student from receiving services at his/her campus.
- (6) Because early intervention is critical, a program for early identification, intervention, and support for students with dyslexia and related disorders shall be available in the School as outlined in the "Procedures Concerning Dyslexia and Related Disorders."
- (7) The School shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program will 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.
- (8) The School shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders, as long as the program is characterized by the descriptors found in "Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students shall be trained in instructional strategies which utilize individualized, intensive, multisensory, phonetic methods, and a variety of writing and spelling components described in the "Procedures Concerning Dyslexia and Related Disorders," and in the professional development activities specified by the School and/or campus planning and decision-making committee.

Tex. Educ. Code §38.003; 19 Tex. Admin. Code §74.28.

## **Discipline**

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### **A. Gun-Free Schools Act**

In accordance with the Gun-Free Schools Act, the School shall expel from the student's regular program, for a period of one (1) year, any student who is determined to have brought a firearm, as

defined by federal law, to the School. The Superintendent may modify the term of expulsion for a student, or assess another comparable penalty that results in the student's exclusion from the regular school program, on a case-by-case basis.

20 USC §7151; Tex. Educ. Code §§12.104(b)(1), 37.007(e).

For purposes of this provision, "firearm" means:

- (1) Any weapon (including a starter gun) which will, or is designed to, or which may readily be converted to expel a projectile by the action of an explosive;
- (2) The frame or receiver of any such weapon;
- (3) Any firearm muffler or firearm silencer;
- (4) Any destructive device. "Destructive Device" means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices.

It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled.

18 USC §921.

## **B. Student Code of Conduct**

The governing body of the School shall adopt a Student Code of Conduct. The Code of Conduct shall establish:

- (1) Standards of behavior;
- (2) Possible consequences;
- (3) Due process procedures with respect to expulsion.

A final decision of the School's governing body, with respect to actions taken under the Code of Conduct, may not be appealed.

Tex. Educ. Code § 12.131(a).

## **C. Due Process**

A student shall not be expelled or suspended without providing procedural safeguards that will satisfy constitutional due process standards.

*Goss v. Lopez*, 95 S.Ct. 729 (1975); *Brewer v. Austin Indep. Sch. Dist.*, 779 F.2d 260 (5th Cir. 1985); *Keough v. Tate County Bd. of Educ.*, 748 F.2d 1077 (5th Cir. 1984).

## **D. Procedures for Suspensions and Expulsions**

(1) **Suspensions**

The School may suspend a student for up to five (5) school days for Student Code of Conduct violations. Suspension may be in-school or out-of-school in the discretion of the suspending administrator. Prior to the suspension, the Principal or designee will hold an informal conference with the student. The purpose of such conference will be to notify the student of the violations charged, the factual basis for the charges, and to permit the student to present his/her version of the incident. Parents or guardians will be notified of the suspension as soon as practically possible. The parents or guardians will be informed of the violations charged, and the factual basis for the charges. The Principal or designee may offer, and the parents or guardians may request, a further conference with the Principal or designee. The decision of the administration is final and may not be appealed to the Board.

(2) **Conditions of Suspensions**

Conditions of the suspension will be decided in the sole discretion of the administration. These conditions will address the number of days of the suspension, on-campus or off-campus suspension, exclusion from extra-curricular activities, the opportunity to receive credit for missed class work, and other conditions. A suspension may combine with other discipline consequences in the sole discretion of the administration.

(3) **Class Credit**

Students serving an in-school suspension may receive class credit for assignments completed during the suspension. Students serving an out-of-school suspension may receive class credit for assignments only upon appropriate arrangements with his/her teachers and the administration.

(4) **Emergency Suspensions**

In an emergency, the administration may order the immediate suspension of a student for up to five (5) school days if the student's presence at School or School-sponsored or School-related activities threatens the health, safety, or welfare of himself/herself or others. A conference with the student will be held within three (3) school days of the suspension. Parents may attend this conference. The purpose of the conference will be to notify the student of the violations charged, the factual basis for the charges, and to permit the student to present his/her version of the incident.

