

OPEN-ENROLLMENT CHARTER CONTRACT RENEWAL APPLICATION

Section I. Current Information in Charter School Tracking System

Charter Holder Name: St. Mary's Charter School

Charter School Name: ST MARY'S ACADEMY CHARTER SCHOOL

Charter School County/District #: 013-801

Generation: 6

Maximum Approved Enrollment: 225

Grades Approved: K,1,2,3,4,5,6,7,8

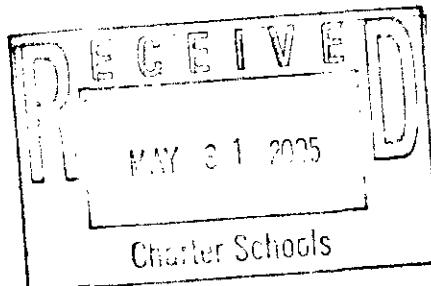
Campuses:

013801101
ST MARY'S ACADEMY CHARTER SCHOOL
410 N Tyler St
Beeville, TX 78102
Grade Levels Currently Served:
KG,01,02,03,04,05,06,07,08

Geographical Boundary:

The original charter application and amendment history reflects that the following district(s) comprise the charter school's geographic boundary:

ALICE ISD
BELLVILLE ISD
GEORGE WEST ISD
MATHIS ISD
PETTUS ISD
REFUGIO ISD
SINTON ISD
SKIDMORE-TYNAN ISD



The TEA coversheet incorrectly lists Bellville ISD as one of the original charter applications geographical boundaries. This should read Beeville ISD.

Section II. Governance Structure and Procedures

Before completing the following items, please review *TEC, §12.121* and *19 TAC §100.1033(c)(6)(C)(i)* and also relevant portions of *19 TAC §§100.1101-100.1159*.

A. In the table below, please fill in the information requested concerning the members of the governing body of the charter holder. Please note the following:

- 1) *The column concerning compensation requires the charter holder to report the total amount of annual compensation that each board member receives from the charter holder or charter school for any purpose.* (i.e., salary, contract work, etc.).
- 2) A “relative within the third degree of consanguinity or affinity,” refers to a board member’s spouse or the board member’s or his or her spouse’s: parents, children, grandchildren, siblings, grandparents, great-grandparents, nieces, nephews, aunts, uncles, and great-grandchildren.

<i>Charter Holder Board Member’s Name</i>	<i>Office Held</i>	<i>Amount of Compensation Per Year Received from Charter Holder or Charter School</i>	<i>Relative(s) Within the Third Degree of Consanguinity or Affinity Also Serving on the Governing Body of Charter Holder (see definition above)</i>
Reverend Patrick Donohoe	Chairman	\$ 00	None
Mr. John Fulghum	Secretary	\$ 00	None
Ms. Carrie Shipp	Vice Chairman	\$ 00	None
Mrs. Cherokee Saldiva	Member	\$ 00	None
Mr. Jody Alaniz	Member	\$ 00	None
		\$	
		\$	
		\$	
		\$	
		\$	
<i>Use the above gray shaded area if additional space is needed.</i>			

B. If any charter holder board member has a relative within the third degree of consanguinity or affinity (See definition in subsection A.) who is receiving or will receive any compensation from the charter holder or the charter school for any purpose, please fill in the information requested in the table below.

<i>Charter Holder Board Member's Name</i>	<i>Relative's Name</i>	<i>Relative's Employment Position or Basis for Compensation</i>

C. If the charter holder governing body has created a **secondary governing body**, commonly known as a “governing body of the charter school” or “charter school board,” to perform some of its duties with respect to the charter school, please fill in the information requested in the table below.

<i>Charter School Board Member's Name</i>	<i>Office Held</i>	<i>Relative(s) Within the Third Degree of Consanguinity or Affinity (see definition in subsection “A” above) Also Serving on Governing Body of Charter School</i>

D. If any charter school board member has a relative within the third degree of consanguinity or affinity (See definition in subsection A.) who is receiving or will receive any compensation from the charter holder or charter school for any purpose, please fill in the information requested in the table below.

<i>Charter School Board Member's Name</i>	<i>Relative's Name</i>	<i>Relative's Employment Position or Basis for Compensation</i>

E. If a separate governing body of the charter school exists, please describe the roles and responsibilities that the governing body of the charter holder has delegated to the governing body of the charter school. If there is only one governing body, no response is required.

F. Submit,

- as **Attachment 1**, the charter holder's organizational chart that illustrates all of the charter holder's operations, including the charter school's organizational structure; and
- as **Attachment 2**, a biographical affidavit for each member of the governing body of the charter holder and of the governing body of the charter school, if applicable. *The biographical affidavit form is provided in the appendix.*

Section III. Teacher Qualifications

The requirements for certain teachers changed in 2002 with the passage of the No Child Left Behind Act (NCLB). The NCLB requires charter school teachers assigned to teach core academic subject areas (i.e., English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography) to be "highly qualified." To be "highly qualified," a teacher assigned to teach a core academic subject area must hold a bachelor's degree and demonstrate competency in each area of assignment. (For more information about required teacher qualifications, please see the two issues of the *NCLB Bulletin*, available online at <http://www.tea.state.tx.us/nclb/bulletin.html>).

Charter school teachers assigned to teach subjects that are not considered core academic subject areas under the NCLB must meet the state law requirement of a high school diploma. Furthermore, state law and rule require charter school teachers assigned to teach special education, bilingual education, and English as a second language to be certified.

Many charter schools require their teachers to have additional qualifications beyond the minimum requirements of federal and/or state law.

- A. In the space below, please set forth the qualifications that the charter school requires for teachers assigned to teach core academic subject areas (i.e., English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography).

Teachers assigned to teach core academic subject areas (i.e., English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography) must be "highly qualified." To be "highly qualified," a teacher assigned to teach a core academic subject area must hold a bachelor's degree and demonstrate competency in each area of assignment.

- B. In the space below, please set forth the qualifications that the charter school requires for teachers assigned to teach subjects that are not considered core academic subject areas under the NCLB.

Teachers are required to have a minimum of a Bachelors degree to be classroom teachers. Coaches, interventionist and lab instructors will have a minimum of 48 college hours by December 2005.

C. In the space below, please set forth the qualifications that the charter school requires for teachers assigned to teach special education.

Teachers assigned to teach special education are required to have special education certification.

D. In the space below, please set forth the qualifications that the charter school requires for teachers assigned to teach bilingual education and/or English as a second language.

Teachers assigned to teach bilingual are required to have bilingual certification. Teachers assigned to teach ESL are required to have ESL certification.

Section IV. Parental Notice of Professional Employee Qualifications

TEC, §12.111 (10) requires that a charter specify the manner in which the school will distribute to parents information related to the qualifications of each professional employee. (i.e., superintendent, chief executive officer, chief operating officer, business manager or persons providing financial management, principal, assistant principal, director, teacher, instructor, counselor, etc.).

A. The charter holder certifies that information related to the qualifications of each professional employee is distributed to parents.

Yes
 No

B. Submit,

- as **Attachment 3**, a copy of a document distributed to parents related to the qualifications of each professional employee.

Section V. Compliance with Complaint Procedures

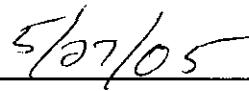
The charter holder board chair must sign below to acknowledge that:

(1) the governing body(ies) and school officers are aware that *19 TAC §100.1033(c)(6)(C)(i)* states that the governing body of a charter holder shall not delegate final authority to hear or decide employee grievances, citizen complaints, or parental concerns; and

(2) the governing body of the charter holder is in compliance with the above requirement.



Signature of the Charter Holder Board Chair



Date

Section VI. Admissions Policy

A. Specify the period during which applications for admission are accepted. *TEC, §12.117, requires that a charter school establish a reasonable application deadline for the submission of applications for admission.*

May 9	May 20
Beginning of Period	End of Period

B. If the school admits students by lottery when the number of admissions applications received exceeds the number of available spaces, describe the procedures followed in conducting the lottery.

ST. MARY'S ACADEMY CHARTER SCHOOL ADMISSIONS AND ENROLLMENT POLICY

St. Mary's Academy Charter School, an open enrollment Charter School, operating under a Charter awarded by the Texas State Board of Education, accepts students in grades K-8 who have reached legal age to begin school in the state of Texas, having reached their 5th birthday by September 1. The school may not deny admission to a student on the basis of race, ethnicity, gender, national origin, religion, disability, academic, athletic, or artistic ability, financial status, need for special education services or the district the child would otherwise attend. The charter does allow for denial of admission to students with documented histories of a criminal offense, juvenile court adjudication, or discipline problems under TEC Chapter 37, Subchapter A.

ENROLLMENT FOR EXISTING STUDENTS: Currently enrolled students receive a pre-registration form during April of each year with a two week window of opportunity to return the form. This form shall be filled out by students wishing to return the following school year. The students will be given a separate form to fill out if they will not be returning requesting a release of confidential records to their new school. Any siblings currently enrolled or wishing to enroll will be identified on the pre-registration form. Currently enrolled students wishing to return are automatically enrolled for the following school year upon timely receipt of the pre-registration form. Vacancies in each class are then determined by the Business Manager, and the siblings of returning students are given priority in admission.

ENROLLMENT FOR NEW STUDENTS:

Applications for open-enrollment of new students each year will be accepted during a two week period approved by the School Board. At the end of the open-enrollment period, if the number of applicants does not exceed the number of vacancies for each grade and/or the school is not already at its maximum enrollment, each applicant will be offered admission in their designated grade. If the number of applicants exceeds the number of vacancies for any grade and/or the number of applicants will put the school over its maximum enrollment, a lottery will then be conducted at the regularly scheduled June board meeting or a special called meeting of the board. If there are no vacancies for the appropriate grade level the lottery will be held to place students on a waiting list in the order that the names are drawn. Late applications, any application received after the deadline, will be placed on the waiting list after the lottery according to the order in which they were received. If a vacancy arises before the commencement of the school year or during the school year, the individual on the waiting list with the lowest number assignment will be offered admission and then be removed from the waiting list.

Revised during contingency process

Section VI. Admissions Policy

A. Specify the period during which applications for admission are accepted. *TEC, §12.117, requires that a charter school establish a reasonable application deadline for the submission of applications for admission.*

May 9,2005	May 20, 2005
Beginning of Period	End of Period

B. If the school admits students by lottery when the number of admissions applications received exceeds the number of available spaces, describe the procedures followed in conducting the lottery.

The Lottery

Registration is a function of the business office. Only the attendance clerk or MPAVS coordinator will be authorized to accept registration forms during the open-enrollment/lottery period. All pre-enrollment packets will be verified for completeness and current enrollment students and their siblings will be placed on a waiting list in a separate queue. The Charter School gives priority to siblings of currently enrolled students and family members of staff and Board members. An open-enrollment/lottery period will then ensue. Registration forms will be available starting 5/9/05.

Only completed registration forms will be accepted during open-enrollment/lottery time.

Upon verification of form completeness, the attendance clerk or MPAVS coordinator will send post card information Parsons of the date of the lottery that their child will be participating in. The open-enrollment/lottery will be conducted at a time and location to be determined by the Board, possibly held during a special called meeting of the Board.

The lottery will be conducted in the following manner:

1. Each applicant's name will be placed on a waiting list on the bottom right hand corner. If no siblings waiting for enrollment will also be placed.
2. Positions will be filled starting in senior grade and moving to the lower grades. If the number of positions filled or exceeds the number of applicants in a given grade all of the applicants will be assigned positions in that grade. Any siblings in lower grades will also be assigned positions on a space available basis or be put on the waiting list in the first position not already held by a priority student.
3. The placement of students will continue from senior to lower grades.
4. In the event that there are more applicants for enrollment in a grade than positions available the lottery will commence. In such case in that grade will be checked and rechecked before it is placed into the banner by the MPAVS coordinator.
5. The Senior Principal will join the waiting banner when complete rotations.
6. The board president or other designated board member will draw cards out one at a time. The names will be entered into the Board Minutes in this order. They are drawn in the event that there is a sibling in the same grade participating in the lottery that sibling automatically is given the next available slot. In between each name drawn the senior principal will rotate the banner one rotation. Siblings will be registered and cross filing are used.
7. After each draw is made the names will continue and names will be placed on the waiting list in the order that they are drawn. All cards for the grade will be drawn out of the entire banner.
8. The lottery cessation will proceed with the next grade following steps 2 through 7. Students in higher grades will be moved to the first available priority positions on the waiting list if sibling in a lower grade is admitted.
9. Parents will be informed if their child is admitted into a grade they will be given a deadline in which to complete their child's registration. This deadline is not over the weekend will be given to the new student on the waiting list.
10. At the conclusion of the open-enrollment/lottery registration period regular registration guidelines will be followed.

