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POLICY

Graduation Requirements

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

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

Academic Achievement Record

PRIORITY CHARTER SCHOOLS (“PCS”) shall use the academic achievement record (transcript) form designated by the Commissioner of Education (“Commissioner”). This form shall serve as the academic record for each student and shall be maintained permanently by PCS.

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

Copies of the record shall be made available to students transferring to another public school. PCS shall respond promptly to all requests for student records from receiving schools.

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

Transcript Seals

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

19 TAC 74.14(d).

Endorsement

Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript) and on the diploma.

Performance Acknowledgment

Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript) and on the diploma.

Distinguished Level of Achievement

Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript) and on the diploma.

Education Code 28.025(e-1); 19 TAC 74.5(f)-(h), .11(b).

Certificate of Coursework Completion

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

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

19 TAC 74.5(i).

POLICY

End-of-Course Assessments

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an end-of-course (“EOC”) assessment exists as required by Education Code 39.023(c) shall take the appropriate assessment. 19 TAC 101.3021(a).

Students Enrolled Below High School Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student’s assessment graduation requirements, as specified in 19 Administrative Code 101.3022. 19 TAC 101.3121(d).

Assessment Requirements for Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

Exceptions – English I or English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course’s assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007.

Credits Earned Prior to Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school and the credit has been accepted by a Texas public school, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

Substitute Assessments

A student may use certain assessments as substitute assessments in place of an EOC assessment, to meet the student's assessment graduation requirements in accordance with the Commissioner's chart at 19 Administrative Code 101.4002(b). An approved substitute assessment may be used in place of only one specific EOC assessment.

A student is eligible to use a substitute assessment if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled; and
2. Received a satisfactory score on the substitute assessment as determined by the Commissioner and provided in the chart at 19 Administrative Code 101.4002(b).

A student electing to substitute an assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above.

A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN as indicated in the chart at 19 Administrative Code 101.4002(b) must take the appropriate EOC assessment to meet the assessment graduation requirements for that subject.

Verification of Results

An eligible student is responsible for providing PRIORITY CHARTER SCHOOLS ("PCS") an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, PCS must:

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

Satisfactory Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the Commissioner, on each EOC assessment instrument administered to the student. Education Code 39.025(a).

Individual Graduation Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more

than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC).

Starting with the 2014-15 school year, a student who has taken but failed to achieve the EOC assessment graduation requirements for no more than two courses may receive a Texas high school diploma if the student has qualified to graduate by means of an IGC under Education Code 28.0258.

A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. PCS shall determine whether the student took each required EOC assessment or an approved substitute assessment. Under this provision, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an IGC.

English Language Learners

A student who is an English language learner (ELL) and qualifies for the English I special provision in 19 Administrative Code 101.1007 may graduate without an IGC if the student achieves satisfactory performance on the remaining EOC assessments that the student is required to take.

The qualifying ELL becomes eligible for IGC review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.

If a qualifying ELL does graduate by means of an IGC, the student is required to complete IGC requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.

Retakes

Notwithstanding any action taken by a student's IGC, PCS must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c), if the student has not previously achieved satisfactory performance on an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

Application and Expiration

This provision only applies to a student classified by PCS as an 11th or 12th grade student in the 2014–15, 2015–16, or 2016–17 school year.

This provision expires September 1, 2017. A student may graduate by means of an IGC if the student has qualified for an IGC under Education Code 28.0258 and that IGC convened prior to September 1, 2017.

Education Code 28.0258, 39.025(a-2); 19 TAC 101.3022(e).

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (relating to Graduation Requirements) and 19 Administrative Code 101.3023 (relating to Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. 19 TAC 101.3022(f).

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

A student who is receiving special education services and who is first enrolled in grade 9 or below in the 2011-12 school year shall be administered an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP. 19 TAC 101.3023.

POLICY

School Year

PRIORITY CHARTER SCHOOLS (“PCS”) shall operate so that it provides the minimum number of instructional days specified in the PCS charter currently on file with the State of Texas.

Length of School Day

A school day shall be at least 420 minutes each day, including intermissions and recesses.

Required Instruction

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

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

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

School Calendar

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

Celebrate Freedom Week

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

Generation Texas Week

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

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

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

Education Code 29.911.

Exercise of Constitutional Right to Pray

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

POLICY

SECTION I: HIGH SCHOOL DIPLOMA

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

1. The curriculum requirements identified by the State Board of Education and has performed satisfactorily on the exit-level assessments; or
2. An individualized education program (IEP) developed under Education Code 29.005.

Education Code 28.025(c); 19 TAC 101.4001(a)

Individual Graduation Committee

Without complying with the requirements above, a student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (“IGC”) established under Education Code 28.0258. Education Code 28.025(c-6).

For each 11th or 12th grade student who has failed to comply with the end-of-course (EOC) assessment instrument performance requirements under Education Code 39.025 for not more than two courses, PRIORITY CHARTER SCHOOLS (“PCS”) shall establish an IGC at the end of or after the student’s 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate before the student’s 12th grade year.

The committee shall be composed of:

1. The principal or principal’s designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
 - a. The student’s parent or person standing in parental relation to the student;
 - b. A designated advocate if the parent is unable to serve; or
 - c. The student, at the student’s option, if the student is at least 18 years of age or is an emancipated minor.

The Superintendent shall establish procedures for convening the committee.

PCS shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a), (c), (c-2).

Notice

PCS shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or e-mail; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. Education Code 28.0258(d).

Curriculum Requirements

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. Education Code 28.0258(e).

Additional Requirements to Graduate

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement. Education Code 28.0258(f), (g).

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. Education Code 28.0258(i).

Special Education

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's admission, review, and dismissal (ARD) committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. See Section IV:

Graduation of Students Receiving Special Education Services, below. 19 TAC 101.3023(a).

Diplomas for Veterans

Notwithstanding any other provision of this policy, PCS may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

SECTION II: STATE GRADUATION REQUIREMENTS

STUDENTS ENTERING GRADE 9 IN THE 2014-2015 SCHOOL YEAR

To receive a high school diploma, a student entering grade 9 in the 2014-2015 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12;
2. Testing requirements for graduation under 19 Administrative Code Chapter 101; and
3. Demonstrated proficiency, as determined by PCS, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program for at least one endorsement. Education Code 28.025(c); 19 TAC 74.11(a), (c).

Transition to Foundation High School Program

PCS shall allow a student who entered grade 9 prior to the 2014–15 school year to complete the curriculum requirements for high school graduation:

1. By satisfying the requirements in place when the student entered grade 9 for the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program [see 19 Administrative Code Chapter 74] if the student was participating in the program before the 2014–15 school year; or
2. Under the foundation high school program by satisfying the requirements adopted by the SBOE, if the student chooses during the 2014–15 school year to take courses under the program.

A student who entered grade 9 prior to the 2014–15 school year may, at any time prior to graduation and upon request, choose to complete the curriculum requirements required for high school graduation under a different program than that selected by the student during the 2014–15 school year. 19 TAC 74.1021.

Student who Entered Grade 9 before the 2014–2015 School year

All credit for graduation must be earned no later than grade 12. 19 TAC 74.61(b), 74.71(b).

Minimum High School Program

A student entering grade 9 prior to the 2014–2015 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by PCS.

Students with Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009-2010 school year may remain in the Minimum High School Program. Education Code 28.025; 19 TAC 74.62, 74.72.

Recommended High School Program

A student who entered grade 9 in the 2007–2008, 2008–2009, 2009–2010, 2010–2011, or 2011–2012 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.63.

A student who entered grade 9 in the 2012–2013 or 2013–2014 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73.

Education Code 28.025; 19 TAC 74.63, .73.

Advanced/Distinguished Achievement High School Program

A student who entered grade 9 in the 2007–2008, 2008–2009, 2009–2010, 2010–2011, or 2011–2012 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.64.

A student who entered grade 9 in the 2012–2013 or 2013–2014 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.

Education Code 28.025; 19 TAC 74.64, .74

Substitutions

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. 19 TAC 74.63(d), 74.64(e), 74.73(d), 74.74(e).

AP or IB Courses

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. 19 TAC 74.61(k), 74.71(i).

SECTION III: TRANSFERS FROM OUT-OF-STATE OR NONPUBLIC SCHOOLS

An out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school is eligible to receive a Texas diploma, but must complete all applicable high school graduation requirements. Any

course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 TAC 74.26. 19 TAC 74.51(f), .61(i).

SECTION IV: GRADUATION FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

Definitions

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–118, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content.

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

Summary of Academic Achievement and Evaluation

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated.

Students Entering Grade 9 In or After the 2014-2015 School Year

A student entering grade 9 in the 2014–2015 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or PCS standards if greater) in 19 Administrative Code Chapters 110-118, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.

