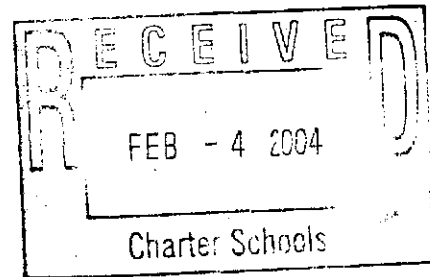
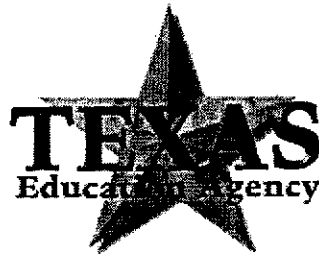


**Second Generation
Open-Enrollment Charter
Renewal Application**

Standard Renewal

April 18, 2002



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

Dated Material---Open Immediately

**Return on or before—5:00 p.m., Central Time
Tuesday, September 3, 2002
Charter Schools Division
Room 5-107**

Application Instructions

The Renewal Application is due to TEA/Charter Schools Division by 5:00 pm, **September 3, 2002**. Applications will be date stamped as they are received and the date received will be documented. Timely submission of a **complete** renewal application may be used as part of the basis for renewal determination.

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

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

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

Format of Application

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

List of Attachments

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

Definitions

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

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

General Scope of Agency Review

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

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

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

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

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

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

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

**Open-Enrollment Charter School Renewal Application
Generation Two – Standard**

Part 1. Charter Update

Charter Holder Name: Richard Milburn Academy Inc.
(i.e., nonprofit organization, institution of higher learning, or governmental entity)

Charter School Name: Richard Milburn Academy - Killeen

Charter School County/District #: 014-801

Campus Name(s)	County/District/Campus #
Richard Milburn Academy	014-801-001

Section I. Maximum Enrollment, Grades Served, and Geographic Boundaries

In the spaces below, please list the maximum enrollment, the grades the charter school serves (indicating if there is an approved GED program), and the geographic boundaries.

A. Maximum Enrollment: 200

B. Grades Served: 9-12

Approved GED Program: YES NO

C. Geographic Boundaries (School Districts): Killeen ISD
Copperas Cove ISD

revised page

Section II. Governance Structure and Procedures

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

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

A. Governing Body of Charter Holder

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

Board Member Name	Office Held	Relative(s) Within the Third Degree of Consanguinity or Affinity Who are Also Serving on the Board	Board Member Compensation or Remuneration Per Year
Mr. Peter Briggs	Chairman	None	None
Dr. Martini Loughlin	Director	None	None
Dr. Robert Munnelly	Director	None	None
Mr. Ernest Chambers	Director	None	None
Mr. Mike Peebles	Director	None	None
In order to comply with HB#6, the charter holder has reassembled its board. The names above are the board members effective August 30, 2002.			

2. Will any relative of the board member within the third degree of consanguinity or affinity (see definition above) be employed by or receive any compensation or remuneration from the charter holder or the charter school? If yes, provide details in the space provided below. YES NO

replaced by revised page

Section II. Governance Structure and Procedures

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

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

A. Governing Body of Charter Holder

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

Board Member Name	Office Held	Relative(s) Within the Third Degree of Consanguinity or Affinity Who are Also Serving on the Board	Board Member Compensation or Remuneration Per Year
Mr. Peter Briggs	Chairman/President	None	None
Dr. Norman Hall	Chief Education Officer/Secretary	None	None
Dr. Robert Munnely	Director	None	None
In order to comply with HB#6, the charter holder has reassembled its board. The names above are the board members effective August 30, 2002.			

2. Will any relative of the board member within the third degree of consanguinity or affinity (see definition above) be employed by or receive any compensation or remuneration from the charter holder or the charter school? If yes, provide details in the space provided below. YES NO

3. Will any board member's spouse or any of the spouse's relatives within the third degree of consanguinity or affinity (see definition on page 2) be employed by or receive any compensation or remuneration from the charter holder or charter school? If yes, provide details in the space provided below. YES NO

4. Will any person who is a relative within the third degree of consanguinity or affinity (see definition on page 2) of a charter school officer (i.e., a person charged with the duties of, or acting as, a chief executive officer, a central administrator, a campus administration officer, or a business manager) be employed by or receive any compensation or remuneration from the charter holder or charter school? If yes, provide details in the space provided below. YES NO

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

revised version

Board Member Name	Office Held	Relative(s) Within the Third Degree of Consanguinity or Affinity Who are also Serving on the Board	Board Member Compensation or Remuneration Per Year
Dr. Norman Hall	President	None	None
Mr. Peter Briggs	Vice President	None	None
Ms. Eunice Williams	Secretary	None	None
Ms. Catherine Austin	Member	None	None
Dr. Houston Conley	Member	None	None

2. Will any relative of a board member within the third degree of consanguinity or affinity (see definition on page 3) be employed by or receive any compensation or remuneration from the charter holder or the charter school? If yes, provide details in space provided below. YES NO

3. Will any board member's spouse or any of the spouse's relatives within the third degree of consanguinity or affinity (see definition on page 3) be employed by or receive any compensation or remuneration from the charter holder or charter school? If yes, provide details in the space provided below. YES NO

C. Roles and Responsibilities of Governing Bodies
Describe the roles and responsibilities of both the charter holder and charter school governing bodies. If this represents a change from the governance structure currently on file with the Agency, please indicate that it is a change and describe the difference from the previous structure.

replaced by revised section

Board Member Name	Office Held	Relative(s) Within the Third Degree of Consanguinity or Affinity Who are also Serving on the Board	Board Member Compensation or Remuneration Per Year
Dr. Norman Hall	President	None	None
Mr. Peter Briggs	Vice President	None	None
Ms. Eunice Williams	Board Secretary	None	None
Dr. Houston Conley	Member	None	None
[REDACTED]	Parent Member	None	None

2. Will any relative of a board member within the third degree of consanguinity or affinity (see definition on page 3) be employed by or receive any compensation or remuneration from the charter holder or the charter school? If yes, provide details in space provided below. YES NO

None

3. Will any board member's spouse or any of the spouse's relatives within the third degree of consanguinity or affinity (see definition on page 3) be employed by or receive any compensation or remuneration from the charter holder or charter school? If yes, provide details in the space provided below. YES NO

None

C. Roles and Responsibilities of Governing Bodies

Describe the roles and responsibilities of both the charter holder and charter school governing bodies. If this represents a change from the governance structure currently on file with the Agency, please indicate that it is a change and describe the difference from the previous structure.