Pre-Enrollment

Current students will be considered pre-enrolled according to the following:

1. Current cumulative file is up to date and complete.
2. All outstanding debts and fees are taken care of and my other business is completed.
3. Current registration cards are filled out and turned in by the end of the pre-enrollment period.
4. No siblings and family members of staff and Board members. A complete registration packet including all required items must be filled.

Completed and returned by the end of the pre-enrollment period.

Sun Valley Academy Charter School will exclude students who have a documented history of criminal offense. Juvenile court adjudication or discipline problems as outlined under TEC, Chapter 67, Subchapter 1.

APPROVED DURING CONTINGENCY PROCESS

Effective Date: April 27, 2006

C. If the school utilizes a lottery when oversubscribed, are any categories of applicants exempted from the lottery?

Yes

No

Not applicable (because lotteries are not utilized)

If "Yes" was indicated in C above, state the categories of applicants that are exempted.

~~The charter gives priority to siblings of currently enrolled students.~~

D. If the school utilizes a lottery when oversubscribed, specify the approximate date on which a lottery will be conducted.

June 23

Approximate Date of Lottery

E. If the school does not utilize a lottery when oversubscribed, but rather fills the available positions in the order in which applications were received before the expiration of the application deadline (i.e., a "first-come, first-served" admission process) describe the manner in which the school notifies the community of the opportunity to apply for admission. *TEC, §12.117, requires a charter school that uses a first-come, first-served admission process when oversubscribed to publish a notice in a newspaper of general circulation not later than the seventh day before the application deadline.*

N/A

F. Describe the information that an applicant must provide in order to be considered for admission. *Applicants may not be required to provide copies of transcripts or other academic records until after they are offered admission and are enrolling. Furthermore, a student may not be precluded from enrolling due to the charter school's failure to receive information required for enrollment from the student's parent or guardian or previous school. See TEC, §25.002.*

~~Name, grade, age, birth date, social security number, parents name~~

G. The charter holder certifies that the non-discrimination statement required by TEC, §12.111(a)(6) is printed in the school's admission policy. *TEC, §12.111(6) requires that a charter school's admissions policy include a statement that the school will not discriminate in admissions based on gender, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend.*

Yes

No

Revised during contingency process

A student seeking admission to St. Mark's Academy Charter School during open enrollment will be required to bring with her discipline reports from her previous school before offered enrollment can be extended. Failure to disclose disciplinary history of criminal offense and/or juvenile court judgment will constitute grounds for immediate expulsion.

C. If the school utilizes a lottery when oversubscribed, are any categories of applicants exempted from the lottery?

Yes

No

Not applicable (because lotteries are not utilized)

If "Yes" was indicated in C above, state the categories of applicants that are exempted.

The Charter School gives priority to siblings of currently enrolled students and family members of staff and Board members.

D. If the school utilizes a lottery when oversubscribed, specify the approximate date on which a lottery will be conducted.

June 23, 2005
Approximate Date of Lottery

E. If the school does not utilize a lottery when oversubscribed, but rather fills the available positions in the order in which applications were received before the expiration of the application deadline (i.e., a "first-come, first-served" admission process), describe the manner in which the school notifies the community of the opportunity to apply for admission. *TEC, §12.117, requires a charter school that uses a first-come, first-served admission process when oversubscribed to publish a notice in a newspaper of general circulation not later than the seventh day before the application deadline.*

NA

F. Describe the information that an applicant must provide in order to be considered for admission. *Applicants may not be required to provide copies of transcripts or other academic records until after they are offered admission and are enrolling. Furthermore, a student may not be precluded from enrolling due to the charter school's failure to receive information required for enrollment from the student's parent or guardian or previous school. See TEC, §25.002.*

Name, grade, gender, age, birth date, address, social security number, parents' names, employer, siblings also seeking enrollment

G. The charter holder certifies that the non-discrimination statement required by TEC, §12.111(a)(6) is printed in the school's admission policy. *TEC, §12.111(6) requires that a charter school's admissions policy include a statement that the school will not discriminate in admissions based on gender, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend.*

Yes

No

H. Does the school exclude from admission all students with documented histories of a criminal offense, a juvenile court adjudication, or discipline problems under TEC Chapter 37, Subchapter A as authorized by TEC, § 12.111(a)(6)?

Yes

No

The school's policy permits, but does not require, the school to deny admission to students with documented histories of the aforementioned conduct.

I. Submit,

- as **Attachment 4**, a current copy of the admissions policy that incorporates the information provided in the above answers to questions A through H and any other relevant information.
- as **Attachment 5**, a blank copy of the current admissions application (i.e., the information requested when the student first seeks admission); and
- as **Attachment 6**, a blank copy of the current enrollment form (i.e., the information required once an applicant has been offered admission and is registering for enrollment).

Section VII. Special Education Assurances

CHARTER HOLDER SPECIAL EDUCATION ASSURANCES

DIRECTIONS:

- Type or print the name of the charter holder and the charter school in the General Assurance Statement below.
- The Chairperson of the Board of the Charter Holder must Initial each of the section titles on the lines below AND **check** each of the selected cites in the boxes below to indicate the charter holder's assurance of compliance with each of the specific cites.
- The Chairperson of the Board of the Charter Holder must sign the document in the space provided on the final page of the assurances.

NOTE:

The rules and regulations have been slightly modified to clarify the charter holder's responsibility. Changes to actual regulations are indicated by brackets. Empty brackets indicate deletions. Brackets around words indicate paraphrased or changed wording.

Please note that this Special Education Assurances document is subject to an addendum revision by TEA's Division of IDEA Coordination in consideration of compliance with the Individuals with Disabilities Education Improvement Act of 2004.

General Assurance Statement

St. Mary's Charter School, charter holder for St. Mary's Academy Charter School, assures that it has policies and procedures in place that ensure implementation of all federal regulations, Texas laws, State Board of Education (SBOE) rules, and commissioner rules related to students with disabilities, including those initialed and checked below, and further assures that any future amendments to the regulations, laws, and rules will be incorporated and implemented.

A. Child Find

Initial: 

34 CFR §300.125. Child Find.

- General requirement.
 - The [charter holder] shall have in effect policies and procedures to ensure that—
 - All children with disabilities, [enrolled in the charter school or who contact the charter school regarding enrollment], regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and
 - A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.
 - The requirements of paragraph (a)(1) of this section apply to—
 - Highly mobile children with disabilities (such as migrant and homeless children); and

- (ii) Children who are suspected of being a child with a disability under [CFR 34] §300.7 and in need of special education, even though they are advancing from grade to grade.
- ((c) The charter holder will notify the local ECI program of all children suspected of having a disability, from birth through the age of two, within 2 working days. The charter holder will maintain documentation of the referral and that the individual evaluation occurred within 45 calendar days.)
- (e) Confidentiality of child find data. The collection and use of data to meet the requirements of this section are subject to the confidentiality requirements of §§300.560-300.577.

B. Confidentiality

Initials: 

TEC §26.004. Access to Student Records.

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

- (1) attendance records;
- (2) test scores;
- (3) grades;
- (4) disciplinary records;
- (5) counseling records;
- (6) psychological records;
- (7) applications for admission;
- (8) health and immunization information;
- (9) teacher and counselor evaluations; and
- (10) reports of behavioral patterns.

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

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

34 CFR §300.127. Confidentiality of personally identifiable information.

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

34 CFR §300.560. Definitions.

As used in §§300.560-300.577—

- (a) Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- (b) Education records means the type of records covered under the definition of "education records" in 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974).
- (c) Participating agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the [IDEA].

34 CFR §300.561. Notice to parents.

- (a) The [charter holder] shall give notice that is adequate to fully inform parents about the requirements of §300.127, including—

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

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

34 CFR §300.562. Access rights.

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

34 CFR §300.563. Record of access.

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

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

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

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

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

34 CFR §300.566. Fees.

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

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

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

34 CFR §300.568. Opportunity for a hearing.

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

34 CFR §300.569. Result of hearing.

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

34 CFR §300.570. Hearing procedures.

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

34 CFR §300.571. Consent.

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

34 CFR §300.572. Safeguards.

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

34 CFR §300.573. Destruction of information.

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

34 CFR §300.574. Children's rights.

- (a) The [charter holder] shall provide policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability.
- (b) Under the regulations for the Family Educational Rights and Privacy Act of 1974 (34 CFR 99.5(a)), the rights of parents regarding education records are transferred to the student at age 18.
- (c) If the rights accorded to parents under Part B of the [IDEA] are transferred to a student who reaches the age of majority, consistent with §300.517, the rights regarding educational records in §§300.562-300.573 must also be transferred to the student. However, the [charter holder] must provide any notice required under section 615 of the [IDEA] to the student and the parents.

34 CFR Part 99

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

C. Procedural Safeguards

Initials 

34 CFR §300.504. Procedural safeguards notice.

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

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

D. Notice

Initial: 

19 TAC §89.1015. Time Line for All Notices.

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

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

(a) Notice.

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

(b) Content of notice. The notice required under paragraph (a) of this section must include—

- (1) A description of the action proposed or refused by the [charter holder];
- (2) An explanation of why the [charter holder] proposes or refuses to take the action;
- (3) A description of any other options that the [charter holder] considered and the reasons why those options were rejected;
- (4) A description of each evaluation procedure, test, record, or report the [charter holder] used as a basis for the proposed or refused action;
- (5) A description of any other factors that are relevant to the [charter holder's] proposal or refusal;
- (6) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (7) Sources for parents to contact to obtain assistance in understanding the provisions of this part.

(c) Notice in understandable language.

- (1) The notice required under paragraph (a) of this section must be—
 - (i) Written in language understandable to the general public; and
 - (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
- (2) If the native language or other mode of communication of the parent is not a written language, the [charter holder] shall take steps to ensure—
 - (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - (ii) That the parent understands the content of the notice; and
 - (iii) That there is written evidence that the requirements in paragraphs (c)(2) (i) and (ii) of this section have been met.

34 CFR §300.345. Parent participation.

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

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

TEC §26.0081. Right to Information Concerning Special Education.

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

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

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

E. Consent

Initial: 

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

- (a) [] [Each charter holder] establishes, maintains, and implements procedural safeguards that meet the requirements of §§300.500-300.529.
- (b) Definitions of "consent," [] As used in this part --
 - (1) Consent means that --
 - (i) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
 - (ii) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

- (iii) (A) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.
- (B) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

 **34 CFR §300.505. Parental consent.**

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

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

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

F. Evaluation

Initial: 

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

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

TEC §29.004. Full Individual and Initial Evaluation.

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

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

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

34 CFR §300.531. Initial evaluation.

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

34 CFR §300.532. Evaluation procedures.

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

- (a) (1) Tests and other evaluation materials used to assess a child under Part B of the [IDEA]—
 - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis; and
 - (ii) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and
- (2) Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
- (b) A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining—
 - (1) Whether the child is a child with a disability under §300.7; and
 - (2) The content of the child's IEP.

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

 **34 CFR §300.533. Determination of needed evaluation data.**

- (a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of the [IDEA], a group that includes the individuals described in §300.344, and other qualified professionals, as appropriate, shall—
 - (1) Review existing evaluation data on the child, including—
 - (i) Evaluations and information provided by the parents of the child;
 - (ii) Current classroom-based assessments and observations; and
 - (iii) Observations by teachers and related services providers; and
 - (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—
 - (i) Whether the child has a particular category of disability, as described in §300.7, or, in case of a reevaluation of a child, whether the child continues to have such a disability;
 - (ii) The present levels of performance and educational needs of the child;
 - (iii) Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 - (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.
- (b) Conduct of review. The group described in paragraph (a) of this section may conduct its review without a meeting.
- (c) Need for additional data. The [charter holder] shall administer tests and other evaluation materials as may be needed to produce the data identified under paragraph (a) of this section.
- (d) Requirements if additional data are not needed.
 - (1) If the determination under paragraph (a) of this section is that no additional data are needed to determine whether the child continues to be a child with a disability, the [charter holder] shall notify the child's parents—
 - (i) Of that determination and the reasons for it; and
 - (ii) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability.