2. The student has demonstrated mastery of the required state standards (or PCS standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:
 - a. Consistent with the IEP, the student has obtained fulltime employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of PCS.
 - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of PCS.
 - c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
 - d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

Endorsements

A student receiving special education services may earn an endorsement if the student:

1. Satisfactorily completes the requirements for graduation under the foundation high school program as well as the additional credit requirements in mathematics, science, and elective courses with or without modified curriculum;
2. Satisfactorily completes the courses required for the endorsement without any modified curriculum; and
3. Performs satisfactorily on the required state assessments.

A student in grade 11 or 12 receiving special education services during the 2014–2015, 2015–2016, or 2016–2017 school year who has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (relating to Commissioner's Rules Concerning Implementation of the Academic

Content Areas Testing Program) or Subchapter DD (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments is eligible to receive an endorsement if the student has met the requirements of items 1 and 2 above.

In order for a student receiving special education services to use a course to satisfy both a requirement under the foundation high school program and a requirement for an endorsement, the student must satisfactorily complete the course without any modified curriculum.

Students Entering Grade 9 Before the 2014-2015 School Year

A student receiving special education services who entered grade 9 before the 2014–2015 school year may graduate and be awarded a high school diploma under the foundation high school program if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. A student transitioning to the Foundation High School Program may earn an endorsement as set out above [see Endorsements, above].

A student receiving special education services in 11th or 12th grade during the 2014–2015, 2015–2016, or 2016–2017 school year who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements.

A student receiving special education services who entered grade 9 before the 2014–2015 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or PCS standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the Recommend or Advanced/Distinguished Achievement Programs, including satisfactory performance on the required state assessments.
2. The student is in grade 11 or 12 during the 2014-2015, 2015-2016, or 2016-2017 school year and has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in item 1 above.

3. The student has demonstrated mastery of the required state standards (or PCS standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements under the Minimum High School Program, including participation in state assessments. The student’s ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.
4. The student has demonstrated mastery of the required state or PCS standards (whichever is greater) in 19 TAC Chapters 110–119, 126-128, and 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the satisfactorily completed credit requirements under the Minimum High School Program, including participation in required state assessments. The student’s ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The student must also successfully complete the student’s IEP and meet one of the following conditions consistent with the IEP:
 - a. Consistent with the IEP, the student has obtained full-time employment, based on the student’s abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of PCS;
 - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of PCS;
 - c. The student has access to services that are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program; or
 - d. The student no longer meets eligibility requirements.

When a student receives a diploma under item 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b)–(k).

Evaluation

Graduating special education students shall be provided with a summary of academic achievement and functional performance as described at 34 CFR 300.305(e)(3). The summary shall consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on

how to assist the student in meeting postsecondary goals. If the student is graduating based on completion of his or her IEP, the evaluation under 34 CFR 300.305(e) shall be included as part of the summary. Students who participate in graduation ceremonies but who are not graduating under 19 TAC 89.1070(b)(3) and who will remain in school to complete their education do not have to be evaluated. 19 TAC 89.1070(h)-(i).

SECTION V: GRADUATION OF MILITARY DEPENDENTS

Graduation of Military Dependents

Course Waiver

PCS shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, PCS shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During Senior Year

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from PCS after all alternatives have been considered, the sending district and PCS shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district.

Substitute Passing Standard

PCS may utilize a substitute passing standard adopted by the Commissioner on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in Texas for the first time after completing the ninth grade or who reenrolls in a Texas public school at or above the tenth grade level after an absence of at least two years from Texas public schools. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard. Education Code 162.002 art. VII, §§ A, C.

SECTION VI: GRADUATION OF STUDENT WHO IS HOMELESS OR IN CONSERVATORSHIP OF DFPS

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a public school and the student is ineligible to graduate from the school to which the student transfers, the public school from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the school from which the

student transferred. “Student who is homeless” has the meaning assigned to the term “homeless children and youths” under 42 U.S.C. Section 11434a. Education Code 28.025(i).

POLICY

General Homebound Education

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

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

Special Education Students

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

Documentation of Services

PRIORITY CHARTER SCHOOLS shall maintain full documentation regarding students receiving homebound services in accordance with administrative procedures.

POLICY

Essential Knowledge and Skills

PRIORITY CHARTER SCHOOLS (“PCS”) shall establish instructional objectives that relate to the essential knowledge and skills for grade-level subjects or courses. These objectives shall address the skills needed for successful performance in the next grade or next course in a sequence of courses.

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

Guidelines for Grading

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

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

Progress Reporting

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

Interim Reports

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

Conferences

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

Academic Dishonesty

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

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

POLICY

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

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

Tests and Makeup Work

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

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

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

Late Projects

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

POLICY

Report of Student Performance to Parents

PRIORITY CHARTER SCHOOLS (“PCS”) shall provide a record of the comparisons of student performance made under Education Code 39.034 and provided to PCS under Education Code 39.302 in a written notice to the student’s parent or other person standing in parental relationship.

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

Education Code 39.303.

POLICY

Tuition-Free Program

PRIORITY CHARTER SCHOOLS (“PCS”) shall offer tuition-free prekindergarten classes if it identified 15 or more eligible children who are at least four years of age. PCS may offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least three years of age.

Exemption

PCS may apply to the Commissioner for an exemption from the requirement that it provide a free prekindergarten program if PCS would be required to construct classroom facilities in order to provide the program.

Half-Day Basis

A tuition-free prekindergarten class shall be operated on a half-day basis.

Program Eligibility

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless, as defined by federal law, regardless of the residence of the child, of either parent of the child, or of the child’s guardian or other person having lawful control;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty; or
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child’s parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

Public Notice

The Superintendent shall develop a system to notify the population in the community with children eligible or enrollment of the availability of the program. The system must include public notices issued in English and Spanish.

Annual Report

PCS shall report annually to the TEA, on a form proscribed by the Commissioner, the strategies implemented by PCS to increase community awareness of the PCS prekindergarten program. The report may be combined, at the discretion of the Commissioner, with another report that PCS submits to the TEA.

Transportation

PCS is not required to provide transportation for a prekindergarten class. If transportation is required, it is included for funding purposes as part of the regular transportation system.

Education Code 29.153, 29.1534.

Tuition-Supported and School-Financed Prekindergarten

PCS may offer on a tuition basis or use school funds to provide:

1. An additional half-day of prekindergarten classes to children eligible for free prekindergarten; and
2. Half-day and full-day prekindergarten classes to children not eligible for free prekindergarten.

PCS may not adopt a tuition rate for the program that is higher than necessary to cover the added costs of providing the program, including any costs associated with collecting, reporting, and analyzing data under Education Code 2.1532(c) (regarding PEIMS data for prekindergarten programs). PCS must submit its proposed tuition rate to the Commissioner for approval.

Education Code 29.1531.

Program Requirements

PCS' prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills.

Education Code 29.1532(a).

Daily Physical Activity

Students in full-day prekindergarten shall participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of PCS' physical education curriculum or through structure activity during a campus's daily recess.

To the extent practicable, students enrolled in prekindergarten on less than a full-day basis shall participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

If PCS determines that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, PCS may require that students participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

PCS must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

Education Code 28.002(l)

High-Quality Prekindergarten Grant Program

PCS may participate in and receive funding under a grant funding program established by the Commissioner in order to implement a prekindergarten grant program under Education Code Chapter 29, Subchapter E-1. PCS must meet all program standards required under Education Code, Subchapter E-1.

Education Code 29.165

Funding

A student qualifies for additional funding if the student satisfies eligibility requirements under Education Code 29.153(b) and is four years old on September 1 of the year the student begins the program. PCS may use funding only to improve the quality of the PCS prekindergarten program.

Education Code 29.166

Curriculum and Teacher Requirements

PCS shall select and implement a curriculum for a prekindergarten grant program that:

1. Includes the prekindergarten guidelines established by TEA;
2. Measures the progress of students in meeting the recommended learning outcomes; and
3. Does not use national curriculum standards developed by the Common Core State Standards Initiative.

Each teacher for a prekindergarten program class must be certified under Education Code Chapter 21, Subchapter B and have one of the following additional qualifications:

1. A Child Development Associate (CDA) credential or another early childhood education credential approved by TEA;
2. Certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
3. At least eight years' experience of teaching in a nationally accredited child care program;
4. Be employed as a prekindergarten teacher in a public school that has received approval from the Commissioner for the school's prekindergarten-specific instructional training plan that the teacher uses in the teacher's prekindergarten classroom; or
5. An equivalent qualification.

PCS may allow a teacher employed by PCS to receive the training required to be awarded a CDA credential from a regional education service center. Training may not include national curriculum standards developed by the Common Core State Standards Initiative.

PCS must attempt to maintain an average ratio in any prekindergarten program class of not less than one certified teacher or teacher's aide for each 11 students.

Education Code 29.167

Family Engagement Plan

PCS shall develop and implement a family engagement plan to assist in achieving and maintaining high levels of family involvement and positive family attitudes toward education. The family engagement plan must be based on family engagement strategies established by TEA. Education Code 29.168

Program Evaluation

PCS shall:

1. Select and implement appropriate methods for evaluating the PCS program classes by measuring student progress; and
2. Make data from the results of program evaluations available to parents.

