

PCS Board Policy

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Non-discrimination Statement as Part of the School's Admission Policy

It is the policy of PRIORITY CHARTER SCHOOLS ("PCS") to comply with all state and federal regulations regarding admission and not to discriminate during the admission and the lottery process on the basis of gender, national origin, ethnicity, religion, disability, academic, artistic, athletic ability, or the district the child would otherwise attend.

Application Requirement

PCS requires applicants to submit a complete application form in order to be considered for admission. The Superintendent or designee shall set a beginning and closing date for the application window for each school year.

In order to be eligible for admission, the applicant or qualifying occupant specified by Education Code 25.001(b) must generally reside in the geographic boundaries set by the PCS charter, and satisfy any other admissions criteria specified in this policy. See **Verification of Residency** below.

Lottery Provisions

A "lottery" for purposes of this policy is a non-weighted, random selection process that determines the order of enrollment of student applicants. A lottery is to be conducted if the number of applicants exceeds the maximum enrollment. The lottery shall take place within ten school days after the closing date of the application period. The lottery will be conducted via lottery selection software. The principal or designee of each campus will conduct the computerized lottery, with supervision by at least one member of the sponsoring entity or his or her designee and a representative from the PCS Central Office. This ensures that the admissions list and the waiting list are selected randomly. Results of the lottery shall be certified by a notary public.

Development of Waiting List

The lottery will be paused momentarily after the computerized lottery fills all available seats allowed by the enrollment cap. The drawing will then continue, and the randomly-selected numbers will be used to create a waiting list. As space become available, applicants will be called from the waiting list beginning with applicants with the lowest number assignment. Applicants selected by lottery will be "deemed admitted" and may proceed from provisional admission (Texas Education Code Section 25.002) to enrollment.

Admission Process of Returning Students

Returning students (students who currently attend PCS and intend to return the next school year) are exempted from the lottery if they notify PCS of their intent to return for the next school year by the deadline designated by the Superintendent or designee for the then-current school year.

Siblings Policy and Children of the School's Founders and Employees

Siblings of returning students currently enrolled at a PCS campus and who timely notify PCS of their intent to return for the next school year are exempt from the lottery and, space permitting, are automatically enrolled. For this policy "sibling" shall mean a biological or legally adopted brother or sister residing in the same household as the applicant. Cousins, nieces, nephews and unrelated children sharing an address with the applicant are not siblings. Sibling enrollment is dependent on available space and does not guarantee enrollment of each listed sibling.

Children of PCS' founders, teachers, and staff (so long as the total number of students allowed constitutes only a small percentage of the total enrollment) are exempt from lottery requirements, as permitted by federal guidance on the Charter Schools Program.

Applications Submitted Outside the Designated Application Period

If a student applies to PCS outside of the designated application period, the student will be placed on a waiting list in the order of the date in which the application is received.

Students with documented histories of a criminal offense and/or misconduct

As authorized by Education Code § 12.111(a)(5)(A), PCS shall exclude from enrollment those students who have a documented history of a criminal offense, a juvenile court adjudication, or other discipline problems under Subchapter A, Chapter 37 of the Education Code.

Documents and Information Applicants are Required to Provide

Applicants must submit a completed application form to be considered for admission. The application form must be signed and dated by the parent(s). The application form must include the following items:

- Applicant's name (first, last, and middle names)
- Applicant's birth date
- Applicant's current grade level and grade applied for
- Applicant's residential address
- Phone numbers
- Applicant's current school and district names
- Applicant's parents' name and signature
- Whether the applicant has a sibling already admitted to or attending PCS
- Whether the applicant has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37 of the Education Code.

Applicants are not required to provide transcripts or other academic records until after they are offered admission.

Verification of Residency and Immunization Records for Enrollment

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Verification of residency and current immunization records are required for all students enrolling. Every student enrolling for the first time must present a signed statement from a physician or documentation of immunizations as required by the Texas Department of Health, no later than 30 days after enrolling. Students who submit an affidavit from a physician stating immunizations should not be administered for medical reasons, and students who submit an affidavit signed by the student's parent or guardian declining immunizations for reasons of conscience, will be excepted from this requirement. The parent or guardian must furnish records that verify the identity of the student.

A person's "residence," for the purpose of this policy is the true, fixed and permanent place where the qualifying occupant ordinarily lives and sleeps, not less than four nights during the school week and to which, when temporarily absent from the residence, the occupant intends to return. The qualifying occupant specified by Education Code 25.001(b) must generally reside in the authorized geographic boundaries of PCS, as described in the PCS charter. A person who is homeless, as defined by 42 U.S.C. 11302, need not reside within the geographic boundaries of PCS. In order to verify residency for enrollment, acceptable evidence of residency includes:

- Current property tax bill with parent/guardian's name and property address;
- Current rental or lease agreement with parent/guardian's name, student name, and address, as well as manager or owner's name and telephone number;
- Documents related to the purchase of the residence with the parent/guardian's name and property address;
- Mail dated within 60 days before the application date from the following sources:
 - Social Security Administration;
 - A Texas State government agency;
 - Utility companies;
 - Credit card bill;
 - Financial institutions; including checking or savings;
 - Insurance companies;
 - State and Federal Revenue documents;
 - Paycheck information.
 - Other sources or documents demonstrating residency.

If, at any time, a student's or qualifying occupant's residence is in question, PCS may ask for additional documents for verification. If the parent or legal guardian cannot provide evidence of residency because the parent or legal guardian is living with a relative or friend, a notarized statement by the relative or friend may be accepted by PCS with the following stipulation:

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- Notarized statement must state that the parent or legal guardian and child are living with the relative/friend;
- Notarized statement must state the name of relative or friend who is on the relative who is on the relative or friend's proof of residence;
- Notarized statement must state the same address of relative or friend who is on the relative or friend's proof of residence;
- A copy of the relative or friend's proof of residence must be attached to the notarized statement (meeting the documentation criteria described above); and
- The notarized statement must be signed by same name of relative or friend who is on the relative or friend's proof of residence.

Subsequently, within 60 days, at least two current documents, PCS must be provided confirmation of residency from one or more of the following sources:

- Credit card companies;
- U. S. Treasury;
- Social Security Administration, including benefits letter;
- Texas State government agencies (including city and county agencies);
- Utility companies;
- Financial institutions including checking, savings, or investment account statements;
- Insurance companies;
- State and Federal Revenue departments.

PCS may conduct home-visits, at any time, to confirm residency of applicants and enrolled students. Falsification of residence on an enrollment form is a criminal offense.

Adult Student Attendance Requirement for Continued Admission

A person who voluntarily attends school after his or her 19th birthday shall attend school each school day for the entire period the program of instruction is offered. PCS may revoke, for the remainder of the school year, the enrollment of a person who has more than five (5) absences in a semester that are not excused under Education Code 25.087, except that PCS may not revoke the enrollment on a day on which the person is physically present at school. A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school grounds and a criminal trespass warning may be issued. Prior to revoking the person's enrollment, PCS shall issue a warning letter to the person, after the third unexcused absence, stating that the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester. As an alternative to revoking enrollment, PCS may impose a behavior improvement plan.

Student Residency Separate From Parent/Guardian

In order to protect the best interests of students enrolled, for purposes of students under the age of 18 who have established a residence apart from the person's parent, guardian, or other person having lawful control, such persons must establish their separate residency and verify it with documentation acceptable to PCS in the same manner as other students. However, a student under 18 and not living with parents or guardian, who has engaged in conduct in the preceding year that has resulted in a disciplinary removal, alternative placement or expulsion, or who has engaged in delinquent conduct or conduct in need of supervision and is on probation or other conditional release for that conduct, or has been convicted of a criminal offense and is on probation or other conditional release, shall not be admitted to PCS. The Superintendent shall follow **Exclusion of Students With Certain Histories**, above, in making such determination.

McKinney-Vento Policy Statement

"Homelessness" means lacking a fixed, regular, and adequate nighttime residence. The Superintendent or designee shall appoint a Liaison for Homeless Children and Youths to serve as the primary contact between homeless families and school staff, shelter workers, and other service providers. The liaison will also assist in obtaining necessary immunizations, if needed. If a dispute arises over the enrollment of a homeless child, he shall be immediately admitted to PCS until resolution of the dispute.

McKinney-Vento Compliance

PCS shall strive to enroll and have attend, homeless children who are not currently attending school and shall adopt policies and practices to ensure that students, including homeless children are not stigmatized or segregated on the basis of their homeless status. PCS shall review and revise policies which act as barriers to the enrollment of homeless children. In determining homelessness, PCS shall give consideration to factors such as transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

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. In determining the best interest of a child, PCS shall:

1. To the extent feasible, keep a homeless child in the school of origin—the school that the child attended when permanently housed or the school in which the child was last enrolled—except when doing so is contrary to the wishes of the child's parent or guardian;
2. Provide a written explanation to the homeless child's parent or guardian, including a statement of appeal rights, if PCS sends the child to a school other than the school of origin or a school requested by the parent or guardian; and
3. In the case of an unaccompanied youth, consider the views of the child and provide the notice required in the event of an enrollment dispute.

The school selected for attendance in accordance with the McKinney-Vento Homeless Education Assistance Improvements Act shall immediately enroll a homeless child even if the child is unable to produce records normally required for enrollment. PCS shall immediately contact the last school the child attended in an attempt to obtain relevant academic and other records. If the child needs immunizations, or immunization or medical records, PCS shall immediately refer the child's parent or legal guardian to PCS' homeless liaison for assistance.

Should a dispute arise over school identification and/or enrollment thought to be homeless, the child shall be immediately admitted to PCS pending resolution of the dispute. PCS shall provide the child's parent or guardian with a written explanation of the decision regarding school selection or enrollment, including the right to appeal PCS' enrollment decision. PCS shall also refer the child, parent, or guardian to the homeless liaison, who shall conduct a dispute resolution process as expeditiously as possible.

Discrepancies in Student Name

The Superintendent or designee shall notify the Missing Children and Missing Persons Information Clearinghouse if a child is enrolled under a name other than the name that appears on the identifying documents. If a student's records have not been received within 30 days of a request, the Superintendent or designee shall notify local law enforcement for a determination of whether the child has been reported as missing.

Food Allergy Information

The parent of each student enrolled with PCS must complete a form provided by PCS that discloses (1) whether the child has a food allergy or a severe food allergy that should be disclosed to PCS to enable PCS to take any necessary precautions regarding the child's safety and (2) specifies the food(s) to which the child is allergic and the nature of the allergic reaction.

For purposes of this requirement, the term "severe food allergy" means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

PCS may also require information from a child's physician if the child has food allergies.

Food allergy information forms will be maintained in the child's student records, and shall remain confidential. Information provided on food allergy information forms may be disclosed to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with Board policy and as permissible under the Family Educational Rights and Privacy Act of 1974 ("FERPA").

Applicability

This policy shall apply to the children of:

1. Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;
2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

This policy shall not apply to the children of:

1. Inactive members of the national guard and military reserves;
2. Members of the uniformed services now retired, except as provided above;
3. Veterans of the uniformed services, except as provided in this policy; and
4. Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Definitions

Active Duty

“Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

Children of Military Families

“Children of military families” means a school-aged child, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

Deployment

“Deployment” means the period one month prior to the service members’ departure from their home station on military orders through six months after return to their home station.

Transition

“Transition” means:

1. The formal and physical process of transferring from school to school; or
2. The period of time in which a student moves from one school in the sending state to another school in the receiving state.

Uniformed Services

“Uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

Veteran

“Veteran” means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

Eligibility for Enrollment

Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

Continued Acceptance

A transitioning military child, placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

Education Records

Unofficial Records

In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records, PRIORITY CHARTER SCHOOLS (“PCS”) shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

Official Records

Simultaneous with the enrollment and conditional placement of the student, PCS shall request the student’s official education record from the sending district. Upon receipt of this request, the sending district will process and furnish the official education records to PCS within ten days.

Tuition

PCS is prohibited from charging tuition to:

1. A transitioning military child placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent; or

2. A student who is domiciled in another state and resides in military housing that is located within PCS' boundaries.

A transitioning military child, previously enrolled in PCS, may continue to attend PCS after he or she is placed in the care of a non-custodial parent or other person standing in loco parentis who lives in an area other than that of the custodial parent.

Grade-Level Placement

Students shall be allowed to continue their enrollment at grade level in PCS commensurate with their grade level, including kindergarten, from the sending district at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level shall be eligible for enrollment in the next highest grade level in PCS, regardless of age. A student transferring after the start of the school year shall enter PCS on his or her validated level from an accredited school in the sending state.

Course Placement

When the student transfers before or during the school year, PCS shall initially honor placement of the student in educational courses based on the student's enrollment in the sending district and/or educational assessments conducted at the sending district if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude PCS from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

Educational Program Placement

PCS shall initially honor placement of the student in educational programs based on current educational assessments conducted at the sending district or participation/placement in like programs in the sending state. Such programs include, but are not limited to:

1. Gifted and talented programs; and
2. English as a second language (ESL).

This does not preclude PCS from performing subsequent evaluations to ensure appropriate placement of the student.

Waivers

PCS administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered by PCS.

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SEXUAL ABUSE AND OTHER MALTREATMENT OF CHILDREN PG-3.10

The Superintendent shall develop and publish a plan for addressing sexual abuse and other maltreatment of children, Plan for Addressing Sexual Abuse and Other Maltreatment of Children, as required by Texas Education Code 38.0041, to include:

1. Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse and other maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim of sexual abuse or other maltreatment, using resources developed by the Texas Education Agency;
2. Actions that a child who is a victim of sexual abuse or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse or other maltreatment.

PRIORITY CHARTER SCHOOLS (“PCS”) shall provide employee training regarding the plan for addressing sexual abuse and other maltreatment of children. Such training:

1. Must be provided, as part of a new employee orientation, to new PCS educators, including counselors and coaches, and other PCS professional staff members;
2. May be provided annually to any PCS staff member; and
3. Must include training concerning:
 - a. Factors indicating a child is at risk for sexual abuse or other maltreatment;
 - b. Likely warning signs indicating a child may be a victim of sexual abuse or other maltreatment;
 - c. Internal procedures for seeking assistance for a child who is at risk for sexual abuse or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
 - d. Techniques for reducing a child’s risk of sexual abuse or other maltreatment; and
 - e. Community organizations that have relevant existing research-based programs that are able to provide training or other education for school district or open-enrollment charter school staff members, students, and parents.

PCS shall maintain records that include the name of each staff member who participated in the training.

If the Superintendent or designee determines that PCS does not have sufficient resources to provide the training required under this policy, PCS shall work in conjunction with a community organization to provide the training at no cost to PCS.

Reports

PRIORITY CHARTER SCHOOLS (“PCS”) authorities, including the Superintendent, Principals, teachers, school health officials, or counselors, shall report to the local health authority those students attending school who are suspected of having a notifiable condition, as defined by state law and the Texas Department of State Health Services (TDSHS). If there is no local health authority appointed or if PC is outside the jurisdiction of a local health authority, the report shall be made to the regional director.

Sexually Transmitted Diseases and HIV

PCS shall report a child attending school who is suspected, based on medical evidence, of having a sexually transmitted disease (STD) and/or is an HIV-exposed infant in accordance with 25 Administrative Code 97.131–.135. If PCS, or an individual listed under 25 Administrative Code 97.132(1), (3), or (4), does not make the required report, an individual listed under 25 Administrative Code 97.132(2), including a professional nurse, a health professional, a peace officer, and a parent or guardian, must report a person who has or is suspected of having an STD and/or is an HIV-exposed infant.

“School authority” means the Superintendent or the Superintendent’s designee. Health and Safety Code 81.003(10).

Penalties

A person commits a Class B misdemeanor if the person knowingly fails to report a reportable disease or health condition under Health and Safety Code Chapter 81, Subchapter B. Health and Safety Code 81.049.