(5) **Expulsions**

Expulsions may be imposed for more serious infractions of the School's Student Code of Conduct. The decision to suspend or expel will rely on an assessment of the facts and circumstances of each case.

(6) **Effect of Expulsion**

An expulsion effects, for the period of the expulsion, a general severance of the student from the right to attend the School, and to receive educational services from the School. Expulsions can be permanent or for a period of time. The length of the expulsion, the opportunity, if any, to return to the educational program, the conditions of return, and other

conditions of the expulsion will be decided by the administration. An expulsion may be preceded by a suspension.

(7) **Notice of Expulsion Conference**

Prior to a decision to expel, the student shall be entitled to an informal conference with the administration. The student's parents/guardians shall be provided with at least 48 hours' written notice prior to such conference. The notice will include a statement of the offense or offenses with which the student is charged, notice that the student is potentially subject to discipline consequences including expulsion, and the time and place for the conference. The conference will normally occur within three (3) school days of the date of the written notice. The purpose of conference shall be to notify the student of the violations charged, the factual basis for the charges, and to allow the student to present his/her version of the incident.

(8) **Expulsion Conference**

The student's Parents/guardians may attend and participate in the conference. The parents/guardians may present evidence on the student's behalf, hear the School's evidence and witnesses, and be represented by an attorney, if they so desire.

The conference shall go forward as noticed, even in the event the student and his/her parents/guardians fail to attend. The Superintendent will attend the conference. The conference will be audio recorded.

(9) **Expulsion Order**

In the event of a decision to expel, an appropriate Order in writing will issue. Such Order will specify the length of the expulsion, if less than permanent, the procedures for re-admittance (if any) at the end of the expulsion period, and the right to appeal the Order to the Board. Only the Superintendent or designee has the authority to order an expulsion.

(10) **Appeal**

To affect an appeal, the student's parents/guardians must notify the Superintendent of the appeal, in writing, within seven (7) calendar days of notice of the Order. The Board will listen to the audio recording of the conference, or review a conference transcript, or take any other appropriate action in reaching a decision at the next regularly-scheduled Board meeting for which the matter may be legally noticed or, in the discretion of the Board, at a specially-called meeting. The Board will notify the student's parents/guardians of its decision in writing within five (5) calendar days of the decision.

(11) **Notice of Expulsion**

The School shall notify the school district in which the student resides within three (3) business days of any action expelling the student.

19 Tex. Admin. Code §100.1211(c).

**E. Student With a Disability**

A student with a disability may not be confined in a locked box, locked closet, or other specially designated locked space as either a discipline management practice or a behavior management technique.

Tex. Educ. Code §37.0021(a).

(1) **Definitions**

a. “Restraint” – means the use of physical force or a mechanical device to restrict the free movement of all or a portion of a student’s body. The rules specifically exclude certain acts from the definition of restraint:

- (i) Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
- (ii) Limited physical contact with a student to promote safety, teach a skill, or provide comfort;
- (iii) Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self injurious behaviors; or
- (iv) Seat belts and other safety equipment used to secure students during transportation.

Tex. Educ. Code §37.0021(b); 19 Tex. Admin. Code §89.1053(b)(2), (c).

b. “Seclusion” – means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

- (i) is designed solely to seclude a person; and
- (ii) Contains less than 50 square feet of space.

c. “Time-Out” – means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

- (i) That is not locked; and
- (ii) From which the student is not physically prevented from leaving.

Tex. Educ. Code §37.0021(b).

(2) **Prohibition on Seclusion**

a. A School employee or volunteer, or an independent contractor of the School, may not place a student into seclusion.