(2) The [charter holder] is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

19 TAC §89.1040. Eligibility Criteria.

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

34 CFR §300.534. Determination of eligibility.

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

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

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

34 CFR §300.536. Reevaluation.

[The charter holder] shall ensure—

- (a) That the IEP of each child with a disability is reviewed in accordance with §§300.340-300.350; and
- (b) That a reevaluation of each child, in accordance with §§300.532-300.535, is conducted if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years.

34 CFR §300.540. Additional team members.

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

- (a) (1) The child's regular teacher; or

- (2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
- (3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and
- (b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

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

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

 **34 CFR §300.542. Observation.**

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

 **34 CFR §300.543. Written report.**

- (a) For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility, as required by §300.534(a)(2), must include a statement of—
 - (1) Whether the child has a specific learning disability;
 - (2) The basis for making the determination;
 - (3) The relevant behavior noted during the observation of the child;
 - (4) The relationship of that behavior to the child's academic functioning;
 - (5) The educationally relevant medical findings, if any;
 - (6) Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and
 - (7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.
- (b) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

G. Development and Implementation of the Individualized Education Program (IEP);
Transfer Students; Transition; Extended School Year (ESY) Services;
Restraint, Seclusion, and Time-Out
Parent Placements in Private Schools

Initial: 

19 TAC §89.1050(a). [ARD committee]

(a) [The charter holder] shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted pursuant to §89.1011 of this title (relating to Referral for Full and Individual Initial Evaluation). The ARD committee shall be the individualized education program (IEP) team defined in federal law and regulations, including, specifically, 34 Code of Federal Regulations (CFR), §300.344. The [charter holder] shall be responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including, specifically, the following:

- (1) 34 CFR, §§300.340-300.349, and Texas Education Code (TEC), §29.005 (Individualized Education Program);
- (2) 34 CFR, §§300.400-300.402 (relating to placement of eligible students in private schools by a school district [or charter holder]);
- (3) 34 CFR, §§300.452, 300.455, and 300.456 (relating to the development and implementation of service plans for eligible students in private school who have been designated to receive special education and related services);
- (4) 34 CFR, §§300.520, 300.522, and 300.523, and TEC, §37.004 (Placement of Students with Disabilities);
- (5) 34 CFR, §§300.532-300.536 (relating to evaluations, re-evaluations, and determination of eligibility);
- (6) 34 CFR, §§300.550-300.553 (relating to least restrictive environment);
- (7) TEC, §28.006 (Reading Diagnosis);
- (8) TEC, §28.0211 (Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction);
- (9) TEC, §28.0212 (Personal Graduation Plan);
- (10) TEC, §28.0213 (Intensive Program of Instruction);
- (11) TEC, Chapter 29, Subchapter I (Programs for Students Who Are Deaf or Hard of Hearing);
- (12) TEC, §30.002 (Education of Children with Visual Impairments);
- (13) TEC, §30.003 (Support of Students Enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf);
- (14) TEC, §33.081 (Extracurricular Activities);
- (15) TEC, Chapter 39, Subchapter B (Assessment of Academic Skills); and
- (16) TEC, §42.151 (Special Education).

19 TAC §89.1050(d). [30-day timeline]

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

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

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

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

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

 **19 TAC §89.1050(b). [IFSP/IEP]**

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

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

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

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

- (a) General. [] [The charter holder] has in effect a policy that ensures that all children with disabilities aged 3 through 21 enrolled in the [charter school] have the right to FAPE, including children with disabilities who have been suspended or expelled from school.
- (b) Required information. The information described in paragraph (a) of this section must--
 - (2) Show that the policy--
 - (i) (B) Is consistent with the requirements of §§300.300-300.313; and
 - (ii) Applies to all children with disabilities, including children who have been suspended or expelled from school.
- (c) FAPE for children beginning at age 3.
 - (1) [The charter holder] shall ensure that--
 - (i) The obligation to make FAPE available to each eligible child [enrolled in the charter school] begins no later than the child's third birthday; and

- (ii) An IEP [] is in effect for the child by that date, in accordance with §300.342(c).
- (2) If a child's third birthday occurs during the summer, the child's IEP [] team shall determine the date when services under the IEP will begin.
- (d) FAPE for children suspended or expelled from school.
 - (1) The [charter holder] need not provide services during periods of removal under §300.520(a)(1) to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.
 - (2) In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the [charter holder], for the remainder of the removals, must--
 - (i) Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is--
 - (A) Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(b) (§300.520((a)(1)); or
 - (B) For behavior that is not a manifestation of the child's disability, consistent with §300.524; and
 - (ii) Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is--
 - (A) For drug or weapons offenses under §300.520(a)(2); or
 - (B) Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with §300.521.
 - (3) (i) School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519 (§300.520(a)(1)).
 - (ii) The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524.
- (e) Children advancing from grade to grade.
 - (1) The [charter holder] will ensure that FAPE is available to any individual child with a disability [enrolled in the school] who needs special education and related services, even though the child is advancing from grade to grade.
 - (2) The determination that a child [] is eligible under this part, must be made on an individual basis by the group responsible within the child's [charter school] for making those determinations ([e.g., the ARD committee])

 **34 CFR §300.343. IEP meetings.**

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

- (iii) Information about the child provided to, or by, the parents, as described in §300.533(a)(1);
- (iv) The child's anticipated needs; or
- (v) Other matters.

34 CFR §300.344. IEP team.

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

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

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

34 CFR §300.345. Parent participation.

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

- (2) Scheduling the meeting at a mutually agreed on time and place.
- (c) Other methods to ensure parent participation. If neither parent can attend, the [charter holder] shall use other methods to ensure parent participation, including individual or conference telephone calls.
- (d) Conducting an IEP meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the [charter holder] is unable to convince the parents that they should attend. In this case the [charter holder] must have a record of its attempts to arrange a mutually agreed on time and place, such as—
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
- (e) Use of interpreters or other action, as appropriate. The [charter holder] shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
- (f) Parent copy of child's IEP. The [charter holder] shall give the parent a copy of the child's IEP at no cost to the parent.

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

- (a) Development of IEP.
 - (1) General. In developing each child's IEP, the IEP team, shall consider—
 - (i) The strengths of the child and the concerns of the parents for enhancing the education of their child;
 - (ii) The results of the initial or most recent evaluation of the child; and
 - (iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.
 - (2) Consideration of special factors. The IEP team also shall—
 - (i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;
 - (ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
 - (iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;
 - (iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
 - (v) Consider whether the child requires assistive technology devices and services.
- (b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.
- (c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.
- (d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of—
 - (1) Appropriate positive behavioral interventions and strategies for the child; and
 - (2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with §300.347(a)(3).

 **34 CFR §300.347. Content of IEP.**

- (a) General. The IEP for each child with a disability must include—
 - (1) A statement of the child's present levels of educational performance, including—
 - (i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

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

(b) Transition services. The IEP must include—

- (1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and
- (2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

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

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

- (a) The individualized education program (IEP) developed by the admission, review, and dismissal (ARD) committee for each student with a disability shall comply with the requirements of 34 Code of Federal Regulations (CFR), §300.346 and §300.347, and Part 300, Appendix A.
- (b) The IEP must include a statement of any individual allowable accommodations in the administration of assessment instruments developed in accordance with Texas Education Code (TEC), §39.023(a)-(c), or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment. If the ARD committee determines that the student will not participate in a particular state- or district-wide assessment of student achievement (or part of an assessment), the IEP must include a statement of:
 - (1) why that assessment is not appropriate for the child; and

(2) how the child will be assessed using a locally developed alternate assessment.

(c) If the ARD committee determines that the student is in need of extended school year (ESY) services, as described in §89.1065 of this title (relating to Extended School Year Services (ESY Services)), then the IEP must also include goals and objectives for ESY services from the student's current IEP.

(d) For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan (IFSP) shall also meet the requirements of TEC, §30.002(e).

(e) For students with autism/pervasive developmental disorders, information about the following shall be considered and, when needed, addressed in the IEP:

- (1) extended educational programming;
- (2) daily schedules reflecting minimal unstructured time;
- (3) in-home training or viable alternatives;
- (4) prioritized behavioral objectives;
- (5) prevocational and vocational needs of students 12 years of age or older;
- (6) parent training; and
- (7) suitable staff-to-students ratio.

(f) If the ARD committee determines that services are not needed in one or more of the areas specified in subsection (e)(1)-(7) of this section, the IEP must include a statement to that effect and the basis upon which the determination was made.

(g) In accordance with 34 CFR §300.29, §300.344, and §300.347, for each student with a disability, beginning at age 14 (prior to the date on which a student turns 14 years of age) or younger, if determined appropriate by the ARD committee, the following issues must be considered in the development of the IEP, and, if appropriate, integrated into the IEP:

- (1) appropriate student involvement in the student's transition to life outside the public school system; (2) if the student is younger than 18 years of age, appropriate parental involvement in the student's transitions;
- (3) if the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district [or charter holder] in which the student is enrolled;
- (4) any postsecondary education options;
- (5) a functional vocational evaluation;
- (6) employment goals and objectives;
- (7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments;
- (8) independent living goals and objectives; and
- (9) appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

19 TAC §89.1050(e). [The report]

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

34 CFR §300.348. Agency responsibilities for transition services.

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

34 CFR §300.350. IEP accountability.

(a) Provision of services. Subject to paragraph (b) of this section, [the charter holder] must—

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

34 CFR §300.309. Extended school year services.

(a) General.

- (1) [The charter holder] shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.
- (2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child.
- (3) In implementing the requirements of this section, [the charter holder] may not—
 - (i) Limit extended school year services to particular categories of disability; or
 - (ii) Unilaterally limit the type, amount, or duration of those services.

(b) Definition. As used in this section, the term extended school year services means special education and related services that—

- (1) Are provided to a child with a disability—
 - (i) Beyond the normal school year of the [charter school];
 - (ii) In accordance with the child's IEP; and
 - (iii) At no cost to the parents of the child; and
- (2) Meet the standards of the [TEA].

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

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

- (1) The need for ESY services must be determined on an individual student basis by the admission, review, and dismissal (ARD) committee in accordance with 34 Code of Federal Regulations (CFR), §300.309, and the provisions of this section. In determining the need for and in providing ESY services, [the charter holder] may not:
 - (A) limit ESY services to particular categories of disability; or
 - (B) unilaterally limit the type, amount, or duration of ESY services.
- (2) The need for ESY services must be documented from formal and/or informal evaluations provided by the [charter holder] or the parents. The documentation shall demonstrate that in one or more critical areas addressed in the current individualized education program (IEP) objectives, the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time. Severe or substantial regression means that the student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY services.
- (3) The reasonable period of time for recouping of acquired critical skills shall be determined on the basis of needs identified in each student's IEP. If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the student or to others, ESY services may be justified without consideration of the period of time for recouping of such skills. In any case, the period of time for recouping shall not exceed eight weeks.
- (4) A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year:
 - (A) placement in a more restrictive instructional arrangement;
 - (B) significant loss of acquired skills necessary for the student to appropriately progress in the general curriculum;
 - (C) significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;
 - (D) loss of access to community-based independent living skills instruction or an independent living environment provided by noneducational sources as a result of regression in skills; or
 - (E) loss of access to on-the-job training or productive employment as a result of regression in skills.
- (5) If the [charter holder] does not propose ESY services for discussion at the annual review of a student's IEP, the parent may request that the ARD committee discuss ESY services pursuant to 34 CFR, §300.344.
- (6) If a student for whom ESY services were considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recouping, the ARD committee shall reconsider the current IEP if the student's loss of critical skills interferes with the implementation of the student's IEP.
- (7) For students enrolling in a district [or charter school] during the school year, information obtained from the prior school district [or charter holder] as well as information collected during the current year may be used to determine the need for ESY services.
- (8) The provision of ESY services is limited to the educational needs of the student and shall not supplant or limit the responsibility of other public agencies to continue to provide care and treatment services pursuant to policy or practice, even when those services are

similar to, or the same as, the services addressed in the student's IEP. No student shall be denied ESY services because the student receives care and treatment services under the auspices of other agencies.

(9) [The charter holder is] not eligible for reimbursement for ESY services provided to students for reasons other than those set forth in this section.

