CHARTER SCHOOL NAME_Oak Cliff Academy COUNTY-DISTRICT#__057-813___

<u>Generation Three</u> <u>Open-Enrollment Charter</u> <u>Renewal Application</u> <u>Standard Renewal</u> (Amended February 24, 2003)

Application Due June 30, 2003

OAK CLIFF ACADEMY

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Texas Education Agency William B. Travis Building 1701 North Congress Avenue Austin, Texas 78701-1494

Dated Material-Open Immediately

Return on or before—5:00 p.m., Central Time Tuesday, June 30, 2003

> Charter Schools Division Room 5-107

Application Instructions

The Renewal Application is due to TEA/Charter Schools Division by 5:00 pm, June 30, 2003. Timely submission of a complete renewal application may be used as part of the basis for renewal determination. After the application is reviewed by internal reviewers at the agency, applicants may be required to submit follow-up information to clarify or complete the original application. Applicants have fifteen working days after being contacted to submit any follow-up information unless a longer period of time is negotiated. After that point, the application will not be considered timely and sufficient.

The application form has been designed to be downloaded and responses can be entered directly onto the electronic application form on your computer. The spaces provided for answering questions are expandable. Use as much space as needed for responses.

Attachments should be labeled as indicated in the application and submitted in prescribed order. The forms for Attachment 3, Board Member Biographical Affidavit and Attachment 6, Electronic Application Certification are included with the application.

Seven complete paper copies of the entire document must be submitted in prescribed order with only original signatures in blue ink. One copy (less attachment) must also be submitted on a 3.5 inch floppy diskette. (The agency uses a PC compatible text file.)

Format of Application

Number of paper copies:	7
Font:	12 pt.; Times New Roman
Paper:	8.5"x11.0", white, one side only
Binding:	NONE! DO NOT BIND
-	May be rubber-banded or clipped

List of Attachments

Attachment 1, Organizational Chart Attachment 2, Criminal History Records for Board Members Attachment 3, Board Member Biographical Affidavits Attachment 4, Documentation for Evaluation of Other Information Relevant to Performance Attachment 5, Special Needs/Programs Information Request Attachment 6, Electronic Application Certification Attachment 7, Written Resolution Adopted by Governing Body of Charter Holder

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Definitions

Please review TEC §12.1012 and 19 TAC Chapter 100 §100.1011 for definitions of terms. Listed below are some selected terms and definitions:

- 1. Charter holder the entity to which a charter is granted under TEC, Chapter 12
- 2. Charter school a Texas public school operated by a charter holder under an open-enrollment charter granted by the State Board of Education pursuant to TEC, §12.101
- 3. Governing body of a charter holder the board of directors, board of trustees, or other governing body of a charter holder
- 4. Governing body of an open-enrollment charter school the board of directors, or other governing body of an openenrollment charter school. The term includes the governing body of a charter holder if that body acts as the governing body of the open-enrollment charter school
- 5. Management company a person, other than a charter holder, who provides management services for an openenrollment charter school
- 6. Officer of an open-enrollment charter school the principal, director, or other chief operating officer of an openenrollment charter school; an assistant principal or assistant director of an open-enrollment charter school; or a person charged with managing the finances of an open-enrollment charter school

General Scope of Agency Review

As authorized in Texas Education Code § 12.115, the commissioner may modify, place on probation, revoke or deny renewal of the charter of an open-enrollment charter school if the commissioner determines that the charter holder:

- 1) committed a material violation of the charter; including failure to satisfy accountability provisions prescribed by the charter;
- 2) failed to satisfy generally accepted accounting standards of fiscal management;
- 3) failed to protect the health, safety, or welfare of the students enrolled at the school; or
- 4) failed to comply with this subchapter or another applicable law or rule.

The Commissioner's Rules Concerning Open-Enrollment Charter Schools, 19 TAC, Chapter 100, provides more specific information about commissioner action and intervention and other issues concerning open-enrollment charter schools.

Internal reviews for all renewal applications will be conducted by TEA staff in areas such as student performance, business and financial management, and compliance. Components for determining adequate *student performance* generally include accountability ratings, AEIS indicators, and other relevant student performance information, as reported by the charter school on this application and as supported by required evidence and documentation.

Components for evaluating business and financial management generally consist of a review by the Financial Audits Division of annual financial audits and other relevant documents.

Agency *compliance* requirements that may be generally considered include, but are not limited to, timely and accurate submission of grant expenditures and evaluations, PEIMS reports, accountability/accreditation information (including data requested prior to on-site visits, and follow-up information such as corrective action plans for bilingual and special education programs and PAS/DAS risk levels), assessment requests (including requests for and submission of testing materials), other special education information, governance data, student transfer data required by Civil Action 5281, and the renewal application.

Complaints made against the charter school through the Agency complaints process may also be considered, as well as any issues concerning the health, safety, and welfare of students.

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Open-Enrollment Charter Scho Generation Two –			
Part 1. Charter Update			
Charter Holder Name: Oak Cliff Academy, Inc. (i.e., nonprofit organization, institution of higher learning, or governmental entity) Charter School Name: Trinity Basin Preparatory			
Charter School County/District #: 057-813-101			
Campus Name(s) Trinity Basin Preparatory	County/District/Campus #		
Section I. Maximum Enrollment, Grades Approved, and	Ceographic Boundaries		
In the spaces below, please list the maximum enrollment, the grad f there is an approved GED program), and the geographic bounda	es the charter school is approved to serve (indicatir		
B. Grades Approved to Served: PK3 - 7			
Approved GED Program: YES 🗌 NO 🔀			
C. Geographic Boundaries (all school districts within geograp	hic boundaries): Dallas ISD.		
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Section II. Governance Structure and Procedures

Review TEC, Sec. 12.121 and 19 TAC Chapter 100, Division 5 (Charter School Governance), which lists, among other things, powers and duties that must be exercised by the governing body of the charter holder, and nepotism and conflict of interest prohibitions and exceptions.

Where indicated, list all relatives of the members of the Governing Body of the Charter Holder, of the Governing Body of the Charter School, and of the Officers of the Charter School within the *third degree of consanguinity or affinity*. These include your spouse and the following relations to you and to your spouse: parents, children, grandchildren, siblings, grandparents, great-grandparents, nieces, nephews, aunts, uncles, and great-grandchildren.

A. Governing Body of Charter Holder

1. In the spaces below please list the names of the members of the governing body of the charter holder, the offices held, any board members relative within the third degree of consanguinity or affinity (see definition above), and any compensation or remuneration from the charter holder or charter school received by the board members.

Board Member Name	Office Held	Relative(s) Within the Third Degree of Consanguinity or Affinity Who are Also Serving on the Board	Board Member Compensation or Remuneration Per Year
Jerry Don Coulter	Chairman	None	None
Matt Wilkin	Member	None	None
Dr. Fred Zuker	Member	None	None
Kenneth Petree	Member	None	None
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2. Will any relative of the board member within the third degree of consanguinity or affinity (see definition above) be employed by or receive any compensation or remuneration from the charter holder or the charter school? If yes, provide details in the space provided below. YES \square NO \square

N/A

3. Will any board member's spouse or any of the spouse's relatives within the third degree of consanguinity or affinity (see definition on page 2) be employed by or receive any compensation or remuneration from the charter holder or charter school? If yes, provide details in the space provided below. YES NO X
N/A
4. Will any person who is a relative within the third degree of consanguinity or affinity (see definition on page 2) of a charter school officer (i.e., a person charged with the duties of, or acting as, a chief executive officer, a central administrator, a campus administration officer, or a business manager) be employed by or receive any compensation or remuneration from the charter holder or charter school? If yes, provide details in the space provided below. YES \square NO \boxtimes
N/A
B. Governing Body of Charter School

1. If the governance structure includes more than one board (i.e., a governing body that is separate from the governing body of the charter holder), in the spaces below please list the names of the members of the governing body of the charter school, the offices held, any relative of a board member within the third degree of consanguinity or affinity (see definition on page 2), and any compensation or remuneration from the charter holder or charter school received by the board members.

N/A

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employed	relative of a board member within the third degree of consanguinity or affinity (see definition on page 3) be by or receive any compensation or remuneration from the charter holder or the charter school? If yes, tails in space provided below. YES \square NO \boxtimes
N/A	
(see definit	board member's spouse or any of the spouse's relatives within the third degree of consanguinity or affinity tion on page 3) be employed by or receive any compensation or remuneration from the charter holder or
	ool? If yes, provide details in the space provided below. YES 🗌 NO 🛛
N/A	
	nd Responsibilities of Governing Bodies
	e roles and responsibilities of both the charter holder and charter school governing bodies. If this represents
	om the governance structure currently on file with the Agency, please indicate that it is a change and e difference from the previous structure.
describe un	
a)	Register their addresses with the Secretary of the Corporation, and notices of meetings mailed or faxed
	or emailed to them at such addresses shall be valid notices thereof.
b)	Meet at such times as required by these By-Laws;
c)	Supervise all Officers, agents and employees of the Corporation to assure that their duties are
	performed properly;
d)	Appoint and remove, employ and discharge, and except as otherwise provided in these By-Laws,
	prescribe the duties and fix the compensation, if any of all Officers, agents and employees of the
	Corporation;
e)	Perform any and all duties imposed on them collectively or individually by law, by the Articles of
	Incorporation, or by these By-Laws Register their addresses with the Secretary of the Corporation, and
	notices of meetings mailed or emailed to them at such addresses shall be valid notices thereof.

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D. Organizational Chart, Criminal History Records, Biographical Affidavit

- Submit an organizational chart. Include this document as Attachment 1, Organizational Chart.
- Submit a criminal history record for each board member. Include these documents as Attachment 2, Criminal History Records for Board Members.
- Submit a biographical affidavit for each board member. Include these documents as Attachment 3, Board Member Biographical Affidavit.

Section III. Teacher Qualifications

In the space provided, describe the qualifications required for all classroom teachers and other instructional staff. If this represents a change from the charter application on file with the Agency or approved amendments, please indicate that it is a change and describe the difference from the previous requirement.

Section III. Teacher Qualifications

Teachers employed by Oak Cliff Academy must have a minimum of a High School Diploma, and be in pursuit of a bachelor's degree from an accredited four year university or college. Financial assistance is provided to further expedite this process. Non-certified teaching personnel are encouraged to make application for or pursue certification. ESL, Bilingual, special education teachers must be certified at the time of employment or have the ability to placed on emergency certification while they complete the certification process.

Section IV. Code of Conduct

In the space provided, describe the methods used to inform parents and students about school rules and guidelines governing student behavior. Include policies regarding student expulsion and suspension and procedures that satisfy due process requirements.

Section IV. Code of Conduct

K thru grade 3

The following tables include the usual disciplinary actions that will be taken using the color system. The color system is devised to prevent a student from getting an office referral. The students will start the day by being assigned the color "Green." The teachers will identify the color to the student's behavior. The colors will be tracked in the teacher's grade book and/or by using infraction-tracking sheets when students are traveling to other classrooms. The students will be asked twice to comply with the teacher's directions. If the student chooses not to obey the teacher's directions, he/she will go to the next color level. The following color level will be "Yellow." The student is now at the warning level. Upon the second violation, the student will be issued the color "Blue" and he/she will face the consequences listed below. Teachers will make a strong effort to call and reach parents at this level; however, this is a courtesy call and if the teacher is unable to reach the parent, students may still proceed to the next level with the next violation. Upon the third violation, the student will proceed to the color "Red" and serve the consequences below. Teachers will maintain records of every student who maintains their "Green" color throughout the day. These students will be recognized as members of the Green Team. Students that have gotten recognized as a member of the Green Team five times will be privileged to celebrations coordinated by the Administration.

The card system is a preventative tool before a student receives an office referral. Special circumstances will arise that faculty, staff and administration will not be able to utilize the color system to prevent an office referral. An example would be, fighting. No Attempt will be made to intervene using the color system. This (and other) serious infractions would simply result in the student receiving an immediate office referral.

(Daily System) Color System			
Offenses are listed by days and each day is a "fresh start"	1ª offense	2 nd offense	3rd offense
Green Good Behavior-No Consequence			
Yellow	Teacher Warning		
Biue		Consequences may include,	
Automatic phone call to parent		time out, seating changes within the classroom, counseling by teachers or	
		administrators, community iservice, withdrawal of	r
		privileges, probation, restitution, or detention	
		Phone call	
Red			SERIOUS INFRACTIONS OR 3rd VIOLATION OF THE DAY IS AUTOMATIC OFFICE REFERRAL (RED CARD)
			Possible consequences listed under Inappropriate Conduct: Level I,II, III

INAPPROPRIATE CONDUCT

The following listing of offenses and the required or recommended dispositions are submitted for the information of students, parents, and school personnel. Disciplinary actions will include appropriate hearings and reviews. The removal of a student from the learning environment will occur only for just cause and in accordance with the due process of law.

Student disclosures are required during school registration. According to procedures established by the school board, each student at the time of initial registration for school shall note previous school expulsions, arrests resulting in a charge, and juvenile justice actions the student has had. The following rules, regulations, and due process procedures are designed to protect all members of the educational community in the exercise of their rights and responsibilities. These rules apply to any student: who is on the school property, who is in attendance at school-sponsored activity, whose conduct at any time or in any place has direct and immediate effect on maintaining order and discipline in the schools.

LEVEL I - DISORDERLY CONDUCT

Disorderly conduct is defined as those activities engaged in by student(s) that tend to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturbs classroom or school. Acts of disorderly conduct may include, but are not limited to the following: classroom tardiness, cheating on examinations or on classroom assignments, lying, acting in a manner so as to interfere with the educational process, abusive language and/or profanity between or among students, failure to complete assignments or carry out directions, use of forged notes or excuses, cutting class, school tardiness, truancy, persistent misbehavior, other disorderly acts as determined by the school that are not consistent with policy. The basic enforcement procedures followed in instances of

disorderly conduct are: upon observation or notification and verification of an offense, the staff member should take immediate action to rectify the misconduct. The staff member should apply an appropriate sanction and will maintain a record of the misconduct and the sanction. If certain misconduct is not immediately rectifiable, the problem should be referred to the appropriate administrator for action specified under this policy. The administrator should meet with the reporting staff member, and if necessary the student and the parent/ legal guardian, and should effect the appropriate disciplinary action. A complete record of procedures will be maintained. Possible sanctions to be applied in cases of disorderly conduct may include but are not limited to, the following: verbal reprimand (no referral necessary), withdrawal of privileges (no referral necessary), cooling off period(no referral required), seating changes within the classroom (no referral required), temporary confiscation of items that disrupt the educational process (no referral required), phone call to parent, detention/Community Service (no referral necessary), letter to parent, parent/ teacher conference, parent/teacher/administrator conference, in-School suspension (office referral required), out-of-school suspension (office referral required).

LEVEL II - DISRUPTIVE CONDUCT

Disruptive conduct is defined as those activities engaged in by student(s) that are directed against persons or property, and the consequences of which tend to endanger the health or safety of one's self or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions, intervention of law enforcement authorities, and court proceedings. Disorderly conduct (Level I) may be reclassified as disruptive conduct (Level II) if it occurs repeatedly. Acts of disruptive conduct may include, but are not limited to, the following: use, possession, or being under the influence of an intoxicant, fighting, vandalism (minor), stealing, threats against others, trespassing, abusive language and/or profanity directed to staff, refusal to obey school personnel (such as teachers, substitutes, I.A.s, volunteer aides or chaperones) whose responsibilities include supervision of students (this may include persistent misbehavior), possession or use of unauthorized substances including tobacco and tobacco products, non-prescription drugs "look-alike" drugs, and drug paraphernalia including rolling papers, illegally occupying or blocking in any way school property with the intent to deprive others of its use, unlawful assembly, disrupting lawful assembly, possession of a communication device, inappropriate verbal or physical conduct of a sexual nature, other disruptive acts as determined by the school which are not consistent with policy.

The basic enforcement procedures in instances of disruptive conduct are as follows: upon observation or notification and verification of an offense, the administrator should investigate the circumstances of the misconduct and should confer with staff on the extent of the consequences. The administrator should notify the parent/ legal guardian of the student's misconduct and related proceedings. The administrator should meet with the student, and if necessary, the parent/ legal guardian, to confer with them about the student's misconduct and effect the appropriate disciplinary action. A complete record of the procedures will be maintained. If appropriate, school officials will contact law enforcement. Possible sanctions to be applied in cases of disruptive conduct may include but are not limited to, the following: temporary removal from class, alternative education program (AEP), in-school suspension, out-of-school suspension, transfer, referral to outside agency, expulsion, restitution of property and damages where appropriate.

LEVEL III - CRIMINAL CONDUCT

Criminal conduct is defined as those activities engaged in by student(s) that result in violence to oneself or another's person or property or which pose a direct and serious threat to the safety of one's self or others in the school. These activities usually require administrative action which results in the immediate removal of the students from the school and the intervention of law enforcement authorities. Acts of criminal conduct may include, but are not limited to, the following: assault and battery, extortion, bomb threat, possession, use, or transfer of a weapon, including a pistol, knife, blackjack, brass knuckles (to include multi-finger

rings), possession of incendiary or explosive devices, including ammunition for a weapon such as bullets, shotgun shells, etc., sexual offenses, vandalism (major), theft, possession, or sale of stolen property, arson, furnishing or selling unauthorized substances, distribution, sale, purchase, manufacturing or unlawful possession of a controlled substance, threatening to take the life or inflict bodily harm upon school personnel, students, school volunteers, or members of their immediate family.

The basic enforcement procedures in instances of criminal conduct are as follows: upon observation or notification and verification of an offense, the administrator will confer with the staff involved, effect the appropriate disciplinary action, and, if appropriate, meet with the student. If warranted, the student will be removed immediately from the school environment. A parent/ legal guardian should be notified as soon as possible. If appropriate, school officials will contact law enforcement authorities. Established due process procedures will be followed when applicable. A complete record of the procedures will be maintained. Possible sanctions to be applied in cases of criminal conduct may include, but are not limited to, the following: out-of-school suspension, alternative education placement (AEP), referral to outside agencies, expulsion, restitution of property and damages.

GRADES 5+ DISCIPLINARY ACTION CHART

VIOLATION

CONSEQUENCES

1 st Transgression	Consequences may include a verbal warning, call to parent, withdrawal of privileges, seating changes and other in-class consequences.
2 nd Transgression	Consequences may include a written warning, parent notification and parent teacher conference, extra class work, community service, detention, office referral, ISS or OSS as appropriate.
3 rd Transgression	Office referral which may result in parent conference, community service, ISS or OSS
4 th Transgression	Possible suspension or expulsion

PARENT'S: Please Note that this is a model for behavior. There are circumstances, which would surpass the flow chart and result in immediate administrative action. Such activities include, but are not limited to, the following misbehaviors:

Illegal Activity, Violence and Harmful Behavior, Physically Dangerous Behavior, Profanity and Obscene Gestures, Insubordination, and any other such behaviors as deemed detrimental to education by Oak Cliff Academy.

A student who is involved in a behavior requiring immediate administrative action, the student may be assigned to in-house suspension. An attempt will be made to contact the parent by telephone; however, if the parent cannot be reached, a letter will be sent to the parents.

Alcohol	
Possession, distribution, or consumption on	Campus expulsion, notification of police
campus, "under the influence", at school	department
Cheating/ Plagiarism	1st offense-All students involved will receive a zero
	grade for the project and parents will be notified
	Additional offenses will result in a parent
	conference and/or office referral which may result
	in parent conference, community service, ISS or
	OSS
Cutting School	Parent notification, possible Office referral which
	may result in parent conference, community
	service, ISS or OSS
Disobedience, Disrespect, Disruptive behavior,	
Lying, Poor attitude	Additional offenses will result in additional class
	work, parent conferences, community service or an
	office referral which may result in parent
	conference, community service, ISS or OSS.
Dress Code Violation	1st offense- verbal warning, students in grade 4 and
	up receive an office referral.
	2nd offense- written notification to parent
	3rd offense-student not allowed to attend class until
	uniform complies with code
Drugs	
Possession, distribution, or consumption on	Campus expulsion, notification of police
campus, "Under the influence", on campus	department
Electronic Equipment	All electronic equipment such as: Walkmans, cell
	phones, pagers, video cameras, CD players,
	electronic games, and laser devices are not allowed
	on campus during school hours. These items will be
	confiscated and turned into the office until a parent
	picks them up. The school will not be responsible
	for these items.
Fighting	Depending on the situation student may receive a
	verbal warning or parent notification, physical
	fight requires an office referral a 3 days mandatory
	OSS for students grades 4 and up. Repeated
P 1/0	offenses may be grounds for expulsion.
Food/Gum	1st offense- verbal warning,
	additional offenses- community service
Forgery	1st offense parent notification
	additional offenses will result in an office referral
	which may result in parent conference, community
	service, ISS or OSS

DISCIPLINARY ACTIONS PER OFFENSE

Gambling	Verbal warning,
	Additional offenses will result in parent conferences and possible office referral which may result in parent conference, community service, ISS or OSS
Harassment	Ist offense verbal warning, additional violations will result in an office referral which may result in parent conference, community service, ISS or OSS
Inappropriate display of affection	1st offense- verbal warning additional offenses will result in parent notification
Littering	Ist offense-verbal warning, repeat offenses will result in community service and parent conference or an office referral which may result in parent conference, community service, ISS or OSS
Profanity	Inadvertent- verbal Directed toward a student or staff member parent notification and possible office referral which may result in parent conference, community service, ISS or OSS
Sexual Misconduct	Parent notification, and generally an office referral which may result in parent conference, community service, ISS or OSS depending on nature of offense CPS may be notified
Theft	Depending on the situation student may receive a verbal warning, parent notification, or an office referral which may result in parent conference, community service, ISS or OSS
Threats	Depending on the situation, may be a verbal warning, parent notification or an office referral which may result in parent conference, community service, ISS or OSS or notification of legal authorities
Tobacco	Item will be confiscated and not returned. Parents will be notified. Additional violations will result in community service, and possible suspension
Trespassing	1st offense-verbal warning additional offenses will result in parent conferences and possible office referral which may result in parent conference, community service, ISS or OSS
Vandalism	Parental conference and community service Additional offenses may result in an office referral which may result in parent conference, community service, ISS or OSS
Weapons	Possession will result in expulsion and notification of the police department

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Section V. Complaints

In the space provided, describe the methods used to inform parents, students, and employees about the procedures for receiving and responding to complaints. (Note: Under 19 TAC § 100.1101(e), the governing body of a charter holder shall not delegate final authority to hear or decide employee grievances, citizen complaints, or parental concerns.)

Complaints

It is the policy of the Board of Directors to offer the following procedure with which to hear and remedy all parent, student, and employee complaints brought forth through petition.

- a) In order for due process to be implemented ALL complaints must enter through and follow in ascending order the set chain of command.
- b) ALL complaints MUST be submitted to the initiating authority in written form to be considered for action or review.
- c) Once the full chain of command has been exhausted, and only then, may a complaint be submitted to the Faculty Appeal Committee.
- d) Once the Appeals Committee has determined that the complaint needs further action; shall the request be submitted to the CEO for review.
- e) If the CEO deems that the complaint have merit, shall the request be submitted to the Board of Directors for final appeal. The decision of the board is final and shall offer no higher source or process to appeal, say in the court of law.

Section VI. Admissions Policy

In the space provided, describe the timeline used for admitting students, including the application deadline and the process for the admission of students by lottery. (Although state law permits students to be accepted on a first come, first served basis or through a lottery, a charter school that is oversubscribed must use a lottery to be eligible to receive federal funds.)

Section VI. Admissions Policy

As an open-enrollment charter school, there are no district boundaries with the exception of those identified within the operating charter. It is the policy of Oak Cliff Academy to conduct a pre-admission conference after receipt of the admission application. The purpose of the conference is to enable parents and students to become familiar with the philosophies and programs of our school.

Oak Cliff Academy accepts applications from students on a first-come, first serve basis. If a waiting list occurs, slots are filled randomly by lottery.

Oak Cliff Academy values and strives for an ethnically, racially, and economically diverse population. It does not discriminate in its admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic ability, artistic ability, athletic ability, or the home school district from where the student comes.

No administrative officer or employee of Oak Cliff Academy, acting in his/her official capacity, may discriminate on the basis of a person's gender, race religion, color, or national origin regarding: personnel practices, including assigning, hiring, promoting, compensating, and discharging employees: use of facilities, awarding contracts, and participation in programs.

No qualified handicapped person shall, on the basis of handicap, be excluded from participation in or otherwise be subjected to discrimination under any program or activity sponsored by this school district except as specifically provided in Section 504 Implementing Regulations.

Part 2. Program Evaluation

Section VII. Evaluation of Student Performance

In the spaces provided, describe student performance. Address student progress over time and performance as it relates to AEIS base and additional indicators and in terms of any other relevant performance information.

A. AEIS Base Indicators

Describe student performance as it relates AEIS base indicators (i.e., TAAS scores and dropout rates). Be specific about indicators such as percentage of students passing exams and annual dropout rates. Note: Campuses rated under the Alternative Education Accountability system may also have student attendance and Texas Learning Index (TLI) growth as base indicators.