The Charter Holder Board meets to approve the local boards, audited reports and shall retain to itself and exercise its non-delegable duties under 19 TAX 10.1033 c 6 C or as thereafter may be amended. The board has oversight responsibility for ensuring that the charter school implements the charter in full accordance within the law, including the following: (i) final authority to hear or decide employee grievances, citizen complaints, or parental concerns; (ii) final authority to direct the disposition or safekeeping of public records except that the governing body may delegate this function to any person, subject to the governing body's superior right of immediate access to, control over, and possession of such records, (iv) final authority to adopt policies governing charter school operations; (v) final authority to approve audit reports under TEC, 44.008(d); or (vi) initial or final authority to select, employ, direct, evaluate, renew, non-renew, terminate, or set compensation for a chief executive officer. Beginning with the 2003/2004 school year, the Charter Holder, a State of Virginia 501(c)(3) non-profit corporation, shall, at least once annually, conduct its corporate board meeting in the State of Texas.

The charter school governing body consists of a five-member board, and is responsible for meeting according to the Texas Open Meetings Act. The charter school board meets once every three months

The charter school governing body is responsible for meeting according to the open meetings act. The board will meet once every three months, according to the charter. The board has oversight responsibility for ensuring that the charter school implements the charter in full accordance with the law. The Board of Trustees' responsibilities include the development of policies for every phase of the school's activities, i.e. curriculum, business services, student expectations, staff selection and evaluation. The board is also responsible for establishing the criteria to assure that policies are followed correctly, according to the charter contract. Administration of the procedures is the responsibility of the school's chief administrator. The board would be expected to appoint committees composed of parents, community members, teachers, students and administrators to study and make recommendations or deletions to the board policy. The board will have the fiduciary responsibility with oversight and decision making on school operations, including: selection of the school director, setting policy, approving the annual budget, and approving school procedures..

D. Organizational Chart, Criminal History Records, Biographical Affidavit

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

Section III. Teacher Qualifications

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

Richard Milburn Academy complies with the No Child Left Behind Act. The RMA standard for all teaching staff is a minimum of a Bachelor's degree and certification in the respective teaching fields. All core area academic teachers will meet the minimum qualifications required by applicable federal and state laws and regulations.

To ensure high performance teaching and learning, RMA uses a comprehensive performance evaluation management system, which addresses individual goal setting, related assessment measures, and continuous professional development. This policy is consistent with the charter requirements.

Richard Milburn Academy is in compliance with educator certification requirements for charter schools. The RMA is in full compliance with No Child Left Behind and is aware that there are no waivers for certification for special education employees. Every special education employee is certified in his/her area of assignment at the academy. Each Richard Milburn Academy employs a complete complement of staff members, including fully certified special education and regular core education teachers.

Section IV. Code of Conduct

not part of charter

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

~~Students, with their parents/guardians, are required to attend an orientation meeting when enrolling at the RMA. During this interview, the student handbook is given to both the student and their parent/guardian. The school director then goes over each topic covered in the handbook, including school rules and guidelines. The policies relating to student expulsion and suspension are covered, as well as due process requirements. Both the student and the parent/guardian are given a policy statement to sign, indicating that they have read and understood the student handbook. A copy of the complete student handbook, including the code of conduct, is posted in the common area of the student foyer as a reference for students.~~

~~The handbook (Section IV) contains the student code of behavior, student rights and responsibilities. This section contains a non-inclusive list of actions that may result in student suspension or expulsion, and the due process requirements. The due process for student grievance is detailed in a three step procedure that indicates who to contact and the timeline for initiating a grievance. The school superintendent is designated as the final authority for student grievances.~~

~~The code of conduct has been amended to include a disclaimer statement indicating that special education student's discipline is consistent with 300.12(d); 300.522; and 37.004. Accordingly, the ARD committee may develop individualized behavior plans for students with disabilities. Discipline ramifications for special education students with manifestations of their disability will be addressed and documented in the ARD. As necessary, A Behavioral Intervention Plan will be prepared for the student to address potential discipline problems.~~

Section V. Complaints

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

During the initial intake orientation for new students, the student and his/her parent are given a copy of the student handbook, including the area that details the procedure for initiating complaints. See page 8 of the Student Handbook. This material is then discussed in detail with the school director. A copy of the student handbook is also posted for public display at the school.

Employees of Richard Milburn Academy attend a new employee orientation meeting on the first day of inservice scheduled in the fall. The RMA training program provides goals, objectives, and activities for all employees-- both new and experienced. New employee induction includes a discussion of job duties, performance expectations, work rules and company policies. Orientation to RMA policies and procedures, including complaints and grievances, is accomplished through a review of the RMA Policy Manual. Each item in the manual is discussed to insure that the new employee has a thorough understanding of the information. All employees are provided with a copy of the policy manual and a copy is kept available for reference in the common area of the teachers' lounge.

The student handbook and employee policy manual are reviewed annually to insure compliance with both the laws of the State of Texas and the Texas Education Agency regulations.

Section VI. Admissions Policy

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

Students seeking admission to RMA should schedule an appointment with the school's project director to discuss the program of studies and the school's expectations of the student for satisfactory performance and graduation. Richard Milburn Academy prohibits discrimination in admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend, in accordance with TEA 12.111, although the academy may provide 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, Chapter 37.

RMA is an open enrollment school with student populations limits set by the charter contract. The admission period for students entering the RMA begins June 15th and continues until August 1st of the new school year. No applicant is offered admission during the application period. Currently enrolled students receive a Notice to Return form on or about the 1st of May, prior to the end of the school year. This form asks students to state whether they intend to return the following school year and to identify any of their siblings who wish to attend the school the following school year. The form must be returned by May 15th. Currently enrolled students expressing a desire to return are automatically enrolled for the following year upon timely receipt of the Notice to Return form. Vacancies in each class are then determined, and the siblings of returning students are given priority in admission.