Tex. Educ. Code §37.0021(c).

b. However, the Texas Education Code does not prevent a student’s locked, unattended confinement in an *emergency situation* while awaiting the arrival of law enforcement personnel if:

- (i) The student possesses a weapon; and
- (ii) The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

A. For these purposes, "weapon" includes the following:

- (1) A firearm, as defined by §46.01(3), Penal Code;
- (2) An illegal knife, as defined by §46.01(6), Penal Code, or by local Policy;
- (3) A club, as defined by §46.01(1), Penal Code; or
- (4) A weapon listed as a prohibited weapon under §46.05, Penal Code.

Tex. Educ. Code §§37.0021(f), 37.007(a)(1).

(3) **Limitations on use of Restraint and Time-Outs**

a. **Use of Restraint**

School employees, volunteers, or independent contractors are authorized to use restraint in the event of an emergency and subject to the following limitations:

- (i) Only reasonable force, necessary to address the emergency, may be used;
- (ii) The restraint must be discontinued at the point at which the emergency no longer exists;
- (iii) The restraint must be implemented in such a way as to protect the health and safety of the student and others; and
- (iv) The student may not be deprived of basic human necessities.

19 Tex. Admin. Code §89.1053(c).

b. **Restraint Training**

Not later than April 1, 2003, a core team of personnel of the School must be trained in the use of restraint. The team must include a School administrator or designee, and any general or special education personnel likely to use restraint. After April 1, 2003, personnel called upon to use restraint in an emergency, and who have not received prior training, must receive training within 30 school days following use of restraint. This training must include:

- (i) Prevention and de-escalation techniques;
- (ii) Alternatives to the use of restraint; and
- (iii) Current professionally-accepted practices and standards regarding behavior management and the use of restraint.

Tex. Educ. Code §37.0021(d); 19 Tex. Admin. Code §89.1053(d).

c. **Restraint Documentation Requirements**

When restraint is used, School personnel must:

- (i) Notify the School administrator on the day restraint is used;
- (ii) Make a good faith effort to contact the student's parents/guardians on the day restraint is used;
- (iii) Within one (1) day of the day restraint is used, the School must send written notification to the student's parents/guardians that include the following information:
  - A. The student's name;
  - B. The name of each staff member(s) administering the restraint;
  - C. The date of the restraint, and the time the restraint began and ended;
  - D. The location of the restraint;
  - E. The nature of the restraint;
  - F. A description of the activity in which the student was engaged immediately preceding the use of the restraint;
  - G. The behavior prompting the restraint;
  - H. Any efforts made to de-escalate the situation, and alternatives to restraint that were attempted; and
  - I. Information documenting parent/guardian contact and notifications.
- (iv) Place written documentation in the student's special education eligibility folder in a timely manner.

19 Tex. Admin. Code §89.1053(e).

d. **Use of Time-Out**

School employees, volunteers, or independent contractors may use time-out subject to the following limitations:

- (i) Physical force or the threat of physical force may not be used to place a student in time out;
- (ii) Time-out must be included in the IEP and/or behavioral intervention plan (BIP), and designed to increase or decrease a targeted behavior; and
- (iii) Time-out shall not be used in such a way that the student is precluded from participating in and progressing in the general curriculum and attaining the annual goals in the student's IEP.

19 Tex. Admin. Code §89.1053(g).

e. **Time-Out Training Requirements**

Not later than April 1, 2003, general or special education personnel who implement time-out based on requirements of a student's IEP or BIP must be trained in the use of time-out. Thereafter, newly identified personnel called upon to implement time-out as required by a child's IEP or BIP must be trained in the use of time-out. Training on the use of time-out must:

- (i) Be a part of a program which addresses a full continuum of positive behavioral intervention strategies;
- (ii) Address the impact of time-out on the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the goals specified in the student's IEP; and
- (iii) Include current professionally-accepted practices and standards regarding behavior management and the use of time-out.

19 Tex. Admin. Code §89.1053(h).

f. **Time-Out Documentation Requirements**

The documentation required when time-out is used, if any, must be addressed in the student's IEP or BIP.