AEIS Base Indicators

The foundation of the academic program is centered on the implementation of the new assessment system, TAKS, and a more rigorous testing requirements in reading, writing, language arts, mathematics, science, and social studies in grades 3-11. Oak Cliff Academy offered thru grade 8 during the 2002/2003 school year. OCA will only offer thru 7th grade for the 2003/2004 school year, due to limited space and the inability to expand to a second campus. Under the previous AEIS accountability system, the school's rating has been low performing since inception.

B. AEIS Additional Indicators

Describe student performance as it relates to AEIS additional indicators (i.e., attendance rates, 4-year completion rate, college admissions testing, and participation in the recommended high school program). Be specific about indicators such as average Texas Learning Index (TLI) growth, year-to-year progress, and accountability ratings. Note: Campuses rated under the Alternative Education Accountability system may also have campus-selected additional indicators.

В.

AEIS Additional Indicators

Average daily attendance has been over 95% since inception and we see no reason that it will drop below 95% and will strive to exceed the 95% level.

Additionally, the basis of the Texas Learning Index to develop a base line for each student and to monitor the progress and performance of individual students will continue to be an important aspect of the education process of Oak Cliff Academy.

The effectiveness of the learning environment can be better assessed as a result of monitoring the TLI on each student. This index will provide an assessment on the education program within the school and ensure improvement in performance of the student population in, initially, reading and mathematics. Though, we must always remain aware that the TLI is a snapshot of that test day and is not an overall assessment of the level of instruction.

With the incorporation of the State-Developed Alternative Assessment (SDAA) for students enrolled in grades 3-7 who are receiving special education services and who are receiving instruction in the TEKS but whose ARD committee determines TAKS to be an inappropriate measure of their academic progress. These students are assessed at their appropriate instructional level, as determined by their ARD committee, which may be different than their enrolled grade level. Although no standard has been established, the goal of Oak Cliff Academy will be set at a high, but attainable Passing Rate. It will, again, be important to utilize the TLI

indicator on each student taking the SDAA.

C. Other Information Relevant to Student Performance

Describe unique accomplishments of the charter school as they relate to student performance. Be specific in describing accomplishments and provide supporting evidence and documentation as Attachment 4, Documentation for Evaluation of Other Information Relevant to Performance.

Refer to questions three and four of the charter application on file for any additional accountability provisions, in addition to those required under Texas Education Code, Chapter 39, under which the performance of the openenrollment charter may be assessed. Refer to question five of the application for any basis, in addition to a basis specified under Texas Education Code, Chapter 12, on which the renewal of the charter may be denied. C.

Other Information Relevant to Student Performance

Oak Cliff Academy has a large minority, low social-economic, and at risk population. It will become increasingly important to monitor the change and progress within each group on each test. A most important aspect of the education program will prepare the LEP student to make the transition from his/her native language to taking the tests in English and being successful.

An internal measurement device will continue to be the progress made on standardized assessment tests given at the beginning and end of the school year and monitor/evaluate the progress made during the school year by the class and individuals.

Oak Cliff Academy has used the 2002/2003 school year to pour the foundation for many programs designed to better serve and prepare out students for their future. The programs include after school organizations, clubs, and academic teams including competitions which extended to the national level. We are encouraging students to help each other, the community and themselves through other programs. We are rallying our parents to help provide out students with out of school support, encouragement and involvement.

We are very excited and proud to announce that during the fall of 2002 a working Parent Teacher Organization (PTO) was established at Oak Cliff Academy. The PTO earned money through dues to its members and snack sales to students on Fridays as well as during the PSIA competition hosted by Oak Cliff Academy. The PTO has provided a source of spirit and community by decorating our school for holidays and encouraging letter writing campaigns to soldiers during the military actions this year. They sponsored an Easter egg hunt for the younger grades and provided all the materials and volunteers to make it run beautifully. The PTO has purchased art supplies for our teachers, sponsored a valentines dance for our 7th and 8th grade students and provided scholarships for students who on their own would not be able to afford class field trips or purchase Kindergarten Graduation gowns.

OCA also established a school chapter of Future Business Leaders of America (FBLA). OCA sponsored 10 students as they competed at the district competition in Fort Worth, the state competition in Corpus Christi and National competition in Dallas. Our team of 5^{th} and 6^{th} graders did great with many first and third place finishers in such categories as prepared speaking and business etiquette. (Note; spreadsheet of FBLA students accomplishments at each competition are attached)

This was our first year involved with the Private School Interscholastic Association (PSIA) and we jumped in with both feet. OCA hosted a district level AA competition at our school. This academic competition which includes events such as spelling, number sense, ready writing, on-site drawing and maps graphs and charts was a huge undertaking and thankfully everyone (students, teachers, parents, and administrators) was up to the challenge. Over 400 Students from 8 schools in the area came to our school for this day long competition. Forty-six students from OCA competed in multiple events. OCA was rewarded with 32 ribbons for placing 6th

place or above. We were especially proud of our 2 first place finishers. We took a team of 13 students to the state meet in Fort Worth at Texas Christian University. (Note: Additional information about our PSIA tournament is attached.)

The drama club was also established in 2002. Students met after school to try their hand at acting and learning about theater production. In one project, the group coordinated with the Fine Arts department to produce papier-mâché masks for a one act play, "The Three Little Pigs". The play was presented to our Kindergarten through third grade classes to rave reviews. Now firmly established, the group's plans for next year include several small plays covering safety or character issues which will again be presented to our K-3 students. The group plans to video their productions next year. They plan to create a library of tapes which can be used from year to year.

The Advanced Art club is a by invitation only organization started this year at OCA. Invitations are extended to students who demonstrate a serious interest in art and a commitment to their craft. Students participating in this and all extracurricular activities at OCA must demonstrate acceptable classroom behavior.

All students at OCA were eligible to participate in a school sponsored art contest to draw our beautiful view of the Dallas skyline. The top three artists received gift certificates to a local art store. Once framed, the winner's artwork will be displayed in the school's office.

A trained peer mediation group was established in the fall of 2002. The sponsoring teacher attended a three day PAX training seminar to establish and train student teams in effective peer mediation techniques. Three teams of two mediators handled many teacher and office referred conflicts. Once fully trained, the student mediators worked alone with the conflicting parties to resolve the conflict. The teacher was available if necessary, but our teams handled things independently in most cases. The team's sponsor would follow up with the students and their teachers a week after mediation to confirm the successful resolution of the conflict. The group showed outstanding results with a 100% success rate of conflict resolution for the 18 parties referred their way.

Section VIII. Student Performance Goals

In the spaces provided below, identify the school's academic goals for student learning for the next five years in terms of AEIS base and additional indicators and other relevant performance information.

Some accountability standards and criteria for 2004 and 2005 are available in the 2002 Accountability Manual, which is available at <u>www.tea.state.tx.us./perfreport/account/2002/manual</u>. TAKS passing standards for Exemplary and Recognized are the same as in 2002. Rating criteria and standards have not yet been determined beyond 2002 for Acceptable/Acceptable rating.

A. AEIS Base Indicators

Describe student performance goals in terms of AEIS base indicators (i.e., TAAS scores and dropout rates). Be specific about indicators such as percentage of students passing exams and annual dropout rates. Note: Campuses rated under the Alternative Education Accountability system may also have student attendance and Texas Learning Index (TLI) growth as base indicators.

AEIS Base Indicators

The foundation of the academic program is centered on the implementation of the new assessment system, TAKS and the more rigorous testing requirements in reading, writing, language arts, mathematics, science, and social studies in grades 3-11. Oak Cliff Academy offered thru grade 8 during the 2002/2003 school year. OCA will only offer thru 7th grade for the 2003/2004 school year, due to limited space and the inability to expand to a second campus. Under the previous AEIS accountability system, the school's rating has been low performing since inception

Oak Cliff Academy will, unfortunately maintain its low performing rating for the current school year since; the state of Texas has frozen these indicators for all Texas schools this year. An objective and a mandate from school administration is for the school to have an overall rating of exemplary by the end of the 2008 school year. TAKS Passing Rate Standards (Goals) for the next five years follow:

2004, 55% Low Performing 2005, 70% Passing Rate 2006, 80% Passing Rate 2007, 85% Passing Rate 2008, above 90% Passing Rate

The drop-out rate will be maintained at or below 1% over the established time period.

B. AEIS Additional Indicators

Describe student performance goals in terms of AEIS additional indicators (i.e., attendance rates, 4-year completion rate, college admissions testing, and participation in the recommended high school program). Be specific about indicators such as average Texas Learning Index (TLI) growth, year-to-year progress, and accountability ratings. Note: Campuses rated under the Alternative Education Accountability system may also have campus-selected additional indicators.

B.

AEIS Additional Indicators

Average daily attendance has been over 95% since inception and we see no reason that it will drop below 95% and will strive to exceed the 95% level.

Additionally, the basis of the Texas Learning Index to develop a base line for each student and to monitor the progress and performance of individual students will continue to be an important aspect of the education process of Oak Cliff Academy.

The effectiveness of the learning environment can be better assessed as a result of monitoring the TLI on each student. This index will provide an assessment on the education program within the school and ensure improvement in performance of the student population in, initially, reading and mathematics. Though, we must always remain aware that the TLI is a snapshot of that test day and is not an overall assessment of the level of instruction.

As outlined in "A", above, the Passing Rate goals are targeted to reach a five year goal of being exemplary.

With the incorporation of the State-Developed Alternative Assessment (SDAA) for students enrolled in grades 3-7 who are receiving special education services and who are receiving instruction in the TEKS but whose ARD committee determines TAKS to be an inappropriate measure of their academic progress. These students are assessed at their appropriate instructional level, as determined by their ARD committee, which may be different than their enrolled grade level. Although no standard has been established, the goal of Oak Cliff Academy will be set at a high, but attainable Passing Rate. It will, again, be important to utilize the TLI

indicator on each student taking the SDAA.

C. Other Relevant Performance Goals

Describe other relevant student performance goals that may be unique to your school.

Oak Cliff Academy has a large minority, low social-economic, and at risk population. It will be come increasingly important to monitor the change and progress within each group on each test. A most important aspect of the education program will prepare the LEP student to make the transition from his/her native language to performing successfully on the tests in English. Oak Cliff Academy continues to recruit bilingual teachers in all areas of instruction with emphasis on certified bilingual teachers in the lower grades.

An internal measurement device will continue to be the progress made on standardized assessment tests given at the beginning and end of the school year. Results and data from these assessments will be monitored and evaluated to determine the progress made during the school year by individuals and the class as a whole.

Section IX. Plans and Initiatives to Improve Student Performance

Describe plans and initiatives to improve student performance for the next five years. Explain how the school plans to accomplish its goals.

The team at OCA has been hard at work establishing a plan to bring our students up to grade level and beyond. This past school year, approximately 640 students were enrolled at OCA. This created a vast overcrowding situation with the population served in a building of 36 classrooms in a 32,000 square foot building. The natural solution to create an additional campus near the present campus has been denied due to a history of low performance and reporting delinquencies caused by 2 previous, for profit, management companies. Since we are no longer governed by a management company, emphasis can now be directed to education versus profit. Due to the overcrowding this past school year, measures to reduce the number of students served have been implemented to allow us the freedom and capability to make some very important changes.

- All students will have a homeroom with a primary teacher in a normal classroom setting. We feel that this teacher, who will spend a greater portion of his time with his primary group, will get to know his students better than was possible in our previous arrangement. Instead of 8 teachers knowing very little about any of their students, we will have teachers who know one group of kids well, and then share the knowledge they have gained with the remaining teachers.
- Core subjects will be taught daily in a more suitable timeframe. Daily instruction and reinforcement of core subjects is essential to students understanding and retaining the materials they are taught.
- All core teachers on the same grade level will have a common planning period_every day and these

teachers will be required to meet together a minimum of once each week.

- Our special education department will get a classroom solely for its use.
- Computer labs, previously booked to capacity, will now be available to core teachers to use in integrated assignments and projects. These same teachers will be required to plan a minimum of one technology integrated assignment each month.
- Our multi-purpose room, which previously held two classes of students during throughout the school day, will now be available for breakfast and lunch service daily and for occasional use for assemblies and special programs.

Oak Cliff Academy has made great strides to improve the quality of instruction at OCA by

- Placing Mr. Eddie Kitchens, a teacher of 34 years experience, in the principal role at Oak Cliff Academy.
- Hiring Stephanie Kistler as the curriculum director for the school. Ms. Kistler comes to OCA The North Hills School where she has been the Department Head for English grades 1-12. Ms. Kistler has extensive training in Curriculum development and school management including the Baldrige method.
- Hiring Don Beck, math teacher and teacher of the year at The North Hills School (an exemplary charter school for the past 4 years) as an instructional leader to guide all our teachers in their efforts to improve the quality of instruction.
- Sponsoring many of our non-certified teachers in an alternative certification program to gain certification.
- Sponsoring and encouraging many of our bilingual teachers to seek certification in Bilingual Education.
- Sponsoring and encouraging our instructional aides to receive Paraprofessional Certification during the summer break. Re-hiring is based upon completion of the training.
- Planning a more data driven instruction for the 2003-2004 school year with more benchmark testing and data dissemination of standard test results to focus appropriate targeted instruction for our students.
- Applying for and receiving a grant for a reading recovery program. This grant will provide training for three teachers to be certified as reading recovery instructors.
- The school has also applied for and received a school improvement grant. The grant is geared towards curriculum planning, discipline planning and teacher training. Our planned Technical Assistance Provider or TAP, Stephanie Kistler, is currently in the interview process.
- OCA, this past school year, provided and paid teachers to attend, Saturday in-house in-service training on TAKS preparation, writing instruction, classroom management and lesson planning. These training opportunities were taught by teachers from exemplary schools and school districts.
- Creating and establishing the position of Director of ESL/ Bi-lingual education.
- Establishing before and after school tutoring opportunities for all children in need and paying our teachers for their time.

Section X. Monitoring Follow-Up

Discuss Improvements made and other actions taken to address any and all findings, recommendations, or sanctions by the Agency including those resulting from monitoring on-site visits or hearings. Provide specific information about compliance status with all special program indicators, including corrective action plans for bilingual and special education programs, and about PAS/DAS risk levels.

The initial on-site review report was issued in 2000 with follow-up visits in 2001 and 2002.

Corrective actions were made and submitted. At this time there are no outstanding actions to be Resolved.

Part 3. Special Needs Students/Programs

NOTE: The approval of this charter school renewal application and/or removal of any contingencies is based on the information provided by the charter school as it reflects the charter school's knowledge of special education. Approval of the charter school renewal application and/or removal of any contingencies should not be construed to reflect a determination of special education compliance or to cover any other issues outside the scope of this renewal application process or actions that may have occurred since this renewal application process.

Section XI. IDEA Key Components

Describe **IN DETAIL** (in the order requested and in the space provided below) how the charter school accommodates students with disabilities in the SPECIAL EDUCATION program according to the Individuals with Disabilities Education Act (IDEA), the Texas Education Code, the State Board of Education rules, and the Commissioner's rules (SEE, Key Components).

Please **DO NOT SEND** a copy of the charter school's special education policies and procedures. This will only delay the review by a second request to submit the information as requested.

The Texas Side-by-Side is available online to assist the application process: <u>http://www.tea.state.tx.us/special.ed/rules/sbs.html</u>.

A. Child Find (34 CFR 300.125)

CHILD FIND

Child Find Identification (34 CFR §300.125)

OCA offers a system of "Child Find" in which all individuals birth through 21 who fall within our responsibility, children already enrolled but not yet identified, siblings of children already enrolled, and children that school staff come in contact with, are identified, and evaluated The following are a few of the activities/ responsibilities which address our system of child identification:

- * Provide public awareness to inform parents of children already enrolled OCA of educational opportunities available to individuals with disabilities and maintains documentation of such activity;
- * Disseminate information regarding availability of services;
- Oak Cliff Academy assures confidentiality requirements are met in the collection and use of data;
- * Maintains the 60 calendar day time frame referrals to evaluation report set forth in TEC;
- * The referral, full and individual evaluation, and ARD/IEP placement process adheres to all state and federal requirements.

B. Confidentiality (34 CFR 300.127; 34 CFR 300.560-300.577; 34 CFR Part 99; TEC 26.004)

CONFIDENTIALITY (34 CFR Part 99; 34 CFR 300.127, 300.560-300.575; TEC 26.004; 19 TAC 89.1050(f)(3))

ACCESS TO STUDENT RECORDS (§26.004)

Oak Cliff Academy shall permit parents to inspect and review all education records relating to their child.

A parent is entitled to access of all written records of a school district concerning the parent's child, including:

- a. attendance records;
- b. test scores;
- c. grades;
- d. disciplinary records;
- e. counseling records;
- f. psychological records;
- g. applications for admissions;
- h. health and immunization information;
- i. teacher and counselor evaluations; and
- j. reports of behavioral patterns.
- 1. The following guidelines shall apply when parents request to review or inspect records

relating to the education of their student with disabilities:

- a. Oak Cliff Academy shall comply with a request of parents to review records without unnecessary delay and before any meeting regarding an IEP or hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child.
- b. Oak Cliff Academy shall comply with the request in no case more than 45 days after the request has been made.
- 2. The right to inspect and review education records includes:
 - a. the right to a response from Oak Cliff Academy to reasonable requests for explanations and interpretations of the records;
 - b. the right to request that Oak Cliff Academy provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
 - c. the right to have a representative inspect and review the records.
- 3. Oak Cliff Academy may presume that the parent has authority to inspect and review the student's records, unless Oak Cliff Academy has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

C. Procedural Safeguards (34 CFR 300.504)

PROCEDURAL SAFEGUARDS (34 CFR 300.504)

A. NOTICE - GENERAL

The <u>Procedural Safeguards</u> document developed by the Texas Education Agency must be provided to parents of a student with a disability, at a minimum:

- 1. upon initial referral for evaluation,
- 2. upon each notification of any ARD meeting,
- 3. upon reevaluation of the student, and
- 4. upon receipt of a request for due process.

B. Contents

The procedural safeguards notice must include a full explanation of the entire procedural safeguard available under 300 § 403, 300.500-529, and 300.560-577 and the State complaint procedures available under § 300.660-662 relating to:

- 1. Independent educational evaluation
- 2. Prior written notice;
- 3. Parental consent;
- 4. Access to educational records;
- 5. Opportunity to present complaints to initiate due-process hearing;
- 6. The child's placement during pendency of due process

proceedings;

- 7. Procedures for students who are subject to placement in an interim alternative educational setting;
- 8. Requirements for unilateral placement by parents of children in private schools at public expense;
- 9. Mediation;
- 10. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
- 11. State-level appeals (if applicable);
- 12. Civil actions;
- 13. Attorneys' fees; and
- 14. The state complaint procedures under \$\$300.660-662 including a description of how to file a complaint and the timelines under those procedures.

The entire above are included in the TEA publication from October of 2002 (14 pages).

Notice must also be given in understandable language to the general public and the native language or mode of communication of the parent as described in §300.503(c).

D. Notice of admission, review & dismissal (ARD) committee meetings (34 CFR 300.503; 34 CFR 300.345; TEC 26.0081; 19 TAC 89.1015; 19 TAC 89.1045)

NOTICE

Timeline For Notice (TAC §89.1015)

State Board of Education rule interprets the federal term "reasonable time" as at least five school days. Parents may agree to waive the five school day notice period to which they are entitled.

Prior Notice by the Public Agency; Content of Notice (§300.503)

Notice

- 1. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before Oak Cliff Academy
 - a. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
 - b. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
- 2. If the notice described under paragraph (1) of this section relates to an action proposed by Oak Cliff Academy that also requires parental consent *under §300.505*, Oak Cliff Academy may give notice at the same time it requests parent consent.

Content of Notice

The notice required under paragraph (a) of this section must include:

- 1. Content of the written Notice must include:
 - a. a description of the action proposed or refused by Oak Cliff Academy,
 - b. an explanation of why the district proposes or refuses to take the action,
 - c. a description of any options the district considered and the reasons why those options were rejected,
 - d. a description of each evaluation procedure, test, record, or report the district uses as a basis for the proposal or refusal,
 - e. a description of any other factors which are relevant to the district's proposal or refusal,
 - f. sources for parents to contact to obtain assistance in understanding these provisions,
 - g. a statement informing the parents about the State complaint procedures, including a description of how to file a complaint and the timelines under those procedures. Include a statement that the ARD committee members will discuss, at the parent's request, the provision of any educational or related service not proposed for discussion by Oak Cliff Academy.

Notice in Understandable Language

- 1. The notice under paragraph (a) of this section must be;
 - a. Written in language understandable to the general public: and
 - b. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
 - 1. If the native language or other mode of communication of the parent is not a written language, Oak Cliff Academy shall take steps to ensure:

- a. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- b. That the parent understands the content of the notice; and
- c. That there is written evidence that the requirements in the paragraphs above in this section have been met.

Parent Participation (§300.345(b); §89.1015)

Information provided to parents:

- 1. The Notice of the ARD/IEP meeting must: (34 CFR §300.345 and §89.1015)
 - a. be provided to parents at least five school days in advance of the ARD to ensure they will have an opportunity to attend,
 - b. include the purpose, time, and location of the meeting and who will be in attendance,
 - c. provide opportunity to schedule the meeting at a mutually agreed upon time and place, including rescheduling the meeting,
- 2. For a student with a disability beginning at age 14, or younger, if appropriate, the notice must:
 - a. indicate that a purpose of the meeting will be the development of a statement of the transition services needed for the student, and
 - b. indicate that the student will be invited.
- 3. For a student with a disability beginning at age 16, or younger, if appropriate, the notice must:
 - a. indicate that a purpose of the meeting is the consideration of the individual transition plan for the student,
 - b. indicate that the student will be invited, and
 - c. identify any other agency that will be invited to send a representative, if appropriate.

Right to Information Concerning Special Education (§26.0081)

TEA has produced a document containing all of the information to meet this requirement: <u>Guide to the</u> <u>ARD Process</u>. Oak Cliff Academy ensures that a copy of this document will be mailed home to the parent of every student as soon as practicable after a referral has been made to determine eligibility for admission to the special education program. It will be no later than five days before the initial ARD committee meeting and also at any other time requested by the parents.

Notice to Parents for Admission, Review and Dismissal (ARD) Committee Meetings (§89.1045(a))

- 1. Oak Cliff Academy shall invite the parents and adult student to participate as members of the admission, review, and dismissal (ARD) committee by providing written notice in accordance with 34 CFR §§300.345, 300.503, and 300.505, and Part 300, Appendix A.
- 2. a parent may request an ARD committee meeting at any mutually agreeable time to address specific concerns about his or her child's special education services. Oak Cliff Academy must respond to the parent's request either by holding the requested meeting or by requesting assistance through the Texas Education Agency's mediation process. Oak Cliff Academy should inform the parents of the functions of the ARD committee and the circumstances or types of problems for which requesting an ARD committee meeting would be appropriate.

E. Evaluation of children to determine eligibility (34 CFR 300.530-300.543; TEC 29.004; 19 TAC 89.1011; 19 TAC 89.1015; 19 TAC 89.1040)

EVALUATION OF CHILDREN TO DETERMINE ELIGIBILITY (34 CFR 300.342-300.350)

Referral for Full and Individual Initial Evaluation (§89.1011)

REFERRAL

- 1. Referral of students for a full and individual evaluation for possible special education services shall be a part of Oak Cliff Academy's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial, remedial, compensatory, and other services.
- 2. If the student continues to experience difficulty in the general classroom after the provision of interventions, school personnel must refer the student for a full and individual initial evaluation. A referral may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. The referral for a full and individual initial evaluation must be completed in the required timeline of 60 calendar days.

FULL INDIVIDUAL AND INITIAL EVALUATION (§29.004)

Oak Cliff Academy will ensure that a full and individual evaluation is conducted for each student being considered for special education and related services. A written report of a full individual and initial evaluation of a student for purposes of special education services will be completed within 60 calendar days following the date on which the referral for evaluation was initiated by school personnel, the student's parent or legal guardian, or another appropriate person. The evaluation will be conducted using procedures that are appropriate for the student's most proficient method of communication.

The evaluation will be completed before the initial provision of special education and related services and will be the basis for the ARD committee to:

- A. determine if the student is a "student with a disability" in accordance with federal and state requirements; and
- B. determine the educational needs of the student.

In implementing the requirements above, Oak Cliff Academy ensures that:

- A. the evaluation is conducted in accordance with the procedures in federal and state law,
- B. the results of the evaluation are used by the ARD/IEP committee in developing an individualized education program.