Applications from new students are accepted from June 15th through August 1st. If the number of eligible applicants does not exceed the number of vacancies, then all applicants who timely applied are offered admission. If there are more eligible applicants than available spaces in a class, then a lottery will be conducted on August 2nd. A name is drawn for each vacancy that exists, and each applicant whose name is drawn is offered admission. The remaining names are then drawn and placed on a waiting list in the order they were drawn. If a vacancy arises before the commencement of the school year or during the school year, the individual on the waiting list with the lower number assignment will be offered admission and then removed from the waiting list. If an application is received after the application period has passed, the applicant name is added to waiting list behind the names of the applicants who timely applied.

whole section not part of charter

Part 2. Program Evaluation

Section VII. Evaluation of Student Performance

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

A. AEIS Base Indicators

Describe student performance as it relates to AEIS base indicators (i.e., TAAS scores and dropout rates). Be specific about indicators such as percentage of students passing exams and annual dropout rates.

Note: Campuses rated under the Alternative Education Accountability system may also have student attendance and Texas Learning Index (TLI) growth as base indicators.

The Richard Milburn Academy of Killeen is rated under the Alternative Education Accountability system and currently holds an Acceptable rating with the Texas Education Agency. The following information provides detail about the students we serve as well as their performance.

The tables below summarize enrollment demographic data since the school opened.

A. Race*	Total	
	Number	Percent
African American	344	39.3%
American Indian	13	1.5%
Asian	45	5.1%
Caucasian	281	32.1%
Hispanic	186	21.3%
Other	6	0.7%
Total	875	100.0%

B. Gender*	Total	
	Number	Percent
Male	458	52.3%
Female	417	47.7%
Total	875	100.0%

*Source of Data: RMA Killeen Annual Reports 1999/2000 through 2001/2002

C. Grade Level**	Total	
	Number	Percent
Grade 9	110	16.3%
Grade 10	199	29.6%
Grade 11	163	24.2%
Grade 12	201	29.9%
Total	673	100.0%

**Source of Data: RMA Killeen Annual Reports 1999/2000 through 2000/2001

Attachment 8-A presents the detailed student demographic data by school year.

In its application for a charter school dated January 9, 1998, Richard Milburn Academy listed the following measurable school goals on pages 22 and 23:

"CRITERION ONE: MEASURE OF STUDENT ATTENDANCE

RMA students will achieve an 80% attendance/attendance records* (Amended May 10, 2001)

CRITERION TWO: MEASURE OF STUDENT PERFORMANCE

70% of RMA students will achieve mastery on the state mandated assessment on the first attempt(1)/test scores*

CRITERION THREE: MEASURE OF STUDENT BEHAVIOR IN SCHOOL ACTIVITIES

70% of RMA students will show a decrease in observable aggressive behavior/reported incidents*

CRITERION FOUR: MEASURE OF SATISFACTION WITH RMA

80% of RMA students will express satisfaction with school./student survey*

80% of RMA parent(s)/guardians(s) will express satisfaction with school./parent survey*

80% of RMA parent(s)/guardians(s) will express satisfaction with student performance./parent survey*.

80% of RMA employers will express satisfaction with school./employer survey*

80% of RMA employers will express satisfaction with student performance./employer survey*

CRITERION FIVE: MEASURE OF SUCCESS

80% of RMA students will remain in school or graduate./attendance/graduation records*

CRITERION SIX: MEASURE OF STUDENT COMPLETION OF GED PROGRAM

75% of eligible RMA students will achieve a passing score on the Standard GED Assessment instrument/test scores*

CRITERION SEVEN: MEASURE OF STUDENTS WHO ARE GAINFULLY EMPLOYED

80% of eligible RMA students will successfully complete the Transition to Career program and will be employed/student records**

Some of these goals are AEIS Base Indicators (Part A) i.e. attendance. Others would be considered AEIS Additional Indicators (Part B), and still others would be considered other relevant Student Performance Goals (Part C).

The RMA goals relevant to AEIS Base Indicators are Student Attendance (Criterion One), Student Performance (Criterion Two), and Measure of Success (Criterion Five).

CRITERION ONE: MEASURE OF STUDENT ATTENDANCE

RMA students will achieve a 80% attendance

RMA's overall attendance rate for the past three school years was 77.4% as shown below.

Attendance Rates Achieved

School Year	Overall
1998/1999*	75.2%
1999/2000*	77.2%
2000/2001**	79.7%
Average	77.4%

*Source of Data: TEA Academic Excellence Indicator System 2000-01 Campus Performance

**Source of Data: RMA Annual Reports 1999/2000 through 2000/2001

Most of our students are at risk students who historically have very low attendance rates. If a student comes to RMA with a 50% attendance rate and increases to 70%, this is a success. RMA will restate its goals to be more realistic on overall attendance and will explore development of measures of increased attendance.

CRITERION TWO: MEASURE OF STUDENT PERFORMANCE

70% of RMA students will achieve mastery on the state mandated assessment on the first attempt.

When RMA began its charter, we operationalized this criterion into two factors:

1. 70% of students taking TAAS will pass.
2. Overall, the school's TLI will increase yearly.

TAAS scores for students of RMA have been on the rise since the previous year. The scores indicating the percentage of students passing the TAAS from the April of 2001 administration were as follows: Reading - 45.5% passing, Math - 25.0% passing, and Writing - 37.5% passing. These scores were sufficient to help retain an acceptable accountability rating for a second straight year. The TAAS scores for April of 2002 show remarkable improvement over the previous year. The scores are as follows: Reading - 75.0% passing, Math - 68.8% passing, and Writing - 53.3% passing.

The Texas Learning Index numbers for the exit level April 2002 testing are listed as 72 for Reading, with 16 students being tested. The TLI for Mathematics is listed as 52 with 15 students tested. See Attachment 8-C.

CRITERION FIVE: MEASURE OF SUCCESS

80% of RMA students will remain in school or graduate.

Success is defined as staying in school or graduating. Directly related to this measure are dropout rates so both are reflected in this outcome.

Overall, RMA has achieved a cumulative success rate of 82.2% which exceeded our goal of 80%. See Attachment 8-D.

B. AEIS Additional Indicators

Describe student performance as it relates to AEIS *additional* indicators (i.e., attendance rates, 4-year completion rates, college admissions testing, and participation in the recommended high school program). Be specific about indicators such as average Texas Learning Index (TLI) growth, year-to-year progress, and accountability ratings.

Note: Campuses rated under the Alternative Education Accountability system may also have campus-selected additional AEIS indicators.

The RMA goals related to AEIS Additional Indicators are Student Behavior (Criterion Three), Student Satisfaction (Criterion Four), and GED Completion (Criterion Six).

CRITERION THREE: MEASURE OF STUDENT BEHAVIOR IN SCHOOL ACTIVITIES

70% of RMA students will show a decrease in observable aggressive behavior/reported incidents*

Data could not be obtained on this measure from home public schools for our students; therefore, no measure is possible.