Exclusion

Principals shall exclude from attendance any student suffering from a communicable condition, as defined by the commissioner of health, until one of the criteria for readmittance is fulfilled.

Readmittance

Students excluded for reason of communicable disease shall be readmitted by one or more of the following methods, as determined by the local health authority or the TDSHS regional director if no local health authority has been appointed:

1. Submitting a certificate of the attending physician, advanced practice nurse, or physician assistant attesting that the child does not currently have signs or symptoms of a communicable disease or to the disease’s non-communicability in a school setting.
2. Submitting a permit for readmission issued by a local health authority.

3. Meeting readmission criteria as established by the commissioner of health.

Bacterial Meningitis

In accordance with guidelines provided by the Texas Education Agency, PCS shall provide information relating to bacterial meningitis to its students and their parents each school year in a manner ensuring that the information is reasonably likely to come to the attention of the parents of each student.

Physical Fitness Assessment

Annually, PRIORITY CHARTER SCHOOLS (“PCS”) shall assess the physical fitness of students in grades 3 through 12, using an assessment instrument adopted by the Commissioner.

PCS is not required to assess a student for whom, as a result of disability or other condition identified by Commissioner rule, the assessment instrument is inappropriate.

Each student must be assessed based on factors related to student health, including aerobic capacity; body composition; and muscular strength, endurance, and flexibility, unless a particular factor is inappropriate for that student because of a health classification defined in 19 Administrative Code 74.31 to include:

1. Unrestricted;
2. Restricted (Permanent or Temporary);
3. Adapted and remedial.

Report

PCS shall compile the results of the physical fitness assessment and provide summary results, aggregated by grade level and any other appropriate category identified by Commissioner rule, to TEA. The summary results may not contain the names of individual students or teachers.

Confidentiality

The results of individual student performance on the physical fitness assessment instrument are confidential and may be released only in accordance with state and federal law.

Vision and Hearing Screening

As soon as possible after admission and within a period set by rule, a student required to be screened shall undergo approved screening for vision and hearing disorders and any other special senses and communication disorders specified by the Texas Department of State Health Services (TDSHS).

School Responsibility

The Superintendent shall ensure that each student admitted to PCS complies with the screening requirements set by TDSHS or submits an affidavit of exemption.

Screening Schedule

Routine Screening

All students enrolled in PCS shall be screened for vision and hearing problems in prekindergarten; kindergarten; and first, third, fifth, and seventh grades before May 31 of each year. Upon written request approved by TDSHS, the screening of vision and hearing may instead occur in prekindergarten; kindergarten; and first, second, fourth, and sixth grades.

Screening on Enrollment

Students four years of age and older, who are enrolled in PCS for the first time, must be screened for possible vision and hearing problems within 120 calendar days of enrollment. If the student is enrolled within 60 days of the date school closes for the summer, the student must be tested by December 31 of that year.

Outside Screening

Except for students enrolled in kindergarten or first grade, PCS shall exempt a student from screening if the student's parent or legal guardian submits proof that the student's vision and/or hearing has been screened within the prior reporting year. Proof of vision and hearing screening upon initial enrollment must be submitted to PCS by the dates for screening upon enrollment. Proof for all other students must be submitted by May 31.

Provisional Admission

A parent, guardian, managing conservator, or person having legal responsibility for the student's support may execute an affidavit stating that a person other than the screener used by PCS shall conduct the screening as soon as is feasible. The student may be admitted on a provisional basis, or the student may be denied admission, until the screening results are provided to PCS.

Exemption – Religions Beliefs

PCS shall not require a student to be screened if the parent, guardian, managing conservator, or person having legal responsibility for the student's support submits to PCS, on or before the date vision or hearing screening is scheduled, an affidavit in lieu of the record of screening stating that the vision or hearing screening conflicts with the tenets or practices of a church or religious denomination of which the affiant is an adherent or member.

Records

PCS shall maintain the screening records required by statute and regulation.

Transfer of Records

A student's screening records may be transferred among districts without the consent of the student or minor student's parent, managing conservator, or guardian. PCS shall honor an original or true copy of the proofs of screening upon the transfer of a student from another Texas district. When a district's official record for a student contains entries of vision or hearing examinations or screening test results, the original or true and correct copy of the record may be transferred between districts.

Reports

On or before June 30 of each year, PCS shall submit to TDSHS a report on the screening status of its aggregate population screened during the reporting year. The results of required professional examinations or screening tests shall be reported as specified on forms approved by TDSHS.

Risk Assessment for Type 2 Diabetes

As soon as possible after admission and as required by rule, each student required to be assessed shall undergo approved risk assessment for type 2 diabetes. The risk assessment should:

1. Identify students with acanthosis nigricans; and
2. Further assess students identified under paragraph 1 to determine the students':
 - a. Body mass index; and
 - b. Blood pressure.

The risk assessment shall be performed at the same time hearing and vision screening or spinal screening is performed.

School Responsibility

The Superintendent shall ensure that each student admitted to PCS complies with the risk assessment requirements or submits an affidavit of exemption.

Applicability

Students who attend public schools located in TEA Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, and 20 shall be subject to risk assessment. Health and Safety Code 95.002(b).

Outside Screening

The student or minor student's parent, managing conservator, or guardian may elect to substitute a professional examination for the risk assessment.

Exemption – Religious Beliefs

A student is exempt from risk assessment if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student's parent, managing conservator, or guardian must submit, on or before the day of the risk assessment process, an affidavit stating the objections to the risk assessment.

Records

The Superintendent shall maintain the risk assessment records required by the statute and regulations and enter the risk assessment information for each individual on the surveillance software selected by the University of Texas—Pan American Border Health Office (the Office). The risk assessment records are open for inspection by the Office or the local health department.

Transfer of Records

A student's risk assessment records may be transferred among schools without the consent of the individual, or, if the student is a minor, the student's parent, managing conservator, or guardian.

Annual Report

PCS shall submit to the Office an annual report on the risk assessment status of the students in attendance during the reporting year and shall include in the report any other required information.

Spinal Screening

Each student required by rule of TDSHS to be screened shall undergo approved screening for abnormal spinal curvature.

School Responsibility

The Superintendent shall ensure that each student admitted to PCS complies with the screening requirements or submits an affidavit of exemption.

Screening Schedule

Routine Screening

Students in grades six and nine shall be screened for abnormal spinal curvature before the end of the school year. The screening requirement for students entering grades six or nine may be met if the student has been screened for spinal deformities during the previous year. PCS may implement a program that includes screening in grades five and eight in lieu of grades six and nine.

Screening on Enrollment

New students enrolling in grades scheduled for screening (i.e., grades six and nine or five and eight), who have no record of having received their scheduled screening(s) shall be screened the year they enroll. PCS shall consider offering a student enrolling in grades 10, 11, or 12 the opportunity for spinal screening if the student has no record of having been screened previously.

Exemption – Religious Beliefs

A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. The minor student's parent, managing conservator, or guardian must submit an affidavit stating the objections to screening. This affidavit shall be submitted on or before the day of the screening procedure each year the screening is performed.

Annual Report

PCS shall submit to TDSHS an annual report of spinal screening performed during the school year no later than June 30 of the reporting year. The report shall be submitted as specified on a form issued by TDSHS.

Transfer of Records

A student's health record shall be acceptable as proof of screening if such record contains entries of screening results. In such case, the original or a true and correct copy of that record may be transferred between schools and shall be honored upon transfer of a student from another district in Texas or within the United States.

Additional Policies

As a condition of receiving funds under a program funded in whole or in part by the U.S. Department of Education (DOE), PCS shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the administration of physical examinations or screenings that PCS may administer to the student. PCS shall provide notice of the policies at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies.

At least annually at the beginning of the school year, PCS shall directly notify the parent of a student of the specific or approximate dates during the school year when any nonemergency, invasive physical examination or screening, described below, is scheduled or expected to be scheduled. The required notification applies to nonemergency, invasive physical examinations or screenings that are:

PRIORITY CHARTER SCHOOLS BOARD POLICY MANUAL
POLICY GROUP 3 – STUDENTS
HEALTH SCREENINGS

PG-3.12

1. Required as a condition of attendance;
2. Administered and scheduled by PCS in advance; and
3. Not necessary to protect the immediate health and safety of the student or of other students.

At a minimum, PCS shall offer an opportunity for the parent to opt the student out of participation in the examination or screening.

These provisions do not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

20 U.S.C. 1232h(c)(1)(D), (2)-(4).

Immunization Requirements

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis. The Texas Department of State Health Services (TDSHS) may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school.

TDSHS requires students in kindergarten through twelfth grade to have the following additional vaccines, according to the immunization schedules set forth in department regulations: pertussis, hepatitis B, hepatitis A (for students attending schools in high incidence geographic areas as designated by the department), and varicella (chickenpox).

TDSHS requires students in seventh through twelfth grade to have the meningococcal vaccine, according to the immunization schedules set forth in department regulations.

Under Health and Safety Code Chapter 81, Subchapter E, additional vaccinations may be required by TDSHS and/or the local health authority in specific situations under the mechanism of a control order containing control measures.

Immunization Awareness Program

PRIORITY CHARTER SCHOOLS (“PCS”) shall post prominently on its Web site:

1. A list, in English and Spanish, of:
 - a. The immunizations required by TDSHS for admission to public school;
 - b. Any immunizations or vaccines recommended for public school students by TDSHS. The list must include the influenza vaccine, unless TDSHS requires the influenza vaccine for admission to public school; and
 - c. Health clinics in PCS’ geographic boundaries that offer the influenza vaccine, to the extent those clinics are known to PCS; and
2. A link to the TDSHS Internet Web site where a person may obtain information relating to the procedures for claiming an exemption from the immunization requirements. The link must be presented in the same manner as the information provided under paragraph 1.

Applicability

The vaccine requirements apply to all students entering, attending, enrolling in, and/or transferring to PCS.

Exceptions

Immunization is not required for admission to PCS:

If the student submits to the admitting official:

Medical Reasons

An affidavit or a certificate signed by the student's physician (M.D. or D.O.) who is duly registered and licensed to practice medicine in the United States and who has examined the student.

The affidavit or certificate must state that, in the physician's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or any member of the student's household. Unless it is written in the statement that a lifelong condition exists, the exemption statement is valid for only one year from the date signed by the physician.

or

Reasons of Conscience

An affidavit signed by the student or, if a minor, the student's parent or guardian stating that the student declines immunization for reasons of conscience, including a religious belief. The affidavit will be valid for a two-year period.

The affidavit must be on a form obtained from the TDSHS and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized.

A student who has not received the required immunizations for reasons of conscience may be excluded from school in times of emergency or epidemic declared by the commissioner of state health services.

or

Military Duty

If the student can prove that he or she is a member of the armed forces of the United States and is on active duty.

Provisional Enrollment

A student may be provisionally admitted or enrolled if the student has begun the required immunizations. The student must have an immunization record that indicates

the student has received at least one dose of each age-appropriate vaccine specified in the regulations.

Completion of Immunizations

To remain enrolled, the student must continue to receive the necessary immunizations as rapidly as medically feasible. The student must complete the required subsequent doses in each vaccination series on schedule and provide acceptable evidence of vaccination to the School.

Review of Status

PCS shall review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance and PCS will exclude the student from school attendance until the required dose is administered.

Homeless Students

A student who is homeless, as defined in the McKinney-Vento Homeless Education Act, shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. PCS shall promptly refer the student to appropriate public health programs to obtain the required vaccinations.

Transfer Students

A student can be enrolled provisionally for no more than 30 days if he or she transfers from one Texas school to another, and is awaiting the transfer of the immunization record.

Military Dependents

A military dependent can be enrolled provisionally for no more than 30 days if the student transfers from one school to another and is awaiting the transfer of the immunization record.

The collection and exchange of information pertaining to immunizations shall be subject to confidentiality provisions prescribed by federal law.

Evidence of Immunization

A student shall show acceptable evidence of vaccination before entry, attendance, or transfer to PCS.

Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered. The following documentation is acceptable:

1. Documentation of vaccines administered that includes the signature or stamp of the physician or his or her designee, or public health personnel;
2. An official immunization record generated from a state or local health authority, such as a registry; or
3. A record received from school officials including a record from another state.

Serologic confirmations of immunity to measles, rubella, mumps, hepatitis A, hepatitis B, or varicella are acceptable. Evidence of measles, rubella, mumps, hepatitis A, hepatitis B, or varicella illnesses must consist of a valid laboratory report that indicates either confirmation of immunity or infection.

A written statement from a parent, legal guardian, managing conservator, school nurse, or physician attesting to a child's positive history of varicella disease (chickenpox) or varicella immunity is acceptable in lieu of a vaccine record for that disease.

Immunization Records

PCS shall keep an individual immunization record during the period of attendance for each student admitted. The records shall be sufficient for a valid audit to be completed. The records shall be open for inspection at all reasonable times by TEA, local health departments, or the TDSHS.

Transfer of Records

PCS shall cooperate in transferring students' immunization records to other schools. Specific approval from students, parents, or guardians is not required before transferring those records.

Annual Report

PCS shall submit annual reports of the immunization status of students, in a format prescribed by and at the time and in the manner indicated by TDSHS, to monitor compliance with immunization requirements.

Consent to Immunization

In addition to persons authorized to consent to immunization under Family Code Chapters 151 (parents) and 153 (conservators), the following persons may consent to the immunization of a child:

1. A guardian of the child; and
2. A person authorized under the law of another state or a court order to consent for the child.

PCS may give consent to the immunization if:

1. The persons listed above are not available; and
2. PCS has written authorization to consent from a person listed above.

PCS may not consent for the child if it has actual knowledge that a person listed above has:

1. Expressly refused to give consent to the immunization;
2. Been told not to consent for the child; or
3. Withdrawn a prior written authorization for PCS to consent.

Duty to Provide Information

If PCS consents to immunization of a child, it shall provide the health-care provider with sufficient and accurate health history and other information necessary for the health-care provider to determine adequately the risks and benefits inherent in the proposed immunization and to determine whether immunization is advisable.

Form of Consent

Consent to immunization must be in writing, signed by the person giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment.

The consent must include:

1. The name of the child;
2. The name of one or both parents, if known, and the name of any managing conservator or guardian of the child; the name of the person giving consent and the person's relationship to the child;
3. A statement of the nature of the medical treatment to be given; and
4. The date the treatment is to begin.

PCS has the responsibility to ensure that the consent, if given, is an informed consent. PCS is not required to be present when the immunization is requested if a consent form has been given to the health-care provider.

Liability

PCS is not liable for damages arising from an immunization administered to a child authorized under Family Code Subchapter B except for injuries resulting from PCS' own acts of negligence.

POLICY

The PRIORITY CHARTER SCHOOLS (“PCS”) Superintendent shall develop and implement a student food allergy management plan for students at risk for anaphylaxis that satisfies the requirements of Education Code 38.0151 and that incorporates the following components:

General Procedures

Procedures to limit the potential health risks to students with food allergies will include:

1. Specialized training for the employees responsible for the development, implementation, and monitoring of PCS’ food allergy management plan;
2. Training for employees regarding signs and symptoms of food allergies and emergency response in the event of an anaphylactic reaction;
3. General strategies to reduce the risk of exposure to common food allergies;
4. Methods for requesting and obtaining food allergy information from the parent of a student with a diagnosed food allergy; and
5. The annual review of PCS’ food allergy management plan.

Students at Risk for Anaphylaxis

Procedures for the care of students with diagnosed food allergies who are at risk for anaphylaxis will include:

1. Development and implementation of food allergy action plans, emergency action plans, and Section 504 plans, as appropriate;
2. Training, as necessary, for employees, including strategies for reducing student risk of exposure to diagnosed allergens; and
3. Periodic review of general procedures to limit the potential health risks to students.