C. EVALUATION PROCEDURES (§300.532)

Before any action is taken with respect to the initial placement of a child with a disability in a program providing special education and related services, a full and individual evaluation of the child's educational needs must be conducted in accordance with requirements below:

Oak Cliff Academy ensures the following:

- A. Tests and other evaluation materials used to assess the student:
 - 1. Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - 2. Are provided and administered in the student's native language or other mode
 - 3. Are standardized tests that have been validated for the specific purpose for which they are used
 - 4. Are standardized tests that are administered by trained personnel in conformance with the instructions provided by their producer; and
 - 5. Are maintained in the student's legal folder
 - a. page(s) containing test scores are retained.
 - b. pages containing questions/answers are destroyed.
- B. Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English Language skills.
- C. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- D. Tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- E. No single procedure is used as the sole criterion for determining an appropriate educational program for a student.
- F. The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- G. The evaluation must be sufficiently comprehensive to identify all the child's educational needs, whether or not; they link to the child's disability category.
- H. Uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- I. Uses evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.

- J. A variety of evaluation tools and strategies are used to gather relevant functional and developmental information about the student, including information provided by the parent, that may assist in determining:
 - 1. whether the child is a student with a disability,
 - 2. the content of the student's IEP, including information related to enabling the child
 - a. to be involved in and progress in the general curriculum; or
 - b. if a preschool child, to participate in appropriate activities.
- K. The evaluation is made by a multidisciplinary group of persons, including at least one teacher or other specialist with knowledge of the area of suspected disability.

DETERMINATION OF NEEDED EVALUATION DATA (34 CFR §300.533)

As part of an initial evaluation (if appropriate) and as part of any reevaluation, a team that includes individuals required in 34 CFR §300.344, and other qualified professionals, as appropriate, will:

- A. Review existing evaluation data on the child, including but not limited to:
 - 1. evaluation and information provided by the parents of the student,
 - 2. current classroom based evaluations and observations,
 - 3. observations by teachers and related service providers; and
- B. On the basis of that review, including input from the child's parents, the ARD/IEP team will identify what additional data, if any, are needed to determine:
 - 1. Whether the child has a particular category of disability, as described in 34 CFR §300.7, or in case of a reevaluation of a student, whether the student continues to have a disability;
 - 2. The present levels of performance and educational needs of the student;
 - 3. Whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
 - 4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.
- C. Oak Cliff Academy will administer tests and other evaluation materials as may be needed to produce the data identified in A and B above.
- D. If determination under paragraph A is that no additional data are needed to determine whether the student continues to be a student with a disability, Oak Cliff Academy will notify the student's parents-
 - 1. Of that determination and the reasons for it; and
 - 2. Of the right of the parents to request a full and individual evaluation to determine whether the student continues to be a student with a disability.
- E. Oak Cliff Academy is not required to conduct an evaluation described in paragraph D. 2. above unless requested to do so by the student's parents.

F. If the ARD/IEP committee determines additional data is not needed and documents that determination, the <u>date of the ARD/IEP committee meeting becomes the new evaluation date.</u>

Eligibility Criteria (§89.1040)

- 1. To be eligible to receive special education services, a student must be a "child with a disability" as defined in the federal law, the Texas Education Code and Rules.
- 2. The determination of whether a student is eligible for special education and related services is made by the student's ARD/IEP committee. Any evaluation or re-evaluation of a student shall be conducted in accordance with federal and state regulations. The evaluation will document the members of the ARD/IEP team. The ARD/IEP team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to the following:
 - a. licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriately certified or;
 - b. licensed practitioner with experience and training in the area of the disability, or a licensed or certified professional for a specific eligibility category.

F. Development and implementation of the individualized educational program (IEP); Extended school year (ESY) services (34 CFR 300.342-300.350; 34 CFR 300.309; TEC 37.0021; 19 TAC 89.1050; 19 TAC 89.1053; 19 TAC 89.1055; 19 TAC 89.1055; 19 TAC 89.1065)

Development and Implementation of the IEP; ESY; Restraint & Time Out

ARD Committee §89.1050(a)

Oak Cliff Academy (OCA) will establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted pursuant to §89.1011 (relating to Referral for Full and Individual Initial Evaluation (FIE)). The ARD committee shall be the individualized education program (IEP) team defined in federal law and regulations including, specifically, 34 CFR, § 300.344.

Timeline §89.1050(d)

The ARD committee will make its decision regarding student referred for an initial FIE within 30 calendar days from the date of the completion of the written FIE report. If the 30th day falls during the summer and school is not in session, the ARD committee will have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and placement, unless the FIE indicates that the student will need extended school year (EYS) services during the summer.

Notice to Parents for Admission, Review and Dismissal Committee Meetings § 89.1045(b)

OCA will invite the parents and/or adult student to participate as members of the ARD committee by providing written notice in accordance with 34CFR§§300.345, 300.503, and 300.505, part 300 Appendix A.

A parent may request an ARD meeting at any mutually agreeable time to address specific concerns about his or her child's special education services. The school district must respond to the parent's request either by holding the requested meeting or by requesting assistance through the Texas Education Agency's mediation process. OCA will inform parents of the functions of the ARD committee and the circumstances or types of problems for which as ARD committee would be appropriate.

When IEP's must be in Effect §300.342 GENERAL

OCA will have in effect for each child with a disability an IEP.

Implementation of IEP's

- * is in effect before special education and related services are provided,
- * begin on the date designated by the ARD/IEP committee meeting,
- * be in effect at the beginning of each school year for each student with a disability within our jurisdiction,
- * be provided to each general education teacher, or is accessible to all other special education teachers, related service provider, and other service providers who are responsible for its implementation, and
- * in addition, each teacher and provider is informed of his/her specific responsibilities related to implementing the child's IEP and the specific accommodations and supports that must be provided.

IEP or IFSP (Individualized Family Services Plan) for children aged 3 through 5

- In the case of a child with a disability ages 3 through 5 an IFSP that contains the material described in section 636 of the Act, and that is developed in accordance with §§300.341-300.346 and §§300.349-300.350, may serve as the IEP of the child is using that plan as the IEP is –

 a. Consistent with State policy; and
 b. Agreed to by the agency and the child's parents
- 2. In implementing the requirements of the paragraph (c) (1) of this section, OCA willa. Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and

b. If the parents choose an IFSP, obtain written informed consent from the parents.

IFSP/IEP §89.1050(b)

For a child birth through two years of age with visual and/or auditory impairments, an IFSP meeting will be held in place of the ARD committee meeting in accordance with 34CFR §§303.340-303.346, and the memorandum of understanding between TEA and Texas Interagency Council on Early Childhood Intervention. For students three years of age and older, OCA will develop an IEP.

Transfer Students

1. When a student transfers within the state, the ARD committee may(but is not required to) to meet when the student enrolls and a copy of the student's IEP is available, the parent(s) indicate in writing that they are satisfied with the current IEP, and OCA determines that the current IEP is appropriate and can be implemented as written; or

2. If the conditions of the paragraph above can not be met be OCA, then the ARD committee must meet when the student enrolls and the parents verify that the student was receiving special education services in their previous school, or the previous school verifies in writing or by telephone that the student was receiving special education services. At this meeting, the ARD committee must do one on the following:

a. the ARD committee may determine that it is has appropriate evaluation data and other information to develop and begin implementation of a complete IEP for the student; or

b. The ARD committee may determine that valid evaluation data and other information from the previous school are not sufficient or unavailable to develop a complete IEP. In this event, the ARD committee may authorize the provision of temporary special education services pending receipt of valid evaluation data from the previous school or the collection of new evaluation data by the OCA staff. In this situation, a second ARD committee meeting must be held within 30 school days from the date of the first ARD committee meeting to finalize or develop an IEP based on the current information.

3. In accordance with TEC §25.002, the school in which the student was previously enrolled shall furnish the new school with a copy of the student's records, including the child's special education records, not later then the 30th calendar day after the student was enrolled in the new school. FERPA does not require the student's current and previous school to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34 CFR §99.31(a)(2) and §99.34.

Free Appropriate Public Education (FAPE) (§300.300.121)

- (1) OCA has adopted a policy that is --
 - (A) Is consistent with the requirements of §§300.300-300.313; and applies to all children with disabilities, including children who have been suspended or expelled from school.
 (A) Is consistent with the requirements of §§300.300-300.313; and applies to all children with disabilities, including children who have been suspended or expelled from school.
 - (B) FAPE for children beginning at age 3. Each state shall ensure that
 - (i) the obligation to make FAPE available to each eligible child attending OCA begins no later than the child's third birthday; and
 - (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with §300.342(c).

If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

- (C) FAPE for children suspended or expelled from school-
 - (i) OCA need not provide services during periods of removal under § 300.520(a)(1) to a child with a disability who has been removed from his or her current placement for ten school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.
 - (ii) In the case of a child with a disability who has been removed from their current placement for more than ten school days in that year, the school for the remainder of the removals, must
 - a) provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriate advance toward achieving the goals set out in the child's IEP, if the removal is –

- under the school personnel's authority to remove for not more than ten consecutive school days as long as that removal does not constitute a change of placement under §300.519(b), §300.520(a)(1); or
- for behavior that is not a manifestation of the child's disability, consistent with §300.524; and
- b) Provide services consistent with § 300.522, regarding determination of the appropriate interim alternative education setting, if the removal is—
 - For drug or weapons offenses under §300.520(a)(2); or
 - Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if they remain in the current placement, consistent with §300.521.

School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under \$300.519, \$300.520(a)(1).

The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524.

- E. Children advancing from grade to grade---
 - (i) OCA shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child is advancing from grade to grade.
 - (ii) The determination that a child described in paragraph (a) (1) of this section is eligible under this part, must be made on an individual basis by the group responsible within the child's school for making those determinations.

IEP Meetings §300.343 General

OCA shall be responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of any child with a disability enrolled in their school.

Initial IEP's; provision of services

- 1. OCA assures that within a reasonable period of time following the school's receipt of parental consent to an initial evaluation of a child
 - a. The child is evaluated; and
 - b. If determined eligible special education and related services are made available to the child in accordance with an IEP.
- 2. In meeting the requirement stated above, a meeting to develop an IEP for the child be conducted within 30 days of a determination that the child needs special education and related services.

Review and Revision of IEP's

- 1. Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are bring achieved; and
- 2. Revises the IEP as appropriate to address
 - a. Any lack of expected progress toward the annual goals described in §300347(a), and in the general curriculum, if appropriate;
 - b. The results of any reevaluation conducted under §300.536;
 - c. Information about the child provided to, or by, the parents, as described in §300.533(a)(1);
 - d. The child's anticipated needs; or
 - e. Other matters.

IEP Team §300.344

General

OCA assures that the IEP team for each child with a disability will include-

- 1. One or both of the student's parents;
- 2. At least one general education teacher of the student (if the student is, or may be, participating in the general education environment);
- 3. The special education teacher or the special education provider of the child;
- 4. A representative of the district, who:
 - a. is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - b. is knowledgeable about the general curriculum; and
 - c. Is knowledgeable about the availability of resources of the district.

The district may designate another staff member to serve as the representative, if the criteria 1-3 are satisfied (provided other district ARD/IEP members meet the other participant requirements). The superintendent will approve the list of qualified ARD/IEP representatives of the district.

- 5. Individuals who can interpret the instructional implications of evaluation results, who may be a member of the team described in this section. Individuals may include:
- 1. speech/language pathologist, for speech-only referrals;
- 2. educational diagnostician; and/or

- 3. licensed specialist in school psychology/psychologist.
- 4. at the discretion of the parent or OCA, other individuals who have knowledge or special expertise regarding the student, including related service personnel as appropriate, and
- 5. if appropriate, the student.

Transition Services Participants

OCA will invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of:

The student's transition services needs under §300.347(b) (1)

The needed transition services for the students §300.347(b) (2); or

Both.

If the student does not attend the IEP meeting, OCA shall take steps to ensure that the student's preferences and interests are considered.

In implementing the requirements of §300.347(b)(2), OCA will also take other steps to obtain participation of other agencies, as appropriate based on the student's needs and interests, in the planning of any transition services.

Determination of Knowledge and Special Expertise

The determination of the knowledge and special expertise of any individual described in the paragraph above (IEP Team-general) shall be made by the party (parents or school) who invited the individual to be a member of the IEP team.

Designating a Public Agency Representative

OCA may designate another member of the IEP team from OCA to also serve as the administrative representative if the criteria described above for that position on the IEP team are satisfied.

PARENT PARTICIPATION

Public Agency Responsibility - General

1. OCA will take all necessary steps to ensure that one or both of the parents of a child with disability are present at each IEP meeting or are afforded the opportunity to participate, including-

a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

b. Scheduling the meeting at a mutually agreed on time and place.

Other Methods to Ensure Participation

If neither parent can attend, OCA will use other methods to ensure parent participation, including individual or conference telephone calls.

Conducting an IEP without Parent Participation

A meeting may be conducted without a parent in attendance if OCA is unable to convince the parents that they should attend. In this case OCA must have a record of its attempts to arrange a mutually agreed on time and place, such as-

Detailed records of telephone calls made or attempted and the results of those calls;

Copies of correspondence sent to the parents and any responses received; and

Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Use of Interpreters

OCA will take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other that English.

Parent Copy of child's IEP

OCA will give the parent a copy of the child's IEP at no cost to the parent.

DEVELOPMENT, REVIEW, AND REVISION OF THE IEP §300.346

Development of the IEP

General, In developing each child's IEP, the ARD/IEP team will consider-

The strengths of the child and the concerns of the parents for enhancing the education of their child;

The results of the initial or most recent evaluation of the child; and

As appropriate, the results of the child's performance on any general State or school-wide assessment programs.

The IEP Team also will consider the following if necessary-

In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies and supports to address that behavior;

In the case of the child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille is not appropriate for the child;

Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs including opportunities for direct instruction in the child's language and communication mode; and

Consider whether the child requires assistive technology devices and services.

Review and Revision of IEP

In conducting a meeting to review, and if appropriate, revise a child's IEP, the IEP team shall consider the factors described in the paragraph above.

Statement in IEP

Statement in IEP, if in considering the special factors described in the paragraphs above, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE; the IEP team must include a statement to that effect in the child's IEP.

Requirement with Respect to Regular Education Teacher

The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review and revision of the child's IEP, including assisting in the determination of-

a. Appropriate positive behavioral interventions and strategies for the child; and

b. Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child consistent with §300.347(a) (3).

Content of IEP (§300.347)

General

The IEP for each child with a disability must include-

A. A statement of the child's present levels of educational performance, including-

- 1. How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for non-disabled children); or
- 2. For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.
- B. A statement of measurable annual goals, including benchmarks or short-term objectives, related to -
 - 1. Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for non-disabled children), or for preschool children, as appropriate, to participate in appropriate activities; and
 - 2. Meeting each of the child's other educational needs that result from the child's disability.
- C. A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child –

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- 1. To advance appropriately toward attaining the annual goals;
- 2. To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
- 3. To be educated and participate with other children with disabilities and non-disabled children in the activities described in this section;
- D. An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a)(3) of this section;
- E. A statement of any individual modifications in the administration of State or school-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
- F. If the IEP team determines that the child will not participate in a particular State or school-wide assessment of student achievement (or part of an assessment), a statement of -
 - 1. Why that assessment is not appropriate for the child; and
 - 2. How the child will be assessed.
- G. The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and
- H. A statement of
 - 1. How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
 - 2. How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of
 - a) Their child's progress toward the annual goals; and
 - b) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

Transition Services

The IEP must include for each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and

For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

Transfer of Rights

In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

Content of the Individualized Education Program (IEP) (§89.1055)

- A. The individualized education program (IEP) developed by the admission, review, and dismissal (ARD) committee for each student with a disability shall comply with the requirements of 34 CFR §300.346 and §300.347, and Part 300, Appendix A.
- B. The IEP must include a statement of an individual allowable accommodations in the administration of assessment instruments developed in accordance with TEC § 39.023(a) (c), or school-wide assessments of student achievement that are needed in order for the student to participate in the assessment. If the ARD committee determines that the student will not participate in a particular state or school-wide assessment of student achievement (or part of an assessment), the IEP must include a statement of—
 - 1. why that assessment is not appropriate for the child; and
 - 2. how the child will be assessed using a locally developed alternate assessment.
- C. If the ARD committee determines that the student is in need of extended school year (ESY) services, as described in §89.1065 of this title (relating to the Extended School Year Services (ESY Services)), then the IEP must also include goals and objectives for ESY services from the student's current IEP.
- D. For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan (IFSP) shall also meet the requirements of TEC §30.002(e).
- E. For students with autism/pervasive developmental disorders, information about the following shall be considered and, when needed, addressed in the IEP:
 - 1. extended educational programming;
 - 2. daily schedules reflecting minimal unstructured time;
 - 3. in-home training or viable alternatives;
 - 4. prioritized behavioral objectives;
 - 5. prevocational and vocational needs of students 12 years of age or older;
 - 6. parent training; and
 - 7. suitable staff-to-students ratio.
- F. If the ARD committee determines that services are not needed in one or more of the areas specified in subsection (e)(1) (7) of this section, the IEP must include a statement to that effect and the basis upon which the determination was made.

The Report (§89.1050(e))

The written report of the ARD committee shall document the decisions of the committee with respect to issues discussed at the meeting. The report shall include the date, names, positions, and signatures of the members participating in each meeting in accordance with 34 CFR §§300.344, 300.345, 300.348 and 300.349. The report shall also indicate each member's agreement or disagreement with the committee's decisions. In the event TEC §29.005(d) (1), applies, the school

shall provide a written or audio-taped copy of the student's IEP, as defined in 34 CFR §300.346 and §300.347. In the event TEC §29.005(d)(2) applies, the school shall make a good faith effort to provide a written or audio-taped copy of the student's IEP, as defined in 34 CFR §300.346 and 300.347.

Agency Responsibilities for Transition Services (§300.348)

If a participating agency, other than OCA, fails to provide the transition services described in the IEP in accordance with \$300.347(b)(1), said agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

IEP Accountability (§300.350)

OCA must -

- A. Provide special education and related services to a child with a disability in accordance with the child's IEP; and
- B. Make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

Extended School Year Services (§300.309)

- A. OCA shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a) (2) of this section.
- B. Extended school year services must be provided only if a child's IEP team determines, or an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child;
- C. In implementing the requirements of this section, OCA may not -
- 1. Limit extended school year services to particular categories of disability; or
- 2. Unilaterally limit the type, amount, or duration of those services.
- D. As used in this section, the term extended school year services means special education and related services that—
- 1. Are provided to a child with a disability--
 - a) beyond the normal school year of OCA;
 - b) in accordance with the child's IEP; and
 - c) at no cost to the parents of the child; and
- 2. Meet the standards of the SEA.

Extended School Year Services (ESY Services) (§89.1065)

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

A. The need for ESY services must be determined on an individual student basis by the admission, review and dismissal (ARD) committee in accordance with 34 CFR §300.309, and the provisions of

this section. In determining the need for and in providing ESY services, a school may not:

1. limit ESY services to particular categories of disability; or

2. unilaterally limit the type, amount, or duration of ESY services.

- B. The need for ESY services must be documented from formal and/or informal evaluations provided by the school or the parents. The documentation shall demonstrate that in one or more critical areas addressed in the current individualized education program (IEP) objectives, the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time. Severe or substantial regression means that the student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY services.
- C. The reasonable period of time for recoupment of acquired critical skills shall be determined on the basis of needs identified in each student's IEP. If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the student or to others, ESY services may be justified without consideration of the period of time for recoupment of such skills. In any case, the period of time for recoupment shall not exceed eight weeks.
- D. A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year.
 - 1. Placement in a more restrictive instructional arrangement;
 - 2. Significant loss of acquired skills necessary for the student to appropriately progress in the general curriculum;
 - 3. Significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;
 - 4. Loss of access to community-based independent living skills instruction or an independent living environment provided by non-educational sources as a result of regression in skills; or
 - 5. Loss of access to on-the-job training or productive employment as a result of regression in skills.
- E. If the school does not propose ESY services for discussion at the annual review of a student's IEP, the parent may request that the ARD committee discuss ESY services pursuant to 34 CFR §300.344.
- F. If a student for whom ESY services were considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD committee shall reconsider the current IEP if the student's loss of critical skills interferes with the implementation of the student's IEP.
- G. For students enrolling in a school during the school year, information obtained from the prior school as well as information collected during the current year may be used to determine the need for ESY services.
- H. The provision of ESY services is limited to the educational needs of the student and shall not supplant or limit the responsibility of other public agencies to continue to provide care and treatment services pursuant to policy or practice, even when those services are similar to, or the same as, the services addressed in the student's IEP. No student shall be denied ESY services because the student receives care and treatment services under the auspices of other agencies.
- I. Schools are not eligible for reimbursement for ESY services provided to students for reasons other than those set forth in this section.

Discipline (§89.1050(g))

All disciplinary actions regarding students with disabilities shall be determined in accordance with 34 CFR §§300.121 and 300.519-300.529 (relating to disciplinary actions and procedures), the TEC,

Chapter 37, Subchapter A (Alternative Settings for Behavior Management), and §89.1053 of this title (relating to Procedures for Use of Restraint and Time-Out).

Disagreements (§89.1050(h))

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

- A. When mutual agreement about all required elements of the IEP is not achieved, the party (the parents or adult student) who disagrees shall be offered a single opportunity to have the committee recess for a period of time not to exceed ten school days. This recess is not required when the student's presence on the campus presents a danger of physical harm to the student or others or when the student has committee an expellable offense or an offense which may lead to a placement in an alternative education program (AEP). The requirements of this subsection do not pro-hibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than the failure of the parents and the school from reaching mutual agreement about all required elements of an IEP.
- B. During the recess, the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons which may assist in enabling the ARD committee to reach mutual agreement.
- C. The date, time and place for continuing the ARD committee meeting shall be determined by mutual agreement prior to the recess.
- D. If a ten-day recess is implemented as provided in paragraph A of this subsection and the ARD committee still cannot reach mutual agreement, the school shall implement the IEP which it has determined to be appropriate for the student.
- E. When mutual agreement is not reached, a written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.
- F. When a school implements an IEP with which the parents disagree or the adult student disagrees, the school shall provide prior written notice to the parents or adult student as required in 34 CFR §300.503.
- G. Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point when they disagree with decisions of the ARD committee.

Use of Confinement, Restraint, Seclusion and Time-Out (§37.0021)

- A. It is the policy of this state to treat all students with dignity and respect. A student with a disability may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.
- B. In this section:
 - 1. "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.
 - 2. "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

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- a. is designed solely to seclude a person; and
- b. contains less than 50 square feet of space.
- 3. "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:
 - a. that is not locked; and
 - b. from which the student is not physically prevented from leaving.
- C. A school employee or volunteer or an independent contractor of a school may not place a student in seclusion. This subsection does not apply to the use of seclusion in a facility to which the following law, rules, or regulations apply:
 - 1. the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulation adopted under that Act, or any subsequent amendments to those regulations;
 - 2. 40 TAC Sections 720.1001-720.1013; or
 - 3. 25 TAC Section 412.308(e).
- D. The commissioner by rule shall adopt procedures for the use of restraint and time-out by a school employee or volunteer or an independent contractor of a school in the case of a student receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:
 - 1. be consistent with:
 - a. professionally accepted practices and standards of student discipline and techniques for behavior management; and
 - b. relevant health and safety standards; and
 - 2. identify any discipline management practice or behavior management technique that requires a school employee or volunteer or an independent contractor of a school to be trained before using that practice or technique.
- E. In the case of a conflict between a rule adopted under Subsection (d) and a rule adopted under Subchapter A, Chapter 29, the rule adopted under Subsection (d) controls.
- F. For purposes of this subsection, "weapon" includes any weapon described under §37.007(a) (1). This section does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:
 - 1. the student possesses a weapon; and
 - 2. the confinement is necessary to prevent the student from causing bodily harm to the student or another person.

Procedures for Use of Restraint and Time-Out (§89.1053)

A. In addition to the requirements of 34 CFR §300.346(a) (2) (i) and (c), school schools and s must

implement the provisions of this section regarding the use of restraint and time-out. In accordance with the provisions of TEC §37.0021 (Use of Confinement, Restraint, Seclusion and Time-Out), it is the policy of the state to treat all students with dignity and respect.