CRITERION FOUR: MEASURE OF SATISFACTION WITH RMA

80% of RMA students will express satisfaction with school.

Overall, with excellent survey response rates, the average percent of the students responding positively to the statements shown was 73.8% indicating strong student satisfaction with the school. See Attachment 8-E. Areas receiving low positive response (i.e. access to computers, use of computers, etc.) were addressed each year.

CRITERION SIX: MEASURE OF STUDENT COMPLETION OF GED PROGRAM

75% of eligible RMA students will achieve a passing score on the Standard GED Assessment instrument

There has been no need for a GED program and therefore this was not assessed.

In addition to the above indicators RMA reviewed promotion rates. RMA achieved an overall promotion rate of 34.1% during the past three school years. See Attachment 8-F. Our promotion rates are not surprising since RMA targets at risk students who historically have shown poor school performance. RMA will set goals to increase promotion rates over the next five years.

RMA also conducted a graduate survey that asked graduates about their future plans upon graduation, and six months after their graduation. See Attachment 8-F. Overall, 66.3% of our graduates planned some form of postsecondary education upon graduation and 54.7% were actively enrolled in post secondary education approximately six months following graduation.

C. Other Information Relevant to Student Performance

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

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

Other measures include (1) percent of students completing RMA's School-to-Work Program (Criterion Seven), (2) parent satisfaction (Criterion Four), (3) staff satisfaction, and (4) anecdotes.

CRITERION SEVEN: MEASURE OF STUDENTS WHO ARE GAINFULLY EMPLOYED

80% of eligible RMA students will successfully complete the Transition to Career program and will be employed/student records**

RMA did not include a Transition to Career program prior to the 2002/2003 school year.

CRITERION FOUR: MEASURE OF SATISFACTION WITH RMA

80% of RMA parent(s)/guardians(s) will express satisfaction with school

80% of RMA parent(s)/guardians(s) will express satisfaction with student performance

Clearly with an overall 89.1% RMA parents have been satisfied with the school and student performance. See Attachment 8-H.

Staff satisfaction is another important indicator of school success.

Clearly with an overall average of 81.0% positive response, staff satisfaction is high. See Attachment 8-H.

ANECDOTES

The positive results of any program cannot be totally depicted using statistics. For the student who graduated from RMA, and who would otherwise have been a dropout, statistics do not tell the full story. Many students have experienced failure in school and have had little hope for success. Because of extra help and encouragement, these students can progress towards high school graduation. Statistics cannot possibly convey the dimension of these personal triumphs. Some of our success stories for the 2000/2001 school year are described below:

School Year 2000/2001

Experiences with [redacted] were once in a lifetime. When [redacted] came to RMA, [redacted] had the impression that since nobody cares, so why should [redacted] [redacted] spent two years terrorizing teachers and having them draw straws to see who would be next to burn on the grill. But at least [redacted] was consistent; every teacher was treated the same way. [redacted] did not discriminate when [redacted] told you what [redacted] thought of you or what you could do... in [redacted] limited vocabulary of tawdry words and euphemisms. It took the staff awhile to learn that it was all an act. [redacted] had been thrown out of every school [redacted] had ever attended. RMA was next on the list. One teacher told [redacted] that the only way she could help [redacted] was if [redacted] helped himself. When [redacted] asked to help out at the school on different occasions, he would put out 200%. [redacted] managed to keep the teachers together as we panicked over Prom and Graduation. [redacted] was always there to say, "Hold on, we can handle it, just get a grip". When [redacted] graduated, RMA lost a student that had more pride in [redacted] school and teachers than any other student that has graduated from RMA.

One year ago [redacted] arrived in Killeen to find a better education. [redacted] searched to find the right school where [redacted] could

focus on graduating and moving on to better things. ■ knew that good things would come out of this school. ■ told everybody that our school was so friendly, it made ■ come to school happier each day. ■ explained that ■ was from White Plains, NY, and the last school ■ attended did not work out for ■. ■ lost focus and wasted four years in school. When ■ arrived at RMA, ■ accomplished ■ goal, and graduated. How can it be done you ask? Simple ■ said, the secret is to focus on your studies and set a goal for yourself.

■ dropped out of school so many times. ■ came to our school after ■ ■ tried to be a ■, a student, and a child, all at the same time. ■ was overwhelmed in the process. At the beginning of this year ■ wanted to come back after ■ With the help of the ■, ■ was able to remain in school and deal with ■ and finally graduate.

*Names have been changed to protect student confidentiality.

Taken collectively (AEIS Base Indicators, AEIS Additional Indicators, and Other Information Relevant to Student Performance), RMA has been very successful during its 3 1/2 years of operation. Some of our goals have been achieved so we need to set higher goals. Some of our goals were not achieved so we need to reassess these goals and try harder. However, in most indicators, RMA has proven itself to be a rather successful alternative school in Killeen serving a challenging population. We have become part of the Killeen landscape and serve the needs of many students who probably would have dropped out of school. RMA looks forward to the next five years working closely with TEA to achieve higher standards, to graduate more students, to increase TAAS passing rates, to increase attendance, and help make the Texas charter movement grow to meet the needs of students and parents across Texas and particularly in Killeen. □

Section VIII Student Performance Goals

Whole section not part of) chart

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

Some accountability standards and criteria for 2004 and 2005 are available in the 2002 Accountability Manual, which is available at www.tea.state.tx.us/perfreport/account/2002/manual. TAKS passing standards for Exemplary and Recognized are the same as in 2002. Rating criteria and standards have not yet been determined beyond 2002 for completion rate, dropout rate, the State-Developed Alternative Assessment (SDAA), and the Academically Acceptable/Acceptable rating.

A. AEIS Base Indicators

Describe student performance goals in terms of AEIS *base* indicators (i.e., TAAS scores and dropout rates). Be specific about indicators such as percentage of students passing exams and annual dropout rates.

Note: Campuses rated under the Alternative Education Accountability system may also have student attendance and Texas Learning Index (TLI) growth as base indicators.

The RMA Killeen five-year plan for growth in student performance contains the following objectives set by the staff for our Campus Improvement Plan.

OBJECTIVE A-1. RMA students will continue to increase their overall TAAS/TAKS performance by a minimum of 1% each year on tests for which the scores fall below the 70% mastery rate established in our charter. Our average overall TAAS score for 2001-2002 of 65.7% is a significant increase over scores of the previous two years. Attachment 8-J, RMA Killeen Annual Performance Objectives, contains more detail in the TAAS Performance Objectives Chart and indicates our goals.