Distribution

The Superintendent shall distribute information regarding this policy and PCS’ food allergy management plan annually in the student handbook. Information will also be made available at each PCS campus.

Consent to Medical Treatment

PRIORITY CHARTER SCHOOLS (“PCS”) may consent to medical, dental, psychological, and surgical treatment of an enrolled student provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Form of Consent

Consent to medical treatment shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person’s relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Minor’s Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor’s parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services, including all reportable diseases under Health and Safety Code 81.041;
3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or
4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Administering Medication

No employee shall give any student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as provided below.

Provided by Parent

Employees authorized by the Superintendent or designee may administer to students, in accordance with administrative procedures:

1. Prescription medication in accordance with legal requirements.
2. Nonprescription medication only if required by the individualized education program or Section 504 plan of a student with disabilities, and when properly labeled and in the original container.
3. Herbal substances or dietary supplements provided by the parent and only if required by the individualized education program or Section 504 plan of a student with disabilities. A written request by a physician or other health-care professional with authority to write prescriptions shall be required when herbal substances or dietary supplements must be administered.

Purchasing Medication

PCS shall not purchase nonprescription medication to administer to a student.

Self-Administration of Asthma or Anaphylaxis Medicine

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;
2. The student has demonstrated to the student's physician or other licensed health care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and
4. A parent of the student provides to PCS:
 - a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and

- b. A written statement, signed by the student’s physician or other licensed health care provider, that states:
 - (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
 - (2) The name and purpose of the medicine;
 - (3) The prescribed dosage for the medicine;
 - (4) The times at which or circumstances under which the medicine may be administered; and
 - (5) The period for which the medicine is prescribed.

The physician’s statement must be kept on file in the school nurse’s office, or, if there is no school nurse, in the office of the Principal of the school the student attends.

Dietary Supplements

A PCS employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee’s school duties; or
2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee’s school duties.

Prescription Medication and Special Education Students

A PCS employee is 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.

An employee is 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.

Psychotropic Drugs and Psychiatric Evaluations

Except as permitted by Education Code 38.016, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or

3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

Student Illness

The Superintendent or designee shall establish procedures to ensure that proper attention is given to a student who becomes ill during the school day.

Accidents Involving Students

The Superintendent or designee shall establish emergency procedures to ensure appropriate attention for a student injured at school. PCS shall maintain records on all accidents requiring the attention of a medical doctor.

Emergency Treatment Forms

Each year, students and parents shall complete and sign a form that provides emergency information and authorizes school officials to obtain emergency medical treatment, as provided by law.

Out-of-Hospital Do-Not-Resuscitate

PCS staff who are health-care professionals shall comply with properly formed and executed Out-of-Hospital Do-Not-Resuscitate Orders as set out in the Texas Health and Safety Code. PCS staff who are not health-care professionals shall comply with Out-of-Hospital Do-Not-Resuscitate Orders only if such order has been issued by a court of competent jurisdiction.

UIL Participation

A student desiring to participate in the UIL athletic program shall submit to PRIORITY CHARTER SCHOOLS (“PCS”) a statement from a health care provider authorized under UIL rules indicating that the student has been examined and is physically able to participate in the athletic program. This examination is required for the first year of middle school competition and grades 9 and 11 of high school competition. In other years, the student shall complete a medical appraisal form. A student may be required to have a physical examination based on answers to the appraisal form.

Additional Screening

PCS may provide additional screening as school and community resources permit.

Referrals

Parents of students identified through screening programs as needing treatment or further examination shall be referred to health agencies as appropriate.

Notification and Opt-Out

At the beginning of each school year, parents shall be informed of dates at which time nonemergency, invasive physical examinations or screenings of students may be conducted, including those:

1. Required as a condition of attendance;
2. Administered and scheduled by the school in advance; and
3. Not necessary to protect the immediate health and safety of the student or of other students.

Parents may decline in writing any or all of these examinations.

Exception

This policy does not apply to a physical examination or screening permitted or required by applicable state law, including physical examinations or screenings permitted without parental notification.

Purchasing Insurance

The Board may purchase insurance against bodily injury sustained by students while training for or engaging in interscholastic athletic competition or while engaging in school-sponsored activities on a school campus. Such insurance shall be purchased from a reliable insurance company authorized to do business in Texas and shall be on forms approved by the commissioner of insurance. The amount shall be in keeping with the financial condition of PRIORITY CHARTER SCHOOLS (“PCS”) and shall not exceed the amount that the Board considers reasonably necessary to afford adequate medical treatment of students so injured.

Payment of Premiums

The cost of student insurance shall constitute a legitimate part of the total cost of operating PCS.

No Liability for Failure to Purchase

The failure of the Board to purchase student insurance shall not be construed as placing any legal liability upon PCS or its officers, agents, or employees, for any injury that may result. Education Code 38.024.

Other Coverage

PCS is not authorized to spend public funds on insurance to benefit persons to whom it owes no legal duty and shall not expend public funds for that purpose.

Required Annual Forms

As a prerequisite to PRIORITY CHARTER SCHOOLS (“PCS”) student participation in interscholastic athletic activities, the Superintendent or designee shall develop and submit to the Board for approval a concussion prevention plan addressing concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion.

Student participation in interscholastic athletic activity is conditioned upon PCS’ receipt of an executed form signed by the student and the student’s parent or guardian or another person with legal authority to make medical decisions for the student acknowledging receipt and understanding of PCS’ approved concussion prevention plan.

Selection of Concussion Oversight Team

The Board shall appoint or approve a concussion oversight team, which must include at least one physician and, to the greatest extent practicable, other licensed health care professionals, such as:

1. An athletic trainer;
2. An advanced practice nurse;
3. A neuropsychologist; or
4. A physician assistant.

An athletic trainer employed or contracted by PCS must be a member of the concussion oversight team.

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team.

Concussion Oversight Team

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student’s return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion.

Removal from Play in Practice or Competition

A student shall be removed from an interscholastic athletics practice or competition immediately if one or the following persons believes the student might have sustained a concussion during the practice or competition:

1. A coach;
2. A physician;
3. A licensed health care professional; or
4. The student's parent.

A student removed from a practice or competition may not be permitted to practice or compete again until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent;
2. The student has successfully completed each of the return-to-play protocol established by the concussion oversight team;
3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and
4. The student and the student's parent:
 - a. Have acknowledged that the student has completed the requirements of the return-to-play protocol;
 - b. Have provided the treating physician's written statement to the Superintendent or designee; and
 - c. Have signed a consent form indicating that the person signing:
 - i. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;
 - ii. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;
 - iii. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and
 - iv. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

Supervisory Responsibilities

A coach of an interscholastic athletic team may not be designated as a person responsible for assuring compliance with this policy.

Training Courses

PCS shall develop procedures to insure that the following persons take an appropriate training course approved by the University Interscholastic League from an authorized training provider at least once every two years:

1. A coach of an interscholastic athletic activity;
2. A licensed health care professional who serves as a member of a concussion oversight team and is an employee, representative, or agent of PCS; and
3. A licensed health care professional who serves on a volunteer basis as a member of a concussion oversight team.

A physician who serves as a member of a concussion oversight team shall, to the greatest extent possible, periodically take an appropriate continuing medical education course in the subject matter of concussions.

Each person identified in this section must submit proof of timely completion of an approved course to the Superintendent or designee. A licensed health care professional who is not in compliance with the requirements of this section may not serve on a concussion oversight team in any capacity.

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POLICY GROUP 3 – STUDENTS
NOTICE REGARDING STEROID USE

PG-3.19

The Superintendent or designee shall ensure that the notice regarding legal restrictions on anabolic steroids required by Education Code 38.008 is posted in a conspicuous location in the gymnasium of each school in which there is a grade level of seven or higher and in each other place in a building where physical education classes are conducted.

Statement of Nondiscrimination

PRIORITY CHARTER SCHOOLS (School) does not exclude from participation in, deny the benefits of, or subject to discrimination on the basis of race, religion, color, national origin, sex, age, disability, or relationship or association with an individual with a disability in providing educational services, activities, and programs, including vocational and career technology programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; the Individuals with Disabilities Education Act, as amended; Title IX of the Educational Amendments of 1972, as amended; the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

Grievance Procedures

PCS shall adopt and public grievance procedures for prompt and equitable resolution of student complaints alleging discrimination under applicable law. 34 CFR 106.8 (Title IX); 34 CFR 104.7 (Section 504).

Title IX Coordinator

PCS designates the following person(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Robin Osburn
Position: Assistant Superintendent
Address: 275 FM 2483, Morgan's Point Resort, TX 76513-5547
Telephone: (254) 654-2825

ADA/Section 504 Coordinator

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. PCS designates the following person(s) to coordinate its efforts to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Robin Osburn
Position: Assistant Superintendent
Address: 275 FM 2483, Morgan's Point Resort, TX 76513-5547
Telephone: (254) 654-2825

Superintendent

The Superintendent shall serve as coordinator for purposes of PCS' compliance with all other antidiscrimination laws.

Complaints

Except as otherwise provided in Policy or Procedure, allegations of unlawful discrimination, prohibited harassment, or retaliation shall be made under PG-3.4.1 (Freedom from Discrimination, Harassment, and Retaliation).

Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be filed under the General Provisions of PG-3.35, except that the deadline for filing an initial Level One grievance shall be twenty (20) school days.

Records Retention

Copies of reports alleging discrimination, prohibited harassment, including sexual harassment, and retaliation; investigation reports; and related records shall be maintained by PCS for a period of at least three years. If the person alleged to have experienced discrimination, prohibited harassment, or retaliation was a minor, the records shall be maintained until the person reaches the age of 21.

Section 504 Committee

PCS shall train the Section 504 coordinator and members of the Section 504 committee in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities, but who are not in need of special education in accordance with the Individuals with Disabilities Education Act (IDEA).

The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

Referrals

A student may be referred by parents, teachers, counselors, administrators, or any other PCS employee for evaluation to determine if the student has disabilities and is in need of special instruction or services.

Parental Consent

The Section 504 coordinator shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.

Notice to Parents

Parents shall be given written notice of PCS' refusal to evaluate a student or to provide specific aids and services the parents have requested.

Preplacement Evaluation

The results of the evaluation shall be considered before any action is taken to place a student with disabilities or make a significant change in placement in an instructional program. The evaluation shall include consideration of adaptive

behavior. Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.

Impartial Hearing

Parents shall be given written notice of their due process right to an impartial hearing if they have a concern or complaint about PCS' actions regarding the identification, evaluation, or educational placement of a student with disabilities. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by PCS or related to a member of PCS in a degree that would be prohibited under the nepotism statute. The impartial hearing officer is not required to be an attorney.

State-Mandated Assessments

Modifications in taking the state-mandated assessments may be made for a Section 504 student when the modifications have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA.

Retaliation

PCS shall not coerce, intimidate, threaten, retaliate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws.

Disability Discrimination

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of PCS, or be subjected to discrimination by PCS.

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Student With a Disability

A "student with a disability" is one who has a physical or mental impairment that substantially limits one or more of the student's major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices,

oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

A student meets the requirement of being “regarded as” having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment one with an actual or expected duration of 6 months or less.

Qualified Individual with a Disability

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by PCS.

Major Life Activities

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. “Major life activity” also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Reasonable Modification

PCS shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless PCS can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Direct Threat

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below.

PCS is not required to permit an individual to participate in or benefit from the services, programs, or activities of PCS when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, PCS must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Free Appropriate Public Education (FAPE)

PCS shall provide a free appropriate public education to each qualified student with a disability within PCS' jurisdiction, regardless of the nature or severity of the student's disability. A student with a disability is "qualified" if he or she is between the ages of three and 21.

An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student's individual educational needs as adequately as the needs of students who do not have disabilities are met; and
2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

Educational Setting

PCS shall place a student with a disability in the regular educational environment, unless PCS demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily.

In providing or arranging for nonacademic and extracurricular services and activities, PCS shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

Evaluation and Placement

PCS shall establish standards and procedures for the evaluation and placement of persons who, because of disability, need or are believed to need special education and related services. PCS shall conduct an evaluation before the initial placement, or any significant change in placement, of the student.

Military Dependents

In compliance with the requirements of Section 504, and with Title II of the Americans with Disabilities Act (42 U.S.C. Sections 12131–12165), PCS shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude PCS from performing subsequent evaluations to ensure appropriate placement of the student.

Procedural Safeguards

PCS shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student’s parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student’s parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement.

Homeless Children

PCS shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status.

Liaison

PCS shall designate an appropriate staff person as the liaison for homeless children. PCS shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaison.

Discrimination on the Basis of Sex

No person shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by PCS.

PCS shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

Sexual Harassment

Sexual harassment of students is discrimination on the basis of sex under Title IX.

Separate Facilities

PCS may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex.

Human Sexuality Classes

Portions of classes in elementary and secondary school that deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

Vocal Music Activities

PCS may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

Single-Sex Programs

PCS shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by PCS unless PCS otherwise makes available to the student, pursuant to the same policies and criteria of admission, comparable courses, services, and facilities.

Pregnancy and Marital Status

PCS shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.

Physical Education Classes

PCS may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

Contact Sports

PCS may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

Athletic Programs

PCS shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

Single-Sex Teams

PCS may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport.

Equal Athletic Opportunities

PCS shall provide equal interscholastic and/or intramural athletic opportunity for members of both sexes.

Service Animal

“Service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition, unless otherwise allowed by Board Policy. The work or tasks performed by a service animal must be directly related to the handler’s disability.

Policies, Practices, or Procedures

PRIORITY CHARTER SCHOOLS (“PCS”) shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability, unless PCS can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Access

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of PCS facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Exceptions

PCS may ask an individual with a disability to remove a service animal from the premises if:

1. The animal is out of control and the animal’s handler does not take effective action to control it; or
2. The animal is not housebroken.

If PCS properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Animal Under Handler’s Control

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control (e.g., voice control, signals, or other effective means).

Inquiries

PCS shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. PCS may ask (1) if the animal is required because of a disability and (2) what work or task the animal has been trained to perform.

PCS shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Generally, PCS may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

Care or Supervision of Animal

PCS is not responsible for the care or supervision of a service animal.

Surcharges

PCS shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

An individual with a disability may be charged for damage caused by his or service animal if PCS normally charges individuals for the damage they cause.

Miniature Horses

PCS shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

Assessment Factors

In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, PCS shall consider:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Other Requirements

Provisions at 28 CFR 35.136(c) through (h) shall also apply to miniature horses.

Assistance Animals

"Assistance animal" means an animal that is specially trained or equipped to help a person with a disability and that:

1. Is used by a person with a disability who has satisfactorily completed a specific course of training in the use of the animal; and
2. Has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide animals with training of this type.

Assistance Animal Access

No person with a disability may be denied admittance to PCS because of the person's disability or may be denied the use of an assistance animal.

PCS may not limit the use of PCS facilities to a designated class of persons and thereby prohibit the use of PCS facilities by persons with disabilities who, except for their use of assistance animals, would fall within the designated class.

An assistance animal in training shall not be denied admittance to PCS when accompanied by an approved trainer who is an agent of an organization generally recognized by agencies involved in the rehabilitation of persons who are disabled as reputable and competent to provide training for assistance animals, and/or their handlers.

Harassment and Harm Prohibited

A person may not assault, harass, interfere with, kill, or injure in any way, or attempt to assault, harass, interfere with, kill, or injure in any way, an assistance animal.

Transportation

PCS may not refuse to provide transportation to or from school and/or school related activities to a student solely because of the student's disability, nor may a student be required to pay a fee because of his or her use of an assistance animal.

Responsibilities of Students with Disabilities

A student with a disability who uses an assistance animal for assistance in travel is liable for any damages done to the premises or facilities by the animal.