19 TAC §89.1050(g). [Discipline]

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

19 TAC §89.1050(h). [Disagreements]

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

- (1) When mutual agreement about all required elements of the IEP is not achieved, the party (the parents or adult student) who disagrees shall be offered a single opportunity to have the committee recess for a period of time not to exceed ten school days. This recess is not required when the student's presence on the campus presents a danger of physical harm to the student or others or when the student has committed an expellable offense or an offense which may lead to a placement in an alternative education program (AEP). The requirements of this subsection (h) do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than the failure of the parents and the [charter holder] from reaching mutual agreement about all required elements of an IEP.
- (2) During the recess the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons which may assist in enabling the ARD committee to reach mutual agreement.
- (3) The date, time, and place for continuing the ARD committee meeting shall be determined by mutual agreement prior to the recess.
- (4) If a ten-day recess is implemented as provided in paragraph (1) of this subsection and the ARD committee still cannot reach mutual agreement, the [charter holder] shall implement the IEP which it has determined to be appropriate for the student.
- (5) When mutual agreement is not reached, a written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.
- (6) When the [charter holder] implements an IEP with which the parents disagree or the adult student disagrees, the [charter holder] shall provide prior written notice to the parents or adult student as required in 34 CFR, §300.503.
- (7) Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point when they disagree with decisions of the ARD committee.

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

(a) It is the policy of this state to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A, Chapter 29. A student with a disability who receives special education services under Subchapter A, Chapter 29, may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

(b) In this section:

- (1) "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.
- (2) "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:
 - (A) is designed solely to seclude a person; and
 - (B) contains less than 50 square feet of space.
- (3) "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
 - (A) that is not locked; and
 - (B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

(c) [The charter holder] employee or volunteer or an independent contractor of [the charter holder] may not place a student in seclusion. This subsection does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of [the charter holder], or in a placement or facility to which the following law, rules, or regulations apply:

- (1) the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;
- (2) 40 T.A.C. §§720.1001-720.1013; or
- (3) 25 T.A.C. §412.308(e).

(d) The commissioner [of TEA] by rule shall adopt procedures for the use of restraint and time-out by [the charter holder] employee or volunteer or an independent contractor of [the charter holder] in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:

- (1) be consistent with:
 - (A) professionally accepted practices and standards of student discipline and techniques for behavior management; and
 - (B) relevant health and safety standards; and
- (2) identify any discipline management practice or behavior management technique that requires [the charter holder] employee or volunteer or an independent contractor of [the charter holder] to be trained before using that practice or technique.

(e) In the case of a conflict between a rule adopted under Subsection (d) and a rule adopted under Subchapter A, Chapter 29, the rule adopted under Subsection (d) controls.

(f) For purposes of this subsection, "weapon" includes any weapon described under §37.007(a)(1). This section does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

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

(g) This section and any rules or procedures adopted under this section do not apply to:

- (1) a peace officer while performing law enforcement duties;
- (2) juvenile probation, detention, or corrections personnel; or
- (3) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of [the charter holder].

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

- (a) Requirement to implement. In addition to the requirements of 34 Code of Federal Regulations (CFR), §300.346(a)(2)(i) and (c), school districts and charter schools must implement the provisions of this section regarding the use of restraint and time-out. In accordance with the provisions of Texas Education Code (TEC), §37.0021 (Use of Confinement, Restraint, Seclusion, and Time-Out), it is the policy of the state to treat with dignity and respect all students, including students with disabilities who receive special education services under TEC, Chapter 29, Subchapter A.
- (b) Definitions.
 - (1) Emergency means a situation in which a student's behavior poses a threat of:
 - (A) imminent, serious physical harm to the student or others; or
 - (B) imminent, serious property destruction.
 - (2) Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body.
 - (3) Time-out means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
 - (A) that is not locked; and
 - (B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.
- (c) Use of restraint. A school employee, volunteer, or independent contractor may use restraint only in an emergency as defined in subsection (b) of this section and with the following limitations.
 - (1) Restraint shall be limited to the use of such reasonable forces as is necessary to address the emergency.
 - (2) Restraint shall be discontinued at the point at which the emergency no longer exists.
 - (3) Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
 - (4) Restraint shall not deprive the student of basic human necessities.
- (d) Training on use of restraint. Training for school employees, volunteers, or independent contractors shall be provided according to the following requirements.

- (1) Not later than April 1, 2003, a core team of personnel on each campus must be trained in the use of restraint, and the team must include a campus administrator or designee and any general or special education personnel likely to use restraint.
- (2) After April 1, 2003, personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 school days following the use of restraint.
- (3) Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint.
- (4) All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint.

(e) Documentation and notification on use of restraint. In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the following documentation requirements.

- (1) On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint.
- (2) On the day restraint is utilized, a good faith effort shall be made to verbally notify the parent(s) regarding the use of restraint.
- (3) Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.
- (4) Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the ARD committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a behavioral intervention plan (BIP).
- (5) Written notification to the parent(s) and documentation to the student's special education eligibility folder shall include the following:
 - (A) name of the student;
 - (B) name of the staff member(s) administering the restraint;
 - (C) date of the restraint and the time the restraint began and ended;
 - (D) location of the restraint;
 - (E) nature of the restraint;
 - (F) a description of the activity in which the student was engaged immediately preceding the use of restraint;
 - (G) the behavior that prompted the restraint;
 - (H) the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
 - (I) information documenting parent contact and notification.

(f) Clarification regarding restraint. The provisions adopted under this section do not apply to the use of physical force or a mechanical device which does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced in subsection (b)(2) of this section does not include:

- (1) physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
- (2) limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
- (3) limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the individualized education program (IEP) as required by 34 CFR §300.346(a)(2)(i) and (c) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
- (4) seat belts and other safety equipment used to secure students during transportation.

(g) Use of time-out. A school employee, volunteer, or independent contractor may use time-out in accordance with subsection (b)(3) of this section with the following limitations.

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

(h) Training on use of time-out. Training for school employees, volunteers, or independent contractors shall be provided according to the following requirements.

- (1) Not later than April 1, 2003, general or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out.
- (2) After April 1, 2003, newly-identified personnel called upon to implement time-out based on requirements established in a student's IEP and/or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out.
- (3) Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must address the impact of time-out on the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.
- (4) All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out.
- (i) Documentation on use of time-out. Necessary documentation or data collection regarding the use of timeout, if any, must be addressed in the IEP or BIP. The admission, review, and dismissal (ARD) committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.
- (j) Student safety. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.
- (k) Data reporting. Beginning with the 2003-2004 school year, with the exception of actions covered by subsection (f) of this section, data regarding the use of restraint must be electronically reported to the Texas Education Agency in accordance with reporting standards specified by the Agency.
- (l) The provisions adopted under this section do not apply to:
 - (1) a peace officer while performing law enforcement duties;
 - (2) juvenile probation, detention, or corrections personnel; or
 - (3) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district [or charter holder].

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

- (a) Except as specifically provided in this section, in accordance with 34 Code of Federal Regulations (CFR), §300.454, no eligible student who has been placed by his or her parent(s) in a private school or facility has an individual right to receive some or all of the special education and related services that the student would receive if he or she were enrolled in a public school district [or charter school]. Except as specifically set forth in this section, a school district's [or charter holder's] obligations with respect to students placed by their parents in private schools are governed by 34 CFR, §§300.450-300.462.
- (b) When a student with a disability who has been placed by his or her parents directly in a private school or facility is referred to the local school district [or charter holder], the local district [or charter holder] shall convene an admission, review, and dismissal (ARD) committee meeting to determine whether the district [or charter holder] can offer the student a free appropriate public education (FAPE). If the district [or charter holder] determines that it can offer a FAPE to the student, the district [or charter holder] is not responsible for providing educational services to the student, except as provided in 34 CFR, §§300.450-300.462 or subsection (d) of this section, until such time as the parents choose to enroll the student in public school full-time.
- (c) Parents of an eligible student ages 3 or 4 shall have the right to "dual enroll" their student in both the public school [e.g., charter school] and the private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five or until the student is eligible to attend a district's [or charter holder's] public school kindergarten program, whichever comes first, subject to the following.
 - (1) The student's ARD committee shall develop an individualized education program (IEP) designed to provide the student with a FAPE in the least restrictive environment appropriate for the student.
 - (2) From the IEP, the parent and the district [or charter holder] shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the least restrictive environment set forth in 34 CFR, §§300.550-300.553, and the policies and procedures of the district [or charter holder].
 - (3) For students served under the provisions of this subsection, the school district [or charter holder] shall be responsible for the employment and supervision of the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school [e.g., charter school] and shall remain the property of the school district [or charter holder].
- (d) The school district [or charter holder] shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP.
- (e) Complaints regarding the implementation of the components of the student's IEP that have been selected by the parent and the district [or charter holder] under subsection (c) [(d)] of this section may be filed with the Texas Education Agency under the

procedures in 34 CFR, §§300.660-300.662. The procedures in 34 CFR, §§300.504-300.515 (relating to due process hearings) do not apply to complaints regarding the implementation of the components of the student's IEP that have been selected by the parent and the district under subsection (c) [(d)]

H. Least Restrictive Environment (LRE) Placement

Initial: PLB

34 CFR §300.550. General LRE requirements.

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

34 CFR §300.551. Continuum of alternative placements.

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

19 TAC §89.63. Instructional Arrangements and Settings.

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

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

 **34 CFR §300.552. Placements.**

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

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

- (a) The placement decision—
 - (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
 - (2) Is made in conformity with the LRE provisions of this subpart, including §§300.550-300.554;
- (b) The child's placement—
 - (1) Is determined at least annually;

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

 **34 CFR §300.553. Nonacademic settings.**

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

I. Transition Planning

Initial: 

 **34 CFR §300.29. Transition services.**

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

 **34 CFR §300.345. Parent participation.**

- (a) [Charter holder] responsibility—general. The [charter holder] shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate including—
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
- (b) Information provided to parents.
 - (1) The notice required under paragraph (a)(1) of this section must—
 - (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - (ii) Inform the parents of the provisions in §300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).
 - (2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also—
 - (i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and
 - (ii) Indicate that the [charter holder] will invite the student.

(3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must—

- (i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in §300.347(b)(2);
- (ii) Indicate that the [charter holder] will invite the student; and
- (iii) Identify any other agency that will be invited to send a representative.

 **34 CFR §300.344. IEP team.**

(b) Transition services participants.

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

 **34 CFR §300.348. Agency responsibilities for transition services.**

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

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

(g) In accordance with 34 CFR §300.29 , §300.344, and §300.347, for each student with a disability, beginning at age 14 (prior to the date on which a student turns 14 [15] years of age) or younger, if determined appropriate by the ARD committee, the following issues must be considered in the development of the IEP, and, if appropriate, integrated into the IEP:

- (1) appropriate student involvement in the student's transition to life outside the public school system;
- (2) if the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
- (3) if the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district [or the charter holder] in which the student is enrolled;
- (4) any postsecondary education options;
- (5) a functional vocational evaluation;
- (6) employment goals and objectives;
- (7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments;
- (8) independent living goals and objectives; and
- (9) appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

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

Initial: 

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

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

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

the Special Education Resource System (SERS), the Special Education Management System (SEMS), or other special education clerical or administrative duties.

- (d) Interpreting services for students who are deaf shall be provided by an interpreter who is certified in the appropriate language mode(s), if certification in such mode(s) is available. If certification is available, the interpreter must be certified by the Registry of Interpreters for the Deaf or the Texas Commission for the Deaf and Hard of Hearing, unless the interpreter has been granted an emergency permit by the commissioner of education to provide interpreting services for students who are deaf. The commissioner shall consider applications for the issuance of an emergency permit to provide interpreting services for students who are deaf on a case-by-case basis in accordance with requirements set forth in 34 CFR, §300.136, and standards and procedures established by the TEA. In no event will an emergency permit allow an uncertified interpreter to provide interpreting services for more than a total of three school years to students who are deaf.
- (e) Orientation and mobility instruction must be provided by a certified orientation and mobility specialist (COMS) who is certified by the Academy for Certification of Vision Rehabilitation and Education Professionals.

 **34 CFR §300.26. Special education.**

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

K. Services to Expelled Students

Initial: 

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

(d) FAPE for children suspended or expelled from school.

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

34 CFR §300.522. Determination of setting.

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

TEC §37.004. Placement of Students with Disabilities.