PCS may administer diagnostic assessments to students in a program class to evaluate student progress, but may not administer a state standardized assessment instrument.

An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the Commissioner.

Education Code 29.169

Eligible Private Providers

PCS may enter into a contract with an eligible private provider to provide services or equipment for its prekindergarten program.

To be eligible to contract with PCS to provide a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. A private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license during the 24-month period preceding the date of a contract with PCS. The private provider must also:

1. Be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the Commissioner;
2. Be a Texas Rising Star Program provider with a three-star certification or higher;
3. Be a Texas School Ready! participant;
4. Have an existing partnership with a district to provide a prekindergarten program not provided under Subchapter E-1; or
5. Be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

A prekindergarten program provided by a private provider under Education Code 29.171 is subject to the requirements of Education Code Chapter 29, Subchapter E-1.

Education Code 29.171

Prekindergarten Expansion Grant

PCS may use funds from grants administered by the Commissioner to expand an existing half-day prekindergarten program to a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program. PCS may use funds received under this program to employ teachers and other personnel for a prekindergarten program or to acquire curriculum materials or equipment, including computers, for use in prekindergarten programs. PCS may use funds granted under this program in contracting with another entity, including a private entity. Education Code 29.155

Ready to Read Grant

PCS may apply for a Ready to Read grant if at least 75% of the children enrolled in the prekindergarten program are low-income students, as determined by Commissioner rule.

Grants funds shall be used for:

1. Professional staff development in prereading instruction;
2. Prereading curriculum and materials;
3. Prereading skills assessment materials; and
4. Employment of prereading instructors.

Education Code 29.157.

Coordination of Services

In a manner consistent with federal law and regulations, PCS shall coordinate with the TEA, the Texas Workforce Commission, and local workforce development boards regarding subsidized child-care services.

Education Code 29.158.

Statewide Information and Referral Network

PCS shall provide the Texas Information and Referral Network with information regarding eligibility for and availability of child-care and education services (including services provided through a prekindergarten or after-school program) for inclusion in the statewide information referral network. PCS shall provide the information in a form determined by the executive commissioner of the Texas Health and Human Services Commission, and shall update the information at least quarterly.

When necessary, staff of the Texas Information and Referral network shall send an electronic mail message to PCS containing the name of and contact information for an applicant for child-care and education services and a description of the services the applicant is seeking.

On receipt of such an electronic mail message, PCS shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services and, on certifying eligibility, shall match the applicant with entities providing those services in the applicant's community, including local workforce development boards, local child-care providers, or a Head Start or Early Head Start program provider.

PCS shall cooperate with the Texas Information and Referral Network as necessary in the administration of this project.

Gov't Code 531.0312, 531.03131.

Establishment of New Program

Before establishing a new prekindergarten program, PCS shall consider the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site.

Education Code 29.1533.

Contracting with Private Entity

If PCS contracts with a private entity for the operation of its prekindergarten program, the program must at a minimum comply with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042.

Education Code 29.1532(b).

General Definitions

For purposes of this policy, “child” includes a stepchild and “parent” includes a stepparent.

Education Code 29.183(a).

POLICY

Selection of Reading Instruments

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

Student Reading Assessments

Kindergarten–Second Grade

PCS shall administer, at the kindergarten and first and second grade levels, a reading instrument on the list adopted by the Commissioner or by PCS. The reading instrument shall be administered in accordance with the Commissioner’s recommendations.

Seventh Grade

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

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

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

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

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

19 TAC 101.6001(c), (d).

Superintendent Reports

The Superintendent shall:

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

The results of reading instruments may not be used for purposes of accountability under Chapter 39, Education Code.

Education Code 28.006(d).

Parental Notification

PCS shall notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. PCS shall make a good faith effort to ensure that this notice is provided either in person or by regular mail, and that the notice is clear and easy to understand and is written in English and in the parent or guardian's native language. Education Code 28.006(g)-(h).

Accelerated Reading Instruction Program

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

POLICY

Unsatisfactory Performance on Assessment Instruments

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

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

Accelerated instruction shall be based on, but not limited to, guidelines on research-based best practices and effective strategies as outlined in the Student Success Initiative (“SSI”) manual, published annually by TEA.

PCS must accommodate the request of an out-of-district student to participate in any established, on-campus summer accelerated instruction program, provided the student is living away from his or her home district and the program matches the accelerated instruction prescribed by the student’s Grade Placement Committee (“GPC”).

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

Unsatisfactory Performance

On Grade Advancement Tests

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

Accelerated Instruction

Each time a student fails to perform satisfactorily on a grade advancement test, PCS shall provide the student with accelerated instruction in the applicable subject area. A student who fails to perform satisfactorily on a grade advancement test shall be provided accelerated instruction before the next administration of the applicable assessment. An accelerated instruction group for students who have failed an assessment may not have a ratio of more than ten students for each teacher per class. The accelerated instruction must satisfy the standards found in 19 TAC 101.2006. Education Code 28.0211(c); 19 TAC 101.2006(e)(1).

If a student fails to perform satisfactorily on a grade advancement test after three attempts, the accelerated instruction shall be provided during the next school year

according to an educational plan developed for the student by the student's GPC. PCS shall provide the instruction regardless of whether the student has been promoted or retained. The educational plan shall be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure the student is progressing in accordance with the plan. PCS shall administer to the student the assessment instrument for the grade level in which the student is placed at the time PCS regularly administers the assessment instrument for that school year. Education Code 28.0211(f).

Parental Notification of Performance and Accelerated Instruction

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

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

Whenever PCS is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, PCS shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language. Education Code 28.0211(d), (h)

Notice After Early Identification of At-Risk Students

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

Notice After First Testing Opportunity

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

immediately with the student's teacher to outline mutual responsibilities to support the student during accelerated instruction. 19 TAC 101.2009(c).

Notice After Second Testing Opportunity

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

Grade Placement Committee

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

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

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

If more than one parent or guardian has the authority to make educational decisions regarding the student, a good faith effort must be made to notify both parents, but participation of any one parent or guardian is sufficient. Either parent or only one guardian may initiate an appeal. If both parents or guardians serve on the GPC but do not agree, either may agree to promote the student if the remaining members of the GPC also agree to the promotion. PCS may accept a parent's or guardian's written designation of another person to serve on the GPC for all purposes. PCS may accept a parent's or guardian's written and signed waiver of participation in the GPC and designation of the remaining members of the GPC as the decision-making entity for all purposes.

If a parent or guardian or designee is unable to attend a meeting, PCS may use other methods to ensure parent participation, including individual or conference

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

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

Alternate Assessment

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

Parental Waiver

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

Notice After Third Testing Opportunity

The GPC must convene again if a student fails to demonstrate proficiency on the third administration of an assessment required for grade advancement and is thereby automatically retained at the same grade level. Within five working days of receipt of student assessment results, PCS shall notify the Principal of the assessment results for each eligible student who fails to demonstrate proficiency. Upon receipt of this notice, the Principal shall notify the teacher and parent or guardian of the time and place for the GPC to hold a meeting. This notice shall inform the parent or guardian of the opportunity to appeal the automatic retention of the student. The Superintendent shall establish a procedure to ensure a good faith effort is made toward securing the parent's or guardian's receipt of the retention notification. 19 TAC 101.2007(e).

Retention and Appeal

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

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

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

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

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

19 TAC 101.2007(f).

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

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

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

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

Transfer Students

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

Limited English Proficient Students

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

Special Education Students

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

POLICY

Nondiscrimination Policy

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any service, program, or activity provided or offered by PRIORITY CHARTER SCHOOLS (“PCS”). 42 U.S.C. 12132; 29 U.S.C. 794(a); 34 CFR 104.4(a).

Free Appropriate Public Education

Eligible students with disabilities shall enjoy the right to a free appropriate public education (FAPE), which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. Education Code 29.003(a).

FAPE means special education and related services that:

- 1) Have been provided at public expense, under public supervision and direction, and without charge;
- 2) Meet standards set out by TEA;
- 3) Include an appropriate preschool, elementary school, or secondary school education; and
- 4) Are provided in conformity with the student’s individualized education program (IEP).

20 U.S.C. 1401(9); 34 CFR 300.13, 300.17, 300.36.

Least Restrictive Environment

PCS shall ensure that, to the maximum extent possible, children with disabilities shall be educated with children who are not disabled. Special classes, special schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the child’s disability is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved. 20 U.S.C. 1412(a)(5); 34 CFR 300.114(a)(2).

Discipline

All disciplinary actions regarding students with disabilities shall be determined in accordance with applicable federal regulations, Education Code Chapter 37, and 19 Administrative Code 89.1053. 19 TAC 89.1050(g).