A student with a disability who uses an assistance animal for assistance in travel or auditory awareness shall keep the animal properly harnessed or leashed, and a person who is injured by the animal because of the failure of a person with a disability to properly harness or leash the animal is entitled to maintain a cause of

action for damages in a court of competent jurisdiction under the same law applicable to other causes brought for the redress of injuries caused by animals.

Applicability of UIL Rules and School Policies

A student enrolled in PRIORITY CHARTER SCHOOLS (“PCS”) or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to PCS policy and UIL rules regarding participation only when the student is under the direct supervision of a PCS employee or at any other time specified by resolution of the Board.

Military Dependents

PCS shall facilitate the opportunity for transitioning military children’s inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

Suspension from Extracurricular Activities

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by PCS or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at EXEMPT COURSES.

Length of Suspension

A suspension continues for at least three school weeks and is not removed during the school year until the conditions of REINSTATEMENT, described below, are met. A suspension shall not last beyond the end of a school year.

Grade Evaluation Period

“Grade evaluation period” means:

1. The six-week grade reporting period; or
2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

School Week

For the purpose of this policy, the school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays.

Exempt Courses

The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English.

The following are honors classes for purposes of eligibility to participate in extracurricular activities:

1. All College Board Advanced Placement courses and International Baccalaureate courses in all disciplines;
2. English language arts: high school/college concurrent enrollment classes that are included in the “Community College General Academic Course Guide Manual (Part One)”;
3. Languages other than English: high school/college concurrent enrollment classes that are included in the “Community College General Academic Course Guide Manual (Part One)” and languages other than English courses Levels IV–VII;
4. Mathematics: high school/college concurrent enrollment classes that are included in the “Community College General Academic Course Guide Manual (Part One)” and precalculus;
5. Science: high school/college concurrent enrollment classes that are included in the “Community College General Academic Course Guide Manual (Part One)”;
6. Social Studies: Social Studies Advanced Studies, Economics Advanced Studies, high school/college concurrent enrollment classes that are included in the “Community College General Academic Course Guide Manual (Part One).”

PCS may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English for the purposes of extracurricular eligibility, but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

PCS is neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

Students with Disabilities

In the case of a student with a disability that significantly interferes with the student’s ability to meet regular academic standards, suspension must be based on the student’s failure to meet the requirements of the student’s individualized education program (IEP). The determination of whether the disability substantially interferes with the student’s ability to meet the requirements of the student’s IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, “student with a disability” means a student who is eligible for PCS’ special education program under Education Code 29.003(b).

Practice or Rehearsal

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

Reinstatement

Until the suspension is removed or the school year ends, PCS shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student’s grade in each class, other than a course described above at EXEMPT COURSES, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student’s teachers shall make the determination concerning the student’s grades.

Attendance and Participation

PCS shall make no distinction between absences for UIL activities and absences for other extracurricular activities approved by the Board. A student shall be allowed in a school year a maximum of ten extracurricular absences not related to post-district competition, a maximum of five absences for post-district competition prior to state, and a maximum of two absences for state competition

State Board of Education Rules

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from the Board. If sanctioned by resolution of the Board, student participation in the organization’s activities shall be subject to all provisions of statute and to Texas Administration Code Title 19, section 76.1001. If the Board does not grant sanction, any absences incurred by a student while participating with that organization’s activities shall be subject to the attendance provisions of the Education Code.

Extracurricular Activities

An extracurricular activity is an activity sponsored by the UIL, the Board, or an organization sanctioned by Board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills, but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include public performances (except as described below), contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

Exception – Public Performances

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

1. Only item 4, above, applies; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

Limits on Participation and Practice

During the School Week

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.
3. For each extracurricular activity, PCS must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.
4. If possible, PCS should avoid scheduling extracurricular activities or public performances on the day or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3–11.

During the School Day

Limitations on practice and rehearsal during the school day shall be as follows:

1. PCS must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.
2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one period during the school day.
3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.
4. PCS must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.
5. PCS may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

Record of Absences

PCS shall maintain an accurate record of extracurricular absences for each student each school year.

Applicability of School Policy Student Code of Conduct

Students are subject to PCS policies and rules, including the Student Handbook and Student Code of Conduct, at any time the student is traveling to, participating in, attending an extracurricular or school-related event or activity on or off PCS property, or when under the direct supervision of a PCS employee.

School-Sponsored Publications

All publications edited, printed, or distributed in the name of or within the PRIORITY CHARTER SCHOOLS (“PCS”) system shall be under the control of the school administration and the Board. All publications approved and issued by individual schools shall be part of the instructional program, under the supervision of a faculty sponsor, and shall be carefully edited to reflect the ideals and expectations of the citizens of the school’s geographical area for their schools. The Principal shall be responsible for all matters pertaining to the organization, issuance, and sale of such publications and any other publication procedure, subject to the Superintendent’s approval.

PCS may refuse to disseminate or sponsor student speech that:

1. Would substantially interfere with the work of PCS.
2. Impinges on the rights of other students.
3. Is vulgar or profane.
4. Might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order.
5. Is inappropriate for the level of maturity of the readers.
6. Does not meet the standards of the educators who supervise the production of the publication.
7. Associates PCS with any position other than neutrality on matters of political controversy.

Advertising

Advertising in individual school publications may be accepted from bona fide business firms, subject to the approval of professional employees exercising editorial supervision over the publications. Advertising deemed inappropriate for student readers or that advertises products presenting a health hazard, such as alcohol or tobacco products, shall not be accepted.

Complaints

Students who have a complaint regarding the procedures or a professional decision affecting the content or style of a school-sponsored publication shall present that complaint in accordance with Board Policy PG-3.35 (Parent and Student Complaints and Grievances).

PRIORITY CHARTER SCHOOLS STUDENT POLICIES

POLICY GROUP 3 - STUDENTS

DISTRIBUTION OF NON-SCHOOL LITERATURE

PG-3.22

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by PRIORITY CHARTER SCHOOLS ("PCS") or by a PCS-affiliated school-support organization shall not be sold, circulated, distributed, or posted on any PCS premises by any PCS student, except in accordance with this policy.

PCS does not endorse, and shall not be responsible for, the contents of any non-school literature distributed by students.

For purposes of this policy, "distribution" means the circulation of more than ten printed copies of material from a source other than PCS.

Each school campus shall designate an area where materials that have been approved for distribution by students in accordance with this policy may be made available or distributed. The Superintendent may develop reasonable time, place, and manner restrictions regarding the distribution of materials at designated areas.

Prior Review

All non-school literature intended for distribution by students under this policy shall be submitted to the Principal or designee for prior review according to the following procedures:

1. Materials shall include the name of the person or organization sponsoring the distribution.
2. Using the standards below at **Limitations on Content**, the Principal or designee shall approve or reject submitted materials within three school days of the time the materials were received.

Policy Violations

Failure to comply with this policy shall result in appropriate administrative action, including but not limited to confiscation of non-approved materials, suspension of a student group's use of PCS facilities, and/or other disciplinary action in accordance with the Student Code of Conduct.

Limitations on Content

Non-school literature shall not be distributed by students on PCS property if:

1. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. The materials endorse actions endangering the health or safety of students.

PRIORITY CHARTER SCHOOLS STUDENT POLICIES

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DISTRIBUTION OF NON-SCHOOL LITERATURE

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3. The materials promote illegal use of drugs, alcohol, or other controlled substances.
4. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.
5. The materials contain defamatory statements about public figures or others.
6. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
7. The materials are hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence; and the materials would materially and substantially interfere with school activities or the rights of others.
8. There is reasonable cause to believe that distribution of the non-school literature would result in material and substantial interference with school activities or the rights of others. PCS may not demonstrate reasonable cause to believe that the expression would engender material and substantial interferences solely because other students, teachers, administrators, or parents may disagree with its content.

Appeals

Administrative decisions regarding this policy may be appealed in accordance with Board Policy PG-3.35 (Parent and Student Complaints and Grievances).

Authorized Fees

The PRIORITY CHARTER SCHOOLS (“PCS”) Board may require payment of:

1. Fees for materials used in any program in which the resultant product is in excess of minimum requirements and, at the student’s option, becomes the personal property of the student. Fees may not exceed the cost of materials.
2. Membership dues in student organizations or clubs, and admission fees or charges for attending extracurricular activities when membership or attendance is voluntary.
3. Security deposits for the return of materials, supplies, or equipment.
4. Fees for personal physical education and athletic equipment and apparel. However, any student may provide his or her own equipment or apparel if it meets reasonable requirements and standards relating to health and safety established by the Board.
5. Fees for items of personal use or products that a student may purchase at the student’s option, such as student publications, class rings, annuals, and graduation announcements.
6. Fees specifically permitted by any other statute.
7. Fees for an authorized, voluntary student health and accident benefit plan.
8. A reasonable fee, not to exceed the actual annual maintenance cost, for the use of musical instruments and uniforms owned or rented by PCS.
9. Fees for personal apparel that become the property of the student and that are used in extracurricular activities.
10. Parking fees and fees for identification cards.
11. Fees for driver training courses, provided that such fees shall not exceed the actual PCS cost per student in such programs for the current school year.
12. Fees for courses offered for credit that require the use of facilities not available on the school premises or the employment of an educator who is not part of the school’s regular staff, if participation in the course is at the student’s option.
13. Fees for courses offered during summer school, except that the Board may not charge a fee for a course required for graduation unless the course is also offered without a fee during the regular school term.
14. A reasonable fee for transportation of a student who lives within two miles of the school the student attends to and from that school, except that the Board may not charge a fee for transportation for which PCS receives funds under Education Code 42.155(d).
15. A reasonable fee, not to exceed \$50, for costs associated with an educational program offered outside of regular school hours through which a student who was absent from class receives instruction voluntarily for the purpose of making up the missed instruction and meeting the level of attendance required under Education Code 25.092. PCS shall provide a written form to be signed by the

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student's legal guardian stating that this fee would not create a financial hardship or discourage the student from attending the program. PCS may assess the fee only if the student returns the signed form.

16. If PCS does not receive any funds under Section 42.155 and does not participate in a county transportation system for which an allotment is provided under Section 42.155(i), a reasonable fee for the transportation of a student to and from the school the student attends.
17. A fee for enrollment in an electronic course provided through the Texas virtual school network (TxVSN) in accordance with Education Code 30A.155.

Prohibited Fees

The Board may not charge fees for:

1. Instructional materials, workbooks, laboratory supplies, or other supplies necessary for participation in any instructional course except as authorized under the Education Code.
2. Field trips required as part of a basic educational program or course.
3. Any specific form of dress necessary for any required educational program or diplomas.
4. Instructional costs for necessary school personnel employed in any course or educational program required for graduation.
5. Library materials required to be used for any educational course or program. However, fines may be assessed for lost, damaged, or overdue materials.
6. Admission to any activity the student is required to attend as a prerequisite to graduation.
7. Admission or examination in any required educational course or program.
8. Lockers.

Personal Supplies

Students may be required to furnish personal or consumable items, including pencils, paper, pens, erasers, and notebooks. Students may be required to furnish school uniforms, subject to the provisions of Education Code 11.162 regarding educationally disadvantaged students.

Waiver of Fees

PCS shall adopt reasonable procedures for waiving a deposit or fee if a student or the student's parent or guardian is unable to pay it. This policy shall be posted in a central location in each school facility, in the school policy manual, and in the student handbook.

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Post-Secondary Instructional Programs

The Board may charge reasonable fees for goods and services provided in connection with any postsecondary instructional program, including career and technology, adult, veterans, or continuing education, community service, evening school, and high school equivalency programs.

Dissemination of Fee Schedule

The Superintendent or designee shall ensure that the Student Fee Schedule is provided, as appropriate, to all students and parents.

Alcohol

In order to provide a safe alcohol-free environment for students and employees, PRIORITY CHARTER SCHOOLS ("PCS") prohibits alcoholic beverages on PCS property at any time, and at all school-sanctioned activities occurring on or off PCS property.

Cooperative Efforts

The Board may cooperate with local law enforcement officials and the Texas Alcoholic Beverage Commission in attempting to provide an alcohol-free environment and in enforcing the alcohol-free zone provisions in the Alcoholic Beverage Code.

Drug-Free Zones

A person commits a criminal offense (enhanced) if the person knowingly or intentionally possesses a controlled substance listed in the Health and Safety Code, Chapter 481:

1. In, on, or within 1,000 feet of any real property that is owned, rented, or leased to PCS or a playground; or
2. On a school bus.

Abusable Glues, Paints, or Volatile Chemicals

In addition to the above prohibitions, no student shall inhale, ingest, apply, use, or possess an abusable glue, aerosol paint, or substance containing a volatile chemical with intent to inhale, ingest, apply, or use any of these in a manner:

1. Contrary to directions for use, cautions, or warnings appearing on a label of a container of the glue, paint, or substance; and
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.

Manufacture or Delivery

No student shall intentionally manufacture, deliver, or possess with intent to manufacture or deliver abusable glue, or aerosol paint that does not contain additive material in accordance with rules adopted by the commissioner of health.

Delivery to a Minor

No student who is 18 or older shall intentionally, knowingly, or recklessly deliver abusable glue or aerosol paint to a person who is younger than 18 years old. No student who is 18 or older shall sell or deliver a substance containing a volatile chemical to a person younger than 18.

Paraphernalia

No person shall intentionally or knowingly use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the body an abusable glue, aerosol paint, or other substance that contains a volatile chemical.

Parent Objection to Drug Education Program

Upon receipt of written notification from the parents or legal guardians of a student, PCS shall withdraw the student from any program or activity funded under the federal Safe and Drug-Free Schools and Communities Act. PCS shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under the Act, other than classroom instruction.

PRIORITY CHARTER SCHOOLS BOARD POLICY MANUAL

POLICY GROUP 3 – STUDENTS

STUDENT CONDUCT: TOBACCO USE AND POSSESSION

PG-3.25

PRIORITY CHARTER SCHOOLS (“PCS”) prohibits students from smoking, using, or possessing e-cigarettes or tobacco products at school-related or school-sanctioned activity on or off PCS property.

“E-cigarette” means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term does not include a prescription medical device unrelated to the cessation of smoking.

The term includes:

1. A device regardless of whether it is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and
2. A component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

PCS personnel shall enforce this policy on PCS property. Any student found in violation of this Policy shall be subject to disciplinary action in accordance with the Student Code of Conduct.

Purpose

The PRIORITY CHARTER SCHOOLS (“PCS”) dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority.

General Guidelines

The Superintendent or designee shall establish dress and grooming standards for all students. Violations of dress and grooming standards shall be described in the Student Code of Conduct. Principals may, at their discretion, impose additional reasonable dress and grooming standards.

Extracurricular Activities

Principals, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate dress and grooming standards established for such an activity may be removed or excluded from the activity for a period determined by the Principal or sponsor and may be subject to other disciplinary action, as specified in the Student Code of Conduct.

Uniforms

If the Board determines that requiring school uniforms would improve the learning environment at a PRIORITY CHARTER SCHOOLS campus, the Board may adopt rules that require students at that school to wear school uniforms. Students shall wear uniforms beginning on the 90th day after the date on which the Board adopts the rules.

Funding

The rules adopted by the Board must designate a source of funding to be used to provide uniforms for educationally disadvantaged students.

Exemptions

A parent or guardian of a student assigned to a school where uniforms are required may choose for the student to be exempted from the uniform requirement or for the student to be transferred to a school where uniforms are not required and at which space is available. In order to exercise one of these options, the parent or guardian must provide a written statement that states a religious or philosophical objection to the uniform requirement that the Board determines is bona fide.

Liability

A parent or other person who has the duty of control and reasonable discipline of a child is liable for any property damage proximately caused by:

1. The negligent conduct of the child if the conduct is reasonably attributable to the negligent failure of the parent or other person to exercise that duty; or
2. The willful and malicious conduct of a child who is at least ten years of age but under 18 years of age.