- B. Definitions.
 - 1. Emergency means a situation in which a student's behavior poses a threat of:
 - a) imminent, serious physical harm to the student or others; or
 - b) imminent, serious property destruction.
 - 2. Restraint means the use of physical force or a mechanical device to restrict the free movement of all or a portion of the student's body.
 - 3. 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:
 - a) that is not locked; and
 - b) from which the student is not physically prevented from leaving.
- C. A school employee, volunteer, or independent contractor may use restraint only in an emergency as defined in subsection (b) of this section and with the following limitations:
 - 1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
 - 2. Restraint shall be discontinued at the point at which the emergency no longer exists.
 - 3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
 - 4. Restraint shall not deprive the student of basic human necessities.
- D. Training for school employees, volunteers, or independent contractors shall be provided according to the following requirements:
 - 1. Not later than 4/1/03, a core team of personnel on each campus must be trained in the use of restraint, and the team must include a campus administrator or designee and any general or special education personnel likely to use restraint.
 - 2. After 4/1/03, personnel called upon to use restraint in an emergency and who have not received prior training must receive training with 30 school days following the use of restraint.
 - 3. Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint.
 - 4. All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint.
- E. In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the following documentation requirements—
 - 1. On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint;
 - 2. On the day restraint is utilized, a good faith effort shall be made to verbally notify the parent(s) regarding the use of restraint;
 - 3. Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.
 - 4. Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the ARD committee when it considers the impact of the student's behavior on the student's learning and/or

- the creation or revision of a behavioral intervention plan (BIP).
- 5. Written notification to the parent(s) and documentation to the student's special education eligibility folder shall include the following:
 - a) name of the student;
 - b) name of the staff member(s) administering the restraint;
 - c) date of the restraint and the time the restraint began and ended;
 - d) location of the restraint;
 - e) nature of the restraint;
 - f) a description of the activity in which the student was engaged immediately preceding the use of restraint;
 - g) the behavior that prompted the restraint;
 - h) the efforts made to de-escalate the situation and alternatives to restraint that was attempted; and
 - i) information documenting parent contact and notification.
- F. For the purposes of subsection (c) (e) of this section, restraint does not include the use of:
 - 1. physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
 - 2. limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, or provide comfort;
 - 3. limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing repetitive self-injurious behaviors; or
 - 4. seat belts and other safety equipment used to secure students during transportation.
- G. A school employee, volunteer, or independent contractor may use time-out in accordance with subsection (b)(3) of this section with the following limitations:
 - 1. Physical force or threat of physical force shall not be used to place a student in time-out.
 - 2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's individualized education program (IEP) and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior.
 - 3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.
- H. Training on use of time-out for school employees, volunteers, or independent contractors shall be provided according to the following requirements:
 - 1. Not later than 4/1/03, general or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out.
 - 2. After 4/1/03, newly-identified personnel called upon to implement time-out based on requirements established in a student's IEP and or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out.
 - 3. Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must 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 annual goals specified in the student's IEP.
 - 4. All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out.
 - Necessary documentation or data collection regarding the use of time-out, if any, must be addressed

in the IEP or BIP. The admission, review, and dismissal (ARD) committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

- J. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.
- K. Beginning with the 2003-2004 school year, with the exception of actions covered by subsection (f) of this section, cumulative data regarding the use of restraint must be reported through the Public Education Information Management System (PEIMS).

G. Least restrictive environment (LRE) placement (34 CFR 300.550-300.553; 19 TAC 89.63(a-c))

LEAST RESTRICTIVE ENVIRONMENT (LRE) PLACEMENT

General

Oak Cliff Academy will assure-

- 1. That to the maximum extent possible students with disabilities, including students in public or private institutions or other care facilities, are educated with non-disabled students to meet the student's individual education program and overall educational needs. In providing programs, services, and activities for students with disabilities, OCA shall first consider the least restrictive environment of the general education program.
- 2. Special classes, separate schooling or other removal of students with disabilities from the general education environment occurs only when the nature and severity of the disability is such that education in general classes, (including art, music, and PE) with the use of supplementary aids and services, cannot be achieved satisfactorily.

Continuum of alternative Placements

OCA assures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The continuum required in the paragraph above must-

- a. Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institution); and
- b. Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Instructional Arrangements and Settings

OCA will provide services with special education personnel to students with disabilities in order to meet the special needs of those students in accordance with 34 CFR §§300.550-330.554

For the purpose of determining the student's instructional arrangement/setting, the regular school day is defined as the period of time determined appropriate by the ARD committee.

Instructional arrangements, settings shall be based on the individual needs and individualized education program (IEPs) of eligible students receiving special education services and shall include the following.

- 1. Mainstream
- 2. Homebound
- 3. Hospital class
- 4. Speech Therapy
- 5. Resource Room/Services
- 6. Self-Contained (mild, moderate, or severe) regular campus
- 7. Off home Campus
- 8. Nonpublic Day School
- 9. Vocational Adjustment Class/Program
- 10. Residential Care and Treatment Facility
- 11. State School for Persons with Mental Retardation

Placements §300.552

In determining the educational placement of a child with a disability, including a preschool child with a disability, OCA will ensure that-

- 1. The placement decision:
 - a. Is made by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
 - b. Is made in conformity with the LRE provision of this section, including §§300.550-300.554
- 2. The child's placement
 - a. Is determined at least annually;
 - b. Is based on the child's IEP; and
 - c. Is as close as possible to the child's home;

3. Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if non-disabled;

6. In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

5. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Non academic Setting § 300.553

In providing or arranging for the provision of non academic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth §300.306, OCA assures that each child with a disability participates with non-disabled children in those services and activities to the maximum extent appropriate to the needs of the child.

H. Transition planning (34 CFR 300.29; TEC 29.011; 19 TAC 89.1110)

TRANSITION PLANNING

Definition (34 CFR § 300.27)

Transition services means a coordinated set of activities for a student with a disability that:

- is designed within an out-come oriented process, that promotes movement from school to postschool activities including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- 2 is based on the individual student's needs, taking into account the student's preferences and interests; and
- 3. includes:
 - a. instruction,
 - b. related services,
 - c. community experiences,
 - d. development of employment, and
 - e. other post-school adult living objectives, and

f. when appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition Planning §29.011

- 1. The Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission shall develop, agree to and by rule adopt a memorandum of understanding that establishes the respective responsibilities of each agency for the provision of services necessary to prepare students enrolled in special education programs for a successful transition to like outside of the public school system.
- 2. The Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission may request other appropriate agencies to participate in the development of the memorandum of understanding and each agency requested shall participate and adopt the memorandum. The memorandum must be agreed to by all participating agencies.
- 3. The memorandum may require an agency or school to provide a service only if the agency or school is providing that service at the time the memorandum is adopted. The memorandum shall require each participating agency to participate in the development of a transition plan required by section (5) below on the request of the school.
- 4. The Texas Education Agency shall coordinate the development of the memorandum of understanding.
- 5. OCA shall develop and annually review an ITP for each student enrolled in a special education program who is at least 16 years of age.

The ITP shall be developed in a separate document from the IEP and may not be considered a part of the IEP.

OCA shall coordinate development of the ITP with any participating agency as provided in the memorandum of understanding in order to provide continuity and coordination of services among the various agencies and between the ITP and IEP.

OCA shall request the participation in the development of the ITP of any participating agency recommended by school personnel or requested by the student or the student's parent.

OCA shall invite the student and the student's parents or guardians to participate in the development of the ITP.

Only those components of the ITP that are the responsibility of OCA may be incorporated into the student's IEP.

Only the failure to implement those components of a student's ITP that are included in the IEP.

Only the failure to implement those components of a student's ITP that are included in the IEP are subject to the due process procedures of IDEA or to TEA compliant procedures.

The failure of OCA to develop and annually review an ITP for a student is subject only to TEA complaint procedures and not to the due process procedures of IDEA.

A monitoring visit under §29.010 shall include a review of the transition planning requirements under this section.

OCA is not liable for the failure of another agency to implement those components of the ITP that are designated as the responsibility of that agency under the memorandum of understanding.

The Memorandum of Understanding (MOU) on Transition Planning for Students Receiving Special Education Services §89.1110

Purpose:

Under Texas Education Code §29.010, Transition Planning, the purpose of this memorandum of understanding (MOU) is to establish "the respective responsibility of each agency for the provision of the services necessary to prepare students enrolled in special education programs for and successful transition to life outside the public school system."

The MOU was established among the following agencies:

- 1. Texas Commission for the Blind
- 2. Texas Department of Human Services
- 3. Texas Department of Mental Health and Mental Retardation
- 4. Texas Education Agency
- 5. Texas Employment Commission; and
- 6. Texas Department of Protective and Regulatory Services.

OCA assures that it will meet all of the requirements of §89.1110.

I. Certified personnel for the provision of services to children with special needs (34 CFR 300.26; 34 CFR 300.136; 19 TAC 89.1131; SBEC requirements)

CERTIFIED PERSONNEL

Qualifications of Special Education Personnel (34 CFR §300.136)

The term "qualified" means that a person has met the Texas Education Agency approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which he or she is providing special education or related services. For teachers who currently are not certified or licensed for their assignment, there is documentation that required actions for certification/licensure are being taken.

All special education and related service personnel shall be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 CFR §300.21, §300.136; the TEC §21.002, §21.003, and §29.304; or appropriate state agency credentials.

Teachers who hold a special education certificate or endorsement may be assigned to any level of a basic special education instructional program serving eligible students between the ages of three and twenty-one in accordance with limitations of their certificate.

Except as stated in §89.1131 (b) (1) - (8).

Paraprofessional Personnel (TAC §89.1131)

Paraprofessional personnel must be certified and may be assigned to work with eligible students, general and special education teachers, and related service personnel. Aides may also be assigned to assist students with special education transportation, serve as a job coach or serve in support of community-based instruction.

Interpreting Services, Orientation and Mobility

Interpreting services for students who are deaf shall be provided by an interpreter who is certified in the appropriate language mode(s), if certification in such mode(s) is available.

Orientation and Mobility instruction must be provided by a certified orientation and mobility specialist (COMS) who is certified by the Academy for Certification of Vision Rehabilitation and Education.

J. Services to expelled students (34 CFR 300.121(d); 34 CFR 300.522; TEC Chapter 37 - 10 day rule)

SERVICES TO EXPELLED STUDENTS

FAPE §300.121(d)

FAPE for children suspended or expelled from school

- 1. OCA need not provide services during periods of removal under §300.520(a)(1) to a child with a disability who has been removed from his or her current placement 10 school days or less in the school year, if services are not provided to a child without disabilities who has been similarly removed.
- 2. In the case of a child with a disability who has been removed for his or her current placement for more than 10 school days in that school year, OCA, for the remainder of the removals, must
 - a. Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is
 - i. Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal doe not constitute a change in placement under §300.519(b)(§300.520((a)(1)); or
 - ii. For behavior that is not a manifestation of the child's disability, consistent with §300.524; and
 - b. Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is
 - i. For drug or weapon offenses under §300.520(a)(2);or
 - ii. Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with §300.521
 - c. School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(§300.520(a) (1)).
 - d. The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524

Determination of Setting

General - The interim alternative educational setting referred to in §300.520(a) (2) must be determined by the IEP team.

Additional Requirements - Any interim alternative educational setting in which a child is placed under §§300.520(a) (2) or 300.521 must-

- 1. Be selected as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's IEP, that will enable the child to meet the goals set our in that IEP; and
- 2. Include services and modifications to address the behavior described in §§300.520(a) (2) or 300.521, that are designed to prevent the behavior from recurring.

Placement of Students with Disabilities §37.004

CHARTER SCHOOLS ARE NOT SUBJECT TO THE RULES OF CHAPTER 37.

**Oak Cliff Academy (OCA)

K. Allowable expenditures of state special education funds (19 TAC 89.1125)

ALLOWABLE EXPENDITURES OF STATE SPECIAL EDUCATION FUNDS (19 TAC 89.1125)

- A. Persons paid from special education funds shall be assigned to instructional or other duties in the special education program and/or to provide support services to the regular education program in order for students with disabilities to be included in the regular program. Support services shall include, but not be limited to, collaborative planning, co-teaching, small group instruction with special and regular education students, direct instruction to special education students, or other support services determined necessary by the admission, review and dismissal (ARD) committee for an appropriate program for the student with disabilities. Assignments may include duties support to school operations equivalent to those assigned to regular education personnel.
- B. Personnel assigned to provide support services to the regular education program as stated in subsection A of this section may be fully funded from special education funds.
- C. If personnel are assigned to special education on less than a full-time basis, except as stated in subsection A of this section, only that portion of time for which the personnel are assigned to students with disabilities shall be paid from state special education funds.
- D. State special education funds may be used for special materials, supplies, and equipment which are directly related to the development and implementation of individualized education programs (IEPs) of students and which are not ordinarily purchased for the regular classroom. Office and routine classroom supplies are not allowable. Special equipment may include instructional and assistive technology devices, audiovisual equipment, computers for instruction or assessment purposes, and assessment equipment only if used directly with students.
- E. State special education funds may be used to contract with consultants to provide staff development, program planning and evaluation, instructional services, assessments, and related services to students with disabilities.
- F. State special education funds may be used for transportation only to and from residential placements. Prior to using federal funds for transportation costs to and from a residential facility, a district must use state or local funds based on actual expenses up to the state transportation maximum for private transportation contracts.

G. State special education funds may be used to pay staff travel to perform services directly related to the education of eligible students with disabilities. Funds may also be used to pay travel of staff (including administrators, general education teachers, and special education teachers and service providers) to attend staff development meetings for the purpose of improving performance in assigned positions directly related to the education of eligible students with disabilities. In no event shall the purpose for attending such staff development meetings include time spent in performing functions relating to the operation of professional organizations. In accordance with 34 CFR § 300.382(j), funds may also be used to pay for the joint training of parents and special education, related services, and general education personnel.

Maximum Allowable Indirect Cost (§105.11)

No more than 15% of Oak Cliff Academy's Foundation School Program special allotments under TEC Chapter 42, Subchapter C, may be expended for indirect costs related to the following programs: compensatory education, gifted and talented education, bilingual education and special language programs, career and technology education, and special education, indirect costs may be attributed to the following expenditure function codes: 34 – Student Transportation; 41 – General Administration; 81 – Facilities Acquisition and construction; and the Function 90 series of the general fund, as defined in the TEA bulletin, Financial Accountability System Resource Guide.

CFR=Code of Federal Regulations

TEC=Texas Education Code

TAC=Texas Administrative Code

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Section XII. Information Request

Place the following information requests in Attachment 5, Special Needs Students/Programs Information Request.

A. Current copy of the charter school's informational brochure/pamphlet

B. Current blank copy of the initial pre-selection data sheet for potential students – the form or student information requested for the charter school's admission method (i.e., lottery, etc.)

C. Current blank copy of the student enrollment card once the student is selected for enrollment in the charter school

D. As part of Attachment 5, provide a brief description of the charter school's instructional arrangements/settings (mainstream*, resource room/services, self-contained, etc.) implemented for the provision of special education and related services**. This description is not limited to, but must include information on the location of services (in relation to the general education setting) and the staffing of personnel.

* If the charter school has students with disabilities receiving special education and related services in the instructional arrangement/setting of mainstream, then provide information on the provision of support services by qualified special education personnel.

** Currently, if the charter school has no students with disabilities receiving special education and related services, then provide information based on previous school years. If the charter school has never had students with disabilities receiving special education and related services, then provide information based on the possibility of the enrollment of a student with a disability that would receive special education and related services in the various special education instructional arrangements/settings.

E. As part of Attachment 5, provide a brief description of the charter school's system for placement decisions* with transfer students that previously received special education and related services from another district/charter school in any instructional arrangement/setting <u>EXCEPT</u> mainstream.

*If the initial placement prior to the 30-day transfer ARD is a mainstream instructional arrangement/setting, provide a detailed explanation for this decision.

For further <u>CLARIFICATION</u> on Section X. Information Requests, please contact Martha Murrell in the Division of Special Education (512-463-9362).

Attachment 1

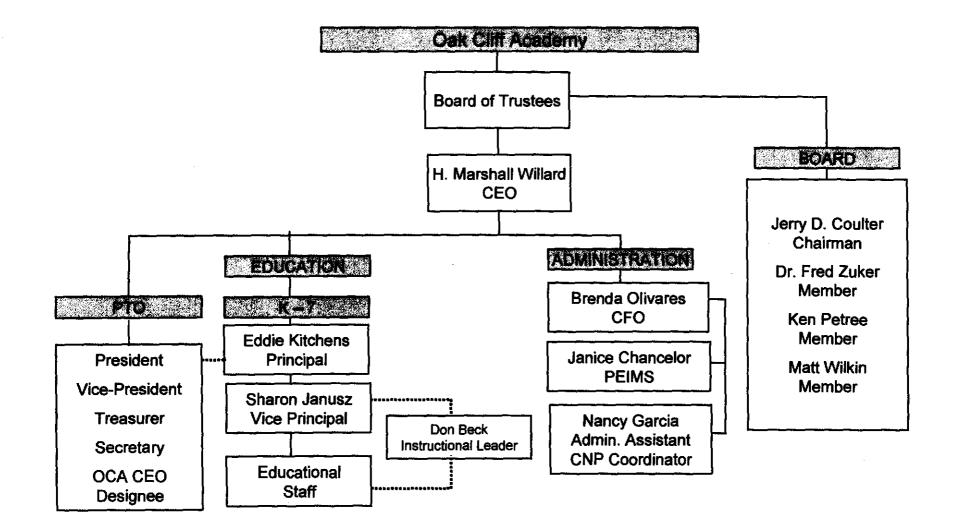
Organizational Chart

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Oak Cliff Academy, INC.

Organizational Chart



Attachment 2

Criminal History Records for Board Members

Criminal History Records/Background

PAGES 59 - 63 = 5 PAGES

5 PAGES HAVE BEEN WITHHELD UNDER SECTIONS 411.0845 AND 411.0901 OF THE GOVERNMENT CODE

Attachment 3

Board Member Biographical Affidavits

TEXAS EDUCATION AGENCY OPEN-ENROLLMENT CHARTER SCHOOL APPLICANT BIOGRAPHICAL AFFIDAVIT (Attachment 3) (MUST BE TYPED and NOTARIZED)

Check all that apply:

Member of the governing board of the charter holder

Member of the managing board for the charter school

School officer ______ H. Marshall Willard - CEO

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity) Oak Cliff Academy, Inc.

Full Name of Charter School

Oak Cliff Academy

In connection with the above-named organization and charter school renewal application, I herewith make representations and supply information about me as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any questions fully.)

IF ANSWER IS "NO" OR "NONE", SO STATE.

1.	Full Name (Initials Not Acceptable) Herbert Marshall Willard
2.	Have you ever had your name changed or used another name? <u>NO</u>
	If yes, give reason for the change: <u>NONE</u>
	b. Maiden Name (if female): <u>NONE</u>
	c. Other names used at any time: <u>NONE</u>
3.	Social Security Number:

4. Explain any compensation that you expect to receive from your association with the charter holder, the charter school, or a management company of the school:

POSITION	COMPENSATION	
CEO	\$64,500.00	
<u></u>		

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5. List all previous experience with charter schools. Include open-enrollment schools and/or campus or program charters:

DATES	EMPLOYER	ADDRESS	TITLE
'97 thru '99	The North Hills School	Irving, Tx.	Administrator/Director of Finance
'00	Arlington Classics Academy	Arlington, Tx.	Headmaster
'01	Eagle Advantage High School	Dallas, Tx.	Principal
'02-present	Tx. Language Charter, Inc.	Dallas, Tx.	CEO

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
NONE			·
		··	
<u></u>			

- 6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, and nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? <u>NO</u> If yes, give details: <u>NONE</u> <u>NONE</u>
- 7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? <u>NO</u> If yes, give details: <u>NONE</u>
- 8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? _____NO_____

If yes, give details: <u>NONE</u>

Dated and signed this $3 = 4$ day of $4 = 2$ I hereby certify under penalty of perjury that I am acting on my ow	$, 20 0 2$, at $\Delta cccc$.
correct to the best of my knowledge and belief.	(Signature of Affiant)
State of Texas	(
County of Dallas	

personally known to me, who, being duly sworn, deposes and says that he/she executed the above instrument and that the

Personally appeared before me the above named______H. Marshall Willard

statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

Subscribed and sworn to before me this and source to before me this and source to before me this and source to be the source of day of __June___, 2003 (Notary Public) My commission expires 7-03-06

TEXAS EDUCATION AGENCY OPEN-ENROLLMENT CHARTER SCHOOL APPLICANT BIOGRAPHICAL AFFIDAVIT (Attachment 3) (MUST BE TYPED and NOTARIZED)

Check all that apply:

X Member of the governing board of the charter holder Member of the managing board for the charter school

TEXAS EDUCATION AGENCY OPEN-ENROLLMENT CHARTER SCHOOL APPLICANT BIOGRAPHICAL AFFIDAVIT (Attachment 3) (MUST BE TYPED and NOTARIZED)

Check all that apply:

X Member of the governing board of the charter holder

Member of the managing board for the charter school

School officer

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity) Oak Cliff Academy, Inc.

Full Name of Charter School

Oak Cliff Academy

In connection with the above-named organization and charter school renewal application, I herewith make representations and supply information about me as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any questions fully.)

IF ANSWER IS "NO" OR "NONE", SO STATE.

1. Full Name (Initials Not Acceptable) Jerry Don Coulter

2. Have you ever had your name changed or used another name? NO

If yes, give reason for the change_____

b. Maiden Name (if female):

c. Other names used at any time:

- 3. Social Security Number:
- 4. Explain any compensation that you expect to receive from your association with the charter holder, the charter school, or a management company of the school:

POSITION	COMPENSATION
None	

2

5. List all previous experience with charter schools. Include open-enrollment schools and/or campus or program charters:

DATES	EMPLOYER	ADDRESS	TTTLE

None

List all previous experience with any charter school management company:

D	DATES	EMPLOYER	ADDRESS	TITLE
None				
-				
•		· · · · · · · · · · · · · · · · · · ·		

- 6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, and nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? no____ If yes, give details:
- 7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? no___ If yes, give details:
- 8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? _no____

If yes, give details:

Dated and signed this __26____ day of __June_____, 2003, at Saginaw, Texas I hereby certify under penalty of perjury that I am acting on my own behalf and that the foregoing statements are true and correct to the best of my knowledge and belief.

(Signature of Affiant)

State of Texas

County of Tarrant

Personally appeared before me the above named <u>*Levy D.*</u> (*Julk*) personally known to me, who, being duly sworn, deposes and says that he/she executed the above instrument and that the

statements and answers contained therein are true and correct to the best of his/her knowledge and belief.			
Subscribed and sworn to before me this day of day of, $2992_2993_$.			
LYNN PEMBERTON NOTARY PUBLIC STATE OF TEXAS My Comm. Exp. 07-21-2006 (Notary Public)			
(SEAL) My commission expires $1/2/6(1)$			
School officer			
Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity)The School of Liberal Arts and SciencesDallas, Texas			
Full Name of Charter School The School of Liberal Arts and SciencesDallas, Texas			
In connection with the above-named organization and charter school renewal application, I herewith make representations and supply information about me as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any questions fully.)			
IF ANSWER IS "NO" OR "NONE", SO STATE.			
1. Full Name (Initials Not Acceptable) Jerry Don Soulter			
2. Have you ever had your name changed or used another name?NO			
If yes, give reason for the change:			
b. Maiden Name (if female):			
c. Other names used at any time:			
3. Social Security Number:			
4. Explain any compensation that you expect to receive from your association with the charter holder, the charter school, or a management company of the school:			
POSITION COMPENSATION			
0070			
List all previous experience with charter schools. Include open-enrollment schools and/or campus or program			

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TEXAS EDUCATION AGENCY OPEN-ENROLLMENT CHARTER SCHOOL APPLICANT BIOGRAPHICAL AFFIDAVIT (Attachment 3) (MUST BE TYPED and NOTARIZED)

Check all that apply:

Member of the governing board of the charter holder

Member of the managing board for the charter school

TEXAS EDUCATION AGENCY OPEN-ENROLLMENT CHARTER SCHOOL APPLICANT BIOGRAPHICAL AFFIDAVIT (Attachment 3) (MUST BE TYPED and NOTARIZED)

Check all that apply:

Member of the governing board of the charter holder

Member of the managing board for the charter school

School officer

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity) Oak Cliff Academy, Inc.

Full Name of Charter School

Oak Cliff Academy

In connection with the above-named organization and charter school renewal application, I herewith make representations and supply information about me as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any questions fully.)

IF ANSWER IS "NO" OR "NONE", SO STATE.

1. Full Name (Initials Not Acceptable) Raymond Frederick Zuker_____

2. Have you ever had your name changed or used another name?_No_____

If yes, give reason for the change ______

- 3. Social Security Number:
- 4. Explain any compensation that you expect to receive from your association with the charter holder, the charter school, or a management company of the school: None

POSITION

COMPENSATION

001E

5. List all previous experience with charter schools. Include open-enrollment schools and/or campus or program charters: North Hills School

DATES	EMPLOYER	ADDR	ESS TITLE	
	3 North Hills School ious experience with a		rving, TX Consultant nagement company:	
DATES	EMPLOYER	ADDRESS	TITLE	
None				
<u>. </u>				

- 6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, and nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? No_ If yes, give details:
- 7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? No__If yes, give details: .______
- 8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? _No____

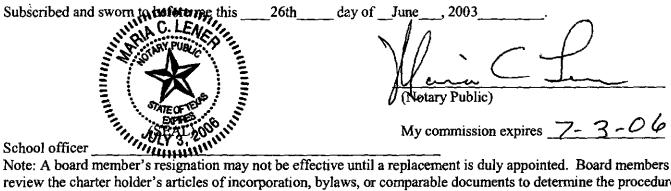
If yes, give details:

Dated and signed this 26th day of June ____,20_03 , at I hereby certify under penalty of perjury that I am acting on my own behalf and that the foregoing statements are true and correct to the best of my knowledge and belief. (Signature of Affiant) State of Texas County of

Personally appeared before me the above named Kaymond Collect personally known to me, who, being duly sworn, deposes and says that he/she executed the above instrument and that the

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stateinents and answers contained therein are true and correct to the best of his/her knowledge and belief.