Instructional Arrangements and Settings

Instructional arrangements and settings shall be based on the individual needs and IEPs of eligible students receiving special education services. Instructional arrangements and settings include:

1. Mainstream: services provided in the regular classroom in accordance with the student's IEP;
2. Homebound: services provided at home or hospital bedside;
3. Hospital class: services provided in a classroom, hospital facility, or residential care and treatment facility not operated by PCS;
4. Speech therapy: speech therapy services provided, whether in a regular education classroom or other setting;
5. Resource room/services: services provided in a setting other than the regular classroom for less than 50% of the regular school day;
6. Self-contained (mild, moderate, or severe) regular campus: services provided to a student who is in a self-contained program for 50% or more of the regular school day on a regular school campus;
7. Off home campus: services provided in an interdistrict program, through PCS personnel in a non-PCS facility, or at a PCS campus that provides only special education and related services.
8. Nonpublic day school: services provided through a contractual agreement with a nonpublic school;
9. Vocational adjustment class/program: services provided to a student who is placed on a job with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP;
10. Residential care and treatment facility (not PCS resident): services provided to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of PCS;
11. State supported living center: services provided to a student who resides at a state supported living center when the services are provided at the state supported living center location; or
12. Other program options, including contracts with other districts and programs approved by TEA.

19 TAC 89.63(c), (f).

Shared Services Arrangement

PCS may enter into a written contract to jointly operate its special education programs. The contract must be approved by the Commissioner of Education. Education Code 29.007.

Related Services

"Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device. 20 U.S.C. 1401(26); 34 CFR 300.34.

Transportation

PCS shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. 19 TAC 89.1096(e).

Extended School-Year Services

PCS shall ensure that extended school-year (ESY) services are available as necessary to provide a student with a disability with a FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for a FAPE. PCS may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services. 34 CFR 300.106; 19 TAC 89.1065.

Special Education Students Placed In Private School

Placement by PCS

If PCS places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, PCS shall ensure that the child is provided special education and related services, in accordance with an IEP, at no cost to the parents. 20 U.S.C. 1412(a)(10)(B)(i).

Placement by the Parent

When a student with a disability who has been placed by his or her parent directly in a private school is referred to PCS, PCS shall convene an admission, review, and dismissal (ARD) committee to determine whether PCS can offer the child a free appropriate public education (FAPE). If PCS determines that it can offer a FAPE to the student, PCS is not responsible for providing educational services to the student, except as provided in 34 DFR 300.130–300.144 or 19 TAC 89.1096(e), until such

time as the parents choose to enroll the student in PCS full time. 19 TAC 89.1096(b).

Rejection of Offer of FAPE

Student Receives ISP

If PCS offers to provide a FAPE to a child with a disability and the parents elect to place the child in a private school or facility, PCS is not required to pay for the cost of education, including special education and related services. However, PCS must develop and implement an individualized services plan (ISP) for the child. 20 U.S.C. 1412(a)(10)(C)(i); 34 CFR 300.148(a).

Reimbursement

If the parents of a child with a disability, who previously received special education and related services under the authority of PCS, enroll the child in a private school without the consent or referral by PCS, a court or a hearing officer may require PCS to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that PCS had not made a FAPE available to the child in a timely manner before the enrollment. 20 U.S.C. 1412(a)(10)(C)(ii); 34 CFR 300.148(c).

POLICY

Dyslexia and Related Disorders

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

Identification and Testing

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

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

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

Treatment

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

Reading Program

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

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

Reassessment

Unless otherwise provided by law, a student determined to have dyslexia during testing or accommodated because of dyslexia may not be retested for dyslexia for the purpose of reassessing the student’s need for accommodations until PCS reevaluates the information obtained from previous testing of the student.

Parental Notifications

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

Parent Education Program

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

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

Education Code 38.003; 19 TAC 74.28.

POLICY

Child Find

PRIORITY CHARTER SCHOOLS (“PCS”) shall ensure that all children residing within the PCS boundaries who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

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

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

Private School Students

PCS shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools within the PCS boundaries.

PCS shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending the public schools within the PCS boundaries. 20 U.S.C. 1412(a)(10)(A)(ii)–(iv).

Preschool Students

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

Referral

Referral of students for a full and individual initial evaluation for possible special education services shall be a part of PCS overall general education referral or screening system. Either a parent, TEA, another state agency, or PCS may initiate a request for an initial evaluation.

Obligation to Refer

Before referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students. If a student continues to experience difficulty in the general classroom after the provision of interventions,

PCS personnel must refer the student for a full and individual initial evaluation. 20 U.S.C. 1414(a)(1); 34 CFR 300.301; 19 TAC 89.1011.

Parent Request

If a parent submits a written request for a full individual and initial evaluation of a student, PCS shall, not later than the 15th school day after the date PCS receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 CFR 300.503, a copy of the procedural safeguards notice required by 34 CFR 300.504, and an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR 300.503, and a copy of the procedural safeguards notice required by 34 CFR 300.504.

20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301; 19 TAC 89.1011(a), (b); Education Code 29.004(c).

Notice of Rights

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

Initial Evaluation

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

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

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

Consent For Initial Evaluation

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

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

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

Wards of the State

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

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

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

Consent for Initial Evaluation

PCS must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which PCS receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which PCS receives written consent for the evaluation from the student's parent.

If PCS receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If PCS receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if PCS receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later than the 45th school day following the date PCS received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the official PCS attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the Board and is under the direction of a professional staff member of PCS or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

"School day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

Transfer Students

PCS shall ensure that evaluations of children who transfer from one public school to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by another public school and enrolls in PCS before the previous school completed the full individual and initial evaluation, PCS must coordinate with the previous school as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R. 300.301(d)(2) and (e) and 300.304(c)(5).

The time lines above do not apply in such a situation if:

1. The new school is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school agree to a specific time when the evaluation will be completed.

20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)–(e); Education

Code 29.004; 19 TAC 89.1011

Psychological Exams

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

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

Eligibility Determinations

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

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

The admission, review, and dismissal ("ARD") committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program ("IEP") and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at Timeframe for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible. 19 TAC 89.1011(d), (e)(4).

Reevaluations

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

Reevaluation shall occur:

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

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

Evaluation for Change in Eligibility

PCS shall evaluate a child before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law; a summary of academic achievement and functional performance must be provided in these circumstances. 20 U.S.C. 1414(c)(5); 34 CFR 300.305(e); 19 TAC 89.1070(g).

Independent Evaluation

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

At Public Expense

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

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

At Private Expense

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

Eligibility for Participation

A student is eligible to participate in the PCS special education program if:

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

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

Visual and Auditory Impairments

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

Parental Consent

Initial Provision of Services

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

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

Revoking Consent

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

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

34 CFR 300.300(b).

Requiring Prescription Medication

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

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

POLICY

Procedural Safeguards

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

These procedures shall include:

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

Consent

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

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

34 CFR 300.9

Language of Notices

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

Electronic Delivery of Notices

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

Notice of Procedural Safeguards

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

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

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

Contents of Notice

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

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;
5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
 - a. The time period in which to file a complaint,
 - b. The opportunity for PCS to resolve the complaint; and

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

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

Prior Notice and Consent

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

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

Contents of Notice

The notice must include:

1. A description of the action proposed or refused by PCS;
2. An explanation of why PCS proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report PCS used as a basis for the proposed or refused action;
4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the IDEA rules;
6. A description of other options the ARD committee considered and the reasons why those options were rejected; and
7. A description of other factors relevant to PCS' proposal or refusal.

34 CFR 300.503(b)

Consent to Initial Evaluation

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

Consent to Services

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

Consent to Reevaluation

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

Psychological Examinations and Tests

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

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

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

Dispute Resolution

The possible options for resolving disputes that arise between a parent and PCS relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by PCS, under 19 Administrative Code 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to PCS policies, with the principal, special education director, Superintendent, or Board;
4. Requesting state IEP facilitation in accordance with 19 Administrative Code 89.1197;
5. Requesting mediation through TEA in accordance with 19 Administrative Code 89.1193;

6. Filing a complaint with TEA in accordance with 19 Administrative Code 89.1195; or
7. Requesting a due process hearing through TEA in accordance with 19 Administrative Code 89.1151–.1191.

19 TAC 89.1150

Complaint Procedures

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

Time Limit

A due process complaint must set forth an alleged violation that occurred not more than one year before the date the parent or PCS knew or should have known about the alleged action that forms the basis of the complaint. 20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(c).

Exception

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

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

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

“Stay Put”

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

Exception

When a due process hearing has been requested by a parent or PCS concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the

parent and PCS agree otherwise. 20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 CFR 300.533.

Resolution Process

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

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

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

Transfer of Rights to Adult Students

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

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

POLICY

Language Proficiency Assessment Committee (LPAC)

The language proficiency assessment committee ("LPAC") shall select the appropriate assessment option for English language learners, as defined by Education Code Chapter 29, Subchapter B, as a student of limited English proficiency (LEP), in accordance with 19 Administrative Code 101.1005. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by TEA.

The LPAC shall document in the student's permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005;
3. In conjunction with the admission, review, and dismissal (ARD) committee, the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005; and
4. The reason for a postponement under 19 Administrative Code 101.1023.