PRIORITY CHARTER SCHOOLS BOARD POLICY MANUAL

POLICY GROUP 3 – STUDENTS

STUDENT CONDUCT: PERSONAL TELECOMMUNICATIONS – PG-3.28
ELECTRONIC DEVICES

Personal Use

Telecommunications Devices

An authorized PRIORITY CHARTER SCHOOLS (“PCS”) employee may confiscate a personal telecommunications device, including a mobile telephone, used in violation of applicable campus rules.

A confiscated personal telecommunications device may be released for an administrative fee, not to exceed \$15, as determined by the Superintendent or designee.

If a personal telecommunications device is not retrieved, PCS shall dispose of the device after providing notice required by law.

Other Electronic Devices

Guidelines regarding personal electronic devices shall be addressed in the student handbook.

Instructional Use

A student shall obtain prior approval before using personal telecommunications or other personal electronic devices for on-campus instructional purposes. The student shall also acknowledge receipt and understanding of applicable regulations and shall sign the appropriate user agreements.

PRIORITY CHARTER SCHOOLS BOARD POLICY MANUAL
POLICY GROUP 3 – STUDENTS
STUDENT CONDUCT: PROHIBITED ORGANIZATIONS AND
HAZING

PG-3.29

Prohibited Activities

Gang-related behavior and hazing shall be prohibited by PRIORITY CHARTER SCHOOLS. The consequences for gang-related behaviors and hazing shall be addressed in the Student Code of Conduct.

The Principal or designee shall document and update as needed known or suspected gang-related apparel, gang hand signals, gang signatures, mottoes, graffiti, or persistent gang involvement and activity. The Student Handbook shall include notice to parents and students in this regard.

Compulsory Attendance

A student between the ages of six and 19 shall attend school, as well as any applicable accelerated instruction program, extended year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt.

Student's 18 and Older

A student who voluntarily enrolls in school or voluntarily attends school after the student's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. If a student 19 or older has more than five unexcused absences in a semester, PRIORITY CHARTER SCHOOLS ("PCS") may revoke the student's enrollment, except that PCS may not revoke the enrollment on a day on which the student is physically present at school. The student's presence on school property thereafter is unauthorized and may be considered trespassing.

Prior to revoking the student's enrollment, PCS shall issue a warning letter to the student, after the student's third unexcused absence, stating that the student's enrollment may be revoked for the remainder of the school year if the student has more than five unexcused absences in a semester. As an alternative to revoking enrollment, PCS may impose a behavior improvement plan described by Education Code 29.0915.

Accelerated Instruction

A student in grades 3–8 will be required to attend an assigned accelerated instruction program, before or after school or during the summer, if the student does not meet the passing standards on the state assessment for his or her grade level and applicable subject area.

Excused Absences for Compulsory Attendance Determinations

For purposes of compulsory attendance, a student shall be excused from attending school for the following purposes:

1. **Observing Religious Holy Days.** A student who is observing holy days is allowed up to one day of excused travel for travelling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site.
2. **Court Appearances.** A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site.

3. **Citizenship Paperwork.** A student who is appearing at a governmental office to complete paperwork required in connection with the student’s application for United States citizenship is allowed up to one day of excused travel for travelling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site.
4. **Citizenship Proceedings.** A student who is taking part in a United States naturalization oath ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site.
5. **Election Clerks.** A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site.
6. **Children in Conservatorship of DFPS.** A student who is in the conservatorship of the Department of Family and Protective Services and misses school:
 - a. To participate in an activity ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours; or
 - b. To attend a mental health or therapy appointment or family visitation as ordered by a court under Family Code Chapter 262 or 263.
7. **Health Care Appointments.** Temporary absence resulting from an appointment with a health-care professional if the student commences classes or returns to school on the same day of the appointment. The appointment should be supported by a document such as a note from the health-care professional. “Temporary absence” includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student’s appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavior analysis, speech therapy, and occupational therapy.
8. **TAPS at Military Funeral.** PCS may excuse a student in grades 6–12 for the purpose of sounding “Taps” at a military honors funeral held in Texas for a deceased veteran.
9. **Higher Education Visits.** PCS may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized

accrediting organization during the student's junior and senior year for the purposes of determining the student's interest in attending the institution of higher learning. PCS may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year. The student must obtain approval from the Principal to visit an institution of higher education, follow campus procedures to verify such a visit, and make up any work missed.

10. Military Dependents. PCS shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. PCS may not excuse a student under this provision more than five days in a school year. An excused absence for this reason must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment.

11. Other Excused Absences. A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, Principal, or Superintendent.

Parental Consent for Absence

A student absent from school for any portion of a school day shall provide a note to the campus office upon return, signed by the parent or medical provider (see below) that describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted unless the student is 18 or older.

Failure to Provide Note

Upon return to school, a student who has been absent and who fails within three days of the student's absence to bring a statement from a parent or medical provide verifying the illness or condition that caused the student's absence, the absence will be unexcused.

Make-Up Work

The student shall be allowed a reasonable time to make up schoolwork missed on the days describe above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance. The student shall not be penalized for the absence. The Superintendent or designee shall prepare procedures for acceptance of make-up work.

Notices to Parents

PCS shall notify a student's parents in writing at the beginning of the school year that, if a student is absent from school on ten or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code 25.093; and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

Notice of Absences

PCS shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

- Inform the parent that:
 - It is the parent's duty to monitor the student's school attendance and require the student to attend school,
 - The student is subject to truancy prevention measures under Education Code 25.0915; and
- Request a conference between school officials and the parent to discuss the absences.

Failure to Comply with Compulsory Attendance

PCS employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school; from any class; from required special programs, such as additional special instruction, termed "accelerated instruction" by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, PCS shall, within ten school days of the student's tenth absence, refer the student to a truancy court for truant conduct under Family Code 65.003(a). PCS may also file a complaint against the student's parent in a county, justice, or municipal court for an offense under Education Code 25.093 if PCS provides evidence of the parent's criminal negligence.

PCS may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if PCS is applying truancy prevention measures to the student under Education Code 25.0915 and determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.

PCS shall initiate truancy prevention measures under Education Code 25.0915 on a student, if the student fails to attend school without excuse on three or more days or parts of days within a four-week period, but does not fail to attend school for the time specified above.

Truancy Prevention Measures

In an effort to prevent truancy and to reduce the need for referrals to truancy court, PCS will take one or more of the following truancy prevention measures applicable to students identified as potential truants, designed to address student conduct related to truancy in the school setting before the student engages in truancy:

1. Impose a behavior improvement plan on the student signed by a PCS employee, that PCS has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:
 - a) Specific description of the behavior that is required or prohibited for the student;
 - b) The period for which the plan will be effective, not to exceed 45 school days after the date the contract; or
 - c) The penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or
2. Impose school-based community service; or
3. Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy.

PCS shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

1. Pregnancy;
2. Being in the state foster program;
3. Homelessness; or
4. Being the principal income earner for the student's family.

Filing Requirements

Each referral to a truancy court must include a statement from PCS certifying that PCS applied truancy prevention measures to the student and that the truancy prevention measures failed to meaningfully address the student's school attendance. The referral must also specify whether the student is eligible for or receives special education services.

Parental Consent for a Student to Leave Campus

PCS operates a closed campus. Students are not allowed to leave for any reason during the school day without properly checking out in accordance with campus rules and procedures.

Records

PRIORITY CHARTER SCHOOLS (“PCS”) shall maintain records to reflect the average daily attendance (“ADA”), as required by the Commissioner. The Superintendent or designee shall be responsible for maintaining a student attendance accounting system in accordance with statutory and TEA requirements. The Superintendent or designee shall report annually to the Board concerning the operation and effectiveness of PCS’ student attendance system, and may present recommendations for improvement.

The Superintendent, Principals, and teachers are responsible to the Board and the state to maintain accurate, current attendance records. The Superintendent is responsible for responsible for the safekeeping of attendance records and reports. The Superintendent may determine whether the properly certified attendance records or reports for the school year are to be filed in the central office or properly stored at each respective campus operated by PCS. Regardless of where such records are filed or stored, they must be readily available for audit by TEA.

Minimum Enrollment

A student must be enrolled for at least two hours of instruction to be considered in membership for one half day, and for at least four hours of instruction to be considered in membership for one full day.

Full-Day Students

Students enrolled on a full-day basis may earn one full day of attendance each school day.

Half-Day Students

Students enrolled on a half-day basis may earn only one half day attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half day they are scheduled to be present.

Alternative Attendance Accounting Program

Students who are enrolled in and participating in an alternative attendance accounting program approved by the Commissioner shall earn attendance according to the statutory and rule provisions applicable to that program.

Attendance for State Funding Purposes

Attendance for all grades shall be determined by the absences recorded in the second period of the day, unless PCS has obtained permission from TEA for an alternate period to record absences, unless the Board adopts a policy for recording absences in an alternate period or hour, or unless the students for which attendance is being taken are enrolled in and participating in a Commissioner-approved alternative attendance accounting program.

The established period in which absences are recorded may not be changed during the school year.

Students absent during the daily period selected by PCS for taking attendance shall be counted absent for the entire day, unless the students are enrolled in and participating in a Commissioner-approved alternative attendance accounting program. Students present at the time attendance is taken shall be counted present for the entire day, unless the students are enrolled in and participating in a Commissioner-approved alternative attendance accounting program.

Exceptions

A student not actually on campus when attendance is taken may be considered in attendance for Foundation School Program purposes if:

1. **Board-Approved Activities** – The student is participating in a Board-approved activity under the direction of a member of PCS' professional staff, or an adjunct staff member who has a bachelor's degree and is eligible for participation in TRS.
2. **Mentorships** – The student is participating in a mentorship approved by PCS personnel to serve as one or more of the advanced measures needed to complete the Advanced/Distinguished Achievement Program.
3. **Medicaid Students** – The student is Medicaid-eligible and participating in the Early and Periodic Screening, Diagnosis, and Treatment Program. Such students may be excused for up to one day at any time without loss of ADA.
4. **Religious Holy Days** – The student is observing religious holy days, including days of travel to or from a site where the student will observe holy days. A student who is observing holy days is allowed up to one day of excused travel for traveling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site.
5. **Court Appearance** – The student is attending a required court appearance, including travel for that purpose. A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site.
6. **Citizenship Proceedings** – The student is:
 - a. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship. A student who is appearing at a governmental office to complete such

- paperwork is allowed up to one day of excused travel for traveling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site; or
- b. Taking part in a United States naturalization oath ceremony. A student who is taking part in such a ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site.
7. **Election Clerks** – The student is serving as an election clerk. A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site.
 8. **Health Care Appointments** – The student is temporarily absent as a result of a documented appointment with a health care professional during regular school hours, if that student commences classes or returns to school on the same day of the appointment. The appointment should be supported by a document such as a note from the health-care professional. “Temporary absence” includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student’s appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy.
 9. **Conservatorship of the State** – The student is in the conservatorship of the Department of Family and Protective Services and misses school:
 - a. To participate in an activity ordered by a court under the Texas Family Code, provided that scheduling the participation outside of school hours is not practicable; or
 - b. To attend a mental health or therapy appointment or family visitation as ordered by a court under the Texas Family Code.
 10. **Higher Education Campus Visits** – The student is visiting an institution of higher education accredited by a generally recognized accrediting organization during the student’s junior and senior years of high school for the purpose of determining the student’s interest in attending the institution of higher education, provided that:
 - a. PCS may not excuse for this purpose more than two days during the student’s junior year and two days during the student’s senior year; and
 - b. PCS adopts:

- (1) A policy to determine when an absence will be excused for this purpose; and
 - (2) A procedure to verify the student's visit at the institution of higher education.
11. **Dropout Recovery Education Program** – The student is in attendance at a dropout recovery education program.
 12. **Taps at Military Funeral** – The student is sounding “Taps” at a military honors funeral held in this state for a deceased veteran, provided that the student is enrolled in grade 6 or higher.
 13. **Off-Campus Instruction** – The student's absence is permitted by other conditions related to off-campus instruction described in the *Student Attendance Accounting Handbook*.
 14. **Military Dependents** – The student's parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. PCS may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment.

Parental Consent to Leave Campus

A student absent from school for any portion of a school day shall provide a note that describes the reason for the absence. The note shall be signed by the student's parent or, if the student is 18 or older or is an emancipated minor, by the student.

Attendance Officer

The Board has designated Campus Principals/Directors to serve as the Attendance Officers of PRIORITY CHARTER SCHOOLS.

Powers and Duties

The Attendance Officers have the following powers and duties with respect to enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of the compulsory school attendance requirements referred to the Attendance Officer;
2. To enforce compulsory school attendance requirements by:
 - a. Applying truancy prevention measures adopted under Education Code 25.0915 to a student; and
 - b. If the truancy prevention measures fail to meaningfully address the student's conduct:
 - i. Referring a student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); and
 - ii. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;
3. To monitor school attendance compliance by each student investigated by the Attendance Officer;
4. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the Board, or the Commissioner, to provide a record to the individual or entity requesting the record;
5. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the Attendance Officer may not enter a residence without permission of the parent or of the owner or tenant of the residence; and
6. At the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements.

Attendance for Credit

Except as provided below and in accordance with the PRIORITY CHARTER SCHOOLS (“PCS”) Charter, a student shall not be given credit for a class unless the student is in attendance 90 percent of the days the class is offered. This restriction does not affect a student’s right to excused absences to observe religious holy days.

Extenuating Circumstances

Attendance Review Committee

The Board shall appoint one or more attendance review committees to hear petitions for class credit by students who have not met the 90 percent rule to determine whether there are extenuating circumstances for the absences and how the student can regain credit, if appropriate.

In determining whether there were extenuating circumstances for the absences, the attendance review committee will use the following guidelines:

1. All absences will be considered in determining whether a student has attended the required percentage of days.
2. If makeup work is completed, absences for the reasons listed at Board Policy PG-3.3.1 (Compulsory Attendance) will be considered days of attendance for this purpose.
3. A transfer or migrant student begins to accumulate absences only after he or she has enrolled in PCS.
4. For a student transferring into PCS after school begins, only those absences after enrollment will be considered.
5. In reaching a decision about the student’s absences, the committee will attempt to ensure that it is in the best interest of the student.
6. The committee will consider the acceptability and authenticity of documented reasons for the student’s absences.
7. The committee will consider whether the absences were for reasons over which the student or the student’s parent could exercise any control.
8. The committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
9. The student or parent will be given an opportunity to present any information to the committee about the absences and to talk about ways to earn or regain credit.

Appeal

The student or parent may appeal the committee’s decision to the Board by filing a written request with the Superintendent in accordance with Board Policy PG-3.35 (Parent and Student Complaints and Grievances).

Withdrawal for Nonattendance

The School may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent on ten or more consecutive school days; and
2. Repeated efforts by the attendance officer and/or Principal to locate the student have been unsuccessful.

General Guidelines

PRIORITY CHARTER SCHOOLS (“PCS”) personnel shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student’s behavior, to maintain essential order, or to protect other students, school employees, or property.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case.

Disciplinary consequences shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, age, or national origin.

Student Code of Conduct

At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:

1. Made available for review in the Principal’s office; and
2. Made available on the PCS website and/or as hard copy to students, parents, teachers, administrators, and to others on request.

Revisions

Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.

Corporal Punishment

The Board prohibits the use of corporal punishment in PCS. Students shall not be spanked, paddled, or otherwise physically disciplined for violations of the Student Code of Conduct.

Extracurricular Standards of Behavior

Sponsors and coaches of extracurricular activities may develop and submit for approval standards of behavior that are higher than the PCS-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off PCS property. Extracurricular behavioral standards shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, age, or national origin.