19 Tex. Admin. Code §89.1053(i).

(4) **Suspension/Expulsion Requirement (Special Education)**

A student with a disability shall not be excluded from his/her current placement pending appeal to the Board for more than 10 days without ARD Committee action to determine appropriate services in the interim. Pending appeal to a special education hearing officer, unless the School and parents agree otherwise, a student with a disability shall remain in the present education setting.

20 USC §1415(k); 34 CFR 300.519, 300.520, 300.526(a), (b).

## **Searches/Investigations**

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Administrators, teachers and other professional personnel may question a student regarding the student's own conduct or the conduct of other students.

(1) **Areas Subject to Search**

Administrators, teachers and other professional personnel may search a student's outer clothing, pockets, lockers, or property upon reasonable grounds for suspecting that the search will uncover evidence of a violation of law, the Student Code of Conduct or other rules of the School. Motor vehicles parked on campus property are subject to search upon the same grounds.

(2) **Self-Incrimination**

In the context of school discipline, students have no claim to the right not to incriminate themselves.

(3) **Student Responsibility**

Students have full responsibility for the security of their lockers and vehicles parked on School property, and shall make certain they are locked and that the keys and combination are not given to others. Students shall not place, keep, or maintain any article or material in lockers or vehicles parked on School property that is forbidden by School Policy. Students shall be responsible for any prohibited items found in their lockers or vehicles parked on School property.

(4) **Notification of Parents**

The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker or vehicle parked on School property, or on the student's person as a result of a search conducted in accordance with this Policy.

## **Notice of Teacher Qualifications**

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**A. Notice of Teacher Qualifications (State Requirement)**

The School shall provide, to the parent/guardian of each student enrolled in the School, written notice of the qualifications of each teacher employed by the School.

TEC §12.130.

**B. Notice of Teacher Qualifications (Federal Requirement)**

As a condition of receiving assistance under Title I, Part A of the ESEA (20 USC §6301, *et seq.*), the School shall, at the beginning of each school year, notify the parent/guardian of each student attending the School, and the School shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

- (1) Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- (2) Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.
- (3) The baccalaureate degree major of the teacher, and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
- (4) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

The School shall also provide to each individual parent:

- (1) Information on the level of achievement of the parent's child in each of the state academic assessments; and
- (2) Timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

20 USC §6311(h)(6) (No Child Left Behind Act of 2001).

## **Athletics/Extracurricular Activities and Eligibility**

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**A. Applicability of Policies/Rules to the School**

By participation in University Interscholastic League (UIL) activities, the School must comply with UIL rules. A student enrolled in the School, or who participates in an extracurricular activity or a UIL competition is subject to School Policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the School or at any other time specified by Resolution of the School's Board.

Tex. Educ. Code §33.081(b).

(1) **Extracurricular Activity Defined**

An "extracurricular activity" is an activity sponsored by the UIL, the School Board, or an organization sanctioned by Resolution of the School Board. The activity is not necessarily directly related to instruction of the essential knowledge and skills, but may have an indirect relation to some areas of the curriculum. Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to the provisions for an extracurricular activity if any one of the following criteria applies:

- a. The activity is competitive;
- b. The activity is held in conjunction with another activity that is considered extracurricular;
- c. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
- d. The general public is invited; or
- e. An admission is charged.

19 Tex. Admin. Code §76.1001(a)(1).

(2) **Exception**

A student ineligible to participate in extracurricular activities, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if the following requirements are met:

- a. The performance is one to which the general public is invited; and
- b. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

19 Tex. Admin. Code §76.1001(a)(2).

(3) **Suspension From Participation**

a. **Mandatory**

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by the School or the UIL after a *grade evaluation period*

in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than an *identified honors or advanced class*. A suspension continues for at least three (3) school weeks and is not removed during the school year until specified conditions are met. A suspension shall not last beyond the end of a school year.