19 TAC 101.1003(b), (c), .1005(a), (c), .1023.

Definitions

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. Education Code 39.027(g).

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as
 - a. An asylee as defined by 45 C.F.R. 400.41; or
 - b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and
3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

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Education Code 39.027(a-1); 19 TAC 101.1005(c).

“Inadequate schooling outside the United States” is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. 19 TAC 101.1005(d).

English Language Proficiency Assessments

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

Limitations on Exemptions

First Year after Enrollment

A LEP student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of a LEP student. Education Code 39.027(a)(1).

Subsequent Years

A LEP student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or
2. An additional four years if the student's initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student's academic progress in a valid, reliable manner.

Minimum Days for Enrollment

Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a

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period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).

Education Code 39.027(a)(1)–(2), (a-1), (a-2), (g).

Testing in Grades 3–8

An ELL shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.

Spanish-Version Assessment

A Spanish-speaking ELL in grades 3–5 may be administered the state's Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student's academic progress.

Linguistically Accommodated Assessments

An ELL in grade 3 or higher may be administered the linguistically accommodated English version of the state's mathematics, science, or social studies assessment if:

1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student's academic progress;
2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above; and
3. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less.

Exemption for Asylee or Refugee

An unschooled asylee or refugee who meets the criteria discussed above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school.

19 TAC 101.1005(b), (c).

Refusal of Services

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

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End-of-Course Assessments

An ELL shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. 19 TAC 101.1005(b).

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

Exception

If an ELL enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above and has been enrolled in U.S. schools for three school years or less, or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment.

19 TAC 101.1007(a), (b).

Exit-Level Assessments

Provisions related to exit-level assessments shall apply only to students first enrolled in grade 9 or higher prior to the 2011–12 school year, or first enrolled in grade 10 or higher in the 2011–12 school year. 19 TAC 101.1021.

Postponement

ELLs are not eligible for an exemption from exit-level testing requirements for graduation on the basis of limited English proficiency. However, ELLs who are recent immigrants may be granted a postponement of the administration of the exit-level assessment during their first 12 months of enrollment in U.S. schools. A postponement is not permitted if a student would otherwise not be afforded the opportunity to take the exit-level assessments at least one time before the student's scheduled graduation date. The LPAC shall document the reason for the postponement in the student's permanent record file. 19 TAC 101.1023

Limited LEP Exemptions

Certain ELLs who have had inadequate schooling outside the United States may be eligible for a LEP exemption from the assessment during a period not to exceed their first three school years of enrollment in U.S. schools. 19 TAC 101.1025(a).

An ELL who achieves a rating of advanced high on the state-administered English language proficiency assessment in reading during the student's first school year of enrollment in U.S. schools is not eligible for an exemption in the second or third

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school year of enrollment in U.S. schools. An ELL who achieves a rating of advanced or advanced high on this assessment during the student's second school year of enrollment in U.S. schools is not eligible for an exemption in the third school year of enrollment in U.S. schools. Education Code 39.027(e); 19 TAC 101.1025(a)(1).

During the first school year of enrollment in U.S. schools, the student may be granted a LEP exemption if the LPAC determines that the student has not had the schooling outside the United States necessary to provide the foundation of learning that Texas schools require and measure on the assessment, whether the foundation be in knowledge of the English language or specific academic skills and concepts in the subjects assessed. 19 TAC 101.1025(a)(2).

During the second and third school years of enrollment in U.S. schools, a student whose schooling outside the United States was inadequate may be granted a LEP exemption if the LPAC determines that the student lacks the academic language proficiency in English necessary for an assessment of academic skills in English to measure the student's academic progress in a valid, reliable manner. 19 TAC 101.1025(a)(3).

Federal Accountability

Students exempted under these provisions shall be administered assessments in subjects and grades required by federal law and regulations in accordance with linguistically accommodated testing procedures delineated in the test administration materials. 19 TAC 101.1025(c).

Refusal of Services

An ELL whose parent or guardian has declined bilingual/ESL services is not eligible for an exemption or an exit-level test postponement under 19 Administrative Code 101.1023. 19 TAC 101.1025(d).

Non-LEP Students

PRIORITY CHARTER SCHOOLS ("PCS") may administer the assessment of academic skills in Spanish to a student who is not identified as LEP but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. 19 TAC 101.1005(g).

Special Education

For each ELL who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

Selecting Assessments

The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP). 19 TAC 101.1005(a).

English Language Proficiency Tests

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an ELL who receives special education services to participate in an English language proficiency assessment required above for reasons associated with the student's particular disability. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. 19 TAC 101.1003(b).

In the case of an ELL learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. 19 TAC 101.1003(c).

Alternative Assessment Instruments

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

An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. 19 TAC 101.1005(c).

Testing Accommodations

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. 19 TAC 101.1005(e).

Grade Advancement Requirements

The LPAC shall determine appropriate assessment and accelerated instruction for an ELL who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.1005. The grade placement committee for an ELL shall make its decisions in consultation with a member of the student's LPAC. 19 TAC 101.2003(e).

POLICY

Student Testing Requirements

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code, Chapter 39, Subchapter B. Education Code 39.023; 19 TAC 101.5(a).

Unless exempted by applicable law, a student may not receive a high school diploma until he or she has performed satisfactorily on the end-of-course (“EOC”) assessment instruments required by Education Code, Chapter 39, Subchapter B. Education Code 39.025(a); 19 TAC 101.4001.

Limited English Proficient Students

In grades 3–12, a limited English proficient (“LEP”) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with Commissioner’s rules at 19 Administrative Code Chapter 101, Subchapter AA. Education Code 39.023(l), (m).

Special Education

TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student’s admission, review, and dismissal (“ARD”) committee, including assessment instruments approved by the Commissioner that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the Commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student’s performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student’s developmental level as determined by the student’s ARD committee.

The student’s ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Military Dependents

If a student is a military dependent, PRIORITY CHARTER SCHOOLS (“PCS”) shall accept:

1. Exit or end-of-course exams required for graduation from the sending state;

2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

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

Substitute Passing Standard

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

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

Administration of Tests

PCS shall follow the test administration procedures established by the TEA in the applicable test administration materials. The Superintendent shall be responsible for administering tests. 19 TAC 101.25, 101.27.

Testing Schedule

The Commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3)(1) and (2), and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The Commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25.

Alternate Test Dates

PCS or a campus may request from the Commissioner an alternate test date. Alternate test dates will only be allowed if PCS or campus is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect PCS' or campus' ability to administer an assessment or the students' performance on an assessment.

“Exceptional circumstances” include:

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

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

19 TAC 101.5003.

Notice to Students and Parents

The Superintendent shall be responsible for providing written notice to each student and the student’s parent or guardian of:

Grade Advancement Testing

1. The testing requirements for grade advancement and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student’s kindergarten year, for students attending kindergarten in PCS, and no later than the beginning of the student’s first-grade year for all other students. The Superintendent shall also provide such notice for students in grades 1–8 who are new to PCS.

Graduation Testing

2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student’s seventh-grade year. The Superintendent shall also provide such notice for students in grades 7–12 who are new to PCS. Notice of the dates, times, and locations of testing shall be provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012.

Testing in Grades 3–8

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

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

Education Code 39.023(a).

Exception

Except as required for purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is receiving instruction in the entire curriculum for that subject.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(p), 39.023(a-2); 19 TAC 101.3011.

Testing Accommodations

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

The committee established to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

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

19 TAC 101.3013; Education Code 39.023(a)-(c), (n); 34 CFR 300.320(a)(6).

End-of-Course Assessments

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education Code 39.023(c) shall take the appropriate assessment. 19 TAC 101.3021(a).

Students Enrolled Below High School Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. 19 TAC 101.3021(d).

Assessment Requirements for Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

Exceptions: English I or English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007.

Exceptions: Credits Earned Prior to Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school and the credit has been accepted by a Texas public school, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022

Substitute Assessments

A student may use certain assessments as substitute assessments in place of an EOC assessment, to meet the student’s assessment graduation requirements in accordance with the Commissioner’s chart at 19 Administrative Code 101.4002(b). An approved substitute assessment may be used in place of only one specific EOC assessment.

A student is eligible to use a substitute assessment if the student meets all eligibility criteria listed in 19 Administrative Code 101.4002(c)-(d).

A student electing to substitute an assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above.

A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN as indicated in the chart at 19 Administrative Code 101.4002(b) must take the appropriate EOC assessment to meet the assessment graduation requirements for that subject.

Verification of Results

An eligible student is responsible for providing PCS an official copy of the student’s scores from the substitute assessment. Upon receipt of official results of an approved substitute assessment, the School must:

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

19 TAC 101.4002, .4005

Satisfactory Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the Commissioner, on each EOC assessment instrument administered to the student. Education Code 39.025(a).

Individual Graduation Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (“IGC”).

Starting with the 2014-15 school year, a student who has taken but failed to achieve the EOC assessment graduation requirements for no more than two courses may receive a Texas high school diploma if the student has qualified to graduate by means of an IGC under Education Code 28.0258.