OBJECTIVE A-2. The RMA Killeen student dropout rate will decrease by 0.3% each year. Our overall dropout rate for 2000-2001 was 10.6% with a target rate of 9.4% by 2005-2006. Attachment 8-K, RMA Killeen Annual Performance Objectives, contains more detail in the Dropout Rate Objectives chart.

OBJECTIVE A-3. The RMA student attendance rate (see Part 2., Section VII, A) will increase 1% per year from 79.7% for 2000-2001 to a target rate of 84.7% for 2005-2006.

OBJECTIVE A-4. The RMA Killeen student success rate for passing end of year course examinations will be within 5% of state averages by the end of the 2002-2003 school year and will increase by 0.5% each year to a target rate of within 3.0% of state averages in 2005-2006.

OBJECTIVE A-5. The ratio of RMA Killeen students enrolling in a course to students completing the course will be 50% in the 2002-2003 school year and will increase 1% each year to a target rate of 53% in 2005-2006.

B. AEIS Additional Indicators

Describe student performance goals in terms of AEIS *additional* indicators (i.e., attendance rates, 4-year completion rate, college admissions testing, and participation in the recommended high school program). Be specific about indicators such as average Texas Learning Index (TLI) growth, year-to-year progress, and accountability ratings.

Note: Campuses rated under the Alternative Education Accountability system may also have campus-selected additional indicators.

OBJECTIVE B-1. The graduation rate of RMA Killeen seniors will increase from 52% in 2001-2002 to 55% for the next school year with a 5% increase each year through 2005-2006. Because the student population served is considered at-risk and generally enrolls at RMA after being unsuccessful at his/her home school, to this date, no student has completed all four years of attendance at the RMA. The RMA program is designed to allow students that have fallen behind the option of returning to their regular home school after "catching up" with their regular class. Students that leave this program before graduation to return to their regular campus are not monitored for the purposes of graduate rate statistics.

OBJECTIVE B-2. RMA has maintained an Acceptable accountability rating for the past two years. Our goal is to maintain an acceptable status for the next school year and the remaining four years of our five year plan. Currently, students at RMA Killeen meet the TLI criteria for an acceptable status. Our goal for 2002-2003 is to maintain the TLI criteria. To maintain this standard requires an increase "greater than zero" on the index from year to year for 85% of the student population that has attended 85 or more cumulative days. This standard has an automatic growth factor for each school year.

C. Other Relevant Performance Goals

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

The RMA serves a very unique student population. Every student attending the academy is already considered at-risk because of his/her performance in the regular public school setting. Each year, the number of students enrolling at the RMA increases. While we have no control over the previous standardized test scores of students that come to the RMA, a vast majority of those that stay with this program for a minimum of one semester show marked improvement in their TAAS scores. Many of the students that attend the academy have already begun living adult lives, and recognize that their education is holding them back. Without the flexibility of the schedule and help of the RMA team of educators, they would not be able to accomplish their goal of a high school education.

Every student that has remained with the RMA through their senior year has graduated. Specific information relating to student success at the academy can be found in the annual report submitted to the corporate offices at the end of every school year. This report makes specific comparisons of success rates for the academy on a yearly basis. The report will be submitted as Attachment 4. The RMA has complied with its charter and maintained its goals and standards. There is no basis on which the renewal of the charter should be considered for denial.

The ARD committee for students with a disability makes the determination, on an individual basis, the appropriate statewide assessment requirements for the student. In situations where the TAAS/TAKS test is deemed inappropriate, the ARD committee has the alternative assessments (SDAA and LDAA) available for administration. Students with disabilities are required to perform a statewide assessment according to their IEP and the ARD committee's decision. All students' assessments are included in the charter's accountability system. OBJECTIVE C-1. RMA Killeen monitors promotion rates (Attachment 8-E) with a goal of increasing the rates each year.

OBJECTIVE C-2. RMA Killeen has exceeded the criterion of 80% for measure of success established in our charter with an overall cumulative success rate of 82.2%. This measure of the overall success rate of students is based on the numbers who stay in school and graduate. Attachment 8-D contains data on this goal.

OBJECTIVE C-3. RMA has exceeded the criterion of 80% satisfaction in surveys of students, parents and staff with an overall average of 81.3%. Attachments 8-D, 8-G, and 8-H contain summaries of the survey results.

OBJECTIVE C-4. It is the goal of RMA to assist students in making the decision to continue their education beyond the high school realm. Students attending RMA are not traditional in their future growth plans. Many do not expect to continue their education beyond the high school diploma. Beginning with the 2002-2003 school year, Senior students attending RMA will be encouraged to take the SAT, regardless of their stated intentions for future education.

OBJECTIVE C-5. RMA conducts surveys on students' post-secondary education plans at graduation and does a follow-up at six months. At graduation an overall 66.3% of RMA students plan to pursue post-secondary education and at six months, approximately 54.7% were actually involved in post-secondary education. RMA will continue this survey as an indicator of the performance on this goal.

Section IX. Plans and Initiatives to Improve Student Performance

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

Whole section not part of charter

STRATEGY 1. The staff of RMA Killeen will conduct a thorough review of the core curriculum used by the academy. The review will consist of: (A) correlation of all teaching and student materials with new TAKS test requirements, (B) assessment of curriculum materials validity, and (C) correlation of all assignments/tests to the state adopted textbooks used by the academy.

STRATEGY 2. RMA staff requirements have been reassessed according to the deficiencies indicated by TAAS scores and the TLI. Accordingly, staffing changes have been made to help students that did not master the 2002 TAAS test. RMA Killeen currently has 6.5 staff members on duty, including a specialist in Math, English, Science, Social Studies, Economics, and Business Computers.

STRATEGY 3. To increase parental and community involvement, student report cards will be distributed to parents at an "Open House" at the end of the first and fourth six weeks. This will increase the involvement of parents in student performance and increase our communication with the community. Student's parents that do not attend the open house will be mailed the report card.

STRATEGY 4. A student mentor program has been established to provide students with individual support with their school and personal problems. Each certified staff member will be assigned a group of students and will be trained in the mentoring program by the Regional Service Center. Experience has shown that a majority of those students that fail in this academic setting do so because of the same kind of problems that caused them to become at-risk in the first place. By offering students an outlet for concerns and ideas, it is expected that their on-campus time will become more focused and productive.