Tex. Educ. Code §33.081(c).

b. **Definitions**

(i) “Grade evaluation period” is defined as:

- A. The six-week grade reporting period; or
- B. The first six (6) weeks of a semester and each grade reporting period thereafter, in the case of a School grade reporting period longer than six (6) weeks.

(ii) “Advanced courses” are identified as:

- A. English Language Arts: All College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the Community College General Academic Course Guide Manual (Part One);
- B. Fine Arts: All College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the Community College General Academic Course Guide Manual (Part One), Dance IV (not to include drill team activities), Art IV, Music IV, and Theatre IV;
- C. Languages other than English: All College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the Community College General Academic Course Guide Manual (Part One), and languages other than English courses Levels IV-VII;
- D. Mathematics: All College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the Community College General Academic Course Guide Manual (Part One) and Precalculus;
- E. Science: All College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the Community College General Academic Course Guide Manual (Part One); and
- F. Social Studies: Social Studies Advanced Studies, Economics Advanced Studies, all College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment

classes that are included in the Community College General Academic Course Guide Manual (Part One).

The School may identify additional advanced courses, but must do so prior to the semester in which any exemptions related to extracurricular activities occur.

19 Tex. Admin. Code §74.30.

c. **Practice or Rehearsal**

A student suspended under Tex. Educ. Code §33.081 may practice or rehearse with other students for an extracurricular activity, but may not participate in a competition or other public performance.

Tex. Educ. Code §33.081(f).

d. **Students With Disabilities**

Suspension of a student with a disability that significantly interferes with the student's ability to meet regular academic standards shall be based on the student's failure to meet the requirements of the student's individualized education program, as determined by the ARD Committee.

Tex. Educ. Code §33.081(e).

e. **Reinstatement to Extracurricular Activities**

Until the suspension is removed or the school year ends, the School shall review the grades of a student suspended under this Policy at the end of each three-week period following the date on which the suspension began. At the time of review, the suspension is removed if the student's grade in each class, other than an identified honors or advanced class, is equal to or greater than the equivalent of 70 on a scale of 100. The Principal and each of the student's teachers shall make the determination concerning the student's grades.

Tex. Educ. Code §33.081(d).

(4) **Limitations on Practice and Performance Time During the School Day or Week**

- a. The School shall limit individual students to one (1) period during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading. This limit does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one (1) period during the school day.
- b. The School shall limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.

- c. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.
- d. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except the student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition. The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week, and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays.
- e. Regardless of the schedule type in place (traditional or nontraditional), the School may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

19 Tex. Admin. Code §76.1001(b), (d)-(e).

## **B. TAKS Testing Recommendation**

The Commissioner recommends that the School avoid the scheduling of an extracurricular activity or public performance to occur on the day or evening immediately proceeding the day on which the TAKS test is scheduled for grades 3-11.

19 Tex. Admin. Code §76.1001(d)(4).

# **Hazing**

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## **A. Definitions**

- (1) “Educational institution” – includes a public or private high school.
- (2) “Pledge” – means any person who has been accepted by, is considering an offer or membership from, or is in the process of qualifying for membership in an organization.
- (3) “Pledging” – means any action or activity related to becoming a member of an organization.
- (4) “Student” – means any person who:
  - a. Is registered in or in attendance at an educational institution;
  - b. Has been accepted for admission at the educational institution where the hazing incident occurs;
  - c. Intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
- (5) “Organization” – means a fraternity, sorority, association, corporation, order, society, corps, club, or service, social or similar group, whose members are primarily students.
- (6) “Hazing” – means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes:

- a. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm, or that adversely affects the mental or physical health or safety of the student;
- c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm, or that adversely affects the mental or physical health or safety of the student;
- d. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that reasonably may be expected to cause a student to leave the organization or the institution rather than submit to the acts described;
- e. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Texas Penal Code.

Tex. Educ. Code §37.151.