- (a) The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee.
- (b) Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's admission, review, and dismissal committee conducts a manifestation determination review under 20 U.S.C. §1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:
 - (1) functional behavioral assessments;
 - (2) positive behavioral interventions, strategies, and supports;
 - (3) behavioral intervention plans; and

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

L. Allowable Expenditures of State Special Education Funds

Initials: 

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

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

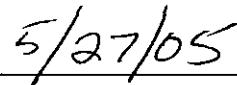
education teachers and service providers) to attend staff development meetings for the purpose of improving performance in assigned positions directly related to the education of eligible students with disabilities. In no event shall the purpose for attending such staff development meetings include time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

 **19 TAC §105.11. Maximum Allowable Indirect Cost.**

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



Signature of the Chairperson of the Board of the Charter Holder



Date of Signature

Reverend Patrick Donohoe, Chairperson

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

Section VIII. Bilingual Education/ESL, Section 504, and Dyslexia Assurances

TEC, Chapter 29, Subchapter B, TEC §12.104(b)(2)(G), and 19 TAC §§89.1201-.1265 require charter schools to identify limited English proficient students based on state criteria and to provide an appropriate bilingual education or English as a second language program conducted by teachers certified for such courses.

A. The charter holder certifies that it has policies and procedures in place that ensure that it complies with the legal and regulatory requirements concerning identifying and providing appropriate educational services to limited English proficient students.

Yes
 No

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, prohibits discrimination on the basis of disability in any program receiving federal financial assistance. A recipient that operates a public education program or activity shall provide a free, appropriate public education to qualified individuals.

B. The charter holder certifies that it has policies and procedures in place that ensure that it complies with the legal and regulatory requirements concerning identifying and providing appropriate educational services to students protected by Section 504.

Yes
 No

TEC §38.003, TEC §12.104(b)(2)(K), 19 TAC §74.28 and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, require charter schools to identify students with dyslexia or related disorders and to provide appropriate educational services.

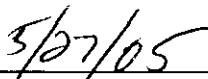
C. The charter holder certifies that it has policies and procedures in place that ensure that it complies with the legal and regulatory requirements concerning identifying and providing appropriate educational services to students with dyslexia or related disorders.

Yes
 No

I the undersigned hereby certify that the information contained in this document is, to the best of my knowledge, correct and that the governing body of the charter holder has authorized me to provide these assurances.

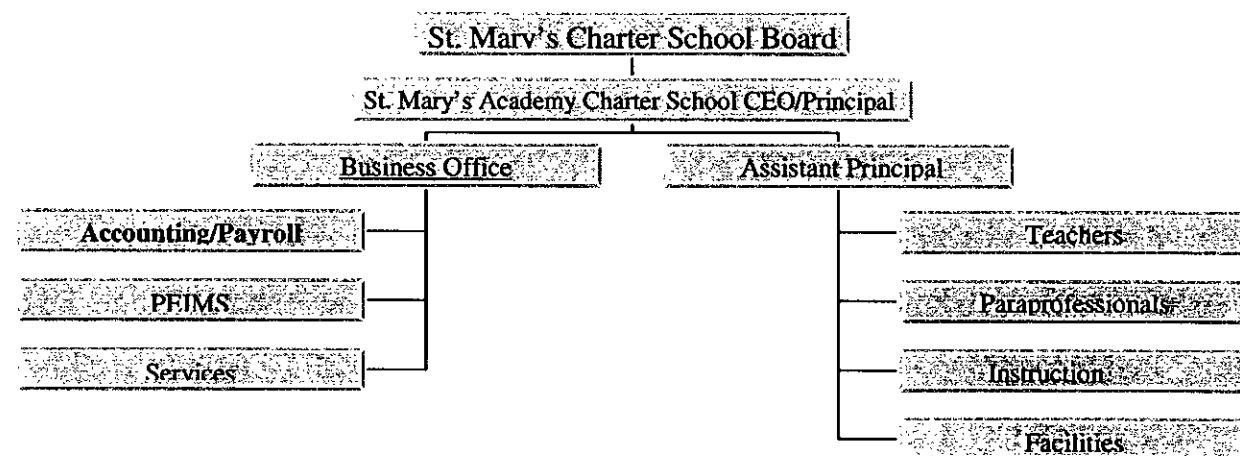


Signature of the Charter Holder Board Chair



Date

Attachment 1, the charter holder's organizational chart that illustrates all of the charter holder's operations, including the charter school's organizational structure.

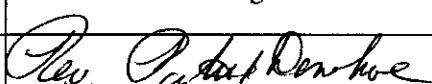
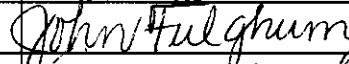
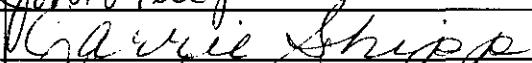
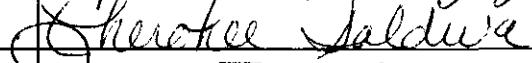
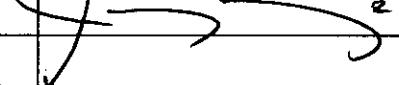


Section IX. Certificate of Acknowledgement

This section requires at least a majority of the governing body of the charter holder to certify that it has had an opportunity to review the completed renewal application and has authorized submission of the application to the commissioner for consideration of renewal of the charter.

CERTIFICATE OF ACKNOWLEDGEMENT

The undersigned members of the governing body of the charter holder hereby acknowledge that they have had an opportunity to review the completed renewal application and have authorized its submission to the commissioner for consideration of the renewal of the charter:

Typed Name	Signature	Date
Reverend Patrick Donohoe		5-27-05
Mr. John Fulghum		5-26-05
Ms. Carrie Shipp		5-26-05
Mrs. Cherokee Saldiva		5-26-05
Mr. Jody Alaniz		5-27-05

Attachment 2, a biographical affidavit for each member of the governing body of the charter holder and of the governing body of the charter school, if applicable. *The biographical affidavit form is provided in the appendix.*

TEXAS EDUCATION AGENCY
RENEWAL APPLICANT
BIOGRAPHICAL AFFIDAVIT
(MUST BE TYPED)

Check one:

Member of the governing board of the charter holder
 Member of the governing board of the charter school (if a separate secondary board exists)

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity)
St. Mary's Charter School

Full Name of Charter School

St. Mary's Academy Charter School

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

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

1. Full Name (Initials Not Acceptable)

Patrick Kevin Donohoe

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

If yes, give reason for the change: _____

Maiden Name (if female): _____

Other names used at any time: _____

3. If in addition to being a charter holder or charter school board member, you serve or are employed as an "officer of an open-enrollment charter school" as the term is defined in TEC § 12.1012(6), state your school officer position:
No

4. If you expect to receive any compensation for any purpose from the charter holder, the charter school, or a management company of the charter school, provide the information requested below:

Amount of annual compensation \$ 0 Reason for compensation: _____

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

DATES	CHARTER SCHOOL	ADDRESS	TITLE
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None

6. List all previous experience with any charter school management company:

DATES	MANAGEMENT CO.	ADDRESS	TITLE
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None

7. Is any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) or within the third degree of affinity (i.e., your spouse or your spouse's parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) also a member of the charter holder governing body or charter school governing body?

If yes, give details: No

8. Will any relative(s) within the third degree of consanguinity or affinity (See definitions in Question 7 above.) be employed by or receive any compensation or remuneration from the charter holder or the charter school? No
If yes, give details:

1. Have you ever been convicted of a misdemeanor involving moral turpitude or any felony? No

If yes, give details:

Dated and signed this _____ day of _____, 20_____, I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.



(Signature of Affiant)

VERIFICATION

State of TEXAS

County of BEE

On this day, Rev. Patrick Donohoe (name of affiant) appeared before me the undersigned notary public and deposed that he/she executed the above instrument and that the statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

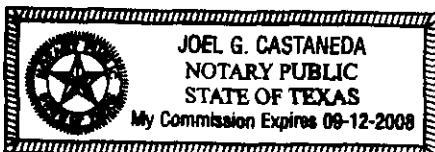
Subscribed and sworn to before me this 27th day of May, 2005.



(Notary Public)

(SEAL)

My commission expires 9-12-2008



TEXAS EDUCATION AGENCY
RENEWAL APPLICANT
BIOGRAPHICAL AFFIDAVIT
(MUST BE TYPED)

Check one:

Member of the governing board of the charter holder
 Member of the governing board of the charter school (if a separate secondary board exists)

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity)
St. Mary's Charter School

Full Name of Charter School

St. Mary's Academy Charter School

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

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

1. Full Name (Initials Not Acceptable)

John Charles Fulghum

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

If yes, give reason for the change: _____

Maiden Name (if female): _____

Other names used at any time: _____

3. If in addition to being a charter holder or charter school board member, you serve or are employed as an "officer of an open-enrollment charter school" as the term is defined in TEC § 12.1012(6), state your school officer position:

4. If you expect to receive any compensation for any purpose from the charter holder, the charter school, or a management company of the charter school, provide the information requested below:

Amount of annual compensation \$ 00 Reason for compensation: _____

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

DATES	CHARTER SCHOOL	ADDRESS	TITLE
-------	----------------	---------	-------

None _____

6. List all previous experience with any charter school management company:

DATES	MANAGEMENT CO.	ADDRESS	TITLE
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None _____

7. Is any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) or within the third degree of affinity (i.e., your spouse or your spouse's parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) also a member of the charter holder governing body or charter school governing body?

If yes, give details: no

8. Will any relative(s) within the third degree of consanguinity or affinity (See definitions in Question 7 above.) be employed by or receive any compensation or remuneration from the charter holder or the charter school? _____

If yes, give details: no

1. Have you ever been convicted of a misdemeanor involving moral turpitude or any felony? no

If yes, give details: _____

Dated and signed this _____ day of _____, 20_____, I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

John Charles Fulghum
(Signature of Affiant)

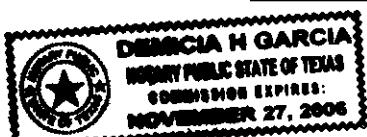
VERIFICATION

State of Texas

County of Bell

On this day, John Charles Fulghum (name of affiant) appeared before me the undersigned notary public and deposed that he/she executed the above instrument and that the statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

Subscribed and sworn to before me this 26th day of May, 20 05.



(SEAL)

Demacia H Garcia
(Notary Public)

My commission expires 11/27/06

7. Is any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) or within the third degree of affinity (i.e., your spouse or your spouse's parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) also a member of the charter holder governing body or charter school governing body?

If yes, give details: No

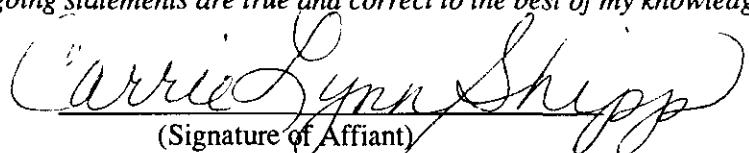
8. Will any relative(s) within the third degree of consanguinity or affinity (See definitions in Question 7 above.) be employed by or receive any compensation or remuneration from the charter holder or the charter school? No

If yes, give details: _____

1. Have you ever been convicted of a misdemeanor involving moral turpitude or any felony? No

If yes, give details: _____

Dated and signed this _____ day of _____, 20_____, I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.


(Signature of Affiant)

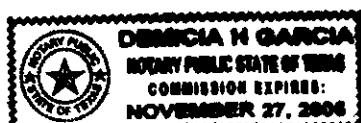
VERIFICATION

State of Texas

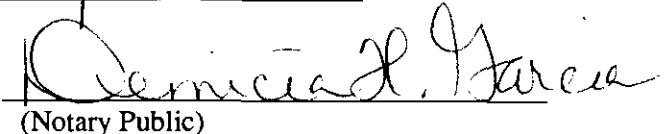
County of Bell

On this day Carrie Lynn Shipp (name of affiant) appeared before me the undersigned notary public and deposed that he/she executed the above instrument and that the statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

Subscribed and sworn to before me this 26th day of May, 20 05.