Section X. Monitoring Follow-Up

not part of charter
Discuss improvements made and other actions taken to address any and all findings, recommendations, or sanctions by the Agency including those resulting from monitoring on-site visits or hearings. Provide specific information about compliance status with all special program indicators, including corrective action plans for bilingual and special education programs, and about PAS/DAS risk levels.

The Richard Milburn Academy of Killeen was visited by TEA during the 2001-2002 school year in order to determine why math TAAS scores were lower than 50%. During the visitation, the agency made recommendations concerning curriculum updates and student assessment techniques. The academy implemented the recommendations and reported back to the agency successfully. As a result of the changes made by RMA, the TAAS scores in math have increased in dramatic fashion during the last school year. The 2001-2002 cumulative average for all students in math is now 68.8% and is expected to increase according to our goals at a regular rate for the next five school years.

Whole section not part of charter

Part 3. Special Needs Students/Programs

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

Section XI. IDEA Key Components

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

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

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

IDEA Key Components

A. Child Find (34 CFR 300.125)

The RMA provides public awareness through contact with public, private, prochial, and home schools and nursing homes (if applicable). We maintain a list of our dissemination network, including community agencies and other facilities that receive "Child Find" information. RMA disseminates information regarding the availability of services through local media sources, brochures, contact with the local school districts in the charter target county and the local Regional Service Center. Information on individuals with disabilities within the appropriate age range is tracked to insure delivery of services and records are kept of all referrals and follow-up activities. These requirements apply to highly mobile children with disabilities, such as the homeless and migrant, and children that are suspected of being disabled or in need of special education services.

Individuals that attend the RMA are reviewed annually to determine their eligibility, regardless of whether or not they are currently receiving services. Confidentiality is assured during the review, as well as all data collection, through the use of qualified, trained special education personnel. RMA maintains all appropriate timelines for special education assessment reporting and implementation as set forth in the TEC. The referral, comprehensive assessment, and ARD/IEP placement process adheres to all state and federal requirements.

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

RMA maintains written policy, procedures, and operating guidelines for confidentiality. A list of all persons having access to student educational records is maintained by the site director, and access records are kept on a daily basis. This list is available for public inspection.

Annual notices are posted regarding confidentiality and the district has identified an individual responsible for ensuring that all information that will personally identify an individual is handled in accordance with the law. Training of all staff members is conducted during the initial school year inservice regarding procedures for handling student confidentiality and the collection of information that may be personally identifying. A record of the inservice training is maintained by the site director.

Since confidential information is maintained on all students, regardless of educational disability, notice of confidentiality is given to all parents on an annual basis, in the primary language of the student's home. The district informs parents when personally identifiable information is no longer needed to provide educational services and destroys those records at the request of the parent. Parents are afforded the opportunity to inspect and review educational records relating to their child that have been collected, maintained, or used by the district.

C. Procedural Safeguards (34 CFR 300.504)

Procedural safeguard information is made available to all parents of children that have been referred for disability testing. The procedural safeguards document developed by TEA is provided as a resource to the parents upon initial referral for evaluation, notification of an ARD or IEP meeting, upon the reevaluation of a student or a request for due process, for a manifestation determination review, and for a change of placement hearing. Written notice is given a minimum of five days before any meeting concerning a student's identification, evaluation, or educational placement, or if a refusal to initiate a change is requested. RMA provides assessment testing for students that are thought to be, or have already been diagnosed with a disability. The academy maintains trained and knowledgeable personnel in accordance with the state law and TEA regulations, and uses a variety of sources to make a determination of disability. The RMA is nondiscriminatory in its administration of assessment testing, relying upon information from teacher recommendations, parental input, school records, achievement tests, physical condition, adaptive behaviors, and social or cultural background, to determine the functional limits of the student. Documentation of all information used to make a determination is required. Upon completion of the administration of tests and other evaluation materials, a group of qualified professionals and the parent of the child, makes the determination of disability for the child. The group making the determination is charged with looking at the student's achievement level, and the possibility of a severe discrepancy between achievement and intellectual ability in one or more areas including oral expression, listening comprehension, reading skill/comprehension, and math calculation and/or reasoning. If a disability is determined, an IEP is generated for the student and services are begun.

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

Richard Milburn Academy sends written notice to the parents of a child when we propose to initiate or change the identification, evaluation or educational placement of a child or the provision of FAPE to the child, or if we refuse to initiate or change the provisions cited above. At the same time as the notice is given, the RMA also sends the parent a form requesting consent for the meeting. This notice is given in a timely manner in order to allow the parent adequate time to review the information.

The notice contains the following information: (1) A description of the action proposed or refused by the academy. (2) An explanation of why the academy proposes or refuses the action to be taken. (3) A description of any other options that the academy has considered and the reasons why those options were rejected. (4) A description of each evaluation procedure, test, record, or report that the academy used as a basis for the proposed action or rejection. (5) A description of any other factors that are relevant to the academy's proposal or refusal. (6) A statement that the parents of the child with a disability have the protection of procedural safeguards, and how information about such protections can be acquired. (7) Information on sources that the parent can contact to obtain assistance in understanding the requested procedure or meeting.

This information is presented to the parent in language that is understandable to the general public and also provided in the parent's native language unless it is clearly not feasible to do so.

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

Richard Milburn Academy relies upon a variety of sources in the determination of eligibility for special education services. Information may be obtained from, but is not limited to, referrals from qualified sources, Home Language Survey data, teacher evaluation reports, licensed physician's reports, information from special services providers, ARD committee reports, LPAC and Oral Language proficiency tests, parental or student information, assessment reports from Adapted Physical Education, and community based surveys. No single evaluation tool is used to determine a child's eligibility for disability services. After an initial evaluation and determination has been positively made, regularly scheduled reevaluations are conducted on a schedule that does not exceed a three year period of time. RMA works in conjunction with the Regional Service Center to provide assessment instruments that are capable of being tailored to specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. The academy has certified special education staff to monitor the assessment process and routinely hires the services of outside licensed professionals to conduct assessment testing and provide assurance that the process is nondiscriminatory to the child or his family and is comprehensive in nature. **The evaluation testing is designed to produce the data necessary to determine if a child has a particular category of disability, the present levels of performance and educational needs of the child, the need for (or continuation of) services, and/or what modifications to services are necessary for the child to meet the measurable goals of his/her IEP.**

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

The special education teacher holds the primary responsibility of, based on the appropriate assessment, completing the initial draft of the IEP. This draft IEP must contain a minimum of one goal and one objective for each subject or developmental area anticipated. The general education teacher will assist in this development and should participate in the review and revision of the IEP when necessary. The special education teacher will also develop proposed evaluation procedures and criteria.