A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. PCS shall determine whether the student took each required EOC assessment or an approved substitute assessment. Under this provision, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an IGC.

English Language Learners

A student who is an English language learner (“ELL”) and qualifies for the English I special provision in 19 Administrative Code 101.1007 may graduate without an IGC if the student achieves satisfactory performance on the remaining EOC assessments that the student is required to take.

The qualifying ELL becomes eligible for IGC review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.

If a qualifying ELL does graduate by means of an IGC, the student is required to complete IGC requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.

Retakes

Notwithstanding any action taken by a student's IGC, PCS must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c), if the student has not previously achieved satisfactory performance on an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

Application and Expiration

This provision only applies to a student classified by PCS as an 11th or 12th grade student in the 2014–15, 2015–16, or 2016–17 school year. This provision expires September 1, 2017. A student may graduate by means of an IGC if the student has qualified for an IGC under Education Code 28.0258 and that IGC convened prior to September 1, 2017.

Education Code 28.0258, 39.025(a-2); 19 TAC 101.3022(e).

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (relating to Graduation Requirements) and 19 Administrative Code 101.3023 (relating to Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. 19 TAC 101.3022(f).

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

A student who is receiving special education services and who is first enrolled in grade 9 or below in the 2011–12 school year shall be administered an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP. 19 TAC 101.3023.

Credit by Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. 19 TAC 101.3021(c).

Additional State Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. Education Code 39.023(c-2).

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. A student is not required to retake a course as a condition of retaking an EOC assessment instrument. If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course. Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d).

Reporting Results

Public Reports

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

Reports to the Board

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

Reports to Students and Parents

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

private school. Upon receipt of the assessment results from the test contractor, PCS shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. 19 TAC 101.3014; No Child Left Behind Act, 20 U.S.C. 6311(h)(6).

The TEA has adopted a series of questions to be included in an end-of-course assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. PCS shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. PCS may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. Education Code 39.0233(b).

Accelerated Instruction

PCS shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. Education Code 39.025(b-1).

Security of Tests

To ensure that each assessment instrument is reliable and valid and meets applicable federal requirements for measurement of student progress, PCS must comply with all of the applicable requirements specified in the test administration materials, which include general testing program information, requirements for ensuring test security and confidentiality described in the annual Test Security Supplement, procedures for test administration, responsibilities of personnel involved in test administration, and procedures for materials control.

Test coordinators and administrators must receive all applicable training as required in the test administration materials, and the School must maintain records related to the security of assessment instruments for a minimum of five years. 19 TAC 101.3031.

Confidentiality

The contents of each test booklet and answer document are confidential in accordance with state and federal law. Additionally, individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. Education Code 39.030(b).

Penalties

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

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

1. Viewing a test before, during, or after an assessment unless specifically authorized to do so;
2. Duplicating secure examination materials;
3. Disclosing the contents of any portion of a secure test;
4. Providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;
5. Changing or altering a response or answer of an examinee to a secure test item or prompt;
6. Aiding or assisting an examinee with a response or answer to a secure test item or prompt;
7. Encouraging or assisting an individual to engage in the conduct described in the items listed above; or
8. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in the items listed above.

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

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

Release or disclosure of confidential test content could result in criminal prosecution under Education Code 39.0303, Government Code 552.352, and Penal Code 37.10. The State Board for Educator Certification may take any of the above actions based on satisfactory evidence that an educator has failed to cooperate with TEA in an investigation.

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

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

19 TAC 101.3031(b)(2), 249.15.

Minimize Disruptions

In implementing the Commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, PCS shall minimize disruptions to school operations and the classroom environment. Education Code 39.0301(a-1).

POLICY

Definitions

“Electronic Course”

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

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

Education Code 30A.001(4).

Prohibition on Required Enrollment

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

Student Eligibility

A student is eligible to enroll in a course provided through the Texas Virtual School Network (“TxVSN”) only if the student:

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

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

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

Exception for Military Dependents

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

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

Education Code 30A.002.

Enrolled Students

A student who is enrolled in PCS as a full-time student may take one or more electronic courses through the TxVSN. Education Code 30A.107(b).

Unenrolled Students

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

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

Education Code 30A.107(c).

Student Participation in the TxVSN

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

Enrollment in courses through the TxVSN shall not be subject to limitations PCS may impose for other distance learning courses.

Notice

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

Requests to Enroll

Except as provided below, PCS may not deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TxVSN.

PCS may deny a request to enroll a student in an electronic course if:

1. A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;
2. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the course provider; or
3. PCS offers a substantially similar course.

The course provider shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

If a parent of a student requests permission to enroll the student in a TxVSN course, PCS has discretion to select a course provider approved by TEA for the course in which the student will enroll based on factors including the informed choice report required by Education Code 30A.108(b).

Students with Disabilities

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

Appeals

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

Education Code 26.0031, 30A.007.

Required Enrollment Prohibited

PCS may not require a student to enroll in an electronic course. Education Code 30A.107(d).

Electronic Course Portability

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

Student Assessment

All Texas public school students enrolled in the TxVSN are required to take the statewide assessments as required in Education Code 39.023. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.

PCS shall report to the Commissioner through the Public Education Information Management System (“PEIMS”) the results of assessment instruments administered to students enrolled in an electronic course offered through the TxVSN separately from the results of assessment instruments administered to other students. Education Code 30A.110.

Fees

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

1. Is enrolled in a school district or open-enrollment charter school as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other public schools; or
2. Elects to enroll in a TxVSN course for which PCS declines to pay the cost as authorized by Education Code 26.0031(c-1).

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

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

A TxVSN course cost may not exceed the lesser of the cost of providing the course or \$400.

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

PCS may decline to pay the course costs for a student who chooses to enroll in more than three year-long electronic courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional electronic courses offered through the TxVSN at the student's expense.

PCS, if it is not the course provider, may charge a student enrolled in PCS a nominal fee, not to exceed \$50, if the student enrolls in a TxVSN course that exceeds the course load normally taken by students in the equivalent grade level.

Education Code 30A.155(a)–(c-1).

Provision of Computer Equipment and Internet Service

This policy does not:

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

Education Code 30A.003.

Applicability

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

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

PCS as Provider

PCS is eligible to act as a course provider only if PCS is rated acceptable under Education Code 39.054. Additionally, PCS may serve as a course provider only:

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

Education Code 30A.101(a).

Contracts with Virtual School Service Providers

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

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

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

Applicability

Unless PCS chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of PCS, Education Code Chapter 30A does not affect the provision of a course to such a student. Requirements imposed by or under Education Code Chapter 30A do not apply to a virtual course provided by a district only to PCS students if the course is not provided as part of the TxVSN. Education Code 30A.004

POLICY

Local Option

In addition to the state-administered assessment instruments, PRIORITY CHARTER SCHOOLS (“PCS”) may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. Any such locally adopted norm-referenced assessment instrument must be economical, nationally recognized, and state-approved.

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

A company or organization scoring an assessment instrument shall send test results to PCS for verification. PCS shall have 90 days to verify the accuracy of test data and report the results to the Board.

PCS shall follow procedures for test security and confidentiality set forth in 19 TAC Chapter 101, Subchapter C. Education Code 39.026, 39.032, 19 TAC 101.101.

Preparation for State-Administered Assessments

In any subject area for which a state assessment is administered, PCS may not administer locally required assessments designed to prepare students for state assessments to any student on more than 10% of the instructional days in any school year. A campus-level planning and decision-making committee may limit the administration of locally required assessments to 10% or a lower percentage of the instructional days in any school year. This prohibition does not apply to the administration of college preparation assessments, advanced placement tests, international baccalaureate examinations, or state assessments. Education Code 39.0262.

Benchmark Assessment Instruments

“Benchmark assessment instrument” means a PCS-required assessment instrument designed to prepare students for a corresponding state-administered assessment instrument.

PCS may not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.

This prohibition does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACTPlan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, or an

independent classroom examination designed or adopted and administered by a classroom teacher.

A parent of or person standing in parental relation to a student who has special needs, as determined in accordance with Commissioner rule, may request administration to the student of additional benchmark assessment instruments.

Education Code 39.0263.

College Preparation Assessments

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

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

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

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

POLICY

Definitions

“Instructional materials” means content that conveys the essential knowledge and skills of a subject in the school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, on-line services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open-source instructional material, as defined by Education Code 31.1002(1).

“Open-source instructional material” is electronic instructional material that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the instructional material. Education Code 31.002(1-a).

“Technological equipment” is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. Education Code 31.002(4).

Local Selection

PRIORITY CHARTER SCHOOLS (“PCS”) shall establish a team, as needed, to select instructional materials and technological equipment to be purchased with PCS’ instructional materials allotment. The team shall make selections based upon PCS’ instructional needs and in accordance with administrative regulations.