School officer

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

TEXAS EDUCATION AGENCY OPEN-ENROLLMENT CHARTER SCHOOL APPLICANT BIOGRAPHICAL AFFIDAVIT (Attachment 3) (MUST BE TYPED and NOTARIZED)

Check all that apply:

Member of the governing board of the charter holder

____ Member of the managing board for the charter school

School officer

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity) Oak Cliff Academy, Inc.

Full Name of Charter School

Oak Cliff Academy

In connection with the above-named organization and charter school renewal application, I herewith make representations and supply information about me as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any questions fully.)

IF ANSWER IS "NO" OR "NONE", SO STATE.

- 1. Full Name (Initials Not Acceptable) Matthew Lee Wilkin _
- 2. Have you ever had your name changed or used another name? No

If yes, give reason for the change

b. Maiden Name (if female):

c. Other names used at any time:

- 3. Social Security Number:
- 4. Explain any compensation that you expect to receive from your association with the charter holder, the charter school, or a management company of the school:

POSITION	COMPENSATION	
Board Member	None	· · · · · · · · · · · · · · · · · · ·

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5. List all previous experience with charter schools. Include open-enrollment schools and/or campus or program charters:

DATES	EMPLOYER	ADDR	ESS TITI	.E	
May 2001 - Present	(None) Texas831 W. Tenth StLanguage CharterDallas, TX 7520School – Board member			rd Member	
List all previo	us experience with an	1y charter school ma	nagement comp	any:	
DATES None	EMPLOYER	ADDRESS	TITLE		

- 6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, and nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? _No__ If yes, give details:
- 7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? _No_ If yes, give details: ____
- 8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? No

If yes, give details:

correct to the best of my knowledge and belief.

(Signature of Affiant)

,******

State of

Texas allar County of

Personally appeared before me the above named Matt Wilkin personally known to me, who, being duly sworn, deposes and says that he/she executed the above instrument and that the

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statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

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Subscribed and sworn to before me this 26 day of Unr. 2003 . Avotary Public) My commission expires 7-03-06

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TEXAS EDUCATION AGENCY OPEN-ENROLLMENT CHARTER SCHOOL APPLICANT BIOGRAPHICAL AFFIDAVIT (Attachment 3) (MUST BE TYPED and NOTARIZED)

Check all that apply:

Member of the governing board of the charter holder Member of the managing board for the charter school

TEXAS EDUCATION AGENCY OPEN-ENROLLMENT CHARTER SCHOOL APPLICANT BIOGRAPHICAL AFFIDAVIT (Attachment 3) (MUST BE TYPED and NOTARIZED)

Check all that apply:

Member of the governing board of the charter holder

Member of the managing board for the charter school

School officer

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity) Oak Cliff Academy, Inc.

Full Name of Charter School

___Oak Cliff Academy____

In connection with the above-named organization and charter school renewal application, I herewith make representations and supply information about me as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any questions fully.)

IF ANSWER IS "NO" OR "NONE", SO STATE.

1.	Full Name (Initials Not Acceptable) Kenneth Ray Petree	
2.	Have you ever had your name changed or used another name?	Ken Petree

If yes, give reason for the change <u>N/A_____</u> b. Maiden Name (if female): ______

c. Other names used at any time:

- 3. Social Security Number:
- 4. Explain any compensation that you expect to receive from your association with the charter holder, the charter school, or a management company of the school:

POSITION	COMPENSATION	
Board Member	None	·

5. List all previous experience with charter schools. Include open-enrollment schools and/or campus or program charters:

DATES	EMPLOYER	ADDRI	SS	TITLE		
None List all previo	us experience with a	ny charter school man	agemer	it company:		
DATES None	EMPLOYER	ADDRESS	ŢŢ	TLE		
		·				

- 6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, and nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? NO__ If yes, give details:
- 7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? NO__ If yes, give details:
- 8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? _NO_____

If yes, give details: _____

Dated and signed this 26 day of June, 2003, at 4:56 PM.

I hereby certify under penalty of perjury that I am acting on my own behalf and that the foregoing statements are true and correct to the best of my knowledge and belief.

(Signature of Affiant)

State of Texas

County of Oaller

Personally appeared before me the above name Kerneth & fettule personally known to me, who, being duly sworn, deposes and says that he/she executed the above instrument and that the statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

Subscribed and sworn to before me this ______ day of June, 2003.

JULIA GOMEZ **Notary Public** State of Texas (Notary Public) Comm. Expires 02-28-2007 My commission expires (SEAL)

School officer

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Attachment 4

Documentation for Evaluation of Other Information Relevant to Performance

PSIA District 1AA contest results for Oak Cliff Academy Students.

The table at right indicates the PSIA contests where Oak Cliff Academy students placed in the top 6.

Note: The student who placed first in On-Site Drawing 8 was a seventh grader at OCA.

Contest	Place
Dictionary Skills 5	6
Maps, Graphs and Charts 8	3
Maps, Graphs and Charts 7	4
Mathematics 5	4
Mathematics 5	4
Mathematics 6	6
Number Sense 4	4
Number Sense 5	6
Number Sense 5	3
Number Sense 5	5
Number Sense 6	6
Number Sense 6	3
Number Sense 6	3
On- Site Drawing 7	5
On-Site Drawing 6	1
On-site Drawing 8	4
On-Site Drawing 8	1
On-Site Drawing 8	3
Ready Writing 3	5
Ready Writing 3	3
Ready Writing 5	4
Spelling 4	5
Spelling 6	1
Spelling 7	4
Spelling 8	3
Spelling 3	4
	[]

Oak Cliff Academy Future Business Leaders of America

Results for District and State level competitions

National level competition will be held June 25 through June 30, 2003

FBLA District XI Con	ak Cliff Academy ference TCU- Fort Worth 1/25/2003 Student Ratings
Rating	Event
1	Business English
1	Prepared Speaking
1	Spelling
2	Business Etiquette
2	Introduction to Business Math
3	Business Etiquette
3	Creed

Oak Cliff Academy FBLA Texas State Conference Corpus Christi - 3/2003 Student Ratings					
Rating	Event				
2nd	Business Etiquette				
2nd	FBLA Creed				
3rd	Business English				
3rd	Business Etiquette				
3rd	Prepared Speaking				
3rd	Spelling				
4th	Business English				
4th	Introduction to Business Math				
5th	FBLA Creed				

Attachment 5

Special Needs/Programs Information Request

0083

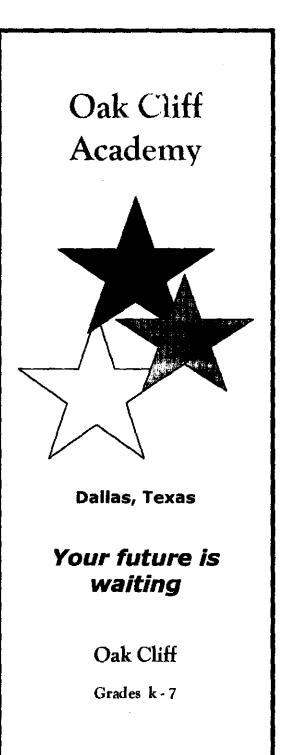
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Oak Cliff Academy accepts applications from students on a first-come first serve basis. If a waiting list occurs slots are filled randomly by a lottery.

Oak Cliff Academy values and strives for an ethnically, racially and economically diverse population. It does not discriminate in it's admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic ability, artistic ability or the home school from where the student comes.

Oak Cliff Academy P.O.Box 5129 Dallas, Texas 75208



School and Community

Oak Cliff Academy is a simple, yet sophisticated instructional environment conveniently located for students from many of the surrounding areas in the Oak Cliff and south Dallas. The campus, located at 801 North Ewing Street, boasts an inspiring view of the Dallas skyline.

Accreditation

Oak Cliff Academy is a fully accredited, open enrollment charter school of the state of Texas. Its charter was granted in August 1997 by the Texas Education Agency. Application for accreditation with The American Academy for Liberal Education is pending.

Campus Characteristics

Oak Cliff Academy:

- Serves grades Kinder-7
- Offers after-school care until 6:00pm
- Includes Spanish instruction in all grades
- Features a rigorous Liberal arts curriculum
- 0085

Oak Cliff Academy

Oak Cliff Academy, Inc. is the parent organization of Oak Cliff Academy.

Goals:

To provide

- a rigorous core curriculum
- an academically challenging environment
- an environment where strong parental involvement is encouraged and appreciated.
- enthusiastic and knowledgeable teachers
- Safe and secure surroundings
- Discipline, respect and uniform policy

To Develop:

- leadership values in our students
- An environment of honesty and respect
- Students who embrace the ideals of responsible citizenship locally and around the globe
- Individual responsibility and character formation

Academic Curriculum

The liberal arts curriculum of Oak Cliff Academy reflects the desire of its leadership to equip students for their personal calling, so that they may enter, with confidence, into a career after high school or to enroll in institutions of higher education.

Technology is an educational tool used throughout Oak Cliff Academy. Assessments and supplements are often computer-based and are correlated to the Texas Essential Knowledge and Skills (TEKS) requirements of the state. Computer research, keyboarding, word and information processing are integral to the entire spectrum of the curriculum, whether in the sciences, arts, or mathematics.

Courses are provided to allow students a wide range of choices in relation to their own interest, aptitudes, and abilities. Each course has been correlated with the state TEKS and developed with a specific scope and sequence that will communicate most effectively the subjects to be learned. Teachers are given the latitude to customize the curriculum in ways to assist student learning, as we recognize that each student learns in a slightly different way. Such an individualized curriculum allows students of higher abilities and aptitudes to progress a bit deeper into a subject, thus grasping the full range of its meaning.

Pho	Oak Cliff Academy 808 N. Ewing, Dallas, TX 75208 ne / Tel.: (214) 942-8846 / Fax: (214) 942-8864	White Copy: Student Folder Pink Copy: PEIMS Coordinator
	Enrollment Application Aplicación de Inscripción	
<u>Pc</u>	Please print clearly. Use blue or black ink only. or favor imprima claro. Use tinta negra o azul solamente.	
Date: Fecha		vel for 03-04 do para 03-04
<u>Student In</u>	nformation / Información del Estuc	<u>liante</u>
Social Security Number: Número de Seguro Social	or State ID: o Identificación de	I Estado
Name: Nombre First / Primero	Middle / Inicial	Last / Apellido
Address: Dirección Street / Calle		Apt. # / # de Apartamento
City / Ciudad	State / Estado	Zip Code / Código Postal
Home Phone #: Número Telefónico de Casa	Message Phone: Teléfono para men	sajes
Date of Birth: Fecha de Nacimiento		
Last School Attended: Última escuela que asistió		Last Grade Attended: Último grado que asistió
Current Campus (School) of Residence: Escuela que le corresponde en el vecindari	io que vive actualmente	
Parent / Guardian Name: Nombre de los Padres / Tutor		
Address: Dirección Street / Calle		Apt. # / # de Apartamento
City / Ciudad	State / Estado	Zip Code / Código Postal
	rs old or older <u>MUST</u> also sign application 17 años ó mayor <u>DEBERAN</u> de firmar también)	Date: Fecha
Parent / Guardian Signature: Nombre de los Padres / Tutor		Date: Fecha
School Use Only:		0086
Enrollment Date:	Withdrawal Date: Re-E	Intry Date:

:

Documents needed to complete application

To secure a spot as per the Schools first-come, first serve policy, the following documents must accompany the application for enrollment consideration in Oak Cliff Academy. If one or more of the following documents do not exist for your student, please call the school so we can counsel you on how to proceed. Otherwise, the application will remain inactive until all documents are in place.

- 1. Copy of completed application.
- 2. Copy of Birth Certificate.
- 3. Copy of Social Security Card.
- 4. Copy of most recent Report Card.

In order to complete your student's file, the school requests the following documents be submitted:

- 5. Copy of Immunization Record Must be up-to-date
- 6. Copy TAAS or standardized test results.
- 7. Two recommendations from former teachers or administrators
- 8. Any legal information that is relevant to the child's well being.
- 9. Student essay (if applicable)

Please be advised that the content of items 5-9 described above will not be reviewed until after the admissions process. This material will be discussed at our pre-attendance conference as we assist your family in making the right decision about our school.

Please return this form and all documents listed above to:

Oak Cliff Academy 808 N Ewing St Dallas, TX 75203 Ph: 214-942-8846 Fx: 214-942-8864

Documentos requeridos para completar la solicitud

Para asegurar su lugar en la escuela, con la póliza de "al primero en venir primero se le atendido primero", algunos documentos deberán acompañar la solicitud de inscripción para poder ser considerados por Oak Cliff Academy. Si no tiene algun(os) documento(s), por favor llame a la escuela para poder aconsejarle en cómo proceder. De otra manera, la solicitud permanecerá inactiva hasta que todos los documentos esten en order.

- 1. Copia de la solicitud.
- 2. Copia del acta de nacimiento.
- 3. Copia de la tarjeta del Seguro Social.
- 4. Copia de la calificación más reciente.

Para poder completar el archivo del estudiante, la escuela requiere que los siguientes documentos sean sometidos:

- 5. Copia del registro de vacunas—Debe estar al corriente.
- 6. Copia de los resultados del examen TAAS u otro que sea estándar.
- 7. Dos recomendaciones de algún maestro previo o administrador
- 8. Cualquier información legal que concierne al bienestar del niño(a)
- 9. La composición. (si aplica)

Por favor entienda que el contenido de los requisitos del 5-9, descritos arriba, serán revisados hasta después del proceso de admisión. Este material sera discutido en nuestra conferencia de preasistencia para ayudarle a hacer una decisión correcta sobre la escuela.

Por favor entregue personalmente esta forma y todos los documentos requeridos a:

Oak Cliff Academy 808 N Ewing St Dallas, TX. 75203 Tel.: (214) 942-8846 Fax: (214) 942-8864

0088 :

Essay

In the space provided, *hand write* an essay on one of the listed topics. This will enable us to know you better and help us in determining your writing aptitude. You may attach additional pages if necessary to complete your essay.

Length: 100-250 words for incoming 4th, 5th, and 6th graders; 250-500 words for 7th and above.

Topics:

- 1) Evaluate a significant experience or achievement that has a special meaning to you.
- 2) Discuss some issue of personal, local, national, or international concern and its importance to you.
- 3) Indicate a person who has had a significant influence on you, and describe that influence.

My signature below indicates that my essay is my own work.

Student's Signature

Date

Composición

En el espacio de abajo, escribe a mano una composición sobre uno de los temas descritos abajo. Esto nos ayudará a conocerte mejor y determinar cuál es tu capacidad de escritura. Puedes usar páginas extra si lo necesitas para completar tu composición.

Debe ser de: 100-250 palabras para los grados de 4, 5, 6 250-500 palabras para los grados de 7 en adelante.

Temas:

- Evalua un experiencia significante, o logro que tiene un significado importante para ti. 1)
- Discute un tema de asunto personal, local, nacional, o internacional, y la importancia 2) para ti sobre ese tema. 3)
- Describe a una persona que tiene alguna influencia significante hacia ti, y describe la

Mi firma indica que mi composición fue echa por mi mismo(a)

Please answer the following questions.

To whom should admissions correspondence be sent?

With whom is the applicant currently living with? O Mother O Father O	Grandparer	nts O Other
On the space below, please indicate the name(s) of the person(s) with whom living with.		
Does the applicant have school age siblings? If so, please provide their nam are currently attending in the space below.		
How did you learn of Oak Cliff Academy? Please describe below.		
What are your specific reasons for applying to Oak Cliff Academy?		
The following questions are for students in grades 7 and above.		
Briefly describe any academic honors you have earned beginning with Grade		
List your main extracurricular, community, and family activities and hobbies interest to you.	s in the orde	er of their
What three words best describe you? Explain.		
Signatures		
Student's Signature	_ Date	
Parent/Guardian Signature	_ Date	

Por favor conteste las siguientes preguntas.

¿A quién se deberá mandar la correspondence	cia de admisión?			
¿Con quién vive actualmente el estudiante?	O Madre	O Padre	O Abuelos	O Otro
En el espacio inferior, por favor, indique el(los) nombre(s) de	a(s) persona(s)	con las que el estud	liante vive actualmente.
¿Tiene el estudiante algún pariente que va a edad(es), y la escuela a la que actualmente a		iene, en el espacio	o inferior escriba e	l(los) nombre(s), la(s)
¿Cómo supo de la existencia de Oak Cliff A	cademy? Por favo	or describa.		
			·····	
¿Describa sus razones específicas para solici	tar inscripción pa	ura su hijo(a) en (Dak Cliff Academy	?
Las siguientes preguntas son p Describe brevemente cualquier honor acadér				
Haz una lista de actividades con mayor prior				omunidad, o familiar.
¿Escribe tres palabras que mejor te describen	i como persona?	Explica.		
<u>Firmas</u>				
Firma del estudiante:			Fecha:	
Firma del padre/madre/tutor:			Fecha:	0092

Please answer the following questions.

The original charter application of the Oak Cliff Academy Section 7 makes the following statement; "No student with documented criminal offenses, juvenile court adjudication or documented severe discipline problems will be enrolled".

Does the applicant have a history of documented criminal offenses? O No O Yes If yes, explain:

Does the applicant have a history of juvenile court adjudication? O No O Yes If yes, explain:

Does the applicant have a history of severe discipline problem as defined in Subchapter A, Chapter 37? **O** No **O** Yes If yes, explain:

Based on the above questions, Oak Cliff Academy may restrict a student from admissions. All admissions to the school are on a probationary basis. <u>Any student who is initially admitted on the basis of incomplete or false records shall be subject to having his/her admission revoked.</u>

ENROLLMENT IS ON FIRST-COME, FIRST SERVE BASIS. OAK CLIFF ACADEMY PROHIBITS DISCRIMINATION IN ITS ADMISSION POLICY ON THE BASIS OF SEX, NATIONAL ORIGIN, ETHNICITY, RELIGION, DISABILITY, ACADEMIC, OR ATHLETIC ABILITY. NONDISCLOSURE OR FALSIFICATION OF INFORMATION ON THIS DOCUMENT WILL TERMINATE THE APPLICATION PROCESS.

Your application is good only for the year you apply. A new application must be completed for each school year.

Por favor conteste las siguientes preguntas.

La aplicacion original charter de Trinity Basin Preparatory seccion 7 hace la siguiente declaracion.

"Ningun estudiante con ofensas criminales documentadas, convicto en una corte juvenil o documentacion con problemas de disciplina severa sera matriculado."

¿Tiene el aplicante historia criminal documentada? O No O Si	Si es así, explique:
--	----------------------

¿Ha sido en alguna ocasion el aplicante convicto en una corte juvenil por ofensa criminal?

O No O Si Si es así, explique:	
--	--

Tiene el aplicante historia con problemas de disciplina severa como es definida en el Subcapitulo A, Capitulo 37?

O No O Si Si es así, explique:_____

Basados en las preguntas anteriores, Oak Cliff Academy puede negar la admisión del estudiante. Todas las admisiones son en bases de prueba. Cualquier estudiante que es admitido inicialmente en base a información falsa o incompleta, será sujeto a la revocación de su admisión.

LAS ADMISIONES SON EN BASE AL ORDEN EN QUE SE RECIBEN LOS PAQUETES DE INSCRIPCION. LA POLITICA DE INSCRIPCIONES DE *OAK CLIFF ACADEMY* PROHIBE LA DISCRIMINACION EN BASE A GENERO (SEXO), ORIGEN NACIONAL, GRUPO ETNICO, RELIGION, LIMITACION O HABILIDAD FISICA, ACADEMICA O ATLETICA. NO PROVEER O FALSIFICAR LA INFORMACION REQUERIDA EN ESTE DOCUMENTO CANCELARA EL PROCESO DE ADMISION.

Su solicitud es valida solamente en el año escolar para el que está solicitando la admisión. Se deberá llenar una nueva solicitud al inicio para cada año escolar.

Photograph and Video Release Permission Form

I give my permission for Oak Cliff Academy or any school approved media to photograph/video my child. The photographs or video will be used for news, organizations and promotional footage used in support of the school. Copies of any videos or photographs taken will be available upon request.

Student's Name:			 	

Parent/Guardian's Signature

Date

Forma de Permiso para la Mostración de Fotografía y Video

Doy mi permiso a Oak Cliff Academy o cualquiera cadena aprovada por la escuela de fotografiar o tomar en video a mi hijo(a). Las fotos o videos seran usados para noticias, organizaciónes, y promociones utilizadas para promover a la escuela. Copias de cualquiera de estos videos o fotografias seran disponibles a su disposición.

Nombre del estudiante:_____

Firma del padre/madre/tutor

Fecha

Oak Cliff Academy Emergency Contact Information 2003 - 2004

student's Name	Last		First	Middle
Frade:]	Birthdate:/	/Age:	Sex:	Phone #: ()
Iome Address			Ant#	Building #
City		State	• • • • • • • •	Building #
arent's marital	status:	Whe	o is the student livi	ng with?
Who has legal c	ustody?			
		ustody orders?		
/lother/Guardia	n's Name			
Do you work da	y or nights?			
Home Number		Work Number	()	
Cellular Numbe	r (Pager Number	<u> </u>	
ather/Guardian	's Name			
Do you work da	y or nights?			······································
Home Number		Work Number	() -	
Cellular Numbe		Pager Number		
f the parent/gua		annot be reached, Oak	- Cliff Academy ha	s my permission to contact the
				C C
lame	Relationship	Home Phone	Work Phone	Cellular Phone
<u></u>		·····		
				· · · · · · · · · · · · · · · · · · ·
give permission	n for my child to ride th	he bus home: Yes	No	
	n for my child to walk	home: Yes	No	
arent/Guardian	Signature		•	Date
			0096	White Copy: Student I Pink Copy: Student I

Oak Cliff Academy Emergency Contact Information 2003 - 2004

Nombre del Estudia	nte:							
Apellido			Primero			Segundo		
Grado: Fecha	de Nacimiento:	//	_Edad:	Sexo:	# Telefónic	xo: ()		
Dirección:				# de Apt.:		# de Edificio:		
Ciudad:	······		_Estado: _		Código	# de Edificio: Postal:		
Nombre de la Madre	/ Tutor:							
¿Usted trabaja en el	día o la noche?	<u> </u>	,					
Número Telefónico	de Casa ()	-	Núme	ro Telefónico	del Trabajo	(
Número de Celular	\Box		Núme	ro para Mensa	jes	<u> </u>		
Nombre del Padre / 1	Tutor:							
Usted trabaja en el	día o la noche?		<u> </u>					
Número Telefónico	de Casa (Núme	ro Telefónico	del Trabaio	() -		
Número de Celular			Núme	ro para Mensa	jes	<u></u>		
¿Tiene el estudiante	alguna condición méc	lica que la	escuela de	be saber?				
¿Esta el estudiante to	omando algun medica	mento? Si	No	Nombre d	e la medicir	a:		
-	ea una lista con otros nas seran llamadas un			-	-	ecoger a su(s) hijo(s) de la ocalizado(a):		
Nombre	Parentesco	# Telefónico	o de casa	# Telefónico d	lel Trabajo	# Telefónico de Celular		
	<u> </u>							
· -	hijo(a) tome el camió hijo(a) camine a casa:		Si Si	No No				
Firma del Padre/Mad	re/Tutor			<u></u>	Fec	ha		
				00		hite Copy: Student Folder Pink Copy: Student Folder		

D. INSTRUCTIONAL SETTINGS

Instructional arrangements/settings at Oak Cliff Academy currently include, but are not limited to, full inclusion, partially mainstreamed, and resource room/ content mastery assistance. All speech services and OT/PT and other related services are provided on a contractual basis with a local service provider and certified personnel in the area of service. All evaluations are contracted through Dr. Sander Martin at University of North Texas with the Ph. D/LSSP preparation program students. All special education services included in a student's IEP are provided by certified special education personnel.

E. TRANSFER ARDs

Oak Cliff Academy assures that it will comply with the requirements of 19 TAC 89.1050(f) with regards to the requirements for the provision of services for a student who is new to the charter school.

- 1. When a student transfers within the state, the ARD committee may, but is not required to, meet when the student enrolls and a copy of the student's IEP is available, the parent (s) indicate in writing that they are satisfied with the current IEP, and Oak Cliff Academy Charter School determines that the current IEP is appropriate and can be implemented as written; or
- 2. If the conditions of the paragraph above can not be met by Oak Cliff Academy Charter School, then the ARD committee must meet when the student enrolls and the parents verify that the student was receiving special education services in their previous school, or the previous school verifies in writing or by telephone that the student was receiving special education services. At this meeting, the ARD committee must do one on the following:
 - a. the ARD committee may determine that is has appropriate evaluation data and other information to develop and begin implementation of a complete IEP for the student; or
 - b. The ARD committee may determine that valid evaluation data and other information from the previous school are not sufficient or unavailable to develop a complete IEP. IN this event, the ARD committee may authorize the provision of temporary special education services pending receipt of valid evaluation data from the previous school or the collection of new evaluation data by Oak Cliff Academy Charter School staff. In this situation, a second ARD committee meeting must be held within 30 days school days from the date of the first ARD committee meeting to finalize or develop an IEP based on the current information.