**B. Personal Hazing Offense**

- (1) A person commits an offense if the person:
  - a. Engages in hazing;
  - b. Solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
  - c. Recklessly permits hazing to occur;
  - d. Has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report the knowledge in writing to the principal or other appropriate officials of the institution.
- (2) The offense for failing to report is a Class B misdemeanor.
- (3) Any other offense that does not cause serious bodily injury to another is a Class B misdemeanor.
- (4) Any other offense that causes serious bodily injury to another is a Class A misdemeanor.
- (5) Any other offense that causes the death of another is a state jail felony.

Tex. Educ. Code §37.152.

**C. Organization Hazing Offense**

- (1) An organization commits an offense if the organization condones or encourages hazing, or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.
- (2) An organization offense is a misdemeanor punishable by:
  - a. A fine of not less than \$5,000, nor more than \$10,000; or

- b. If the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000, nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

Tex. Educ. Code §37.153.

**D. Consent not a Defense**

It is not a defense to prosecution of a hazing offense that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Tex. Educ. Code §37.154.

## **Alcohol-Free/Drug-Free Zones**

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**A. Alcohol-Free**

(1) **Prohibition**

The School shall prohibit the use of alcoholic beverages at School-related or School-sanctioned activities on or off School property.

(2) **Enforcement**

The School shall attempt to provide a safe alcohol-free environment to students coming to and going from School.

Tex. Educ. Code §38.007.

**B. Drug Free**

(1) **Definitions**

- a. "Minor" – means a person who is younger than 18 years of age.
- b. "Institution of higher education" – means any public or private technical institute, junior college, senior college or university, medical or dental unit, or other agency of higher education as identified by Tex. Educ. Code §61.003.
- c. "Playground" – means any outdoor facility that is not on the premises of the School and that:
  - (i) Is intended for recreation;
  - (ii) Is open to the public; and
  - (iii) Contains three (3) or more separate apparatus intended for the recreation of children, such as slides, swing sets and teeterboards.
- d. "Premises" – means real property and all buildings and appurtenances pertaining to the real property.

- e. "School" – means a private or public elementary or secondary school or a day-care center.
- f. "Video arcade facility" – means any facility that:
  - (i) Is open to the public, including persons who are 17 years of age or younger;
  - (ii) Is intended primarily for the use of pinball or video machines;
  - (iii) Contains at least three (3) pinball or video machines.
- g. "Youth center" – means any recreational facility or gymnasium that:
  - (i) Is intended primarily for use by persons who are 17 years of age or younger; and
  - (ii) Regularly provides athletic, civic, or cultural activities.

(2) **Offense Enhanced in Drug-Free Zone**

A drug offense punishable as a state jail felony under Tex. Health & Safety Code is punishable as a felony of the third degree, and an offense punishable as a felony of the second degree is punishable as a felony of the first degree, if it is shown at the punishment phase of the trial of the offense that the offense was committed:

- a. In, on, or within 1,000 feet of the premises owned, rented, or leased by an institution of higher learning, the premises of a public or private youth center, or a playground; or
- b. In, on, or within 300 feet of the premises of a public swimming pool, or video arcade facility.

Tex. Educ. Code §12.103(a); Tex. Health & Safety Code §481.134(a), (b).

## **Student Transfers**

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**Reporting Requirement.** All students who enroll in the School are considered transfer students. A transfer student is defined as a student who resides in one district but attends school elsewhere. Students who choose to attend the School will transfer from the district in which they reside to the School. The 1971 federal court order, civil action 5281, charges the TEA to review, approve and monitor all student transfers between school districts to determine whether the cumulative effect of such transfers change the ethnic percentage of the school population by more than one percent (if a district is 301 ADA or more) or three percent (if a district is 300 ADA or less). To enable TEA to comply with the Order, the School is required to provide enrollment information to TEA and immediately and on an ongoing basis report all new and/or withdrawing students.