The instructional materials allotment team shall ensure that selected materials, in combination with any other materials in use by PCS, allow PCS to certify that all students are provided with instructional materials that cover the essential knowledge and skills, as required by law.

The Board shall approve final selections and ratify PCS’ certification of instructional materials. Final selections shall be recorded in Board minutes.

Notice to SBOE

Each year, during a period established by the SBOE, the Board shall notify the SBOE of instructional materials selected in accordance with Education Code 31.101. Education Code 31.101(a).

Foundation Curriculum

For subjects in the foundation curriculum, the Board shall notify the SBOE of the instructional materials it selects from the instructional materials list, including the Commissioner's instructional materials list. Education Code 31.101(a)(1).

Enrichment Textbooks

For a subject in the enrichment curriculum, the Board shall notify the SBOE of instructional material it selects from the instructional materials list, including the Commissioner's instructional materials list, or that it selected materials that do not appear on the list. Education Code 31.101(a)(2).

Supplemental Materials

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

Open-Source Material

PCS may adopt state-developed open-source instructional material at any time, regardless of the instructional material review and adoption cycle. Education Code 31.073(c).

Special Education

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

Duration of Selection

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

Exception

Listed Materials

If PCS selects subscription-based instructional material on the SBOE instructional materials list or electronic instructional material on the Commissioner's instructional materials list, PCS may cancel the subscription and subscribe to new instructional

materials on the SBOE list or electronic instructional material on the Commissioner’s list before the end of the state contract period if:

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

Education Code 31.101(e).

Other Materials

For instructional material that is not on the instructional materials list, PCS must use the instructional material for the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the instruction material is used. Education Code 31.101(d).

Ownership and Distribution of Instructional Materials

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

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

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

Criminal Offense

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

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

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

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

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

Education Code 31.152

Ancillary Materials

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

Certification of Provision of Instructional Materials

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

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

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

Education Code 31.004.

POLICY

Admission, Review and Dismissal Committees

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

ARD Committee Responsibilities

The ARD committee and PCS are responsible for:

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

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

Committee Members

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

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
3. At least one special education teacher, or where appropriate, at least one special education provider of the child;
4. A representative of PCS who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;

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

20 U.S.C. 1414(d)(1)(B); 34 CFR 300.321; 19 TAC 75.1023(d)(1), 89.1131(b)(3)–(4), 101.1009

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

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

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

Transition Meeting Membership

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

1. The student. If the student does not attend, PCS shall take other steps to ensure that the student's preferences and interests are considered.
2. To the extent appropriate, and with the consent of the parent or student who has reached the age of majority, a representative of any other agency

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that is likely to be responsible for providing or paying for transition services.

34 CFR 300.321(b).

Parental Involvement

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

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

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

Alternative Participation Methods

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

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

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

34 CFR 300.322(d).

ARD Committee Meetings

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

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

Meeting at Parent Request

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

Transfer Students

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

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

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

Transfer of Records

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

Military Dependents

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

Individualized Education Program (IEP)

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

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

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

1. A statement of the child’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the child’s progress toward the annual goals will be measured and when periodic reports on the progress of the child will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child;
5. A statement of the program modifications or supports for school personnel that will be provided for the child;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state or system-wide assessments;
9. If the ARD committee determines that the child must take an alternative assessment instead of a particular regular state or system-wide assessment, a statement of why the child cannot participate in the regular assessment and why the particular assessment selected is appropriate for the child;
10. Beginning not later than the first IEP to be in effect when the child is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the child in reaching those goals; and
11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

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

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Translating IEPs

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

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

Education Code 29.005(d).

Autism/Pervasive Developmental Disorders

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

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

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

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Visual Impairment

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

Collaborative Process

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

Recess

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

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

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

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

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

No Agreement Reached

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

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

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

IEP Modification

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

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

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

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

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Receipt of Title I Funds

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

School Policy

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

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

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

Campus Policy

Each school served under Title I, Part A shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of 20 U.S.C. 6318(c)–(f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. 20 U.S.C. 6318(b).

Homeless Children

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

Comparability of Services

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

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

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

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

POLICY

Definitions

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

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

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

Individual Transition Planning

In accordance with Education Code 29.011 and 29.0111, not later than when a student reaches 14 years of age, the admission, review, and dismissal (“ARD”) committee must consider, and if appropriate, address the following issues in the individualized education program (“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 PRIORITY CHARTER SCHOOLS (“PCS”);
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.

In accordance with 34 C.F.R. 300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under paragraph (1) of this subsection.

20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.0111; 19 TAC 89.1055(h), (j).

Graduation

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

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

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

PCS shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. 20 U.S.C. 1414(c)(5); 34 CFR 300.102(a)(3), 300.305(e)(2); 19 TAC 89.1070.

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Title III Requirements

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

State Policy

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

PCS Responsibilities

PCS shall:

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

Education Code 29.051; 19 TAC 89.1201(a).

Identifying LEP Students

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

Language Proficiency Assessment Committees

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

LPAC Membership

Each LPAC shall include:

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

4. A campus administrator.

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

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

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

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

Education Code 29.063; 19 TAC 89.1220.

Training

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

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

Duties of LPAC

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

Home Language Survey

Within four weeks of each student's enrollment, PCS shall conduct a home language survey to determine the language normally used in the home and the language normally used by the student, whenever possible. The home language survey shall be conducted in English and in the home language, and signed by the student's parents if the student is in prekindergarten through grade 8, or by the student if the student is in grades 9 through 12. The original copy of the survey shall be kept in the student's permanent record.

PCS shall conduct only one home language survey of each student.

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

Education Code 29.056(a); 19 TAC 89.1215.

Classification as LEP

The LPAC may classify a student as LEP if:

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

Education Code 29.056(c)

Parental Notice and Consent

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

Pending parent approval, PCS shall place the student in the recommended program, but may count only LEP students with parental approval for bilingual education allotment. Education Code 29.056(a), (d); 19 TAC 89.1220(k)

PARTICIPATION OF NON-LEP STUDENTS

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

Education Code 29.058

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Bilingual and ESL Programs

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

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

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

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

Program Content

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

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

Education Code 29.055; 19 TAC 89.1210(g).

Classes and Facilities

Students enrolled in the bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of educational attainment. PCS shall ensure that each student's instruction is appropriate to the student's level of educational attainment, and the District shall keep adequate records of the educational level and progress of each student enrolled in the program.

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

Education Code 29.057; 19 TAC 89.1235.

Cooperation Among Districts

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

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

Education Code 29.059.

Summer Program

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

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

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

Other Program

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

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

Education Code 29.060.

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Personnel

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

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

Education Code 29.054; 19 TAC 89.1207.

LEP Students and State Assessments

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

Program Exit

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

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

Education Code 29.056(g).

Notice to Parents

PCS shall notify the student’s parent of the student’s reclassification as English proficient and his or her exit from the bilingual education or English as a second language program and acquire approval as required under Education Code 29.056(a). Students meeting exit requirements may continue in the bilingual or English as a second language program with parental approval but are not eligible for inclusion in PCS’ bilingual education allotment.

19 TAC 89.1240(b).

Evaluation of Transferred Students and Reenrollment

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

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

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

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

Education Code 29.0561

PEIMS Reporting Requirements

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

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

Education Code 29.066(a).

POLICY

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

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

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

Compensator Education Allotment

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

Use

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

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

PCS may also use allocated funds for:

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

4. A mentoring services program under Education Code 29.089.

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

Dropout Prevention Strategies

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

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

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

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

Students At Risk Of Dropping Out Of School

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

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

4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in an alternative education program in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the PEIMS to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Education Code 29.052;
11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless, as defined by 42 U.S.C. 11302 and its subsequent amendments; or
13. Resided in the preceding school year or resides in the current school year in a residential placement facility, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

Education Code 29.081(d)–(d-1).

Local Eligibility Criteria

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

Compensatory, Intensive, and Accelerated Instruction

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

Accelerated Instruction

PCS shall provide accelerated instruction to a student who has taken an end-of-course assessment instrument and has not performed satisfactorily on the

assessment instrument or who is at risk of dropping out of school. Education Code 29.081(b), 39.025(b-1).

Effectiveness

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

Dropout Recovery Education Programs

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

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

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

Optional Extended Year Program

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

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

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

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

Policy

If PCS provides an OEYP, the Superintendent shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Program Criteria

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

Student Promotion

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

Transportation

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

Optional Flexible Year Program

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

Program Criteria

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

Optional Flexible School Day Program

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

Program Criteria

Upon meeting application requirements, PCS may:

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

Student Eligibility

PCS may provide an OFSDP for students who:

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

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

Participation in Extracurricular Activities

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

Performance Review

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

Education Code 29.0822; 19 TAC 129.1027.

Tutorials

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

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

Basic Skills Programs for High School Students

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

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

After-School and Summer Intensive Mathematics Instruction Programs

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

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

Before providing a program, the Superintendent shall develop a policy for:

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

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

Mentoring Services Program

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

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

Accelerated Reading Instruction Program

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

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

Limitation

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

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

Intensive Program of Instruction

State Assessments

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

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

Students Receiving Special Education Services

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

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

Graduation Requirements

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

Education Code 28.0213.