(SEAL)


(Notary Public)

My commission expires 11/27/04

**TEXAS EDUCATION AGENCY
RENEWAL APPLICANT
BIOGRAPHICAL AFFIDAVIT
(MUST BE TYPED)**

Check one:

Member of the governing board of the charter holder
 Member of the governing board of the charter school (if a separate secondary board exists)

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity)
St. Mary's Charter School

Full Name of Charter School

St. Mary's Academy Charter School

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

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

1. Full Name (Initials Not Acceptable)

Carrie Lynn Shipp

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

If yes, give reason for the change: _____

Maiden Name (if female): Shipp _____

Other names used at any time: _____

3. If in addition to being a charter holder or charter school board member, you serve or are employed as an "officer of an open-enrollment charter school" as the term is defined in TEC § 12.1012(6), state your school officer position: No

4. If you expect to receive any compensation for any purpose from the charter holder, the charter school, or a management company of the charter school, provide the information requested below:

Amount of annual compensation \$ 0 Reason for compensation: _____

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

DATES	CHARTER SCHOOL	ADDRESS	TITLE
-------	----------------	---------	-------

None _____

6. List all previous experience with any charter school management company:

DATES	MANAGEMENT CO.	ADDRESS	TITLE
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None _____

**TEXAS EDUCATION AGENCY
RENEWAL APPLICANT
BIOGRAPHICAL AFFIDAVIT
(MUST BE TYPED)**

Check one:

Member of the governing board of the charter holder
 Member of the governing board of the charter school (if a separate secondary board exists)

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity)
St. Mary's Charter School

Full Name of Charter School

St. Mary's Academy Charter School

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

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

1. Full Name (Initials Not Acceptable)

Cherokee Louise Saldiva

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

If yes, give reason for the change: _____

Maiden Name (if female): Strong

Other names used at any time: _____

3. If in addition to being a charter holder or charter school board member, you serve or are employed as an "officer of an open-enrollment charter school" as the term is defined in TEC § 12.1012(6), state your school officer position:

4. If you expect to receive any compensation for any purpose from the charter holder, the charter school, or a management company of the charter school, provide the information requested below:

Amount of annual compensation \$ 00 Reason for compensation: _____

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

DATES	CHARTER SCHOOL	ADDRESS	TITLE
-------	----------------	---------	-------

None _____

6. List all previous experience with any charter school management company:

DATES	MANAGEMENT CO.	ADDRESS	TITLE
-------	----------------	---------	-------

None _____

7. Is any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) or within the third degree of affinity (i.e., your spouse or your spouse's parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) also a member of the charter holder governing body or charter school governing body?

If yes, give details: no

8. Will any relative(s) within the third degree of consanguinity or affinity (See definitions in Question 7 above.) be employed by or receive any compensation or remuneration from the charter holder or the charter school? _____

If yes, give details: no

1. Have you ever been convicted of a misdemeanor involving moral turpitude or any felony? no

If yes, give details: _____

Dated and signed this _____ day of _____, 20_____, I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

Cherokee Saldívar
(Signature of Affiant)

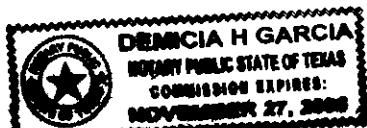
State of Texas

VERIFICATION

County of Bexar

On this day, Cherokee Saldívar (name of affiant) appeared before me the undersigned notary public and deposed that he/she executed the above instrument and that the statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

Subscribed and sworn to before me this 26th day of May, 20 05.



(SEAL)

Demacia H. Garcia
(Notary Public)

My commission expires 11/27/2006

TEXAS EDUCATION AGENCY
RENEWAL APPLICANT
BIOGRAPHICAL AFFIDAVIT
(MUST BE TYPED)

Check one:

Member of the governing board of the charter holder
 Member of the governing board of the charter school (if a separate secondary board exists)

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity)
St. Mary's Charter School

Full Name of Charter School

St. Mary's Academy Charter School

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

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

1. Full Name (Initials Not Acceptable)

Joe Henry Alaniz II

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

If yes, give reason for the change: _____

Maiden Name (if female): _____

Other names used at any time: Jody _____

3. If in addition to being a charter holder or charter school board member, you serve or are employed as an "officer of an open-enrollment charter school" as the term is defined in TEC § 12.1012(6), state your school officer position:
No _____

4. If you expect to receive any compensation for any purpose from the charter holder, the charter school, or a management company of the charter school, provide the information requested below:

Amount of annual compensation \$ 0 Reason for compensation: _____

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

DATES	CHARTER SCHOOL	ADDRESS	TITLE
-------	----------------	---------	-------

NA _____

6. List all previous experience with any charter school management company:

DATES	MANAGEMENT CO.	ADDRESS	TITLE
-------	----------------	---------	-------

N/A _____

7. Is any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild,

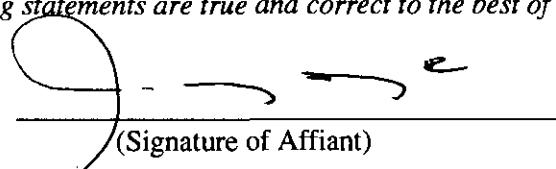
great-grandchild, sibling, aunt, uncle, niece, nephew) or within the third degree of affinity (i.e., your spouse or your spouse's parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) also a member of the charter holder governing body or charter school governing body?

If yes, give details: No

8. Will any relative(s) within the third degree of consanguinity or affinity (See definitions in Question 7 above.) be employed by or receive any compensation or remuneration from the charter holder or the charter school? No
If yes, give details: _____

1. Have you ever been convicted of a misdemeanor involving moral turpitude or any felony? No
If yes, give details: _____

Dated and signed this _____ day of _____, 20_____. I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.



(Signature of Affiant)

VERIFICATION

State of TEXAS

County of BEE

On this day, _____ (name of affiant) appeared before me the undersigned notary public and deposed that he/she executed the above instrument and that the statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

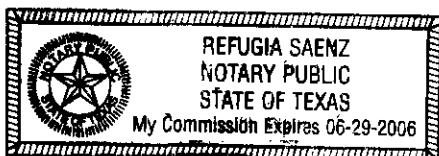
Subscribed and sworn to before me this 27 day of May, 2005.



(Notary Public)

(SEAL)

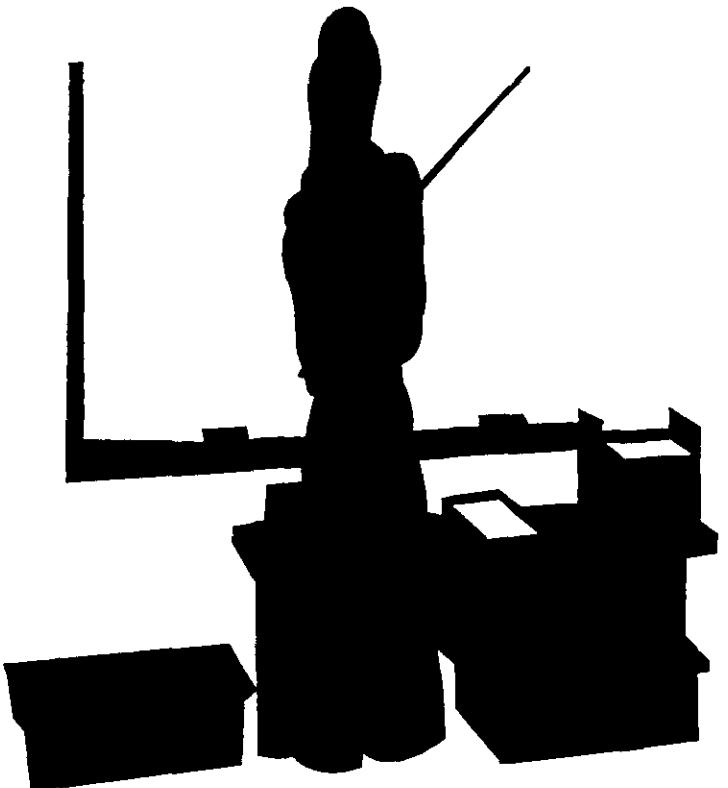
My commission expires 06-29-2006



Attachment 3

a copy of a document distributed to parents related to the qualifications of each professional employee.

St. Mary's Teachers Qualifications



Kindergarten - Mrs. Jennifer Dragon
Texas Teacher Certificate
Elementary, Kindergarten
Grades (k-8th)

Kindergarten - Mrs. Alice Whitly
Texas Teacher Certificate
Elementary, Kindergarten and Elementary
Reading

First - Mrs. Hirma Elizondo
Bachelor of Arts
9 years teaching experience

First - Mrs. Reagan
Texas Teacher Certificate
Elementary
Grades (k-8th)

Second - Mrs. Becky Causey
Texas Teacher Certificate
Provisional Elementary
Grades (1-8)
Provisional Elementary Art

Second - Mrs. Sylvia Alaniz
Texas Educator Certificate
Generalist (EC-4)
Vocational Home Economics
Grades (6-12)

Third - Mrs. Debra Hanus
Texas Educator Certificate
Elementary Self Contained
Elementary Geography
Gifted and Talented
Grades (1-8)

4th – 8th Mrs. Laura Orchard
Bachelor of Arts
9 years teaching experience

4th – 8th Ms. Nancy Cavallin
Masters of Science
4 years teaching experience

4th – 8th Mrs. Merly Ingram
Texas Educator Certificate
Mathematics Grades (6-12)

4th – 8th Mrs. Ross Brown
Elementary General Teaching Credential
Grades (k-8th)

4th – 8th Mr. John Medina
Masters of Science
24 years teaching experience

4th – 8th Ms. Katie Simonson
Texas Educator Certificate
Vocational Agriculture Production
Special Education/Secondary

Grades (6/12)

K- 8th Mrs. Brenda Horn
Texas Teacher Certificate
Elementary Self-Contained
Grades (1-8)
Language and/or Learning Disabled Generic
Special Education/ All Grades
Grades (PK-12)

K-8th Mr. Dan Reagan
Texas Teaching Certificate
Elementary Self Contained (1-8)
Secondary(6-12)
Vocational Agriculture Grades (6-12)
Generic Special Education/ All Grades

k-8th Coach Tom Brown
Associates

k-8th Mrs. Cindy Miller
Texas Teacher Certificate
Elementary Self-Contained
Elementary Reading
Grades (1-8)
School Counselor
Grades (PK-12)

Attachment 4

a current copy of the admissions policy that incorporates the information provided in the above answers to questions A through H and any other relevant information.

APPROVED DURING CONTINGENCY PROCESS

ST. MARY'S ACADEMY CHARTER SCHOOL
ADMISSIONS AND ENROLLMENT POLICY

St. Mary's Academy Charter School, an open enrollment Charter School, operating under a Charter awarded by the Texas State Board of Education, accepts students in grades K-8 who have reached legal age to begin school in the state of Texas, having reached their 5th birthday by September 1. The school may not deny admission to a student on the basis of race, ethnicity, gender, national origin, religion, disability, academic, athletic, or artistic ability, financial status, need for special education services or the district the child would otherwise attend. The charter does allow for denial of admission to students with documented histories of a criminal offense, juvenile court adjudication, or discipline problems under TEC Chapter 37, Subchapter A.

ENROLLMENT FOR EXISTING STUDENTS: Currently enrolled students receive a pre-registration form during April of each year with a two week window of opportunity to return the form. This form shall be filled out by students wishing to return the following school year. The students will be given a separate form to fill out if they will not be returning requesting a release of confidential records to their new school. Any siblings currently enrolled or wishing to enroll will be identified on the pre-registration form. Currently enrolled students wishing to return are automatically enrolled for the following school year upon timely receipt of the pre-registration form. Vacancies in each class are then determined by the Business Manager, and the siblings of returning students are given priority in admission.

ENROLLMENT FOR NEW STUDENTS:

Applications for open-enrollment of new students each year will be accepted during a two week period approved by the School Board. At the end of the open-enrollment period, if the number of applicants does not exceed the number of vacancies for each grade and/or the school is not already at its maximum enrollment, each applicant will be offered admission in their designated grade. If the number of applicants exceeds the number of vacancies for any grade and/or the number of applicants will put the school over its maximum enrollment, a lottery will then be conducted at the regularly scheduled June board meeting or a special called meeting of the board. If there are no vacancies for the appropriate grade level the lottery will be held to place students on a waiting list in the order that the names are drawn. Late applications, any application received after the deadline, will be placed on the waiting list after the lottery according to the order in which they were received. If a vacancy arises before the commencement of the school year or during the school year, the individual on the waiting list with the lowest number assignment will be offered admission and then be removed from the waiting list.

Revised during contingency process

ADMISSIONS AND ENROLLMENT POLICY

St. Mary's Academy Charter Schools is an open enrollment Charter School operating under a Charter awarded by the Texas State Board of Education. St. Mary's Academy Charter School accepts students in grades K-8 who have reached legal age to begin school in the state of Texas, having reached their 5th birthday by September 1. The school will not discriminate in admissions based on gender, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend.