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Attachment 6

Electronic Application Certification

Part 4. Electronic Copy Certification and Written Resolution (Attachment 6)

Section XIII. Electronic Copy of Application

Please submit an electronic copy of the renewal application in addition to the five hard copies requested. The electronic copy should be on a 3.5 inch diskette and should be mailed along with the hard copies. The electronic copy must be identical to the hard copies. The signatures below are required to certify that the electronic and hard copies are identical.

By signing below, I hereby certify that the enclosed electronic and hard copies are identical.

Jerry "Don" Coulter
Printed Name of Chairperson of Charter Holder Board
H. Marshall Willard
Printed Name of Chief Executive Officer of the Charter School Signature
Date
Section XIV. Written Resolution
Applications must be accompanied by a written resolution adopted by the governing body of the charter holder and signed
by the members voting in favor. The resolution must authorize the commissioner to renew the open-enrollment charter as
set forth in the renewal application, as finally negotiated between the charter holder and the commissioner, including any
conditions. (Attachment 7, Written Resolution)

Note: Components for evaluating business and financial management generally consist of a review by the Financial Audits Division of annual financial audits and other relevant documents.

Attachment 7

Written Resolution Adopted by Governing Body of Charter Holder

•

Resolution

As, the term of the Charter for Oak Cliff Academy, Inc. will expire and due for renewal, and ...

As, Oak Cliff Academy, Inc. wishes to continue operation of its campus, Oak Cliff Academy, and ...

As, its Board of Directors deems it necessary to continue to serve this diverse at risk population and provide a quality education for these families, so ...

Be it resolved, that Oak Cliff Academy by vote of its Board of Directors, approves and will make application and thus favors renewal of its Charter for the benefit of the students who now attend and will attend in the future.

This resolution was voted upon and passed at the Board of Directors Meeting Wednesday, the 28th day of May 2003 at 12 noon. The following Board members represented a quorum:

Verry Don Coulter

Chairman

Kenneth Petree

Member

Trent

Dr. Fred Zuker Menzber

Matt Wilkin Member

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808 N. Ewing Street, Dallas, Texas 75203 t 214.942.8846 f 214.941.3621

CHARTER HOLDER SPECIAL EDUCATION ASSURA		S	G NOV		2004	
Type or print the name of the charter holder and the charter school in the Gener below.	l As:			ateme i er Scl		
 The <u>Chairperson of the Board of the Charter Holder</u> must initial each of the sec below AND check I each of the selected cites in the boxes below to indicate the assurance of compliance with each of the specific cites. 						
• The Chairperson of the Board of the Charter Holder must sign the document in the final page of the assurances.	the s _l	ace	provia	led on		
Mail the original signed document to the Charter Schools Division, Texas Edu	catio	n Ag	iency,	1701	N.	
Congress, Austin, TX 78701.						

General Assurance Statement

DAd CLIFF ACADEN, NC

, charter holder for TRINITY BASIN HE Spente

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School, assures that it has policies and procedures in place that ensure implementation of <u>all</u> federal regulations, Texas laws, State Board of Education (SBOE) rules, and commissioner rules related to students with disabilities, including those initialed and checked below, and further assures that any future amendments to the regulations, laws, and rules will be incorporated and implemented.

. Child, Fi Initial:

34 CFR §300.125. Child Find.

- (a) General requirement.
 - (1) The [charter holder] shall have in effect policies and procedures to ensure that-
 - (i) All children with disabilities, [enrolled in the charter school or who contact the charter school regarding enrollment], regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and
 - (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.
 - (2) The requirements of paragraph (a)(1) of this section apply to-
 - (i) Highly mobile children with disabilities (such as migrant and homeless children); and
 - (ii) Children who are suspected of being a child with a disability under [CFR 34] §300.7 and in need of special education, even though they are advancing from grade to grade.
- [(c) The charter holder will notify the local ECI program of all children suspected of having a disability, from birth through the age of two, within 2 working days. The charter holder will maintain documentation of the referral and that the individual evaluation occurred within 45 calendar days.]

(e) Confidentiality of child find data. The collection and use of data to meet the requirements of this section are subject to the confidentiality requirements of §§300.560-300.577.



TEC §26.004. Access to Student Records.

[The charter holder recognizes] that a parent is entitled to access to all written records of a school district [or charter holder] concerning the parent's child, including:

- (1) attendance records;
- (2) test scores;
- (3) grades;

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- (4) disciplinary records;
- (5) counseling records;
- (6) psychological records;
- (7) applications for admission;
- (8) health and immunization information;
- (9) teacher and counselor evaluations; and

(10) reports of behavioral patterns.

19 TAC §89.1050(f)(3) [Transfer of Records].

(f) (3) In accordance with TEC §25.002, the school district [or charter school] in which the student was previously enrolled will furnish the new school district [or charter school] with a copy of the student's records, including the child's special education records, not later than the 30th calendar day after the student was enrolled in the new school []. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., §1232g, does not require the student's current and previous school districts [or charter schools] to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34 CFR, §99.31(a)(2) and §99.34.

34 CFR §300.127. Confidentiality of personalty identifiable information.

(a) The [charter holder] must have on file in detail the policies and procedures [] to ensure protection of the confidentiality of any personally identifiable information, collected, used, or maintained under Part B of the [IDEA].

34 CFR §300.560. Definitions.

As used in §§300.560-300.577-

- (a) Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- (b) Education records means the type of records covered under the definition of "education records" in 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974).

(c) Participating agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the {IDEA}.

34 CFR §300.561. Notice to parents.

- (a) The [charter holder] shall give notice that is adequate to fully inform parents about the requirements of §300.127, including-
 - (1) A description of the extent that the notice is given in the native languages of the various population groups in the State;

- (2) A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the [charter holder] intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
- (3) A summary of the policies and procedures that the [charter holder] must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
- (4) A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and implementing regulations in 34 CFR part 99.

(b) Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents of the activity.

34 CFR §300.562. Access rights.

- (a) [The charter holder] shall permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the [charter holder] under this part. The [charter holder] shall comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to §§300.507 and 300.521-300.528, and in no case more than 45 days after the request has been made.
- (b) The right to inspect and review education records under this section includes-
 - The right to a response from the [charter holder] to reasonable requests for explanations and interpretations of the records;
 - (2) The right to request that the [charter holder] provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
 - (3) The right to have a representative of the parent inspect and review the records.
- (c) [The charter holder] may presume that the parent has authority to inspect and review records relating to his or her child unless the [charter holder] has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

34 CFR §300.563. Record of access.

[The charter holder] shall keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the [IDEA] (except access by parents and authorized employees of the [charter holder]), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

34 CFR §300.564. Records on more than one child.

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

34 CFR §300.565. List of types and locations of information.

[The charter holder] shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the [charter holder].

34 CFR §300.566. Fees.

- (a) [The charter holder] may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.
- (6) [The charter holder] may not charge a fee to search for or to retrieve information under this part.

34 CFR §300.567. Amendment of records at parent's request.

- (a) A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the [charter holder] that maintains the information to amend the information.
- (b) The [charter holder] shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
- (c) If the [charter holder] decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing under §300.568.

34 CFR §300.568. Opportunity for a hearing.

The [charter holder] shall, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

A 34 CFR §300.569. Result of hearing.

- (a) If, as a result of the hearing, the [charter holder] decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.
- (b) If, as a result of the hearing, the [charter holder] decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the [charter holder].
- (c) Any explanation placed in the records of the child under this section must-
 - (1) Be maintained by the [charter holder] as part of the records of the child as long as the record or contested portion is maintained by the [charter holder]; and
 - (2) If the records of the child or the contested portion is disclosed by the [charter holder] to any party, the explanation must also be disclosed to the party.

ଯ 34 CFR §300.570. Hearing procedures.

A hearing held under §300.568 must be conducted according to the procedures under 34 CFR 99.22

34 CFR §300.571. Consent.

- (a) Except as to disclosures addressed in §300.529(b) for which parental consent is not required by Part 99, parental consent must be obtained before personally identifiable information is—
 - (1) Disclosed to anyone other than officials of participating agencies collecting or using the information under this part, subject to paragraph (b) of this section; or
 - (2) Used for any purpose other than meeting a requirement of this part.
- (b) An educational agency or institution subject to 34 CFR Part 99 may not release information from education records to participating agencies without parental consent unless authorized to do so under part 99.

34 CFR §300.572. Safeguards.

- (a) [The charter holder] shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- (b) One official at [the charter school] shall assume responsibility for ensuring the confidentiality of any personally identifiable information.
- (c) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under §300.127 and 34 CFR part 99.
- (d) [The charter holder] shall maintain, for public inspection, a current listing of the names and positions of those employees within the [charter school] who may have access to personally identifiable information.

34 CFR §300.573. Destruction of information.

- (a) The [charter holder] shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child.
- (b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

🖵 34 CFR §300.574. Children's rights.

- (a) The [charter holder] shall provide policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability.
- (b) Under the regulations for the Family Educational Rights and Privacy Act of 1974 (34 CFR 99.5(a)), the rights of parents regarding education records are transferred to the student at age 18.

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(c) If the rights accorded to parents under Part B of the [IDEA] are transferred to a student who reaches the age of majority, consistent with §300.517, the rights regarding educational records in §§300.562-300.573 must also be transferred to the student. However, the [charter holder] must provide any notice required under section 615 of the [IDEA] to the student and the parents.

4 CFR Part 99 34

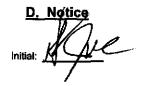
[The charter holder assures that it will abide by the Family Education Rights and Privacy Act (FERPA).]



34 CFR §300.504. Procedural safeguards notice.

- (a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, at a minimum—
 - (1) Upon initial referral for evaluation;
 - (2) Upon each notification of an IEP meeting;
 - (3) Upon reevaluation of the child; and
 - (4) Upon receipt of a request for due process under §300.507.
- (b) Contents. The procedural safeguards notice will include a full explanation of all of the procedural safeguards available under §§300.403, 300.500-300.529, and 300.560-300.577, and the State complaint procedures available under §§300.660-300.662 relating to—
 - (1) Independent educational evaluation;
 - (2) Prior written notice;
 - (3) Parental consent;
 - Access to educational records;
 - (5) Opportunity to present complaints to initiate due process hearings;
 - (6) The child's placement during pendency of due process proceedings;
 - Procedures for students who are subject to placement in an interim alternative educational setting;
 - Requirements for unilateral placement by parents of children in private schools at public expense;
 - (9) Mediation;
 - (10) Due process hearings, including requirements for disclosure of evaluation results and recommendations;
 - (11) State-level appeals (if applicable in that State);
 - (12) Civil actions;
 - (13) Attorneys' fees; and
 - (14) The State complaint procedures under §§300.660-300.662, including a description of how to file a complaint and the timelines under those procedures.
- (c). Notice in understandable language. The notice required under paragraph (a) of this section must meet the requirements of §300.503(c).

[The charter holder will use the most current edition of the Notice of Procedural Safeguards, issued by the Texas Education Agency, to meet the requirement under 34 CFR §300.504(b) and (c).]



19 TAC §89.1015. Time Line for All Notices.

"Reasonable time" required for the written notice to parents under 34 Code of Federal Regulations (CFR), §300.503, is defined as at least five school days, unless the parents agree otherwise.

4 34 CFR §300.503. Prior notice by the [charter holder]; content of notice.

- (a) Notice.
 - (1) Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the [charter holder] —
 - Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
 - (ii) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
 - (2) If the notice described under paragraph (a)(1) of this section relates to an action proposed by the [charter holder] that also requires parental consent under §300.505, the [charter holder] may give notice at the same time it requests parent consent.
- (b) Content of notice. The notice required under paragraph (a) of this section must include-
 - (1) A description of the action proposed or refused by the [charter holder];
 - (2) An explanation of why the [charter holder] proposes or refuses to take the action;
 - (3) A description of any other options that the [charter holder] considered and the reasons why those options were rejected;
 - (4) A description of each evaluation procedure, test, record, or report the [charter holder] used as a basis for the proposed or refused action;
 - (5) A description of any other factors that are relevant to the [charter holder's] proposal or refusal;
 - (6) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
 - (7) Sources for parents to contact to obtain assistance in understanding the provisions of this part.
- (c) Notice in understandable language.
 - (1) The notice required under paragraph (a) of this section must be-
 - (i) Written in language understandable to the general public; and
 - (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
 - (2) If the native language or other mode of communication of the parent is not a written language, the [charter holder] shall take steps to ensure—
 - (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - (ii) That the parent understands the content of the notice; and
 - (iii) That there is written evidence that the requirements in paragraphs (c)(2) (i) and (ii) of this section have been met.

34 CFR §300.345. Parent participation.

- (a) [Charter holder] responsibility—general. The [charter holder] shall take steps to ensure that one of both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

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- (2) Scheduling the meeting at a mutually agreed on time and place.
- (b) Information provided to parents.
 - (1) The notice required under paragraph (a)(1) of this section must-
 - (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - (ii) Inform the parents of the provisions in §300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).
 - (2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also-
 - (i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and
 - (ii) Indicate that the [charter holder] will invite the student.
 - (3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must-
 - (i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in §300.347(b)(2);
 - (ii) Indicate that the [charter holder] will invite the student; and
 - (iii) Identify any other agency that will be invited to send a representative.

TEC §26.0081. Right to Information Concerning Special Education.

- (a) The agency [(TEA)] shall produce and provide to school districts [and charter holders] sufficient copies of a comprehensive, easily understood document [*The Guide to the ARD Process*] that explains the process by which an individualized education program is developed for a student in a special education program and the rights and responsibilities of a parent concerning the process. The document must include information a parent needs to effectively participate in an admission, review, and dismissal committee meeting for the parent's child.
- (b) [The charter holder will provide] the document required under this section to the parent as provided by 20 U.S.C. §1415(b):
 - as soon as practicable after a child is referred to determine the child's eligibility for admission into the [charter school's] special education program, but at least five school days before the date of the initial meeting of the admission, review, and dismissal committee; and
 - (2) at any other time on reasonable request of the child's parent.
- (c) The agency [(TEA)] shall produce and provide to school districts [and charter holders] a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under §29.004. Each school year, [beginning with the 2004-2005 school year, the charter holder] shall provide the written explanation to a parent of each [charter school] student by including the explanation in the student handbook or by another means.

19 TAC §89.1045. Notice to Parents for Admission, Review, and Dismissal (ARD) Committee Meetings.

(a) [The charter holder] shall invite the parents and adult student to participate as members of the admission, review, and dismissal (ARD) committee by providing written notice in accordance with 34 Code of Federal Regulations (CFR), §§300.345, 300.503, and 300.505, and Part 300, Appendix A.

34 CFR §300.500. General responsibility of public agencies; definitions.

- (a) [] [Each charter holder] establishes, maintains, and implements procedural safeguards that meet the requirements of §§300.500-300.529.
- (b) Definitions of "consent," [] As used in this part --
 - (1) Consent means that --

- (i) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
- (ii) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- (iii) (A) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.
 - (B) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

34 CFR §300.505. Parental consent.

- (a) General.
 - (1) Subject to paragraphs (a)(3), (b) and (c) of this section, informed parent consent must be obtained before-
 - (i) Conducting an initial evaluation or reevaluation; and
 - (ii) Initial provision of special education and related services to a child with a disability.
 - (2) Consent for initial evaluation may not be construed as consent for initial placement described in paragraph (a)(1)(ii) of this section.
 - (3) Parental consent is not required before-
 - (i) Reviewing existing data as part of an evaluation or a reevaluation; or
 - (ii) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.
- (b) Refusal. If the parents of a child with a disability refuse consent for initial evaluation or a reevaluation, the [charter holder] may continue to pursue those evaluations by using the due process procedures under §§300.507-300.509, or the mediation procedures under §300.506 if appropriate, except to the extent inconsistent with State law relating to parental consent.
- (c) Failure to respond to request for reevaluation.
 - (1) Informed parental consent need not be obtained for reevaluation if the [charter holder] can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond.
 - (2) To meet the reasonable measures requirement in paragraph (c)(1) of this section, the [charter holder] must use procedures consistent with those in §300.345(d).
- (d) Additional State consent requirements. In addition to the parental consent requirements described in paragraph (a) of this section, a State may require parental consent for other services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that a parent's refusal to consent does not result in a failure to provide the child with FAPE.
- (e) Limitation. [The charter holder] may not use a parent's refusal to consent to one service or activity under paragraphs
 (a) and (d) of this section to deny the parent or child any other service, benefit, or activity of the [charter holder], except as required by this part.

TEC §29.0041. Information and Consent for Certain Psychological Examinations or Tests.

- (a) On request of a child's parent, before obtaining the parent's consent under 20 U.S.C. §1414 for the administration of any psychological examination or test to the child that is included as part of the evaluation of the child's need for special education, [the charter holder] shall provide to the child's parent:
 - the name and type of the examination or test; and
 - (2) an explanation of how the examination or test will be used to develop an appropriate individualized education program for the child.
- (b) If the [charter holder] determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent under Subsection (a), the [charter holder] shall provide the information described by Subsections (a)(1) and (2) to the child's parent regarding the additional examination or test and shall obtain additional consent for the examination or test.
- (c) The time required for the [charter holder] to provide information and seek consent under Subsection (b) may not be counted toward the 60 calendar days for completion of an evaluation under Section 29.004. If a parent does not give consent under Subsection (b) within 20 calendar days after the date the [charter holder] provided to the parent the information required by that subsection, the parent's consent is considered denied.

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🖾 19 TAC §89.1011. Referral for Full and Individual Initial Evaluation.

Referral of students for a full and individual initial evaluation for possible special education services shall be a part of the [charter holder's] overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial, remedial, compensatory, and other services. If the student continues to experience difficulty in the general classroom after the provision of interventions, [charter holder] personnel must refer the student for a full and individual initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.

TEC §29.004. Full Individual and Initial Evaluation.

- (a) A written report of a full individual and initial evaluation of a student for purposes of special education services shall be completed not later than the 60th calendar day following the date on which the [charter holder], in accordance with 20 U.S.C. §1414(a), as amended, receives written consent for the evaluation, signed by the student's parent or legal guardian.

TEC §29.0041. Information and Consent for Certain Psychological Examinations or Tests.

- (a) On request of a child's parent, before obtaining the parent's consent under 20 U.S.C. §1414 for the administration of any psychological examination or test to the child that is included as part of the evaluation of the child's need for special education, [the charter holder] shall provide to the child's parent:
 - (1) the name and type of the examination or test; and
 - (2) an explanation of how the examination or test will be used to develop an appropriate individualized education program for the child.
- (b) If the [charter holder] determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent under Subsection (a), the [charter holder] shall provide the information described by Subsections (a)(1) and (2) to the child's parent regarding the additional examination or test and shall obtain additional consent for the examination or test.
- (c) The time required for the [charter holder] to provide information and seek consent under Subsection (b) may not be counted toward the 60 calendar days for completion of an evaluation under §29.004. If a parent does not give consent under Subsection (b) within 20 calendar days after the date the [charter holder] provided to the parent the information required by that subsection, the parent's consent is considered denied.

34 CFR §300.531. Initial evaluation.

[The charter holder] shall conduct a full and individual initial evaluation, in accordance with §§300.532 and 300.533, before the initial provision of special education and related services to a child with a disability under Part B of the [IDEA].

34 CFR §300.532. Evaluation procedures.

[The charter holder] shall ensure, at a minimum, that the following requirements are met:

- (a) (1) Tests and other evaluation materials used to assess a child under Part B of the [IDEA]-
 - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis; and
 - (ii) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and
 - (2) Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
- (b) A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be

involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining-

- (1) Whether the child is a child with a disability under §300.7; and
- (2) The content of the child's IEP.
- (c) (1) Any standardized tests that are given to a child---
 - (i) Have been validated for the specific purpose for which they are used; and
 - (ii) Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
 - (2) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.
- (d) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- (e) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- (f) No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
- (g) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- (h) In evaluating each child with a disability under §§300.531-300.536, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
- (i) The [charter holder] uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(j) The [charter holder] uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

34 CFR §300.533. Determination of needed evaluation data.

- (a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of the [IDEA], a group that includes the individuals described in §300.344, and other qualified professionals, as appropriate, shall—
 - (1) Review existing evaluation data on the child, including-
 - Evaluations and information provided by the parents of the child;
 - (ii) Current classroom-based assessments and observations; and
 - (iii) Observations by teachers and related services providers; and
 - (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine---
 - Whether the child has a particular category of disability, as described in §300.7, or, in case of a reevaluation of a child, whether the child continues to have such a disability;
 - (ii) The present levels of performance and educational needs of the child;
 - (iii) Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 - (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.
- (b) Conduct of review. The group described in paragraph (a) of this section may conduct its review without a meeting.
- (c) Need for additional data. The [charter holder] shall administer tests and other evaluation materials as may be needed to produce the data identified under paragraph (a) of this section.
- (d) Requirements if additional data are not needed.

- (1) If the determination under paragraph (a) of this section is that no additional data are needed to determine whether the child continues to be a child with a disability, the [charter holder] shall notify the child's parents—
 - (i) Of that determination and the reasons for it; and
 - (ii) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability.
- (2) The [charter holder] is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

🗂 19 TAC §89,1040. Eligibility Criteria.

- (a) Special education services. To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 Code of Federal Regulations (CFR), §300.7(a), subject to the provisions of 34 CFR, §300.7(c), the Texas Education Code (TEC), §29.003, and this section. The provisions in this section specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law.
- (b) Eligibility determination. The determination of whether a student is eligible for special education and related services is made by the student's admission, review, and dismissal (ARD) committee. Any evaluation or re-evaluation of a student shall be conducted in accordance with 34 CFR, §§300.530-300.536. The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to, the following:
 - (1) a licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriately certified or licensed practitioner with experience and training in the area of the disability; or
 - (2) a licensed or certified professional for a specific eligibility category defined in subsection (c) of this section.

A CFR §300.534. Determination of eligibility.

- (a) Upon completing the administration of tests and other evaluation materials-
 - (1) A group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in §300.7; and
 - (2) The [charter holder] must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.
- (b) A child may not be determined to be eligible under this part if-
 - (1) The determinant factor for that eligibility determination is-
 - (i) Lack of instruction in reading or math; or
 - (ii) Limited English proficiency; and
 - (2) The child does not otherwise meet the eligibility criteria under §300.7(a).
- (c) (1) [The charter holder] must evaluate a child with a disability in accordance with §§300.532 and 300.533 before determining that the child is no longer a child with a disability.
 - (2) The evaluation described in paragraph (c)(1) of this section is not required before the termination of a student's eligibility under Part B of the [IDEA] due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under State law.

34 CFR §300.535. Procedures for determining eligibility and placement.

- (a) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.7, and the educational needs of the child, [the charter holder] shall—
 - (1) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
 - (2) Ensure that information obtained from all of these sources is documented and carefully considered.
- If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§300.340-300.350.

34 CFR §300.536. Reevaluation.

[The charter holder] shall ensure-

(a) That the IEP of each child with a disability is reviewed in accordance with §§300.340-300.350; and

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(b) That a reevaluation of each child, in accordance with §§300.532-300.535, is conducted if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years.

34 CFR §300.540. Additional team members.

The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in §300.7, must be made by the child's parents and a team of qualified professionals which must include—

- (a) (1) The child's regular teacher; or
 - (2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
 - (3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and

(b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

34 CFR §300.541. Criteria for determining the existence of a specific learning disability.

- (a) A team may determine that a child has a specific learning disability if-
 - (1) The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in paragraph (a)(2) of this section, if provided with learning experiences appropriate for the child's age and ability levels; and
 - (2) The team finds that a child has a severe discrepancy between achievement and Intellectual ability in one or more of the following areas:
 - (i) Oral expression.
 - (ii) Listening comprehension.
 - (iii) Written expression.
 - (iv) Basic reading skill.
 - (v) Reading comprehension.
 - (vi) Mathematics calculation.
 - (vii) Mathematics reasoning.
- (b) The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of—
 - A visual, hearing, or motor impairment;
 - (2) Mental retardation;
 - (3) Emotional disturbance; or
 - (4) Environmental, cultural or economic disadvantage.

34 CFR §300.542. Observation.

- (a) At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.
- (b) In the case of a child of less than school age or out of school, a team member shall observe the child in an environment / appropriate for a child of that age.

🖾 34 CFR §300.543. Written report.