POLICY

Career and Technology Education

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

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

Students with Disabilities

PRIORITY CHARTER SCHOOLS (“PCS”) may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. Education Code 29.008(a).

Prekindergarten Licensing Standards

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

POLICY

Credit By Examination: With Prior Instruction for Students in Grades 6–12

A student in any of grades 6–12 may be given credit for an academic subject in which he or she has had some prior instruction if the student scores 70% or higher on a criterion-referenced test for the applicable course. Education Code 28.023; 19 TAC 74.24(c)(9).

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

1. The student is enrolling in PRIORITY CHARTER SCHOOLS (“PCS”) from a nonaccredited school;
2. The student has failed a subject or course; or
3. The student has earned a passing grade in a subject or course but has failed to earn credit because of excessive absences.

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

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

POLICY

Credit by Examination: Without Prior Instruction

With Board approval, PRIORITY CHARTER SCHOOLS (“PCS”) shall develop or purchase examinations for acceleration that thoroughly test the essential knowledge and skills for each primary school grade level and for credit for secondary school academic subjects.

Kindergarten–Grade 5

PCS shall develop procedures for kindergarten acceleration that are approved by the Board.

A student in any of grades 1–5 may be accelerated one grade level if he or she meets the following requirements:

1. The student scores 80% or above on a criterion-referenced test for the grade level to be skipped in each of the following areas: language arts, mathematics, science, and social studies;
2. A PCS representative recommends that the student be accelerated; and
3. The student’s parent or guardian gives written approval of the acceleration.

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

Grades 6–12

PCS shall give a student in grades 6-12 credit for an academic subject in which he or she has had no prior instruction if the student scores:

1. A three or higher on a College Board advanced placement examination that has been approved by the Board for the applicable course;
2. A scaled score of 50 or higher on an examination administered through the College-Level Examination Program and approved by the Board for the applicable course; or
3. Eighty percent or above on any other criterion-referenced test approved by the Board for the applicable course.

If a student is given credit in a subject on the basis of an examination on which the student scored 80 percent or higher, PCS shall enter the examination score on the student’s transcript and the student is not required to take an end-of-course (EOC) assessment instrument under Education Code 39.023(c) for the course.

Education Code 28.023(c), (c-1); 19 TAC 74.24(c)(5).

Kindergarten Acceleration

The Board shall approve procedures developed by the Superintendent or designee to allow a child who is five years old at the beginning of the school year to be assigned initially to grade 1 rather than kindergarten. Criteria for acceleration may include:

1. Scores on readiness tests or achievement tests that may be administered by appropriate PCS personnel.
2. Recommendation of the kindergarten or preschool the student has attended.
3. Chronological age and observed social and emotional development of the student.
4. Other criteria deemed appropriate by the Principal and Superintendent.

Board-Approved Examinations

The Board shall approve for each high school course, to the extent available, at least four examinations that shall include College Board advanced placement examinations and examinations administered through the College-Level Examination Program.

The examinations may be developed by Texas Tech University, The University of Texas at Austin, PCS, or another entity. If using a PCS-developed examination or an examination developed by another entity, prior to the first administration, PCS must certify that the examination:

1. Covers all assessable Texas essential knowledge and skills for the course;
2. Has not been published and is not publicly available;
3. Will only be administered in a secure environment under standardized conditions by a school district or institution of higher education;
4. Has been externally validated;
5. Is equivalent to state level EOC assessment instruments in terms of content coverage, item difficulty, and technical quality;
6. Yields comparable results for all subgroups; and
7. If for a course that has a state level EOC assessment instrument, is validated against the applicable EOC assessment. For a course that is validated for this purpose, the School must make public:
 - a. The test development process; and
 - b. The results of the validation efforts.

PCS-developed examinations for courses that do not have an EOC assessment shall meet all validation requirements at items 1–7 above no later than the 2018–19 school year for each examination offered for credit.

Examinations developed by Texas Tech University and The University of Texas at Austin for courses that do not have a state EOC assessment shall meet all requirements at items 1–7 above not later than the 2018–19 school year for each of its examinations offered for credit.

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination.

Annual Administration of Exams

PCS shall administer each exam approved by the Board not fewer than four times each year. PCS must provide windows to test between January 1 and March 31, April 1 and June 30, July 1 and September 30, and October 1 and December 31, unless the exam's administration date is established by an entity other than the PCS. The days need not be consecutive but shall be designed to meet the needs of all students. The dates must be publicized in the community. 19 TAC 74.24(a)(1).

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

Limitations on Taking Examinations

A student may not attempt to earn credit by examination for a specific high school course more than two times.

If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with PCS' prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course.

Fees

PCS shall not charge for an examination for acceleration for each primary school grade level or for credit for secondary school academic subjects. If a parent requests an alternative examination, PCS may administer and recognize results of a test purchased by the parent or student from Texas Tech University or the University of Texas at Austin. 19 TAC 74.24(a)(3).

POLICY

Career and Technology Program

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

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

Distinguished Achievement in Career and Technology Education

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

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

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

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

Contracts with Other Entities

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

Insurance

The Board may provide insurance to protect a business that contracts with the District under this provision. The Board shall notify the parent or guardian of each student working for a business if the Board provides such insurance. The amount of insurance provided by PCS must be reasonable. Education Code 29.187(f).

Providing Career and Technical Education

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

Students with Disabilities

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

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

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

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

5. PCS shall help fulfill the transitional service requirements of the IDEA of 2004 and implementing regulations, state statutes, and rules of the Commissioner for each student with a disability who is completing a coherent sequence of career and technical education courses.
6. When determining placement in a career and technical education classroom, the ARD committee shall consider a student's graduation plan, the content of the individual transition plan, the IEP, and classroom supports. Enrollment numbers should not create a harmful effect on student learning for a student with or without disabilities in accordance with the provisions in the IDEA of 2004 and its implementing regulations.

19 TAC 75.1023.

Student Organizations

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

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

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

19 TAC 75.1024 [See FM]

Program Evaluation

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

Annual Notification

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

POLICY

Parental Notification

Each school year, PRIORITY CHARTER SCHOOLS (“PCS”) shall notify the parent of each student enrolled in grade nine or above of the availability of programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs.

The notice may be provided on PCS Internet Web site, and must include the name and contact information of any public or private entity offering a program in PCS. Education Code 28.010.

College Credit Program

PCS has implemented a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

The program may provide a student the opportunity to earn credit for a course or activity, including apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board; and
2. For which a student may earn credit concurrently toward both the student’s high school diploma and postsecondary academic requirements.

PCS is not required to pay a student’s tuition or other associated costs for taking a course under this policy. Education Code 28.009.

College-Level Courses

A student may earn credit toward high school graduation for completing a college-level course. The course must be provided by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools
2. Middle States Association of Colleges and Schools
3. New England Association of Colleges and Schools
4. North Central Association of Colleges and Schools

5. Western Association of Colleges and Schools
6. Northwest Association of Colleges and Schools

19 TAC 74.25(a).

Annual Reports

PCS shall annually report to the TEA (1) the number of PCS students, including career and technical students, who have participated in the program; and (2) the cumulative number of courses in which participating students have enrolled and college credit hours the students have earned. Education Code 28.009(c).

Dual Credit Programs

Definitions

For purposes of the following provisions, “college” means a public two-year associate degree-granting institution or a public university.

“Dual credit” means the process by which a high school student enrolls in a college course and receive simultaneous academic credit for the course from both the college and high school. Such classes must exceed the Texas Essential Knowledge and Skills of high school courses listed in 19 TAC 74.25. 19 TAC 4.83(2), (4)

Partnership Agreements with Public Colleges

PCS may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 TAC Chapter 4, Subchapter D. Education Code 130.008; 19 TAC Ch. 4, Subch. D

Community Colleges

PCS may enter into an agreement with a community college district, regardless of whether its high school campuses are located within the service area of the community college district, to offer a course as provided by Education Code 130.008. Education Code 130.008(d)

Limit on Enrollment

A student may not enroll in more than three courses for dual college credit at a college if the college does not have a service area that includes the student’s high school. A student enrolled at an early college high school may enroll in a greater number of courses to the extent approved by the Commissioner. Education Code 130.008(d).

Attendance Accounting

The time during which a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum

instructional hours required for a student to be considered a full-time student in average daily attendance.

Education Code 42.005

Partnership Agreement

The Board and the governing board of a college must approve any dual credit partnership between the schools before offering such courses. The partnership agreement must address all items required in 19 TAC 4.84–.85.

19 TAC 4.84–85

Student Enrollment

A student who is a junior or senior may earn credit toward high school graduation for completing college-level dual credit/concurrent credit courses. Additionally, the student must satisfy all eligibility standards set forth in 19 TAC 4.85(b).

A student may not take more than two dual credit/concurrent credit courses each semester.

19 TAC 4.85(b)(1), (7)