ENROLLMENT FOR EXISTING STUDENTS:

Applications for existing students will take preference before the lottery during a pre-enrollment window. Pre enrollment applications must be received by the business office by the pre-enrollment deadline approved by the School Board. Students failing to complete with the pre-enrollment process will be treated as new applicants.

ENROLLMENT FOR NEW STUDENTS:

St. Mary's Academy Charter School will exclude students who have a documented history of criminal offense, juvenile court adjudication, or discipline problems as outlined under TEC, Chapter 37, Subchapter A.

A student seeking transfer to St. Mary's Academy Charter School during open/regular enrollment will be required to bring his/ her discipline record from his/her previous school before official enrollment can occur. Failure to disclose disciplinary actions, history of criminal offense and/or juvenile court adjudication will constitute grounds for immediate expulsion. (Board adopted policy May 20, 2004)

Applications for open-enrollment of new students each year will be held during a two week period (10 business days) approved by the School Board. The Business Office Manager shall determine the number of available positions for each grade level. Priority will be given to siblings of currently enrolled students and family members of staff and Board members.

At the end of the open-enrollment period, if the number of applications does not exceed the number of available positions for each grade, each application will be assigned a position in their designated grade. If the number of applications exceeds the number of available positions for any grade, the lottery will then be conducted. If there are no available positions for the appropriate grade level a lottery will be held to place students on a waiting list. Late applications --any application received outside of the open enrollment/ lottery window -- will be placed on the waiting list according to the order in which they were received.

THE LOTTERY

Registration is a function of the business office. Only the attendance clerk and PEIMS coordinator will be authorized to accept registration forms during the open-enrollment/lottery period. All pre-enrollment packets will be verified for completeness and currently enrolled students and their siblings will be placed on rosters in appropriate grades. (The Charter School gives priority to siblings of currently enrolled students and family members of staff and Board members.) An open-enrollment/lottery period will then ensue. Registration forms will be available starting on (date to be announced).

Only completed registration forms will be accepted during open-enrollment from _____ (date to be announced) until _____ (date to be announced).
Upon verification of form completeness, the attendance clerk or PEIMS coordinator will send a post card informing parents of the date of the lottery that their child will be participating in.

The open-enrollment/lottery will be conducted at a time and location to be determined by the Board, possibly held during a special called meeting of the Board.

The lottery will be conducted in the following manner:

1. Each applicant's name will be printed on a 3x5 index card. On the bottom right hand corner a list of siblings waiting for enrollment will also be printed.
2. Positions will be filled starting in eighth grade and moving to the lower grades. If the number of positions meets or exceeds the number of applicants in a given grade all of the applicants will be assigned positions in that grade.
 - a) Any siblings in lower grades will also be assigned positions on a space available basis or be put on the waiting list in the first position not already held by a priority student.
 - b) The placement of students will continue from eighth to kindergarten.
3. In the event that there are more applicants for enrollment in a grade than positions available the lottery will commence.
4. Each card in that grade will be checked and read aloud before it is placed into the barrel by the PEIMS coordinator.
5. The School Principal will spin the raffle barrel seven complete rotations.
6. The board president or other designated board member will draw cards out one at a time. The names will be entered into the Board Minutes in the order they are drawn. In the event that there is a sibling in the same grade participating in the lottery, that sibling automatically is given the next available slot. In between each name drawn the school

principal will rotate the barrel one rotation. Students will be registered until class limits are met.

7. After class limits are met the lottery will continue and names will be placed on the waiting list in the order that they are drawn. All cards for the grade will be drawn out of the raffle barrel.

8. The lottery registration will proceed with the next grade following steps 2 through 7. Siblings in higher grades will be moved to the first available priority positions on the waiting list if a sibling in a lower grade is admitted.

9. Parents will be informed if their child is admitted into a grade. They will be given a deadline in which to complete their child*'s registration. If the deadline is not met, the opening will be given to the next student on the waiting list.

10. At the conclusion of the open-enrollment/lottery registration period Regular Registration guidelines will be followed.

PRE-ENROLLMENT

Current students will be considered "pre-enrolled" according to the following:

1. Current cumulative file is up to date and complete.
2. All outstanding debts and fees are taken care of and any other business is completed.
3. A current registration card is filled out and returned by the end of the pre-enrollment period
4. For siblings, and family members of staff and Board members, a complete registration packet including all required items must be filled out and returned by the end of the pre-enrollment period.

Effective Date: March 25, 2004

Reviewed and Affirmed May 26, 2005

Attachment 5

a blank copy of the current admissions application (i.e., the information requested when the student first seeks admission)

St. Mary's Academy Charter School
Open Enrollment 2006-2007

Date Re'cd _____

Student Name _____
Last _____ First _____ MI _____ Grade _____
2006-2007

Age September 1, 2006 _____ Birthdate _____ / _____ / _____

Home Address _____ Social Security # _____

Mailing Address (if different) _____ e-mail _____

City _____ State _____ Zip Code _____ Home Phone _____

Other contact information if unable to contact you at address or phone number given above.

Parent/Guardian _____

Mother _____ Father _____
Mother's Employer _____ Father's Employer _____

Mother's Work Phone _____ Father's Work Phone _____

List siblings who are already enrolled in St. Mary's Academy Charter School:

Full Name _____ Grade _____
1. _____
2. _____

Our charter provides for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication or discipline problems under Subchapter A, TEC Chapter 37. Therefore, please answer the following questions:

No/Yes Has your child ever been suspended/expelled from school or assigned to a Discipline Alternative Education Placement?

No/Yes Has your child ever been convicted of a crime? Explain

_____**It is your responsibility to inform the St. Mary's Academy Charter School Business Office if any of your contact information changes. Offers of admission will be extended in June and we must be able to contact you to finish your registration or your child will lose their spot.**

Parent's Signature _____ Date _____

St. Mary's Academy Charter School admits students of any race, color, national and ethnic origin and artistic ability to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of gender, race, color, national and ethnic origin in administration of its educational policies, scholarship and loan programs, or other school-administered programs.

Revised during Contingency Process.

St. Mary's Academy Charter School
Open Enrollment 2005-2006

Date Re'cd _____

Student Name _____ Grade _____
Last _____ First _____ MI _____
2005-2006

Sex (circle one) M F Age September 1, 2005 _____ Birthdate _____ / _____ / _____

Home Address _____ Social Security # _____ - _____ - _____ - _____

Mailing Address (if different) _____ e-mail _____

City _____ State _____ Zip Code _____ Home Phone _____

Other contact information if unable to contact you at address or phone number given above.

Parent/Guardian _____

Mother _____ Father _____
Mother's Employer _____ Father's Employer _____

Mother's Work Phone _____ Father's Work Phone _____

List siblings who are already enrolled in St. Mary's Academy Charter School or any you are now enrolling:

Full Name _____ Grade _____

1. _____

2. _____

3. _____

4. _____

It is your responsibility to inform the St. Mary's Academy Charter School Business Office if any of your contact information changes. Openings will be awarded after the lottery in June and we must be able to contact you to finish your registration or your child will lose their spot.

Parent's Signature _____ Date _____

Attachment 6

a blank copy of the current enrollment form (i.e., the information required once an applicant has been offered admission and is registering for enrollment

APPROVED DURING CONTINGENCY PROCESS

**ST. MARY'S ACADEMY CHARTER SCHOOL
REGISTRATION CHECK LIST**

ID# _____

GRADE _____

STUDENT NAME: _____ SS# _____

The enclosed packet is to enroll your child for classes. The Registrar cannot review an application until all materials have been received. The following checklist shows the items to be submitted with your application. Please turn in the following items on the checklist as soon as possible.

Items to be provided by parent/guardian:

- Enrollment Form
- Authorization For Emergency Care Form
- Home Language Survey
- Signed Computer/Internet User's Responsibilities Form
- Consent to request Confidential Information Form
- Family Privacy and Rights Authorizations
- Copy of Legal Birth Certificate (not hospital)
- Copy of Current Immunization Record
- Copy of Social Security Card or Alternative I.D. Card
- Proof of Residence
- Signed School/Parent Compact

School Representative

Date of Completion

Items to be requested from previous school:

- Copy of Report Cards or Official Transcripts
- Copy of all Testing Records

St. Mary's Academy Charter School admits students of any race, color, national and ethnic origin and artistic ability to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of gender, race, color, national and ethnic origin in administration of its educational policies, scholarship and loan programs, or other school-administered programs.

ST. MARY'S ACADEMY CHARTER SCHOOL

ENROLLMENT CHECK LIST

ID# _____

GRADE _____

STUDENT NAME: _____

SS# _____

The Enrollment Review Committee *cannot* review an application until all materials have been received. The following checklist shows all of the **MANDATORY** items to be submitted with your application. Please turn in the following items on the checklist as soon as possible.

- Enrollment Form
- Authorization For Emergency Care Form
- Home Language Survey
- Signed Computer/Internet User's Responsibilities Form
- Consent to request Confidential Information Form
- Family Privacy and Rights Authorizations
- Copy of Legal Birth Certificate (not hospital)
- Copy of Current Immunization Record
- Copy of Social Security Card or Alternative I.D. Card
- Proof of Residence

School Representative

Date of Completion

- Copy of Report Cards (all previous schools) or Official Transcript
- Copy of all Testing Records
- Free/Reduced Lunch Application (if you do not wish to apply, please write "DO NOT WISH TO APPLY" sign and return it)
- Signed School/Parent Compact
- Signed Student Handbook Form

St. Mary's Academy Charter School admits students of any race, color, national and ethnic origin and artistic ability to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of gender, race, color, national and ethnic origin in administration of its educational policies, scholarship and loan programs, or other school- administered programs.

ST. MARY'S ACADEMY CHARTER SCHOOL

ENROLLMENT FORM

Enrolling Grade: _____	Enrollment Date: _____	Male _____		
		Female _____		
Last Name _____	First Name _____	MI _____	Birth Date _____	Social Security Number _____
Home Address _____	Apt. No. _____	City _____	Zip Code _____	Home Phone Number _____
Mailing Address (leave blank if same as above)				

Ethnicity: (Circle One) 1. Am. Indian 2. Asian or Pacific Islander 3. Black 4. Hispanic 5. White

Home Language Code (Circle the one primary language spoken in you home)
 98. English 1. Spanish 2. Vietnamese 3. Laotian 4. Cambodian 5. Chinese 6. Korean 7. Japanese 8. French 9. German

(Circle the one primary language spoken by student)
 98. English 1. Spanish 2. Vietnamese 3. Laotian 4. Cambodian 5. Chinese 6. Korean 7. Japanese 8. French 9. German

Circle the one primary language comprehended by student)
 98. English 1. Spanish 2. Vietnamese 3. Laotian 4. Cambodian 5. Chinese 6. Korean 7. Japanese 8. French 9. German

Parent/Guardian Information

Father's Name _____	Place of Employment _____	Work Phone/ Extension _____									
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 +											
Address _____	Apt No. _____	City _____	Zip Code _____	Home Phone _____	Highest Grade Completed (Circle One) _____						
Mother's Name _____			Place of Employment _____			Work Phone/Extension _____					
Address(if different from Father) City _____			Zip Code _____			Home Phone _____			1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 +		
Highest Grade Completed (Circle One) _____			_____			_____					

School Information

Previous School Attended

N/Y Has your child ever repeated a grade(s)? If so, which one(s) _____
 N/Y Has your child ever been in speech, special education/resource classes? Where? _____
 When _____
 N/Y Has your child ever been in a BIL/ESL/LEP program? Explain _____

Name of public school you would attend based on your residence address: _____
 This is required information.