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STUDENT DISCIPLINE

PG-3.30.1

Students shall be informed of any extracurricular behavior standards at the beginning of each school year or when the students first begin participation in the activity. Students and their parents shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.

Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.

Expulsion

The Superintendent or designee shall determine conduct for which students may be expelled from school. Expellable offenses shall be described in the Student Code of Conduct, which shall be distributed to students and parents on an annual basis, as well as made available at each PRIORITY CHARTER SCHOOLS (“PCS”) campus and posted on the PCS website.

Federal Firearm Provision

In accordance with the Gun-Free Schools Act, PCS shall expel from the student’s regular program, for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to any PCS campus. The Superintendent may modify the term of expulsion for a student or assess another comparable penalty that results in the student’s exclusion from the regular school program on a case-by-case basis.

For the purposes of this provision, “firearm” means:

1. Any weapon (including a starter gun), which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer; or
4. Any destructive device. “Destructive device” means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled.

Expulsion Proceedings

Due Process

Before a student may be expelled, the Board or its designee shall provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution.

The minimum procedural requirements necessary to satisfy due process depend upon the circumstances and the interests of the parties involved. Federal due process requires notice and some opportunity for hearing.

Notice

The notice should contain a statement of the specific charges and grounds that, if proven, would justify expulsion. In some cases, the student should be given the names of the witnesses against him or her and an oral or written report on the facts to which each witness testifies.

Hearing

The rights of the student may properly be determined upon the hearsay evidence of school administrators who investigate disciplinary infractions.

Representative

At the hearing, the student is entitled to be represented by the student's parent, guardian, or another adult who can provide guidance to the student and who is not an employee of PCS. If PCS makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, PCS may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.

Term of Expulsion

If the period of expulsion is inconsistent with the guidelines on length of expulsion in the Student Code of Conduct, the order must give notice of the inconsistency.

Appeals

A decision by the Board's designee to expel a student may be appealed to the Board. If the hearing is not before the Board directly, the results and findings of the hearing should be presented in a report open to the student's inspection.

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POLICY GROUP 3 – STUDENTS

STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

PG-3.30.3

Special Education Students

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations.

Removal for Ten Days or Less

A student with a disability who violates the Student Code of Conduct may be moved from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days, to the extent those alternatives are applied to children without disabilities.

Services During Removal

PRIORITY CHARTER SCHOOLS (“PCS”) is required to provide services during the period of removal if PCS provides services to a child without disabilities who is similarly removed.

Subsequent Removals of Ten Days or Less

PCS personnel may remove the student for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement.

Services During Removal

After a student has been removed from his or her current placement for ten school days in the same school year, during any subsequent removal of ten consecutive school days or less, school personnel, in consultation with at least one of the student’s teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP.

Notice of Procedural Safeguards

Not later than the date on which the decision to take the disciplinary action is made, PCS shall notify the student’s parents of the decision and of all procedural safeguards.

Changes in Placement

Any disciplinary action that would constitute a change in placement may be taken only after the student’s ARD committee conducts a manifestation determination review.

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

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POLICY GROUP 3 – STUDENTS

STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

PG-3.30.3

1. Removed from the student's current educational placement for more than ten consecutive school days; or
2. Subjected to a series of removals that constitute a pattern because:
 - a. The series of removals total more than ten school days in a school year;
 - b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and
 - c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

PCS determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. PCS' determination is subject to review through due process and judicial proceedings.

PCS personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates the Student Code of Conduct.

Manifestation Determination

Within ten school days of any decision to change the placement of a student because of a violation of the Student Code of Conduct, PCS, parents, and relevant members of the ARD committee (as determined by the parent and PCS) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability;
or
2. The direct result of PCS' failure to implement the IEP.

If PCS, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting.

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

Manifestation

If PCS, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless PCS had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at SPECIAL CIRCUMSTANCES, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent and PCS agree to a change in placement as part of the modification of the BIP.

Special Circumstances

PCS personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of TEA or PCS; or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or PCS;

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3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or PCS.

The ARD committee shall determine the interim alternative education setting.

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

Appeals

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. Additionally, PCS may request a hearing if it believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others.

Placement During Appeals

When an appeal has been requested by a parent or PCS, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent PCS agree otherwise.

Reporting Crimes

Federal law does not prohibit PCS from reporting a crime committed by a student with a disability to appropriate authorities. If PCS reports a crime, PCS shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom PCS reported the crime. PCS may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

Students Not Yet Identified

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated the Student Code of Conduct

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may assert any of the protections provided for in the IDEA if PCS had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred.

School Knowledge

PCS shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to PCS supervisory or administrative personnel, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other PCS personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other PCS supervisory personnel.

Exception

PCS shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated and it was determined that the student did not have a disability.

If PCS does not have knowledge, before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

Behavior Management Techniques

It is PCS' policy to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management

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practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.

Exceptions

Education Code 37.0021 (regarding use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties;
2. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in a PCS educational program.

Further, Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and
2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1).

Confinement

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

Seclusion

A PCS employee or volunteer or an independent contractor of PCS may not place a student in seclusion. "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

Restraint

A PCS employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.

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2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

“Restraint” means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student’s body.

“Emergency” means a situation in which a student’s behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

Training

Training for PCS employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 TAC 89.1053(d).

Documentation

In a case in which restraint is used, PCS employees, volunteers, or independent contractors shall implement the documentation requirements set forth at 19 TAC 89.1053(e).

Time-Out

A PCS employee, volunteer, or independent contractor may use time-out with the following limitations.

1. Physical force or threat of physical force shall not be used to place a student in time-out.
2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student’s IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease targeted behavior.
3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student’s IEP.

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

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1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

Training

Training for PCS employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 TAC 89.1053(h).

Documentation

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

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PG-3.31

Each student is expected to respect the rights and privileges of other students, teachers, and PRIORITY CHARTER SCHOOLS (“PCS”) staff. All teachers, administrators, and other PCS personnel are expected to respect the rights and privileges of students.

Student Handbook

The Superintendent or designee shall develop student handbooks with information on curriculum, grading, extracurricular activities, and other such topics that students and parents are likely to need during the school year. The Superintendent or designee shall ensure that no student handbook information is in conflict with policy or the Student Code of Conduct. In case of conflict between a Board policy or the Student Code of Conduct and provisions of student handbooks, policy and/or the Student Code of Conduct shall prevail.

Distribution

Student handbooks shall be made available on the PCS website at the beginning of the school year; hard copy shall be provided upon request. Amendments to the handbook shall be communicated promptly to students and parents.

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Searches of Students

Students shall be free from unreasonable searches and seizures by PRIORITY CHARTER SCHOOLS (“PCS”) officials. PCS officials may search a student’s outer clothing, pockets, or property by establishing reasonable cause or securing the student’s voluntary consent. Coercion, either expressed or implied, such as threatening to contact parents or police, invalidates apparent consent.

A search is reasonable if it meets both of the following criteria:

1. The action is justified at the inception; i.e., the school official has reasonable grounds for suspecting that the search will uncover evidence of a rule violation or a criminal violation.
2. The scope of the search is reasonably related to the circumstances that justified the search in the first place; i.e., the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Interrogations

By School Officials

Administrators, teachers, and other professional personnel may question a student regarding the student’s own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

By Police or Other Authorities

For provisions pertaining to student questioning by law enforcement officials or other lawful authorities.

Desks and Lockers

Desks, lockers, and similar items are the property of PCS and are provided for student use as a matter of convenience. PCS will make periodic inspections of lockers and desks at any time, with or without notice or student consent. PCS officials will remove any item that violates PCS policy or that may potentially be dangerous.

Students have full responsibility for the security of their lockers and desks, and shall be held responsible for any prohibited items found during a search. The student’s parent shall be notified if any prohibited articles or materials are found in a student’s desk or locker, or on the student’s person, as a result of a search conducted in accordance with this policy.

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Vehicles

Vehicles parked on PCS property and property under PCS control are under the jurisdiction of PCS and may be searched at any time if reasonable suspicion exists to believe that the search will result in evidence that school rules or other laws have been violated. If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle and consent to a search of the vehicle. If the student refuses to permit the vehicle to be searched, PCS may contact the student's parents and/or law enforcement officials. A student may be held responsible for and in possession of prohibited items found in his or her vehicle parked on PCS property or at a school-related event.

Use of Trained Dogs

PCS may use or contract for specially trained nonaggressive dogs to sniff out and alert PCS officials to the presence of concealed prohibited or illegal items, including drugs and alcohol. Such visits to PCS may be unannounced. The dogs shall be used to sniff vacant classrooms, vacant common areas, the areas around student lockers, and the areas around vehicles parked on PCS property. The dogs shall not be asked to alert on students. If a dog alerts to a locker, a vehicle, or an item in a classroom, it may be searched by PCS officials.

Parent Notification

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

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STUDENTS

PG-3.33

Married students shall have the same rights and responsibilities as unmarried students. This includes the right to participate in any extracurricular activities on the same basis, and subject to the same requirements, as unmarried students.

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Pregnant students have the right to continue their education during pregnancy and may choose to exercise that right by:

1. Remaining in the regular school program.
2. Participating in any other special program PRIORITY CHARTER SCHOOLS (“PCS”) may provide for pregnant students.

The student may also choose to request a leave of absence. Such request shall be accompanied by a licensed physician’s certification that the leave is a medical necessity. Students who avail themselves of this option are exempt from compulsory attendance during the period certified by the physician as necessary for the leave of absence.

Medical Certification

PCS may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

A parent or student may request an informal conference with the Principal within five school days of the time the parent or student knew or should have known of the event(s) giving rise to the complaint. If the parent or student is not satisfied with the results of the informal conference, he or she may submit a written grievance form to the Principal.

Formal Process

If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation

Neither the Board nor any PRIORITY CHARTER SCHOOLS (“PCS”) employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

Notice to Parents and Students

The Superintendent or designee may develop more detailed grievance procedures. The Superintendent or designee shall ensure that all students and parents are informed of this policy.

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning. This policy shall apply to all student and parent complaints, except as provided below.

Exceptions

This policy shall not apply to:

1. Complaints concerning discrimination or harassment based on race, color, gender, national origin, disability, or religion. See PG-3.4.1 (Freedom from Discrimination, Harassment, and Retaliation).
2. Complaints concerning retaliation related to discrimination and harassment. See PG-3.4.1 (Freedom from Discrimination, Harassment, and Retaliation).
3. Complaints concerning bullying or retaliation related to bullying. See PG-3.4.2 (Freedom from Bullying and Cyber-Bullying).
4. Complaints concerning loss of credit on the basis of attendance. See PG-3.3.4 (Attendance for Credit).
5. Complaints concerning expulsion. See PG-3.30.2 (Student Discipline: Expulsion).
6. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504. See PG-3.2.1 (Equal Educational Opportunity) and the procedural safeguards handbook.
7. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act. See PG-3.30.3 (Student Discipline: Students with Disabilities) and the procedural safeguards handbook.
8. Complaints regarding the Free and Reduced Price Meal Program. See this Policy.

General Provisions

Filing

Student and/or parental complaints shall be submitted in writing on a form provided by PCS. Copies of documents that support the complaint shall be attached to the complaint form or presented at the Level One conference. After the Level One conference, no new documents may be submitted unless their existence was unknown to the complainant before the Level One conference. A complaint that is incomplete may be dismissed.

For purposes of this policy, “days” shall mean school business days and announcement of a decision in the student’s or parent’s presence shall constitute communication of the decision. If an administrator determines that additional time is needed to complete a thorough investigation of the complaint and/or issue a decision, the administrator shall inform the complainant in writing of the necessity to extend the time for investigating or responding and a specific date by when the decision will be issued.

Level One

The student or parent shall request in writing a conference with the appropriate Principal or designee within the later of (1) three days from the time the event(s) causing the complaint were or should have been known, or (2) within three days after the date a letter is sent to the parent or student after completion of the informal grievance process notifying the parent or student of the formal complaint process.

The Principal or designee shall serve as the Level One Grievance Officer, and will schedule a conference with the parent or student within seven days of receipt of the written complaint to consider the grievance. The Level One Grievance Officer will provide a written response to the complaint within seven days of the meeting.

Note: In accordance with PG-3.2.1 (Equal Educational Opportunity), Level One complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be filed within twenty school days.

Level Two

If the student or parent is not satisfied with the Level One decision, or if no decision is provided, the student or parent may request in writing a conference with the Superintendent or designee. The request must be filed within seven days of the Level One decision or the response deadline if no decision is made. The appeal must be specific, reference the law or policy alleged to have been violated or the dissatisfaction raised by the parent or student and, where possible, suggest a resolution. Additionally, the student or parent shall submit any evidence supporting the complaint, and the date and results of the conference with the Level One Grievance Officer.

The Superintendent or designee shall serve as the Level Two Grievance Officer, and will schedule a conference with the parent or student within seven days of receipt of the Level Two appeal. The Level Two Grievance Officer shall have seven days following the conference to issue a decision.

Level Three

If the student or parent is not satisfied with the Level Two decision, or if no timely decision is provided, the student or parent may submit to the Superintendent or designee in writing a request for a hearing before the Board of Directors. The request must be filed within seven days of the Level Two decision or the response deadline if no decision is made. The complaint shall be directed to and delivered to

the Board President, and shall include a copy of the written complaint to the Level Two Grievance Officer, with his or her response.

PCS shall place the matter on the agenda for a future Board meeting. The Superintendent or designee shall inform the parent or student of the date, time, and place of the meeting.

The Board of Directors shall hear the student or parent complaint, and may set a reasonable time limit for presenting the complaint. Only written documentation and issues previously submitted and presented by the student or parent and PCS will be considered. An audiotape recording of the hearing shall be made.

The Board of Directors shall communicate its decision, if any, orally or in writing before or during the next regularly scheduled Board meeting. If no decision is made by the end of the next regularly scheduled Board meeting, the Level Two decision shall be upheld. The Board may not delegate its authority to issue a decision, and any decision by the Board of Directors is final and may not be appealed.

If the complaint involves concerns or charges regarding a PCS student or employee, it shall be heard by the Board in closed meeting unless the parent or guardian of the child and/or the employee to whom the complaint pertains requests that it be heard in public.

Complaints Regarding the Free and Reduced Price Meal Program

The following procedures apply to all complaints made by parents regarding PCS' administration of the Free and Reduced Price Meal Program:

1. Parents with concerns or complaints will be directed to the Child Nutrition Director for the appropriate campus.
2. The parent will complete a Complaint Form that is available in the front office.
3. Completed forms must be returned to the campus Child Nutrition Director.
4. The campus Child Nutrition Director will provide completed forms to a Hearing Officer who is designated by the Principal.
5. The campus Hearing Officer will forward the completed form to the Texas Department of Agriculture.

STATEMENT OF NONDISCRIMINATION

PRIORITY CHARTER SCHOOLS (“PCS”) prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin, disability, age, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of PCS policy.

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, age, or on any other basis prohibited by law, that adversely affects the student.

Prohibited Harassment

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, religion, gender, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

Sexual Harassment

By an Employee

Sexual harassment of a PCS student by a PCS employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A PCS employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student’s ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student’s educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

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Romantic or inappropriate social relationships between students and PCS employees are prohibited. Any sexual relationship between a student and a PCS employee is always prohibited, even if consensual.

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Retaliation

PCS prohibits retaliation against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a PCS investigation regarding discrimination or harassment, including dating violence, is subject to appropriate discipline.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, and/or retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Reporting Procedures

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, Principal, or the appropriate Compliance Coordinator listed in this policy.

Any PCS employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify

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the appropriate Compliance Coordinator listed in this policy, and take any other steps required by this policy.