A draft of the IEP is sent to the parents a minimum of five working days prior to the ARD meeting in which it is to be discussed. At the meeting, copies are provided to each general education teacher, other special education teachers, related service providers responsible for its implementation, and the parents. Signed documentation is required from all individuals that receive the IEP. The ARD meeting is designed as an opportunity for all interested parties to have input into the plan making process. If the meeting is to discuss disciplinary actions, the ARD committee shall determine the instructional and related services to be provided during any time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the individual to school and preventing significant regression.

If Extended School Year (ESY) services are determined to be appropriate by the ARD committee, the goals and objectives from the current IEP shall be specified and included in the ESY IEP. The RMA insures that ESY services are available to each student with a disability to the extent necessary to ensure that FAPE is available to the student. The criteria for assessing the need for ESY includes individualized determination for every student and documentation from formal evaluations provided by the RMA or the parents. The documentation shall demonstrate that in one or more critical areas addressed in the current IEP objectives, the student has exhibited, or more reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable time period. The reasonable time period for recoupment of acquired critical skills shall be determined on the basis of needs identified in the student's IEP.

Documentation of a student's need for ESY will come from a variety of sources. Teachers will identify students that have experienced regression on specific IEP objectives by comparing the IEP reviews of the last six weeks of the previous school year with the mastery of those objectives at the beginning of the current school year. Students that have not been able to recoup the required objectives will be considered for ESY. The ARD committee will consider the need for ESY based on a student's experiencing severe and/or substantial regression, and on students being referred by parents or guardians for ESY. The ARD committee will review the IEP of students receiving ESY services at the beginning of the next school year to determine if the actions were appropriate to prevent regression, or if progress was made. Some students may be considered for ESY even though recoupment occurs in less than six weeks of the next school year based on such critical skill areas as health and safety, self-help and independent skills living. The ARD committee will make this educational decision based on its knowledge of the students situation...

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

Special education students attending the RMA are educated in accordance with FAPE regulations, and are placed in the Least Restrictive Environment (LRE) that is determined appropriate by the ARD committee. Compared to the number of full-time equivalent students placed in resource room or mainstream settings, the RMA maintains a ratio of less than 25% above the state average for both full-time equivalent students placed in an instructional arrangement for self-contained, mild to moderate, and self-contained, severe settings.

Students that require receiving special education services outside the regular classroom must be placed by the ARD committee into their appropriate setting. The ARD committee must determine that there is evidence that the student's removal should occur when the nature and severity of the disability is such that education in general education classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.

Placement decisions are made on an individual basis, and are made in the ARD meeting by the committee, not by any individual(s) acting outside the meeting. Evidence of this must include a description of the district's previous efforts, if any, to educate the child in the general educational setting, and the ARD committee discussion of the issues involved in educating the student in the general educational environment with supplementary aids and services and the reasons why those options were rejected. If there were no previous efforts to educate the child in the general education setting, the RMA provides documented evidence as to why such efforts were not appropriate. A student's placement is always based on his/her IEP, therefore the goals and objectives will precede the determination of placement. The ARD committee also has the responsibility to determine potential harmful effects on the student by being removed from the regular classroom setting, and the potential harmful effects on the quality of services provided to the student with disabilities if the student is removed from the general education classes.

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

The RMA provides coordinated transition services for students with disabilities that are outcome oriented and promotes the movement from school to post-school activities. These services include post-secondary education, vocational training, integrated employment opportunities, continuing adult education, adult services, and independent living. The services are based on the individual student's needs, taking into account his/her individual preferences and interests.

Transition services include the development of employment and other post-school adult living objectives, experience working with the community, acquisition of daily living skills, and a functional vocational evaluation.

Richard Milburn Academy has an established memorandum of understandings with a variety of programs and facilities to aid in transition services, including coordination between ECI, Regional Day School Program for the Deaf (RDSPD), TCB, TDHS, TDMHMR, TEA, TEC, TRC and TDPRS. We have also established interagency coordination of special education services to students with disabilities in residential care facilities through the TEA, TDHS, TDMHMR, TDH, TDPRS, ECI, TCADA, TJPC, and TYC as directed by the 73rd Texas Legislature in 1993.

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

The RMA makes every good faith effort to provide qualified, certified staff members for all educational positions. Of the seven members of the teaching staff working at the academy, one is a fully certified special education professional. The academy also has a special education aide on staff that is trained through local inservices both in-house, and through ESC 2. A diagnostician is also under contract to perform all testing services required by the ARD committee. This member of the special education team is privately contracted on an as needed basis depending upon testing needs. All members of the RMA staff are trained annually during inservice on matters relating to confidentiality and the implementation of the IEP of a student with a disability, and additional training is scheduled when new students are admitted to the academy...

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

Students with disabilities that are to be expelled from the RMA must first undergo a manifestation hearing to determine eligibility and be offered all applicable procedural safeguards including, where applicable, the "Stay Put" rule. The manifestation review meeting considers all evaluation and diagnostic results or other relevant information supplied by the parent or student, observations of the student, and the student's IEP and placement. The review meeting is designed to determine possible relationships between the behavior subject to disciplinary action and the student's disability, the appropriateness of the IEP and original placement, the appropriateness of the special education services being provided, and whether or not the student's disability impaired the ability of the student to understand the impact and consequences of the behavior subject to disciplinary actions. If the behavior is found to be a manifestation of the student's disability, the RMA takes immediate action to remedy any deficiencies found in the IEP, placement or implementation. Once the ARD committee has made the determination for expulsion, they must then determine how the school will provide FAPE. If the expulsion is for 10 days or less, then no services are provided unless they have been previously offered to students without disabilities, in which case they will be provided in a similar fashion. For expulsions that exceed 10 days, the academy provides, for the remainder of the removal period, appropriate services to allow the student to continue with their general curriculum and advance toward achieving the goals set out in the child's IEP.