Birthdate of enrolling parent _____

Parent/Guardian Signature _____ **Today's Date** _____

**Documentation received that invalidates the information given above may result
 in the student being discharged from SMACS and his/her application invalidated.**

ST. MARY'S ACADEMY CHARTER SCHOOL

ENROLLMENT FORM

Enrolling Grade: _____

Enrollment Date: _____

Male _____

Female _____

Last Name _____

First Name _____

MI _____

Birth Date _____

Social Security Number _____

Home Address _____

Apt. No. _____

City _____

Zip Code _____

Home Phone Number _____

Mailing Address (leave blank if same as above) _____

Ethnicity: (Circle One) 1. Am. Indian 2. Asian or Pacific Islander 3. Black 4. Hispanic 5. White

Home Language Code (Circle the one primary language spoken in you home)

98. English 1. Spanish 2. Vietnamese 3. Laotian 4. Cambodian 5. Chinese 6. Korean 7. Japanese 8. French 9. German

(Circle the one primary language spoken by student)

98. English 1. Spanish 2. Vietnamese 3. Laotian 4. Cambodian 5. Chinese 6. Korean 7. Japanese 8. French 9. German

Circle the one primary language comprehended by student)

98. English 1. Spanish 2. Vietnamese 3. Laotian 4. Cambodian 5. Chinese 6. Korean 7. Japanese 8. French 9. German

Parent/Guardian Information

Father's Name _____	Place of Employment _____	Work Phone/ Extension _____
---------------------	---------------------------	-----------------------------

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 +

Address _____	Apt No. _____	City _____	Zip Code _____	Home Phone (Circle One) _____	Highest Grade Completed _____
---------------	---------------	------------	----------------	-------------------------------	-------------------------------

Mother's Name _____	Place of Employment _____	Work Phone/Extension _____
---------------------	---------------------------	----------------------------

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 +

Address(if different from Father) City _____	Zip Code _____	Home Phone (Circle One) _____	Highest Grade Completed _____
---	----------------	-------------------------------	-------------------------------

School Information

Name of School Attending _____

N/Y Has your child ever repeated a grade(s)? If so, which one(s) _____

N/Y Has your child ever been suspended from school or assigned to Discipline Alternative Placement?

N/Y Has your child ever been in speech, special education/resource classes? Where? _____

When? _____

N/Y Has your child ever been convicted of a crime? Explain _____

N/Y Has your child ever been in a Bilingual/ESL/LEP program? Explain _____

Name of public school you would attend based on your residence address: _____

This is required information.

Birthdate of enrolling parent _____

Parent/Guardian Signature _____ Today's Date _____

Documentation received that invalidates the information given above may result in the student being discharged from SMACS and his/her application invalidated.

ST. MARY'S ACADEMY CHARTER SCHOOL
AUTHORIZATION FOR EMERGENCY

LAST NAME (student)

FIRST NAME (student)

BIRTH DATE (student)

GRADE

ADDRESS

HOME PHONE

NAME OF APARTMENT COMPLEX

APARTMENT MANAGER'S NAME & PHONE NUMBER

FATHER'S NAME

WHERE EMPLOYED

WORK PHONE

MOTHER'S NAME

WHERE EMPLOYED

WORK PHONE

1. Incase the services of a physician are required before either parent can be reached by phone, you are hereby authorized to call the following physician. I also authorize clinic personnel to contact my child's physician when necessary for information concerning my child.

NAME OF DOCTOR

OFFICE ADDRESS

PHONE NUMBER

2. Incase this child becomes seriously ill or is injured and neither parent can be reached by phone, please notify one of the following (local phone numbers only):

NAME

ADDRESS

PHONE NUMBER

NAME

ADDRESS

PHONE NUMBER

3. The local fire department provides emergency ambulance service. There is a charge only if the paramedics transport the child in the ambulance. I shall assume all responsibility for the payment of such services.

4. Special problems, information or instructions I feel the school should be aware of are:

5. Other family members enrolled at St. Mary's Academy Charter School.

Name

Grade

For your child's safety, please notify the school of an address change or home/work phone number change.

DATE

SIGNATURE OF PARENT/GUARDIAN

St. Mary's Academy Charter School
Home Language Survey
Grades K-8

Name of Child: _____

Campus: _____ Grade: _____

TO BE ANSWERED BY PARENT OR GUARDIAN:

(Only one language may be written in, both is not acceptable.)

(1) What language is spoken in your home **most** of the time? _____

(2) What language does your child speak **most** of the time? _____

Signature of Parent or Guardian

Date

Cuestionario De Idioma Hogareno
Estado de Texas
Grados K-8

Nombre del nino(a): _____

Escuela: _____ Grado: _____

DEBE SER CONTESTADO POR EL PADRE O GUARDIAN:

(Solo una idioma es aceptable.)

(1) Cual es idioma que mas se habla en su lugar? _____

(2) Cual es el idioma que mas habla su nino(a)? _____

Notice to Parents: Texas Education Agency regulations require all school districts to have a form for all students with parents stating the kind of language used in the home and by the student most of the time. This is the only form of this kind you will be asked to complete. Your cooperation is greatly appreciated.

ST. MARY'S ACADEMY CHARTER SCHOOL

COMPUTER/INTERNET USE PLEDGE

I, _____, pledge to follow the rules of St. Mary's Academy Charter School and those of my parents regarding my use of computers and the Internet.

I will:

- use my own account and passwords on the computer.
- never give out personal information online including my password.
- only use the computer and Internet during the time I am allowed.
- never enter a Chat Room or Newsgroup without the permission of my parents or my instructor.
- never e-mail my picture over the Internet to strangers.
- ask my parent or school employee any questions I have about something I have seen online.
- tell my parents and a school official if someone ask for personal information, asks for my password, sends me a picture or anything that makes me uncomfortable online.
- never meet anyone in the real world I have met online without my parent's permission and only with a parent present.
- not seek inappropriate material nor will I download inappropriate material from the Internet.
- not send inappropriate material or messages over the Internet.
- not violate copyright laws by installing unlicenced software.

SIGNED BY STUDENT

I, _____, promise to spend time with my child online and take an interest in what he/she likes to surf for online. I agree to attend one of the Internet training sessions for parents offered by St. Mary's Academy Charter School.

SIGNED BY PARENT/GUARDIAN

ST. MARY'S ACADEMY CHARTER SCHOOL

DATE SENT/MAILED _____

RELEASE INFORMATION
 REQUEST INFORMATION

CONSENT TO REQUEST CONFIDENTIAL INFORMATION

NAME OF SCHOOL

SCHOOL PHONE NUMBER

ADDRESS: _____

SCHOOL FAX NUMBER

STUDENT _____

DATE OF BIRTH _____

SOCIAL SECURITY NUMBER _____ - _____ - _____

GRADE _____

Records to be Released/Records Requested:

Purpose of Disclosure

Permanent academic records, special education records: Intellectual, academic, psychological, and ARD meetings. All Discipline/behavior records, Health, Immunization dates (include excused and unexcused absences)

To determine appropriate placement and eligibility at St. Mary's Academy Charter School.

You are authorized to release requested confidential information listed above.

Signature of Parent, Guardian, Surrogate Parent, or Adult Student

Date _____

Address _____

Please return this form to:

**St. Mary's Academy Charter School
410 North Tyler Street
P.O. Box 279
Beeville, TX. 78104
(361) 358-7119
Fax (361) 358-7939**

ST. MARY'S ACADEMY CHARTER SCHOOL

Family Privacy and Rights Authorizations

Release of Demographic/Statistical Data

I hereby consent to release my child's demographic and testing raw data. The compiled demographic, and statistical data will be used for educational research, state and federal reports, and grant requirements. I understand that my child's name and any identity reference such as social security number will be removed prior to release.

Field Trip Permission

I hereby consent to the designated personnel of St. Mary's Academy Charter School for my child to participate in field trips, short excursions, vocational or any other type of school-related activities during this school year that a professional school employee may deem necessary for educational/instructional related experiences. I further consent to medical treatment for my child in the event medical attention becomes necessary while on a field trip. This authorization includes the authority to sign releases on my behalf for medical services.

Federal Family Income Identification

Please complete the CONFIDENTIAL family income information. This information is necessary for funding purposes for St. Mary's Academy Charter School, as well as participation in federally funded programs such as Child Nutrition Breakfast Program.

This information is CONFIDENTIAL.

# of Persons Living in Household	Annual Family Income
1 2 3 4 5 6 7 8 9 10 (circle one)	\$

Parent Signature

Date

ST. MARY'S ACADEMY CHARTER SCHOOL PARENT-SCHOOL COMPACT

School-Parent Compacts, a federal requirement (Improving America's Schools Act of 1994) for all Title 1 school wide programs, outlines how parents, the entire school staff, and student will share the responsibility for improved student achievement. Each parent is requested to sign the School-Parent Compact/Agreement and the Parent/Guardian Consent Statement on the following pages, and return it to the classroom teacher.

Vision Statement: SMACS is committed to providing a positive school climate where all students can successfully reach their potential. The purpose of this parent-school-student compact is to establish a common understanding of the responsibilities of each of these entities, and to ensure that all SMACS students attain the highest standards of a quality education.

Student: I will strive to ----

- believe that I can learn
- try to do my best in my work and my behavior
- attend school regularly and arrive on time every day
- complete all class and homework assignments and return homework on time to the teacher
- accept responsibility for my own actions
- respect the cultural differences of other students, their families, and the staff
- comply with all school rules and dress code
- come to school each day with pens, pencils, paper, and other tools necessary for learning
- communicate with parents, family and teachers on a daily basis
- encourage and assist other students with homework

Parent/Guardian/Family: I/We will strive to ----

- believe that my child can learn
- encourage high standards of academic achievement for my child
- see that my child attends school regularly and arrives on time each day
- provide a time for homework
- encourage my child to complete all homework assignments
- attend parent-teacher conferences
- encourage my child to read at home and apply their learning to daily life
- help my child to resolve conflicts in positive, non-violent ways
- help my child to follow all school rules and dress code
- encourage positive attitudes toward the school, learning, and staff
- respect the cultural differences of students and staff
- encourage my child and other family members to assist each other academically
- participate in various school programs and classroom activities
- maintain open lines of communication with my child and the school staff

Staff (Teacher/Support Staff/Administrators): I/We will strive to----

- believe that every child can learn
- provide a safe, pleasant, caring environment that promotes active learning
- maintain open lines of communication with students and parents

- seek ways to involve parents in the school programs
- demonstrate professional behavior and positive attitude
- respect the cultural differences of students and their families
- maintain high expectations for myself, students, and other staff
- assist students in the development of a sense of personal and civic responsibility
- help students to resolve conflicts in positive, nonviolent ways
- recognize that students are accountable for every assignment
- hold at least one teacher-parent conference each year
- give corrective feedback on all assignments

**St. Mary's Academy Charter School
Parent-School Compact**

Student Signature _____

Parent Signature _____

Teacher _____



TEXAS EDUCATION AGENCY

1701 North Congress Ave. ★ Austin, Texas 78701-1494 ★ 512/463-9734 ★ FAX: 512/463-9838 ★ <http://www.tea.state.tx.us>

July 14, 2006

Rev. Patrick Donohoe, Chair
St. Mary's Charter School
410 N. Tyler St.
Beeville, TX 78102

Re: Charter Renewal for St. Mary's Academy Charter School

Dear Rev. Donohoe:

I am pleased to inform you that the charter renewal is approved for with a contract ending date of July 31, 2010. After renewal, the charter contract shall consist of the following:

- the representations and assurances made by the charter holder in the original request for application under the standard application system;
- the original contract for charter, as signed by the charter holder and the State Board of Education;
- any condition, amendment, modification, revision, or other change to the charter approved by the State Board of Education or the commissioner of education;
- the final renewal application, on file with the Division of Charter Schools, including any revisions required by the agency and any amendments to the charter made through the renewal application; and
- all statements, assurances, commitments and representations made by the charter holder in its application for charter renewal and its attachments or related documents, to the extent that these documents are consistent with those listed above.

Note that this contract is contingent upon legislative authorization and that the contract and the funding under it may be modified or even terminated by future legislative act. Furthermore, state and federal laws and rules may periodically be adopted, amended, or repealed and all such changes applicable to the charter holder or its charter school(s) may modify this contract, as of the effective date provided in the law or rule. Nothing in this contract shall be construed to entitle the charter holder to any privilege or benefit, including any funding, but in accordance with state and federal laws in effect and as they may in the future be amended. A contract term that conflicts with any state or federal law or rule is superseded by the law or rule to the extent that the law or rule conflicts with the contract term.

To acknowledge acceptance of this renewed contract, the chair of the charter holder board must sign below and return the entire original document to TEA's Division of Charter Schools, William B. Travis Building Room 5-107, 1701 North Congress Avenue, Austin, Texas 78701-1494. The charter holder should keep a copy of the document for its files. Please contact the Division of Charter Schools at (512) 463-9575 with any questions.

Sincerely,



Shirley J. Neeley, Ed. B.
Commissioner of Education

cc: Merle Simonson, Superintendent

the undersigned hereby certify that the governing body of the charter holder has accepted and agreed to the charter renewal agreement for St. Mary's Academy Charter School as outlined in the foregoing letter and has authorized me to sign below.

Agreed and Accepted:

Rev. Patrick Donohoe
Chair, St. Mary's Charter School

Date