Definition of Compliance Coordinator

For the purposes of this policy, Compliance Coordinators are the Title IX Coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX Coordinator. PCS designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name:	Robin Osburn
Position:	Assistant Superintendent
Address:	275 FM 2483, Morgan's Point Resort, TX 76513-5547
Telephone:	(254) 654-2825

ADA/Section 504 Coordinator

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. PCS designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name:	Robin Osburn
Position:	Assistant Superintendent
Address:	275 FM 2483, Morgan's Point Resort, TX 76513-5547
Telephone:	(254) 654-2825

Superintendent

The Superintendent shall serve as the Compliance Coordinator for purposes of PCS' compliance with all other antidiscrimination laws.

Alternative Reporting Procedures

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or ADA/Section 504 Coordinator, may be directed to the Superintendent. Reports concerning prohibited conduct by the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

Timely Reporting

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair PCS' ability to investigate and address the prohibited conduct.

Notice to Parents

The PCS official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a PCS employee or another adult.

Investigation of the Report

PCS may request, but shall not insist upon, a written report. If a report is made orally, the school official shall reduce the report to written form.

Upon receipt or notice of a report, the appropriate Compliance Coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Compliance Coordinator shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If appropriate, PCS shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by a Compliance Coordinator or designee, or by a third party designated by PCS, such as an attorney. When appropriate, the Principal shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten school business days from the date of the report. If the investigator determines that additional time is needed to complete a thorough investigation of the complaint and/or issue a report, he or she shall inform the complainant in writing of the necessity to extend the time for investigating or responding and a specific date by which the report will be issued.

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The investigator shall prepare a written report of the investigation. The report shall be filed with the Compliance Coordinator overseeing the investigation.

School Action

If the results of an investigation indicate that prohibited conduct occurred, PCS shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

PCS may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality

To the greatest extent possible, PCS shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

A student who is dissatisfied with the outcome of the investigation may appeal through Board Policy PG-3.35 (Parent and Student Complaints and Grievances), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

Records Retention

Retention of records shall be in accordance with the applicable schedule published by the Texas State Library and Archives Commission.

Access to Policy

Information regarding this policy shall be distributed annually to PCS employees and included in the Student Handbook. Copies of the policy shall be readily available at each campus and the PCS administrative offices.

Bullying and Cyber-Bullying Prohibited

PRIORITY CHARTER SCHOOLS (“PCS”) prohibits bullying, as well as retaliation against anyone involved in the complaint process.

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on PCS property, at a school-sponsored or school-related activity, or in a vehicle operated by PCS that:

1. Has the effect or will have the effect of physical harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property; or
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

The conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student’s education or substantially disrupts PCS operations.

PCS also prohibits cyber-bullying, which is defined as the use of any electronic communication device to engage in bullying or intimidation.

Retaliation

PCS prohibits retaliation by a student or PCS employee against any person who in good faith makes a report of bullying or cyber-bullying, serves as a witness, or participates in an investigation.

Reporting Procedures

Reports of bullying and/or cyber-bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. Failure to immediately report may impair PCS’ ability to investigate and address the prohibited conduct.

Any PCS employee who suspects or receives notice that a student or group of students has or may have experienced bullying and/or cyber-bullying shall immediately notify the Principal or designee.

A report may be made orally or in writing. The Principal or designee shall reduce any oral reports to written form.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a PCS investigation regarding bullying and/or cyber-bullying shall be subject to appropriate disciplinary action.

Investigation of Report

The Principal shall determine whether the allegations in the report, if proven, would constitute prohibited discrimination and/or harassment, and if so proceed under Board Policy PG-3.4.1 (Freedom from Discrimination, Harassment, and Retaliation) instead.

The Principal or designee shall conduct an appropriate investigation based on the allegations in the report, and shall take prompt interim action calculated to prevent bullying during the course of the investigation, if appropriate.

Absent extenuating circumstances, the investigation should be completed within ten PCS business days from the date of the initial report. However, the Principal or designee shall take additional time if necessary to complete a thorough investigation.

Following completion of the investigation, the Principal or designee will prepare a written decision regarding the complaint. If the results of an investigation indicate that bullying and/or cyber-bullying occurred, PCS shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the Student Code of Conduct. PCS may take action based on the results of an investigation, even if PCS concludes that the conduct did not rise to the level of bullying and/or cyber-bullying as defined in this policy.

Confidentiality

To the greatest extent possible, PCS shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeal

A parent or student who is dissatisfied with the outcome of the investigation may appeal under Board Policy PG-3.35 (Parent and Student Complaints and Grievances).

Access to Policy

Information regarding this policy shall be distributed annually to PCS employees and included in the Student Handbook. Copies of the policy shall be readily available at each campus and the PCS administrative offices.

POLICY

Student records shall be maintained for each student from the time the student is in attendance at PRIORITY CHARTER SCHOOLS (“PCS”) until withdrawal or graduation from PCS. These records shall move with the respective student from campus to campus. Records for students not in attendance and/or withdrawn students and graduates shall be retained for the period of time required by law. No permanent records may be destroyed without explicit written permission from the Superintendent.

SECTION 1: EDUCATION RECORDS

a. “Education Records” Defined

For the purposes of this policy, the term “education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by PCS or by a person acting for PCS.

The term “education records” does not include:

1. Records that are created or received by PCS after an individual is no longer a student in attendance, and that are not directly related to the individual’s attendance as a student.
2. Records made by PCS personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of PCS that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is eighteen years of age or older, or who is attending an institution of postsecondary education, that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - b. Made, maintained, or used only in connection with treatment of the student; and
 - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

State and federal law safeguard educational records from unauthorized inspection or use. All information relating to student performance, including grades, test results, and disciplinary records are considered confidential educational records. Release of those records are restricted to parents or guardian; school staff members with a legitimate educational interest; various

governmental agencies or in response to a subpoena or court order; or a school to which the student transfers or subsequently enrolls. Release to any other person or agency will occur only with prior written consent of the parent or guardian.

b. Screening Records

The principal of each PCS campus shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in PCS. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with provisions below concerning ACCESS BY OTHER PERSONS.

c. Immunization Records

PCS shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. PCS shall cooperate with other districts and schools in transferring students' immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers.

d. Medical Records

The parent or guardian of a student is entitled to access to the student's medical records maintained by PCS. On request of a student's parent or guardian, PCS shall provide a copy of the student's medical records to the parent or guardian. PCS may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code.

e. Privacy Rule for Non-“Education Records”

To the extent PCS is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), PCS must comply with the Privacy Rule, 45 CFR Part 164, with respect to protected health information that is not an education record.

f. Food Allergy Information

Information regarding a child's food allergy, regardless of how it is received by PCS, shall be retained in the child's student records, but may not be placed in the health record maintained for the child by PCS.

Exceptions

If PCS receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by PCS. A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by PCS, including a notation that the child's student records indicate that a parent has notified PCS of the child's possible food allergy.

g. Assessment Instruments

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by PCS are confidential and may be made available only to the student, the student's parent or guardian, and to PCS personnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and school system, and made available to the public, with appropriate interpretations, at regularly scheduled Board meetings. The information may not contain the names of individual students or teachers.

h. Academic Achievement Records (Grades 9–12)

PCS shall use the academic achievement record (transcript) form adopted by the State Board. This form shall serve as the academic record for each student and shall be maintained permanently by PCS. Copies of the record shall be made available to students transferring to another district. The information may be provided to the student or to the receiving district or to both. PCS shall respond promptly to all requests for student records from receiving districts.

i. Enrollment Records

If a parent or other person with legal control of a child enrolls the child in PCS, the parent or other person, or the school district in which the child most recently attended school, shall furnish to PCS all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the Commissioner in the Student Attendance Accounting Handbook.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

PCS must furnish information under items 1 and 2 not later than the tenth working day after the date PCS receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that PCS transfer a child's student records, PCS shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

SECTION 2: ACCESS, DISCLOSURE, AND AMENDMENT

a. Definitions

i. “Attendance”

“Attendance” includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

ii. “Disclosure”

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

iii. “Parent”

“Parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

iv. “Personally Identifiable Information”

“Personally identifiable information” includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier, such as the student’s biometric record, defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); social security number; or student number;
5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who PCS reasonably believes knows the identity of the student to whom the education record relates.

v. “Record”

“Record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche.

vi. “Authorized Representative”

“Authorized representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

vii. “Education Program”

“Education program” means any program that is principally engaged in the provision of education, including but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by PCS.

viii. “Signed and Dated Written Consent”

“Signed and dated written consent” may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person’s approval of the information contained in the electronic consent.

b. Access by Parents

Access to the education records of a student who is or has been in attendance at PCS shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes.

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

c. Access by Student

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

Nothing in this section prevents PCS from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 CFR 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed.

d. Access by Other Persons

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

i. School Officials

PCS may disclose personally identifiable information without parent consent when disclosure is made to school officials with legitimate educational interest in the information. A school official is:

1. A person employed by PCS as an administrator, instructor, or support staff member (including health or medical staff and law enforcement unit personnel).
2. A person serving on the PCS Board of Directors.
3. A person or company with whom PCS has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist).
4. A consultant, contractor, volunteer, or other party to whom PCS has outsourced institutional services or functions, provided that the outside party:
 - a. Performs an institutional service or function for which PCS would otherwise use employees;
 - b. Is under the direct control of PCS with respect to the use and maintenance of education records; and
 - c. Is subject to the requirements of 34 CFR 99.33(a) governing the use and redisclosure of personally identifiable information from education records.
5. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.

PCS must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

ii. Officials of Other Schools

Officials of other schools or school systems in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that PCS either:

1. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
2. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

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

iii. Authorized Governmental Representatives

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs.

PCS may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. PCS is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 CFR 214.3, or any corresponding regulation.

iv. Financial Aid Personnel

Personnel involved with a student's application for, or receipt of, financial aid.

v. Juvenile Justice Officials

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, and
2. The officials and authorities to whom such information is disclosed certify in writing to PCS that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

vi. Organizations Conducting Surveys

Organizations conducting studies for, or on behalf of, PCS for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

PCS must enter into a written agreement with the organization that:

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
4. Requires the organization to destroy or return to PCS all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.

If PCS enters into an agreement with an organization conducting a study, it may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to PCS in accordance with the requirements of 34 C.F.R. 99.33(b).

PCS is not required to initiate a study or agree with or endorse the conclusions or results of the study.

vii. Accrediting Organizations

Accrediting organizations that require the information for purposes of accreditation.

viii. Health & Safety Emergency

Appropriate persons, including the student's parents, who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

In making a determination, PCS may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If PCS determines that there is an articulable and significant threat to the health or safety of a student or other

individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

ix. Secretary of Agriculture

The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of schools receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act.

x. State or Local Child Welfare Agency

An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student.

xi. Directory Information

Any person requesting directory information after PCS has given public notice of that definition

e. Written Consent

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

f. Instructional Resources and Parental Rights

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U. S. Department of Education shall be available for inspection by the parents or guardians of students.

g. Information Collection

i. U.S. DOE Funded Surveys

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (DOE), to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

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1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

ii. Information Collection Funded by Other Sources

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOE, PCS shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232(c)(2).

iii. Subpoenaed Records

PCS shall release student records to an entity or persons designated in a subpoena. PCS shall not disclose to any person the existence or contents of the subpoena if a court orders PCS to refrain from such disclosure. Unless the court or other issuing agency orders PCS to refrain from such disclosure or the order is an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331, PCS shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance.

iv. Sex Offenders

PCS may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to PCS under 42 U.S.C. 14071 and applicable federal guidelines.

h. Parental Rights and Student Privacy

As a condition of receiving funds under any applicable program, PCS adopts the following policies, pursuant to 20 U.S.C. 1232h(c)(1):

1. Parents have a right to inspect any survey created by a third party before the survey is administered or distributed by PCS to the student. Parents should submit such a request to the Principal, and shall be provided an opportunity to

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inspect the survey within a reasonable period of time as determined by the Principal. Upon a parent's request to inspect a survey, the parent's child shall not participate in the survey until the parent has had a reasonable opportunity to inspect the survey, as determined by the Principal.

2. In the event a survey contains the items listed above, and is administered or distributed to students, PCS shall comply with FERPA and other applicable law to protect student privacy.
3. Parents have a right to inspect any instructional material used in the educational curriculum for the student. Parents should submit such a request to the Principal. The Principal shall provide reasonable access to parents within a reasonable period of time, as determined by the Principal.
4. PCS may administer physical examinations or other screenings to students as required and/or authorized by state or federal law and in accordance with other applicable policy.
5. PCS shall not collect, disclose, or use a student's personal information for the purpose of marketing or selling that information to third parties. This policy does not apply to or restrict the use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services offered by PCS, for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs, or as otherwise required by law. This policy is also subject to state and federal public information laws and FERPA, that makes some student personal information, defined in this policy as "Directory Information," public.
6. Parents have a right to inspect any instrument used in collection of personal information, described above, before the instrument is administered to the student. Parents should submit such a request to the Principal. The Principal shall provide reasonable access to parents within a reasonable period of time, as determined by the Principal. Upon a parent's request to inspect such an instrument, the parent's child shall not participate until the parent has had a reasonable opportunity to inspect the instrument, as determined by the Principal.

The Superintendent shall ensure that parents are provided reasonable notice of the adoption or continued use of these policies. Such notice shall be provided directly to the parents of the students in attendance at PCS. At a minimum, PCS shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described above.

i. Request Procedure

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

j. Destruction of Records

PCS shall not destroy any education records if there is an outstanding request to inspect and review the records.

k. De-Identified Records

PCS, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that PCS or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

l. Education Research

PCS, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. PCS or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

m. Authenticating Requestors' Identities

PCS must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom PCS discloses personally identifiable information from education records.

n. Transfer Not Permitted

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information

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without the written consent of the student's parent. If a third party permits access to information in violation of this policy, PCS shall not permit access to information from education records to that third party for a period of not less than five years.

PCS shall inform a party to whom a disclosure is made of the requirements of 34 CFR 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student.

PCS may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of PCS if:

1. The disclosures meet the requirements of 34 CFR 99.31; and
2. PCS has complied with the requirements of 34 CFR 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 CFR 99.32(b)(2).

o. Record of Access to Student Records

Each campus shall maintain a record, kept with the education record of each student, that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 CFR 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. PCS must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 CFR 99.32(b)(2) and make it available in response to a parent's request to review the record.

PCS must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see HEALTH & SAFETY EMERGENCY, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom PCS disclosed the information.

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as PCS maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system.

The record shall not include requests for access by, or access granted to, parents of the student or officials of PCS, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order.

p. Right to Amend Records

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

If PCS decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, PCS decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of PCS. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

q. Fees for Copies

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis.

r. Records of Students with Disabilities

PCS shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities.

i. Access Rights

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect school records relating to the education of their child:

1. Parents may request that a representative inspect and review the records.
2. PCS shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request.

3. PCS shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records.

ii. List of Types and Locations of Information

PCS shall provide parents on request a list of types and locations of education records.

iii. Parental Consent

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. PCS may not release information from these records without parental consent except as provided in FERPA.

iv. Confidentiality

PCS shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in PCS shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. PCS shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information.

v. Destruction of Information

PCS shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

s. Annual Notification of Rights

PCS shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

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1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 CFR 99.31 authorize disclosure without consent; and
4. File with the United States Department of Education a complaint under 34 CFR 99.63 and 99.64 concerning alleged failures by PCS to comply with the requirements of the Act and 34 CFR part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 CFR 99.20.
3. If PCS has a policy of disclosing education records under 34 CFR 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

PCS may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights. PCS shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

t. Custodian of Records

The Superintendent or designee is designated as the custodian of all student records. The Principal of each campus is designated as an agent of the Superintendent or designee for the purposes of the receipt of requests concerning the disclosure of student records.