- (a) For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility, as required by §300.534(a)(2), must include a statement of----
 - (1) Whether the child has a specific learning disability;
 - (2) The basis for making the determination;
 - (3) The relevant behavior noted during the observation of the child;
 - (4) The relationship of that behavior to the child's academic functioning;
 - The educationally relevant medical findings, if any;

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- (6) Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and
- (7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.
- (b) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

<u>G. Development and Implementation of the Individualized Education Program (IEP);</u> <u>Transfer Students; Transition; Extended School Year (ESY) Services;</u>

Restraint, Seclusion, and Time-Out

Parent Placements in Private Schools

fre Initial:

19 TAC §89.1050(a). [ARD committee]

- (a) [The charter holder] shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted pursuant to §89.1011 of this title (relating to Referral for Full and Individual Initial Evaluation). The ARD committee shall be the individualized education program (IEP) team defined in federal law and regulations, including, specifically, 34 Code of Federal Regulations (CFR), §300.344. The [charter holder] shall be responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including, specifically, the following:
 - (1) 34 CFR, §§300.340-300.349, and Texas Education Code (TEC), §29.005 (Individualized Education Program);
 - (2) 34 CFR, §§300.400-300.402 (relating to placement of eligible students in private schools by a school district [or charter holder]);
 - (3) 34 CFR, §§300.452, 300.455, and 300.456 (relating to the development and implementation of service plans for eligible students in private school who have been designated to receive special education and related services);
 - (4) 34 CFR, §§300.520, 300.522, and 300.523, and TEC, §37.004 (Placement of Students with Disabilities);
 - (5) 34 CFR, §§300.532-300.536 (relating to evaluations, re-evaluations, and determination of eligibility);
 - (6) 34 CFR, §§300.550-300.553 (relating to least restrictive environment);
 - (7) TEC, §28.006 (Reading Diagnosis);
 - (8) TEC, §28.0211 (Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction);
 - (9) TEC, §28.0212 (Personal Graduation Plan);
 - (10) TEC, §28.0213 (Intensive Program of Instruction);
 - (11) TEC, Chapter 29, Subchapter I (Programs for Students Who Are Deaf or Hard of Hearing);
 - (12) TEC, §30.002 (Education of Children with Visual Impairments);
 - (13) TEC, §30.003 (Support of Students Enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf);
 - (14) TEC, §33.081 (Extracurricular Activities);
 - (15) TEC, Chapter 39, Subchapter B (Assessment of Academic Skills); and
 - (16) TEC, §42.151 (Special Education).

4 19 TAC §89.1050(d). [30-day timeline]

(d) ARD committee shall make its decisions regarding students referred for a full and individual initial evaluation within 30 calendar days from the date of the completion of the written full and individual initial evaluation report. If the 30th day falls during the summer and school is not in session, the ARD committee shall have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and placement, unless the full and

ipdividual initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

19 TAC §89.1045(b). Notice to Parents for Admission, Review, and Dismissal (ARD) Committee Meetings.

(b) A parent may request an ARD committee meeting at any mutually agreeable time to address specific concems about his or her child's special education services. The [charter holder] must respond to the parent's request either by holding the requested meeting or by requesting assistance through the Texas Education Agency's mediation process. The [charter holder] should inform parents of the functions of the ARD committee and the circumstances or types of problems for which requesting an ARD committee meeting would be appropriate.

34 CFR §300.342. When IEPs must be in effect.

- (a) General. At the beginning of each school year, [the charter holder] shall have an IEP in effect for each child with a disability within its jurisdiction.
- (b) Implementation of IEPs. [The charter holder] shall ensure that-
 - (1) An IEP---
 - (i) Is in effect before special education and related services are provided to an eligible child under this part; and
 - (ii) Is implemented as soon as possible following the meetings described under §300.343;
 - (2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and
 - (3) Each teacher and provider described in paragraph (b)(2) of this section is informed of-
 - (i) His or her specific responsibilities related to implementing the child's IEP; and
 - (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

4 19 TAC §89.1050(b). [IFSP/IEP]

(b) For a child from birth through two years of age with visual and/or auditory impairments, an individualized family services plan (IFSP) meeting must be held in place of an ARD committee meeting in accordance with 34 CFR, §§303.340-303.346, and the memorandum of understanding between the Texas Education Agency (TEA) and Texas Interagency Council on Early Childhood Intervention. For students three years of age and older, the [charter holder] must develop an IEP.

19 TAC §89.1050(f). For a student who is new to a [charter school]:

- (f) (1) when a student transfers within the state, the ARD committee may, but is not required to, meet when the student enrolls and a copy of the student's IEP is available, the parent(s) indicate in writing that they are satisfied with the current IEP, and the [charter holder] determines that the current IEP is appropriate and can be implemented as written; or
 - (2) if the conditions of subsection (f)(1) of this section are not met, then the ARD committee must meet when the student enrolls and the parents verify that the student was receiving special education services in the previous school district or [charter school], or the previous school verifies in writing or by telephone that the student was receiving special education services. At this meeting, the ARD committee must do one of the following:
 - (A) the ARD committee may determine that it has appropriate evaluation data and other information to develop and begin implementation of a complete IEP for the student; or
 - (B) the ARD committee may determine that valid evaluation data and other information from the previous school district [or charter school] are insufficient or unavailable to develop a complete IEP. In this event, the ARD committee may authorize the provision of temporary special education services pending receipt of valid evaluation data from the previous school district [or charter school] or the collection of new evaluation data by the current [charter holder]. In this situation, a second ARD committee meeting must be held within 30 school days from the date of the first ARD committee meeting to finalize or develop an IEP based on current information.
 - (3) In accordance with TEC, §25.002, the school district [or charter school] in which the student was previously enrolled shall furnish the new school district [or charter holder] with a copy of the student's records, including the child's special education records, not later than the 30th calendar day after the student was enrolled in the new school district [or charter school]. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., §1232g, does not require the student's current and previous school districts [or charter holders] to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34 CFR, §99.31(a)(2) and §99.34.

34 CFR §300.121. Free appropriate public education (FAPE).

- (a) General. [] [The charter holder] has in effect a policy that ensures that all children with disabilities aged 3 through 21 enrolled in the [charter school] have the right to FAPE, including children with disabilities who have been suspended or expelled from school.
- (b) Required information. The information described in paragraph (a) of this section must-
 - (2) Show that the policy--
 - (i) (B) Is consistent with the requirements of §§300.300-300.313; and
 - (ii) Applies to all children with disabilities, including children who have been suspended or expelled from school.
- (c) FAPE for children beginning at age 3.
 - (1) [The charter holder] shall ensure that---
 - (i) The obligation to make FAPE available to each eligible child [enrolled in the charter school] begins no later than the child's third birthday, and
 - (ii) An IEP [] is in effect for the child by that date, in accordance with §300.342(c).
 - (2) If a child's third birthday occurs during the summer, the child's IEP [] team shall determine the date when services under the IEP will begin.
- (d) FAPE for children suspended or expelled from school.
 - (1) The [charter holder] need not provide services during periods of removal under §300.520(a)(1) to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.
 - (2) In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the [charter holder], for the remainder of the removals, must--
 - (i) Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is--
 - (A) Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(b) (§300.520((a)(1)); or
 - (B) For behavior that is not a manifestation of the child's disability, consistent with §300.524; and
 - Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is--
 - (A) For drug or weapons offenses under §300.520(a)(2); or
 - (B) Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with §300.521.
 - (3) (i) School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519 (§300.520(a)(1)).
 - (ii) The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524.
- (e) Children advancing from grade to grade.
 - (1) The [charter holder] will ensure that FAPE is available to any individual child with a disability [enrolled in the school] who needs special education and related services, even though the child is advancing from grade to grade.
 - (2) The determination that a child [] is eligible under this part, must be made on an individual basis by the group responsible within the child's [charter school] for making those determinations [(e.g., the ARD committee)

34 CFR §300.343. IEP meetings.

(a) General. [The charter holder] is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability

- (b) Initial IEPs; provision of services.
 - (1) [The charter holder] shall ensure that within a reasonable period of time following the [charter holder's] receipt of
 parent consent to an initial evaluation of a child—
 - (i) The child is evaluated; and
 - (ii) If determined eligible under this part, special education and related services are made available to the child in accordance with an IEP.
 - (2) In meeting the requirement in paragraph (b)(1) of this section, a meeting to develop an IEP for the child must be conducted within 30-days of a determination that the child needs special education and related services.
- (c) Review and revision of IEPs. [The charter holder] shall ensure that the IEP team-
 - (1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
 - (2) Revises the IEP as appropriate to address-
 - Any lack of expected progress toward the annual goals described in §300.347(a), and in the general curriculum, if appropriate;
 - (ii) The results of any reevaluation conducted under §300.536;
 - (iii) Information about the child provided to, or by, the parents, as described in §300.533(a)(1);
 - (iv) The child's anticipated needs; or
 - (v) Other matters.

34 CFR §300.344. IEP team.

- (a) General. The [charter holder] shall ensure that the IEP team for each child with a disability includes-
 - The parents of the child;
 - (2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
 - (3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
 - (4) A representative of the [charter holder] who---
 - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (ii) Is knowledgeable about the general curriculum; and
 - (iii) is knowledgeable about the availability of resources of the [charter holder];
 - (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;
 - (6) At the discretion of the parent or the [charter holder], other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
 - (7) If appropriate, the child.
- (b) Transition services participants.
 - (1) Under paragraph (a)(7) of this section, the [charter holder] shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—
 - (i) The student's transition services needs under §300.347(b)(1);
 - (ii) The needed transition services for the student under §300.347(b)(2); or
 - (iii) Both.
 - (2) If the student does not attend the IEP meeting, the [charter holder] shall take other steps to ensure that the student's preferences and interests are considered.
 - (3) (i) In implementing the requirements of §300.347(b)(2), the [charter holder] also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.
 - (ii) If an agency invited to send a representative to a meeting does not do so, the [charter holder] shall take other steps to obtain participation of the other agency in the planning of any transition services.

- (c) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or [charter holder]) who invited the individual to be a member of the IEP.
- (d) Designating a public agency representative. [The charter holder] may designate another (charter holder member] of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.

19 TAC §89.1050(c). [Teacher member requirements]

(c) At least one general education teacher of the student (if the student is, or may be, participating in the general education environment) shall participate as a member of the ARD committee. The special education teacher or special education provider that participates in the ARD committee meeting in accordance with 34 CFR, §300.344(a)(3), must be certified in the child's suspected areas of disability. When a specific certification is not required to serve certain disability categories, then the special education teacher or special education provider must be qualified to provide the educational services that the child may need. [The charter holder] should refer to §89.1131 of this title (relating to Qualifications of Special Education, Related Service, and Paraprofessional Personnel) to ensure that appropriate teachers and/or service providers are present and participate at each ARD committee meeting.

34 CFR §300.345. Parent participation.

- (a) [Charter holder] responsibility-general. The [charter holder] shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including-
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
- (c) Other methods to ensure parent participation. If neither parent can attend, the [charter holder] shall use other methods to ensure parent participation, including individual or conference telephone calls.
- (d) Conducting an IEP meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the [charter holder] is unable to convince the parents that they should attend. In this case the [charter holder] must have a record of its attempts to arrange a mutually agreed on time and place, such as—
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
- (e) Use of interpreters or other action, as appropriate. The [charter holder] shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Parent copy of child's IEP. The [charter holder] shall give the parent a copy of the child's IEP at no cost to the parent.

34 CFR §300.346. Development, review, and revision of IEP.

- (a) Development of IEP.
 - (1) General. In developing each child's IEP, the IEP team, shall consider---
 - (i) The strengths of the child and the concerns of the parents for enhancing the education of their child;
 - (ii) The results of the initial or most recent evaluation of the child; and
 - (iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.
 - (2) Consideration of special factors. The IEP team also shall-
 - (i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;
 - (ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
 - (iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;
 - (iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers

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and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

- (v) Consider whether the child requires assistive technology devices and services.
- (b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.
- (c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.
- (d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of—
 - (1) Appropriate positive behavioral interventions and strategies for the child; and
 - (2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with §300.347(a)(3).

34 CFR §300.347. Content of iEP.

- (a) General. The IEP for each child with a disability must include-
 - (1) A statement of the child's present levels of educational performance, including---
 - (i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or
 - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
 - (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to---
 - (i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and
 - (ii) Meeting each of the child's other educational needs that result from the child's disability;
 - (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—
 - (i) To advance appropriately toward attaining the annual goals;
 - (ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
 - (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;
 - (4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section;
 - (5) (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
 - (ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of—
 - (A) Why that assessment is not appropriate for the child; and
 - (B) How the child will be assessed;
 - (6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and
 - (7) A statement of-
 - (i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
 - (ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

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- (A) Their child's progress toward the annual goals; and
- (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.
- (b) Transition services. The IEP must include---
 - (1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and
 - (2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.
- (c) Transfer of rights. In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the [IDEA], if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

4 19 TAC §89.1055. Content of the Individualized Education Program (IEP).

- (a) The individualized education program (IEP) developed by the admission, review, and dismissal (ARD) committee for each student with a disability shall comply with the requirements of 34 Code of Federal Regulations (CFR), §300.346 and §300.347, and Part 300, Appendix A.
- (b) The IEP must include a statement of any individual allowable accommodations in the administration of assessment instruments developed in accordance with Texas Education Code (TEC), §39.023(a)-(c), or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment. If the ARD committee determines that the student will not participate in a particular state- or district-wide assessment of student achievement (or part of an assessment), the IEP must include a statement of:
 - (1) why that assessment is not appropriate for the child; and
 - (2) how the child will be assessed using a locally developed alternate assessment.
- (c) If the ARD committee determines that the student is in need of extended school year (ESY) services, as described in §89.1065 of this title (relating to Extended School Year Services (ESY Services)), then the IEP must also include goals and objectives for ESY services from the student's current IEP.
- (d) For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan (IFSP) shall also meet the requirements of TEC, §30.002(e).
- (e) For students with autism/pervasive developmental disorders, information about the following shall be considered and, when needed, addressed in the IEP:
 - extended educational programming;
 - daily schedules reflecting minimal unstructured time;
 - (3) in-home training or viable alternatives;
 - (4) prioritized behavioral objectives;
 - (5) prevocational and vocational needs of students 12 years of age or older;
 - (6) parent training; and
 - (7) suitable staff-to-students ratio,
- (f) If the ARD committee determines that services are not needed in one or more of the areas specified in subsection (e)(1)-(7) of this section, the IEP must include a statement to that effect and the basis upon which the determination was made.
- (g) In accordance with 34 CFR §300.29, §300.344, and §300347, for each student with a disability, beginning at age 14 (prior to the date on which a student turns 14 years of age) or younger, if determined appropriate by the ARD committee, the following issues must be considered in the development of the IEP, and, if appropriate, integrated into the IEP:
 - appropriate student involvement in the student's transition to life outside the public school system; (2) if the student is younger than 18 years of age, appropriate parental involvement in the student's transitions;
 - (3) if the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district [or charter holder] in which the student is enrolled;

- (4) any postsecondary education options;
- (5) a functional vocational evaluation;
- (6) employment goals and objectives;
- (7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments;
- (8) independent living goals and objectives; and
- (9) appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

19 TAC §89.1050(e). [The report]

(e) The written report of the ARD committee shall document the decisions of the committee with respect to issues discussed at the meeting. The report shall include the date, names, positions, and signatures of the members participating in each meeting in accordance with 34 CFR, §§300.344, 300.345, 300.348, and 300.349. The report shall also indicate each member's agreement or disagreement with the committee's decisions. In the event TEC, §29.005(d) (1), applies, the [charter holder] shall provide a written or audiotaped copy of the student's IEP, as defined in 34 CFR, §300.346 and §300.347. In the event TEC, §29.005(d)(2), applies, the [charter holder] shall make a good faith effort to provide a written or audiotaped copy of the student's IEP, as defined in 34 CFR, §300.346 and §300.347.

34 CFR §300.348. Agency responsibilities for transition services.

34 CFR §300.350. IEP accountability.

- (a) Provision of services. Subject to paragraph (b) of this section, [the charter holder] must-
 - (1) Provide special education and related services to a child with a disability in accordance with the child's IEP; and
 - (2) Make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

34 CFR §300.309. Extended school year services.

- (a) General.
 - (1) [The charter holder] shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.
 - (2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child.
 - (3) In implementing the requirements of this section, [the charter holder] may not-
 - (i) Limit extended school year services to particular categories of disability; or
 - (ii) Unilaterally limit the type, amount, or duration of those services.
- (b) Definition. As used in this section, the term extended school year services means special education and related services that---
 - (1) Are provided to a child with a disability---
 - (i) Beyond the normal school year of the [charter school];
 - (ii) In accordance with the child's IEP; and
 - (iii) At no cost to the parents of the child; and
 - (2) Meet the standards of the [TEA].

19 TAC §89.1065. Extended School Year Services (ESY Services).

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

- (1) The need for ESY services must be determined on an individual student basis by the admission, review, and dismissal (ARD) committee in accordance with 34 Code of Federal Regulations (CFR), §300.309, and the provisions of this section. In determining the need for and in providing ESY services, [the charter holder] may not:
 - (A) limit ESY services to particular categories of disability; or

- (B) unilaterally limit the type, amount, or duration of ESY services.
- (2) The need for ESY services must be documented from formal and/or informal evaluations provided by the [charter holder] or the parents. The documentation shall demonstrate that in one or more critical areas addressed in the current individualized education program (IEP) objectives, the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time. Severe or substantial regression means that the student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY services.
- (3) The reasonable period of time for recoupment of acquired critical skills shall be determined on the basis of needs identified in each student's IEP. If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the student or to others, ESY services may be justified without consideration of the period of time for recoupment of such skills. In any case, the period of time for recoupment shall not exceed eight weeks.
- (4) A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year:
 - (A) placement in a more restrictive instructional arrangement;
 - (B) significant loss of acquired skills necessary for the student to appropriately progress in the general curriculum;
 - (C) significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;
 - (D) loss of access to community-based independent living skills instruction or an independent living environment provided by noneducational sources as a result of regression in skills; or
 - (E) loss of access to on-the-job training or productive employment as a result of regression in skills.
- (5) If the [charter holder] does not propose ESY services for discussion at the annual review of a student's IEP, the parent may request that the ARD committee discuss ESY services pursuant to 34 CFR, §300.344.
- (6) If a student for whom ESY services were considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD committee shall reconsider the current IEP if the student's loss of critical skills interferes with the implementation of the student's IEP.
- (7) For students enrolling in a district [or charter school] during the school year, information obtained from the prior school district [or charter holder] as well as information collected during the current year may be used to determine the need for ESY services.
- (8) The provision of ESY services is limited to the educational needs of the student and shall not supplant or limit the responsibility of other public agencies to continue to provide care and treatment services pursuant to policy or practice, even when those services are similar to, or the same as, the services addressed in the student's IEP. No student shall be denied ESY services because the student receives care and treatment services under the auspices of other agencies.
- (9) [The charter holder is] not eligible for reimbursement for ESY services provided to students for reasons other than those set forth in this section.

19 TAC §89.1050(g). [Discipline]

(g) All disciplinary actions regarding students with disabilities shall be determined in accordance with 34 CFR, §§300.121 and 300.519-300.529 (relating to disciplinary actions and procedures), the TEC, Chapter 37, Subchapter A (Alternative Settings for Behavior Management), and §89.1053 of this title (relating to Procedures for Use of Restraint and Time-Out).

19 TAC §89.1050(h). [Disagreements]

- (h) All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. A decision of the committee concerning required elements of the IEP shall be made by mutual agreement of the required members if possible. The committee may agree to an annual IEP or an IEP of shorter duration.
 - (1) When mutual agreement about all required elements of the IEP is not achieved, the party (the parents or adult student) who disagrees shall be offered a single opportunity to have the committee recess for a period of time not to exceed ten school days. This recess is not required when the student's presence on the campus presents a danger of physical harm to the student or others or when the student has committed an expellable offense or an offense which may lead to a placement in an alternative education program (AEP). The requirements of this subsection (h) do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than the failure of the parents and the [charter holder] from reaching mutual agreement about all required elements of an IEP.

- (2) During the recess the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons which may assist in enabling the ARD committee to reach mutual agreement.
- (3) The date, time, and place for continuing the ARD committee meeting shall be determined by mutual agreement prior to the recess.
- (4) If a ten-day recess is implemented as provided in paragraph (1) of this subsection and the ARD committee still cannot reach mutual agreement, the [charter holder] shall implement the IEP which it has determined to be appropriate for the student.
- (5) When mutual agreement is not reached, a written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.
- (6) When the [charter holder] implements an IEP with which the parents disagree or the adult student disagrees, the [charter holder] shall provide prior written notice to the parents or adult student as required in 34 CFR, §300.503.
- (7) Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point when they disagree with decisions of the ARD committee.

TEC §37.0021. Use of Confinement, Restraint, Seclusion, and Time-Out.

- (a) It is the policy of this state to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A, Chapter 29. A student with a disability who receives special education services under Subchapter A, Chapter 29, may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.
- (b) In this section:
 - "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.
 - (2) "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:
 - (A) is designed solely to seclude a person; and
 - (B) contains less than 50 square feet of space.
 - (3) "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:
 - (A) that is not locked; and
 - (B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.
- (c) [The charter holder] employee or volunteer or an independent contractor of [the charter holder] may not place a student in seclusion. This subsection does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of [the charter holder], or in a placement or facility to which the following law, rules, or regulations apply:
 - the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;
 - (2) 40 T.A.C. §§720.1001-720.1013; or
 - (3) 25 T.A.C. §412.308(e).
- (d) The commissioner [of TEA] by rule shall adopt procedures for the use of restraint and time-out by [the charter holder] employee or volunteer or an independent contractor of [the charter holder] in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:
 - (1) be consistent with:
 - (A) professionally accepted practices and standards of student discipline and techniques for behavior management; and
 - (B) relevant health and safety standards; and
 - (2) identify any discipline management practice or behavior management technique that requires [the charter holder] employee or volunteer or an independent contractor of [the charter holder] to be trained before using that practice or technique.

- (e) In the case of a conflict between a rule adopted under Subsection (d) and a rule adopted under Subchapter A, Chapter 29, the rule adopted under Subsection (d) controls.
- (f) For purposes of this subsection, "weapon" includes any weapon described under §37.007(a)(1). This section does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:
 - (1) the student possesses a weapon; and
 - (2) the confinement is necessary to prevent the student from causing bodily harm to the student or another person.
- (g) This section and any rules or procedures adopted under this section do not apply to:
 - (1) a peace officer while performing law enforcement duties;
 - (2) juvenile probation, detention, or corrections personnel; or
 - (3) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of [the charter holder].

4 19 TAC §89.1053. Procedures for Use of Restraint and Time-Out.

- (a) Requirement to implement. In addition to the requirements of 34 Code of Federal Regulations (CFR), §300.346(a)(2)(i) and (c), school districts and charter schools must implement the provisions of this section regarding the use of restraint and time-out. In accordance with the provisions of Texas Education Code (TEC), §37.0021 (Use of Confinement, Restraint, Seclusion, and Time-Out), it is the policy of the state to treat with dignity and respect all students, including students with disabilities who receive special education services under TEC, Chapter 29, Subchapter A.
- (b) Definitions.
 - Emergency means a situation in which a student's behavior poses a threat of:
 - (A) imminent, serious physical harm to the student or others; or
 - (B) imminent, serious property destruction.
 - (2) Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body.
 - (3) 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:
 - (A) that is not locked; and
 - (B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.
- (c) Use of restraint. A school employee, volunteer, or independent contractor may use restraint only in an emergency as defined in subsection (b) of this section and with the following limitations.
 - (1) Restraint shall be limited to the use of such reasonable forces as is necessary to address the emergency.
 - (2) Restraint shall be discontinued at the point oat which the emergency no longer exists.
 - (3) Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
 - (4) Restraint shall not deprive the student of basic human necessities.
- (d) Training on use of restraint. Training for school employees, volunteers, or independent contractors shall be provided according to the following requirements.
 - (1) Not later than April 1, 2003, a core team of personnel on each campus must be trained in the use of restraint, and the team must include a campus administrator or designee and any general or special education personnel likely to use restraint.
 - (2) 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 the use of restraint.
 - (3) Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint.
 - (4) All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint.
- (e) Documentation and notification on use of restraint. In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the following documentation requirements.