SECTION 3: DIRECTORY INFORMATION

Certain information about students is considered "directory information" and will be released to anyone who follows procedures for requesting it unless the parent or eligible student objects in writing to its release, within a reasonable time period set by the Superintendent, of receiving notice of FERPA rights. A parent or eligible student may also choose to opt out of the release of directory information at any time during the school year. At any time after restricting the release of directory information, a parent or eligible student may in writing authorize PCS to release directory information.

a. Definition

PCS has designated the following categories of information as directory information for the purpose of disclosure relating solely to school-sponsored/school-affiliated purposes:

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1. Student's name;
2. Address;
3. Telephone listing;
4. Electronic mail address;
5. Photographs (including video images);
6. Date and place of birth;
7. Major field of study;
8. Dates of attendance;
9. Grade level;
10. Participation in officially recognized activities and sports;
11. Weight and height of members of athletic teams;
12. Degrees, honors, and awards received; and
13. The most recent educational agency or institution attended.

"Directory information" does not include a student's:

1. Social security number; or
2. Student identification number, unless the student identification number, user identification number, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user.

School-sponsored/school-affiliated purposes are those events/activities that PCS conducts and/or sponsors to support PCS' educational mission. Examples include, but are not limited to:

1. Extracurricular programs or events (e.g., school plays, concerts, athletic events, graduation ceremonies).
2. Publications (e.g., newsletters, yearbook, etc.).
3. Honor roll and other student recognition lists.
4. Marketing materials of the School (e.g., print media, website, videos, newspaper, etc.).

PCS has designated the following categories of information for the purpose of disclosure to military recruiters and institutions of higher education, but only for secondary students:

1. Student's name;
2. Address;
3. Telephone listing; and
4. E-mail address.

b. Disclosure of Directory Information

PCS shall not release directory information except for the purposes indicated above, namely:

1. Disclosure relating to school-sponsored/school-affiliated purposes; and
2. Disclosure to military recruiters and institutions of higher education, but only for secondary students.

c. In Class

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent PCS from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

d. Former Students

PCS may disclose directory information about former students without satisfying the public notice conditions above. However, PCS must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

e. Confirmation of Identity or Records

PCS may not disclose or confirm directory information without meeting the written consent requirements in 34 CFR 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.

f. Designation of Directory Information

PCS may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by PCS as directory information is excepted from disclosure by PCS under Government Code Chapter 552.

Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or school publication, if any such purpose has been designated by PCS, remains otherwise confidential and may not be released under Government Code Chapter 552.

g. Student Recruiting Information

Notwithstanding the DIRECTORY INFORMATION provisions above, each school receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing described above not be released without prior written parental consent. PCS shall notify parents of the option to make a request and shall comply with any request.

SECTION 4: INFORMATION FROM LAW ENFORCEMENT

a. Oral Notice of Arrest or Referral

Upon receipt of oral notice from a law enforcement agency that it has arrested a student or referred a student to the juvenile board for a specified offense, the Superintendent shall promptly notify all instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.

b. Written Notice of Arrest or Referral

Upon subsequent receipt of confidential, written notice of the arrest or referral, the Superintendent or designee may send the information in the confidential notice to a School employee having direct supervisory responsibility over the student if the Superintendent or designee determines that the employee needs the information for educational purposes or for the protection of the person informed or others.

c. Oral Notice of Conviction or Adjudication

Upon receipt of oral notice from a prosecuting attorney of a student's conviction, deferred prosecution, or adjudication of a specified offense, including a statement as to whether the student is required to register as a sex offender, the Superintendent shall, within 24 hours of receiving the notice, notify all instructional and support personnel who have regular contact with the student.

d. Notice of Transfer or Reenrollment

Upon receipt of notice from a parole, probation, or community supervision office having jurisdiction over a student that a student has transferred or reenrolled, the Superintendent shall, within 24 hours of receiving the notice, notify all instructional and support personnel who have regular contact with the student.

A person who receives information described above shall not disclose it except as specifically authorized by Code of Criminal Procedure 15.27.

Information received by PCS under this provision shall not be attached to the permanent academic file of the student who is the subject of the report. PCS shall destroy the information at the end of the academic year in which the report was filed.

e. Duty to Flag Records

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in PCS is missing, PCS shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, PCS will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.

i. Request in Person

When a request for a flagged record is made in person, PCS may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;
2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

After providing the information listed above, PCS shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

ii. Request in Writing

When a request for a flagged record is made in writing, PCS may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, PCS shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

iii. Removal of Flag

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, PCS shall remove the flag from the records.

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A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearing-house. If a response is not received after the 45th day after the date of the request for confirmation, PCS may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearing-house that the flag has been removed.

PRIORITY CHARTER SCHOOLS (“PCS”) shall participate in an electronic student records system that satisfies standards approved by the Commissioner.

The electronic student records system must permit an authorized state or PCS official to electronically transfer to and from an educational institution in which the student is enrolled and retrieve student transcripts, including information concerning a student’s:

1. Course or grade completion;
2. Teachers of record;
3. Assessment instrument results;
4. Receipt of special education services, including placement in a special education program and the IEP developed; and
5. Personal graduation plan as described by Education Code 28.0212.

Any person involved in the transfer and retrieval of student information is subject to any state or federal law governing the release of or providing access to any confidential information to the same extent as the educational institution from which the data is collected. A person may not release or distribute the data to any other person in a form that contains confidential information.

Wellness

PRIORITY CHARTER SCHOOLS (“PCS”) shall follow nutrition guidelines that advance student health and reduce childhood obesity and shall promote the general wellness of all students through nutrition education, physical activity, and other school-based activities.

Nutrition Guidelines

PCS shall ensure that nutrition guidelines for reimbursable school meals shall be at least as restrictive as federal regulations and guidance and that all foods available on each campus are in accordance with the Texas Public School Nutrition Policy.

Wellness Goals

Nutrition Education

PCS shall implement, in accordance with law, a coordinated health program with a nutrition education component and shall use health course curriculum that emphasizes the importance of proper nutrition.

In addition, PCS establishes the following goals for nutrition education:

1. Students will receive nutrition education that fosters the adoption and maintenance of healthy eating behaviors.
2. Nutrition education will be a PCS-wide priority and will be integrated into other areas of the curriculum, as appropriate.
3. Staff responsible for nutrition education will be adequately prepared and will participate in professional development activities to effectively deliver the program as planned.
4. The food service staff, teachers, and other school personnel will coordinate the promotion of nutrition messages in the cafeteria, the classroom, and other appropriate settings.
5. Educational nutrition information will be shared with families and the general public to positively influence the health of students and community members.

Physical Activity

PCS shall implement, in accordance with law, a coordinated health program with physical education and physical activity components and shall offer at least the required amount of physical activity for all grades.

In addition, PCS establishes the following goals for physical activity:

1. PCS will provide an environment that fosters safe and enjoyable fitness activities for all students, including those who are not participating in competitive sports.
2. Physical education classes will regularly emphasize moderate to vigorous activity.
3. PCS will encourage teachers to integrate physical activity into the academic curriculum where appropriate.
4. PCS will encourage parents to support their children's participation, to be active role models, and to include physical activity in family events.

Implementation

The Superintendent shall ensure that PCS adopts goals for nutrition education, physical activity, and other school activities that promote student health and wellness as deemed appropriate by PCS. The Superintendent or designee shall also ensure that nutrition guidelines for foods served by PCS during the school day are adequate to advance student health and reduce childhood obesity and shall meet or exceed federal regulations and guidance, and that all foods available on each campus are in accordance with the Texas Public School Nutrition Policy and PCS-established standards.

The Superintendent or designee shall oversee the implementation of this policy and shall develop administrative procedures for periodically measuring the implementation of the wellness policy, as may be necessary. PCS shall also seek to involve parents, students, representatives of the school food authority, the Board, administrators, and the public in the continued development and implementation of this school wellness policy.

Standards for Administering Medications

All medications administered to students shall be FDA-approved pharmaceuticals administered within their approved dosage and within standards of acceptable medical regimen. Research pharmaceuticals may be administered if they are a part of a University Institutional Review Board-approved protocol. Intravenous (IV) medications and treatments shall not be administered by school personnel.

Authorized Personnel

Only employees authorized by the Superintendent or designee shall give any student prescription medication, herbal substances, anabolic substances, or dietary supplements of any type.

Employees authorized by the Superintendent or designee may administer to students:

1. Prescription Medication in Accordance with Legal Requirements

PRIORITY CHARTER SCHOOLS (“PCS”) must have received a written request to administer the medication from the student’s parent, guardian, or other person having legal control of the student.

When administering prescription medication, the medication is administered either:

- a. From a container that appears to be from the original container and properly labeled; or
- b. From a properly labeled unit dosage container filled by a registered nurse from a container that appears to be the original container and to be properly labeled.

All prescription medications shall have been prescribed by a physician licensed to practice medicine in the United States. All medications shall have been manufactured in the United States.

2. Nonprescription Medication

Nonprescription medication may be administered by authorized PCS personnel **only if** required by the individualized education program or Section 504 plan of a student with disabilities.

3. Herbal Substances or Dietary Supplements

Herbal substances or dietary supplements may be administered by authorized PCS personnel **only if** required by the individualized education program or Section 504 plan of a student with disabilities.

4. Provision of Medication Off-Campus at School-Sponsored Events

For any PCS student attending a field trip or off-campus school-sponsored event, any prescription medication that PCS is required to administer under this policy shall be sent with the student's teacher, if the teacher is trained in the proper administration of medication and has been authorized to administer medication by the Superintendent and/or the school nurse, along with instructions on the administration of the medication.

In addition to trained and authorized PCS teacher(s) and/or nurse(s), a licensed physician in Texas, a registered nurse licensed in Texas, or a vocational nurse licensed in Texas may serve as a PCS volunteer to administer prescription and non-prescription medication in accordance with this policy when on field trips and/or off-campus, school-sponsored events. Prior to being allowed to do so, such individuals must meet with the school nurse for instruction and training on administration of medication for applicable students.

Nonprescription medication(s) are not provided by PCS during field trips and/or off-campus, school-sponsored events.

In the event of an emergency medical situation involving a PCS student for which no PCS employee was previously aware and that occurs during a field trip and/or during an off-campus, school-sponsored event when no school nurse is present, emergency medical services shall immediately be notified by any PCS employee in attendance.

Enteral Feedings

All enteral feeding formulas must be commercially prepared in the United States, provided by the student's parent/guardian, and be in the original sealed and unopened container when brought to the PCS clinic. If a physician orders a noncommercial formula, all ingredients must be provided in their original unopened containers, or in their natural state together with instructions for preparation.

Students requiring enteral feeding must have current orders for the enteral feedings from a physician licensed to practice medicine in the State of Texas, an active duty military physician in the State of Texas, or a civilian practitioner working at a military treatment facility in the State of Texas. Out-of-state physician's orders for enteral feedings may be accepted for a transitional 30-day period if the orders are complete. In order to be considered complete, the out-of-state physician's orders must contain the student's name, date of birth, diagnosis/condition for which the enteral feeding is prescribed, amount of enteral formula to be administered, frequency of administration, specific time and method of administration, length of time the feedings are to continue,

special instructions, and precautions/untoward reactions, physician's name, signature, address, telephone number, and the date the order was written.

If after 30 days, orders from a Texas licensed physician, active duty military physician in the State of Texas, or civilian practitioner working at a military treatment facility in the State of Texas are not received, the enteral feeding will not be administered during the school day by a PCS employee. No exceptions to this policy shall be made. A parent or guardian or designated adult may administer the enteral feeding until orders are received from a physician licensed to practice in Texas, an active duty military physician in the State of Texas, or a civilian practitioner working at a military treatment facility in Texas.

Psychotropics

Except as permitted by Education Code 38.016, a PCS employee shall not:

1. Recommend to a student or parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

Do-Not-Resuscitate (DNR) Orders

PCS employees who are health-care professionals shall comply with properly formed and executed Out-of-Hospital Do-Not-Resuscitate Orders as provided in the Texas Health and Safety Code and 25 TAC 157.25. PCS employees who are not health-care professionals shall comply with Out-of-Hospital Do-Not Resuscitate Orders only if such order has been issued by a court of competent jurisdiction. If an Out-of-Hospital Do-Not-Resuscitate Order is presented to a Section 504 or ARD committee, the order shall be provided to the Superintendent. In addition, emergency medical services personnel and other health-care professionals who may be called to the school should be presented with the DNR order should a student with such an order experience medical difficulties.

DUTY TO REPORT

By Any Person

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law.

By A Professional

Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect.

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers.

Contents of Report

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

To Whom Reported

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to the Texas Department of Family and Protective Services (DFPS), unless the report is made under item 3, below, or the report involves a juvenile justice program or facility.

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. The DFPS, including a local office where available;

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3. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
4. The agency designated by the court to be responsible for the protection of children.

Immunity from Liability

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed.

PRIORITY CHARTER SCHOOLS (“PCS”) may not suspend or terminate the employment of, or otherwise discriminate against, a professional who makes a good faith report of abuse or neglect.

Criminal Offenses

Failure to Report

A person commits a class A misdemeanor if he or she has cause to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report it as provided by law.

Failure to report child abuse or neglect violates the Educator’s Code of Ethics and may result in sanctions against an educator’s certificate, as addressed in 19 TAC 249.

False Report

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense.

Coercion

A PCS employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense.

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Confidentiality

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act). Such information may be disclosed only for purposes consistent with federal or state law or under rules adopted by an investigating agency.

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201.

Investigations

Reports to the School

If the DFPS initiates an investigation and determines that the abuse or neglect involves a PCS employee, and that the child is a student at PCS, the department shall orally notify the Superintendent.

The DFPS shall send a written report of its investigation, as appropriate, to the Principal, unless the Principal is alleged to have committed the abuse or neglect, to the Board, and to the Superintendent.

Interview of Student

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school.

Interference with Investigation

A person may not interfere with an investigation of a report of child abuse or neglect conducted by the DFPS.

Reporting Policy

The Board shall establish and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261.

The policies must require every school employee, agent, or contractor who suspects child abuse or neglect to submit a written or oral report to at least one of the authorities listed above (see TO WHOM REPORTED) within 48 hours or less, as determined by the Board, after learning of facts giving rise to the suspicion.

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The policies must also be consistent with 40 TAC Chapter 700 regarding investigations by the DFPS, including regulations governing investigation of abuse by school personnel and volunteers.

The policies must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 TAC 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;
2. Prohibitions against interference with an investigation of a report of child abuse or neglect, including:
 - a. The prohibition, under Family Code 261.302 and 261.303, against denying an investigator's request to interview a student at school; and
 - b. The prohibition, under Family Code 261.302, against requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Confidentiality provisions relating to a report of suspected child abuse or neglect;
5. Any disciplinary action that may result from noncompliance with PCS' reporting policy; and
6. The current toll-free number for the DFPS.

The policies must not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

Annual Distribution and Staff Development

The policies shall be distributed to all personnel at the beginning of each school year and shall be addressed in staff development programs at regular intervals determined by the Board.

Abuse of Disabled Persons

A person having cause to believe that a disabled person over the age of 18 or who has had the disabilities of minority removed is in a state of abuse, neglect, or exploitation shall report the information immediately to the DFPS.

A person commits a class A misdemeanor if the person has cause to believe that a disabled person has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

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A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Required Poster

PCS shall place a poster of the following specifications at every campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The poster must:

1. Be in a format and language that is clear, simple, and understandable to students;
2. Be in English and in Spanish;
3. Be 11x17 inches or larger;
4. Be in large print;
5. Be placed at eye-level to the student for easy viewing; and
6. Include the following information:
 - a. The current toll-free DFPS abuse Hotline telephone number (in bold print);
 - b. Instructions to call 911 for emergencies; and
 - c. Directions for accessing the DFPS website (<http://www.txabusehotline.org>) for more information on reporting abuse, neglect, and exploitation.