- (1) On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint.
- (2) On the day restraint is utilized, a good faith effort shall be made to verbally notify the parent(s) regarding the use of restraint.
- (3) Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.
- (4) Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the ARD committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a behavioral intervention plan (BIP).
- (5) Written notification to the parent(s) and documentation to the student's special education eligibility folder shall include the following:
 - (A) name of the student;
 - (B) name of the staff member(s) administering the restraint;
 - (C) date of the restraint and the time the restraint began and ended;
 - (D) location of the restraint;
 - (E) nature of the restraint;
 - (F) a description of the activity in which the student was engaged immediately preceding the use of restraint;
 - (G) the behavior that prompted the restraint;
 - (H) the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
 - (I) information documenting parent contact and notification.
- (f) Clarification regarding restraint. The provisions adopted under this section do not apply to the use of physical force or a mechanical device which does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced in subsection (b)(2) of this section does not include:
 - physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
 - (2) limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
 - (3) limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the individualized education program (IEP) as required by 34 CFR §300.346(a)(2)(i) and (c) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
 - (4) seat belts and other safety equipment used to secure students during transportation.
- (g) Use of time-out. A school employee, volunteer, or independent contractor may use time-out in accordance with subsection (b)(3) of this section with the following limitations.
 - (1) Physical force or threat of physical force shall not be used to place a student in time-out.
 - (2) Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior.
 - (3) Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.
- (h) Training on use of time-out. Training for school employees, volunteers, or independent contractors shall be provided according to the following requirements.
 - (1) Not later than April 1, 2003, general or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out.
 - (2) After April 1, 2003, newly-identified personnel called upon to implement time-out based on requirements established in a student's IEP and/or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out.
 - (3) Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must 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 annual goals specified in the student's IEP.

- (4) All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out.
- (i) Documentation on use of time-out. Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The admission, review, and dismissal (ARD) committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.
- (j) Student safety. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.
- (k) Data reporting. Beginning with the 2003-2004 school year, with the exception of actions covered by subsection (f) of this section, data regarding the use of restraint must be electronically reported to the Texas Education Agency in accordance with reporting standards specified by the Agency.
- (I) The provisions adopted under this section do not apply to:
 - (1) a piece officer while performing law enforcement duties;
 - (2) juvenile probation, detention, or corrections personnel; or

(3) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district [or charter holder].

In TAC §89.1096. Provision of Services for Students Placed by Their Parents In Private Schools or Facilities.

(a) Except as specifically provided in this section, in accordance with 34 Code of Federal Regulations (CFR), §300.454, no eligible student who has been placed by his or her parent(s) in a private school or facility has an individual right to receive some or all of the special education and related services that the student would receive if he or she were enrolled in a public school district [or charter school]. Except as specifically set forth in this section, a school district's [or charter holder's] obligations with respect to students placed by their parents in private schools are governed by 34 CFR, §§300.450-300.462.

- (b) When a student with a disability who has been placed by his or her parents directly in a private school or facility is referred to the local school district [or charter holder], the local district [or charter holder] shall convene an admission, review, and dismissal (ARD) committee meeting to determine whether the district [or charter holder] can offer the student a free appropriate public education (FAPE). If the district [or charter holder] determines that it can offer a FAPE to the student, the district [or charter holder] is not responsible for providing educational services to the student, except as provided in 34 CFR, §§300.450-300.462 or subsection (d) of this section, until such time as the parents choose to enroli the student in public school full-time.
- (c) Parents of an eligible student ages 3 or 4 shall have the right to "dual enroll" their student in both the public school [e.g., charter school] and the private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five or until the student is eligible to attend a district's [or charter holder's] public school kindergarten program, whichever comes first, subject to the following.
 - (1) The student's ARD committee shall develop an individualized education program (IEP) designed to provide the student with a FAPE in the least restrictive environment appropriate for the student.
 - (2) From the IEP, the parent and the district [or charter holder] shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the least restrictive environment set forth in 34 CFR, §§300.550-300.553, and the policies and procedures of the district [or charter holder].
 - (3) For students served under the provisions of this subsection, the school district [or charter holder] shall be responsible for the employment and supervision of the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school [e.g., charter school] and shall remain the property of the school district [or charter holder].
- (d) The school district [or charter holder] shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP.
- (e) Complaints regarding the implementation of the components of the student's IEP that have been selected by the parent and the district [or charter holder] under subsection (c) [(d)] of this section may be filed with the Texas Education Agency under the procedures in 34 CFR, §§300.660-300.662. The procedures in 34 CFR, §§300.504-300.515 (relating to due process hearings) do not apply to complaints regarding the implementation of the components of the student's IEP that have been selected by the parent and the district under subsection (c) [(d)]

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H. Least Restrictive Environment (LRE) Placement



34 CFR §300.550. General LRE requirements.

- (b) [The charter holder] shall ensure-
 - (1) That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
 - (2) That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

34 CFR §300.551. Continuum of alternative placements.

- (a) [The charter holder] shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- (b) The continuum required in paragraph (a) of this section must-
 - (1) Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
 - (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

19 TAC §89.63. Instructional Arrangements and Settings.

- (a) [The charter holder] shall be able to provide services with special education personnel to students with disabilities in order to meet the special needs of those students in accordance with 34 Code of Federal Regulations, §§300.550-300.554.
- (b) Subject to §89.1075(e) of this title (relating to General Program Requirements and Local District Procedures) for the purpose of determining the student's instructional arrangement/setting, the regular school day is defined as the period of time determined appropriate by the admission, review, and dismissal (ARD) committee.
- (c) Instructional arrangements/settings shall be based on the individual needs and individualized education programs (IEPs) of eligible students receiving special education services and shall include the following.
 - (1) Mainstream. This instructional arrangement/setting is for providing special education and related services to a student in the regular classroom in accordance with the student's IEP. Qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student, and/or the student's regular classroom teacher(s) necessary to enrich the regular classroom and enable student success. The student's IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP. Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aldes, curricular or instructional modifications/accommodations, special materials/equipment, consultation with the student and his/her regular classroom teacher(s) regarding the student's progress in regular education classes, staff development, and reduction of students to instructional staff.
 - (2) Homebound. This instructional arrangement/setting is for providing special education and related services to students who are served at home or hospital bedside.
 - (A) Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician licensed to practice in the United States. Homebound or hospital bedside instruction may, as provided by local [charter holder] policy, also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States. The student's ARD committee shall determine the amount of services to be provided to the student in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations, including the provisions specified in subsection (b) of this section.

- (B) Home instruction may also be used for services to infants and toddlers (birth through age 2) and young children (ages 3-5) when determined appropriate by the child's individualized family services plan (IFSP) committee or ARD committee. This arrangement/setting also applies to school districts [or charter holders] described in Texas Education Code, §29.014.
- (3) Hospital class. This instructional arrangement/setting is for providing special education instruction in a classroom, in a hospital facility, or a residential care and treatment facility not operated by the [charter holder]. If the students residing in the facility are provided special education services outside the facility, they are considered to be served in the instructional arrangement in which they are placed and are not to be considered as in a hospital class. . [See the TEA Letter to the Administrator Addressed, dated February 14, 2001.]
- (4) Speech therapy. This instructional arrangement/setting is for providing speech therapy services whether in a regular education classroom or in a setting other than a regular education classroom. When the only special education or related service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement.
- (5) Resource room/services. This instructional arrangement/setting is for providing special education and related services to a student in a setting other than regular education for less than 50% of the regular school day.
- (6) Self-contained (mild, moderate, or severe) regular campus. This instructional arrangement/setting is for providing special education and related services to a student who is in a self-contained program for 50% or more of the regular school day on a regular school campus.
- (7) Off home campus. This instructional arrangement/setting is for providing special education and related services to the following, []:
 - (A) a student who is one of a group of students from more than one school district [or charter school] served in a single location when a free appropriate public education is not available in the respective sending district [or charter school];
 - (B) a student whose instruction is provided by [the charter holder] personnel in a facility (other than a nonpublic day school) not operated by the charter holder; or
 - (C) a student in a self-contained program at a separate campus operated by the [charter holder] that provides only special education and related services.
- (8) Nonpublic day school. This instructional arrangement/setting is for providing special education and related services to students through a contractual agreement with a nonpublic school for special education.
- (9) Vocational adjustment class/program. This instructional arrangement/setting is for providing special education and related services to a student who is placed on a job with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. This instructional arrangement/setting shall be used in conjunction with the student's individual transition plan and only after the [charter holder's] career and technology classes have been considered and determined inappropriate for the student.
- (10) Residential care and treatment facility (not school resident). This instructional arrangement/setting is for providing special education instruction and related services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the school providing educational services to the students. In order to be considered in this arrangement, the services must be provided on a school campus. If the instruction is provided at the facility, rather than on a school campus, the instructional arrangement is considered to be the hospital class arrangement/setting rather than this instructional arrangement. Students with disabilities who reside in these facilities may be included in the average daily attendance of the school in the same way as all other students receiving special education. [See the TEA Letter to the Administrator Addressed, dated February 14, 2001.]
- (11) State school for persons with mental retardation. This instructional arrangement/setting is for providing special education and related services to a student who resides at a state school when the services are provided at the state school location. If services are provided on a local school campus, the student is considered to be served in the residential care and treatment facility arrangement/setting. [See the TEA Letter to the Administrator Addressed, dated February 14, 2001.]

34 CFR §300.552. Placements.

(See Appendix A to CFR Part 300; Q. 19, Q. 37)

In determining the educational placement of a child with a disability, including a preschool child with a disability, [the charter holder] shall ensure that—

- (a) The placement decision-
 - (1) is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

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- (2) Is made in conformity with the LRE provisions of this subpart, including §§300.550-300.554;
- (b) The child's placement-
 - (1) Is determined at least annually;
 - (2) Is based on the child's IEP; and
 - (3) Is as close as possible to the child's home;
- (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
- (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
- (e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

34 CFR §300.553. Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.306, [the charter holder] shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child.



34 CFR §300.29. Transition services.

- (a) As used in this part, transition services means a coordinated set of activities for a student with a disability that—
 - Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
 - (2) Is based on the individual student's needs, taking into account the student's preferences and interests; and
 - (3) Includes-
 - (i) Instruction;
 - (ii) Related services;
 - (iii) Community experiences;
 - (iv) The development of employment and other post-school adult living objectives; and
 - (v) If appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

34 CFR §300.345. Parent participation.

- (a) [Charter holder] responsibility—general. The [charter holder] shall take steps to ensure that one of both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate including—
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
- (b) Information provided to parents.
 - (1) The notice required under paragraph (a)(1) of this section must-
 - (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

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- (ii) Inform the parents of the provisions in §300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).
- (2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also-
 - (i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and
 - (ii) Indicate that the [charter holder] will invite the student.
- (3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must-
 - Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in §300.347(b)(2);
 - (ii) Indicate that the [charter holder] will invite the student; and
 - (iii) Identify any other agency that will be invited to send a representative.

🚽 34 CFR §300.344. IEP team.

(b) Transition services participants.

- (1) Under paragraph (a)(7) of this section, the [charter holder] shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—
 - (i) The student's transition services needs under §300.347(b)(1);
 - (ii) The needed transition services for the student under §300.347(b)(2); or
 - (iii) Both.
- (2) If the student does not attend the IEP meeting, the [charter holder] shall take other steps to ensure that the student's preferences and interests are considered.
- (3) (i) In implementing the requirements of §300.347(b)(2), the [charter holder] also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.
 - (ii) If an agency invited to send a representative to a meeting does not do so, the [charter holder] shall take other steps to obtain participation of the other agency in the planning of any transition services.

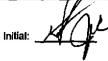
34 CFR §300.348. Agency responsibilities for transition services.

(a) If a participating agency, other than the [charter holder], fails to provide the transition services described in the IEP in accordance with §300.347(b)(1), the [charter holder] shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

19 TAC §89.1055 (g). Content of the Individualized Education Program (IEP)

- (g) In accordance with 34 CFR §300.29, §300.344, and §300.347, for each student with a disability, beginning at age 14 (prior to the date on which a student turns 14 [15] years of age) or younger, if determined appropriate by the ARD committee, the following issues must be considered in the development of the IEP, and, if appropriate, integrated into the IEP:
 - (1) appropriate student involvement in the student's transition to life outside the public school system;
 - (2) if the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
 - (3) if the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district [or the charter holder] in which the student is enrolled;
 - (4) any postsecondary education options;
 - (5) a functional vocational evaluation;
 - (6) employment goals and objectives;
 - (7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments;
 - (8) independent living goals and objectives; and
 - (9) appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

J. Certified Personnel for the Provision of Sérvices to Children with Special Needs



19 TAC §89.1131. Qualifications of Special Education, Related Service, and Paraprofessional Personnel.

- (a) All special education and related service personnel shall be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 Code of Federal Regulations (CFR), §300.23 and §300.136; the Texas Education Code (TEC), §§21.002, 21.003, and 29.304; or appropriate state agency credentials.
- (b) A teacher who holds a special education certificate or an endorsement may be assigned to any level of a basic special education instructional program serving eligible students 3-21 years of age, as defined in §89.1035(a) of this title (relating to Age Ranges for Student Eligibility), in accordance with the limitation of their certification, except for the following.
 - (1) Persons assigned to provide speech therapy instructional services must hold a valid Texas Education Agency (TEA) certificate in speech and hearing therapy or speech and language therapy, or a valid state license as a speech/language pathologist.
 - (2) Teachers holding only a special education endorsement for early childhood education for children with disabilities shall be assigned only to programs serving infants through Grade 6.
 - (3) Teachers assigned full-time to teaching students who are orthopedically impaired or other health impaired with the teaching station in the home or a hospital shall not be required to hold a special education certificate or endorsement as long as the personnel file contains an official transcript indicating that the teacher has completed a three-semester-hour survey course in the education of students with disabilities and three semester hours directly related to teaching students with physical impairments or other health impairments.
 - (4) Teachers certified in the education of students with visual impairments must be available to students with visual impairments, including deaf-blindness, through one of the [charter holders] instructional options, a shared services arrangement with other school districts [or charter holders], or an education service center (ESC). A teacher who is certified in the education of students with visual impairments must attend each admission, review, and dismissal (ARD) committee meeting or individualized family service plan (IFSP) meeting of a student with a visual impairment, including deaf-blindness.
 - (5) Teachers certified in the education of students with auditory impairments must be available to students with auditory impairments, including deaf-blindness, through one of the [charter holder's] instructional options, a regional day school program for the deaf, a shared services arrangement with other school districts [or charter holders], or an ESC. A teacher who is certified in the education of students with auditory impairments must attend each ARD committee meeting or IFSP meeting of a student with an auditory impairment, including deaf-blindness.
 - (6) The following provisions apply to physical education.
 - (A) When the ARD committee has made the determination and the arrangements are specified in the student's individualized education program (IEP), physical education may be provided by the following personnel:
 - (i) special education instructional or related service personnel who have the necessary skills and knowledge;
 - (ii) physical education teachers;
 - (iii) occupational therapists;
 - (iv) physical therapists; or
 - (v) occupational therapy assistants or physical therapy assistants working under supervision in accordance with the standards of their profession.
 - (B) When these services are provided by special education personnel, the [charter holder] must document that they have the necessary skills and knowledge. Documentation may include, but need not be limited to, inservice records, evidence of attendance at seminars or workshops, or transcripts of college courses.
 - (7) Teachers assigned full-time or part-time to instruction of students from birth through age two with visual impairments, including deaf-blindness, shall be certified in the education of students with visual impairments. Teachers assigned full-time or part-time to instruction of students from birth through age two who are deaf, including deaf-blindness, shall be certified in education for students who are deaf and severely hard of hearing. Other certifications for serving these students shall require prior approval from TEA.
 - (8) Teachers with secondary certification with the generic delivery system may be assigned to teach Grades 6-12 only.

- (c) Paraprofessional personnel must be certified and may be assigned to work with eligible students, general and special education teachers, and related service personnel. Aides may also be assigned to assist students with special education transportation, serve as a job coach, or serve in support of community-based instruction. Aides paid from state administrative funds may be assigned to the Special Education Resource System (SERS), the Special Education Management System (SEMS), or other special education clerical or administrative duties.
- (d) Interpreting services for students who are deaf shall be provided by an interpreter who is certified in the appropriate language mode(s), if certification in such mode(s) is available. If certification is available, the interpreter must be certified by the Registry of Interpreters for the Deaf or the Texas Commission for the Deaf and Hard of Hearing, unless the interpreter has been granted an emergency permit by the commissioner of education to provide interpreting services for students who are deaf. The commissioner shall consider applications for the issuance of an emergency permit to provide interpreting services for students who are deaf on a case-by-case basis in accordance with requirements set forth in 34 CFR, §300.136, and standards and procedures established by the TEA. In no event will an emergency permit allow an uncertified interpreter to provide interpreting services for more than a total of three school years to students who are deaf.

(e) Ørientation and mobility instruction must be provided by a certified orientation and mobility specialist (COMS) who is certified by the Academy for Certification of Vision Rehabilitation and Education Professionals.

34 CFR §300.26. Special education.

- (a) General.
 - (1) As used in this part, the term special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—
 - (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
 - (ii) Instruction in physical education.
 - (2) The term includes each of the following, if it meets the requirements of paragraph (a)(1) of this section:
 - (i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;
 - (ii) Travel training; and
 - (iii) Vocational education.
- (b) Individual terms defined. The terms in this definition are defined as follows:
 - (1) At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.
 - (2) Physical education-
 - (i) Means the development of-
 - (A) Physical and motor fitness;
 - (B) Fundamental motor skills and patterns; and
 - (C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and
 - (ii) Includes special physical education, adapted physical education, movement education, and motor development.
 - (3) Specially-designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content; methodology, or delivery of instruction—
 - (i) To address the unique needs of the child that result from the child's disability; and
 - (ii) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the [charter holder] that apply to all children.
 - (4) Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—
 - (i) Develop an awareness of the environment in which they live; and
 - (ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(5) Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

K. Services to Expelled Students

Initial

34 CFR §300.121(d). Free appropriate public education (FAPE).

- (d) FAPE for children suspended or expelled from school.
 - (1) [The charter holder] need not provide services during periods of removal under §300.520(a)(1) to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.
 - (2) In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the [charter holder], for the remainder of the removals, must—
 - (i) Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is—
 - (A) Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(b) (§300.520((a)(1)); or
 - (B) For behavior that is not a manifestation of the child's disability, consistent with §300.524; and
 - Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is—
 - (A) For drug or weapons offenses under §300.520(a)(2); or
 - (B) Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with §300.521.
 - (3) (i) School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519 (§300.520(a)(1)).
 - (ii) The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524.

34 CFR §300.522. Determination of setting.

- (a) General. The interim alternative educational setting referred to in §300.520(a)(2) must be determined by the IEP team.
- (b) Additional requirements. Any interim alternative educational setting in which a child is placed under §§300.520(a)(2) or 300.521 must—
 - (1) Be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and
 - (2) Include services and modifications to address the behavior described in §§300.520(a)(2) or 300.521, that are designed to prevent the behavior from recurring.

TEC §37.004. Placement of Students with Disabilities.

- (a) The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee.
- (b) Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's admission, review, and

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dismissal committee conducts a manifestation determination review under 20 U.S.C. §1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

- functional behavioral assessments;
- (2) positive behavioral interventions, strategies, and supports;
- (3) behavioral intervention plans; and
- (4) manifestation determination review.
- (c) A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes.
- (d) A teacher in an alternative education program under §37.008 who has a special education assignment must hold an appropriate certificate or permit for that assignment.
- (e) [This subsection applies if the charter holder has, in its student code of conduct, adopted the provisions of TEC §37.011]. Notwithstanding any other provision of this subchapter, in a county with a juvenile justice alternative education program established under §37.011, the expulsion under a provision of §37.007 described by this subsection of a student with a disability who receives special education services must occur in accordance with this subsection and Subsection (f). The [charter school] from which the student was expelled shall, in accordance with applicable federal law, provide the administrator of the juvenile justice alternative education program or the administrator's designee with reasonable notice of the meeting of the student's admission, review, and dismissal committee to discuss the student's expulsion. A representative of the juvenile justice alternative education program may participate in the meeting to the extent that the meeting relates to the student's placement in the program. This subsection applies only to an expulsion under:
 - (1) §37.007(b), (c), or (f); or
 - (2) §37.007(d) as a result of conduct that contains the elements of any offense listed in §37.007(b)(3) against any employee or volunteer in retaliation for or as a result of the person's employment or association with [the charter holder].
- (f) [This subsection applies if the charter holder has, in its student code of conduct, adopted the provisions of TEC §37.011]. If, after placement of a student in a juvenile justice alternative education program under Subsection (e), the administrator of the program or the administrator's designee has concerns that the student's educational or behavioral needs cannot be met in the program, the administrator or designee shall immediately provide written notice of those concerns to the [charter school] from which the student was expelled. The student's admission, review, and dismissal committee shall meet to reconsider the placement of the student in the program. The [charter holder] shall, in accordance with applicable federal law, provide the administrator or designee with reasonable notice of the meeting, and a representative of the program may participate in the meeting to the extent that the meeting relates to the student's continued placement in the program.
- (g) Subsections (e) and (f) and this subsection expire September 1, 2005.

.. Allowable Expenditures of State Special Education Funds Initial:



19 TAC §89.1125. Allowable Expenditures of State Special Education Funds.

- (a) Persons paid from special education funds shall be assigned to instructional or other duties in the special education program and/or to provide support services to the regular education program in order for students with disabilities to be included in the regular program. Support services shall include, but not be limited to, collaborative planning, co-teaching, small group instruction with special and regular education students, direct instruction to special education students, or other support services determined necessary by the admission, review, and dismissal (ARD) committee for an appropriate program for the student with disabilities. Assignments may include duties supportive to school operations equivalent to those assigned to regular education personnel.
- (b) Personnel assigned to provide support services to the regular education program as stated in subsection (a) of this section may be fully funded from special education funds.
- (c) If personnel are assigned to special education on less than a full-time basis, except as stated in subsection (a) of this section, only that portion of time for which the personnel are assigned to students with disabilities shall be paid from state special education funds.

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- (d) State special education funds may be used for special materials, supplies, and equipment which are directly related to the development and implementation of individualized education programs (IEPs) of students and which are not ordinarily purchased for the regular classroom. Office and routine classroom supplies are not allowable. Special equipment may include instructional and assistive technology devices, audiovisual equipment, computers for instruction or assessment purposes, and assessment equipment only if used directly with students.
- (e) State special education funds may be used to contract with consultants to provide staff development, program planning and evaluation, instructional services, assessments, and related services to students with disabilities.
- (f) State special education funds may be used for transportation only to and from residential placements. Prior to using federal funds for transportation costs to and from a residential facility, the [charter holder] must use state or local funds based on actual expenses up to the state transportation maximum for private transportation contracts.
- (g) State special education funds may be used to pay staff travel to perform services directly related to the education of eligible students with disabilities. Funds may also be used to pay travel of staff (including administrators, general education teachers, and special education teachers and service providers) to attend staff development meetings for the purpose of improving performance in assigned positions directly related to the education of eligible students with disabilities. In no event shall the purpose for attending such staff development meetings include time spent in performing functions relating to the operation of professional organizations. In accordance with 34 Code of Federal Regulations, §300.382(j), funds may also be used to pay for the joint training of parents and special education, related services, and general education personnel.

19 TAC §105.11. Maximum Allowable Indirect Cost.

No more than 15 % of the [charter holder's] Foundation School Program special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to the following programs: compensatory education, gifted and talented education, bilingual education and special language programs, career and technology education, and special education. Indirect costs may be attributed to the following expenditure function codes: 34 - Student Transportation; 41 - General Administration; 81 - Facilities Acquisition and Construction; and the Function 90 series of the general fund, as defined in the Texas Education Agency (TEA) bulletin, Financial Accountability System Resource Guide.

Signature of the Chairperson of the Board of the Charter Holder

Date of Signature

Jerry Don Coulter, Chairman

Typed name and Title of the Chairperson of the Board of the Charter Holder



TEXAS EDUCATION AGENCY

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Shirley J. Neeley, Ed.D. Commissioner

January 24, 2005

Mr. Jerry D. Coulter, Board President Oak Cliff Academy, Inc. PO Box 5129 Dallas, TX 75208

Dear Mr. Coulter:

I am pleased to inform you that the charter renewal for Trinity Basin Preparatory (county-district number 057813) is approved for a term of ten years with a contract ending date of July 31, 2013. After renewal, the contract for charter shall consist of the following elements:

- the representations and assurances made by the charter holder in the original request for application under the standard application system;
- the original contract for charter, as signed by the charter holder and the State Board of Education;
- any condition, amendment, modification, revision, or other change to the charter approved by the State Board of Education or the commissioner of education;
- the final renewal application, on file with the Division of Charter Schools, including any revisions required by the agency and any amendments to the charter made via the renewal application, except any responses in the following sections (not all applications contain each section listed), including relevant attachments: Code of Conduct; Evaluation of Student Performance; Student Performance Goals; Plans and Initiatives to Improve Student Performance; Monitoring Follow-Up; IDEA Key Components; and Information Request, Subsections D and E; and
- all statements, assurances, commitments and representations made by the charter holder in its application for charter renewal and its attachments or related documents, to the extent that these documents are consistent with those listed above.

Note that a contract term that conflicts with any state or federal law or rule is superseded by the law or rule to the extent that the law or rule conflicts with the contract term. By continuing to operate past the ending date of the original charter, the charter holder indicates its agreement to the contract for charter as described above.

Please contact the Division of Charter Schools at (512) 463-9575 with any questions.

Sincerely Shirley J. Neeley. Ed.D.

Commissioner of Education

Cc: Marshall Willard, Superintendent

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Enclosure

"Good, Better, Best-never let it rest-until your good is better-and your better is BEST!"