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

Persons paid from special education funds are assigned to instructional or other duties in the special education program of the RMA and provide support services to the regular education program in order for students with disabilities to be included in the regular academic program. Support services include, but are not limited to, collaborative planning, co-teaching, small group instruction with special education and regular students, direct instruction to special education students, or other services deemed necessary by the ARD committee for an appropriate program for the student with disabilities. Personnel that are assigned to provide support services on less than a full-time basis are paid with special education funding only for that portion of time in which they are assigned to students with disabilities. State special education funds are used for special materials, supplies and equipment which are directly related to the development and implementation of IEPs of students with special needs and which are not ordinarily purchased for the regular classroom. Office and routine classroom supplies are not purchased with special education funds.

State special education funds may be used to contract for consultants to provide staff development, program planning and evaluation, instructional services, and assessment and related services to students with a disability. When funds are used to contract with a consultant, the academy documents the provider's credentials and the amount paid for services. Records are maintained of the service provided, contracts or agreements as evidence that they were signed before services began and that services were provided before payment was made, documentation that the service could not be provided by an employee within the district, that there was no conflict of interest in hiring the consultant, and the consultant was paid a fee rather than a salary. No more than 15% of the academy's Foundation School Program funds are expended on indirect costs.

CFR=Code of Federal Regulations

TEC=Texas Education Code

TAC=Texas Administrative Code

Section XII. Information Request

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

Information Requests

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

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

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

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

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

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

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

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

For further CLARIFICATION on Section XII. Information Requests, please contact Carolyn Dietrich in the Division of Special Education (512-463-9362).

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE

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

Dated and signed this _____ day of _____, 20_____, at _____.

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

(Signature of Affiant)

State of _____

County of _____

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

Subscribed and sworn to before me this _____ day of _____, 20_____.

(Notary Public)

My commission expires _____

(SEAL)

Attachment 1

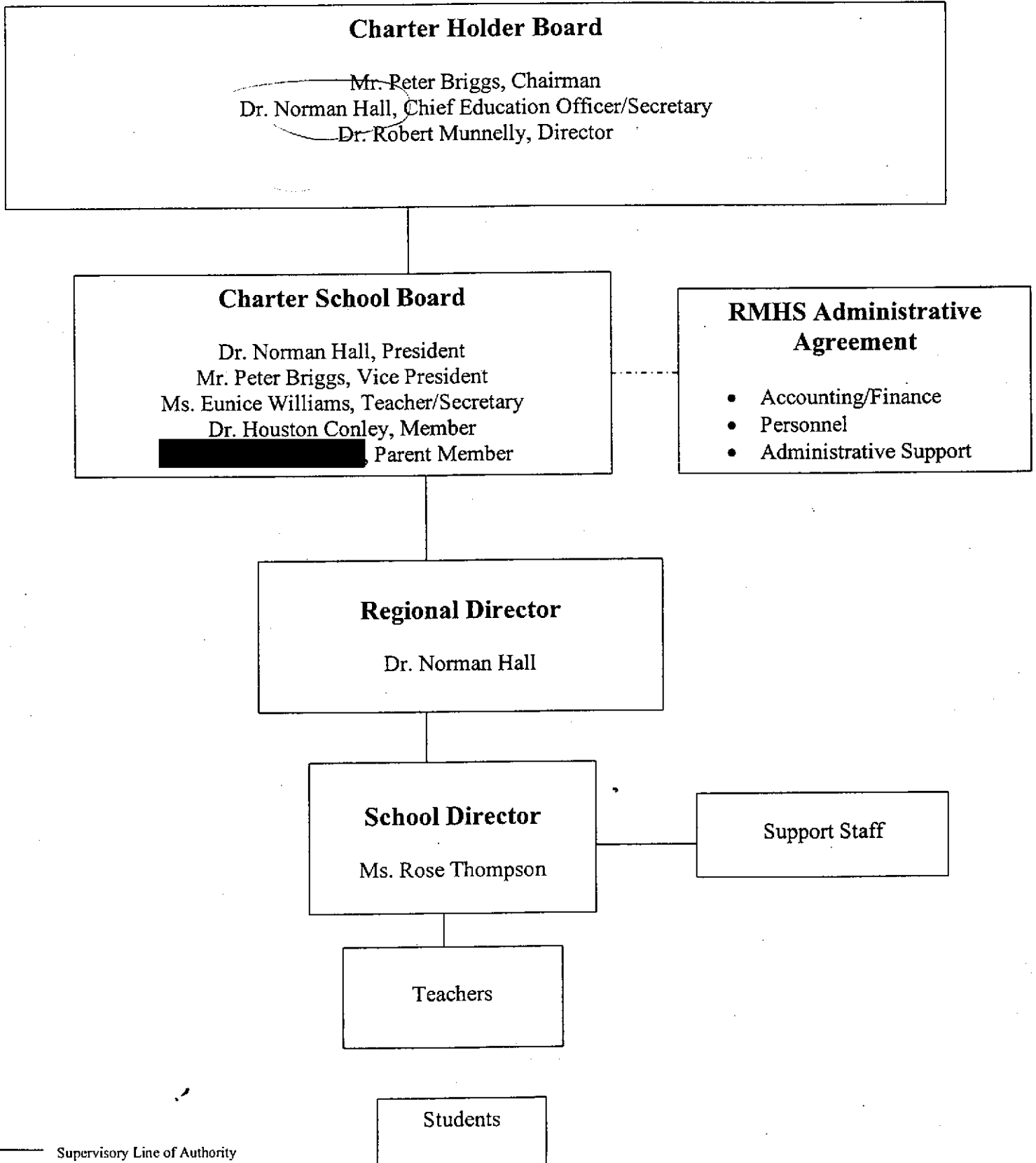
Organizational Chart

Richard Milburn Academy

Killeen

**Richard Milburn Academy
Killeen, Texas**

Organizational Chart



— Supervisory Line of Authority

- - - - - Line of Communication and Support

Attachment 2

Criminal History Records for Board Members

RMA Killeen

Criminal History Records/Background

PAGES 33 - 41 = 9 PAGES

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

Attachment 3

Board Member Biographical Affidavits

RMA Killeen

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

Check all that apply:

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

It should be understood that a board member's resignation may not be effective until a replacement is duly appointed by the board, and a board member may be personally liable for any actions taken by the board.

School officer President/CEO
 State Position as defined in TEC 12.1012

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

Full Name of Charter School
Richard Milburn Academy

In connection with the above-named organization and charter school renewal application, I herewith 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) Peter Garland Briggs

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

If yes, give reason for the change: _____

b. Maiden Name (if female) _____

c. Other names used at any time _____

3. Social Security Number: [REDACTED]

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

POSITION	COMPENSATION
Consultant	\$2,250 calendar year 2001
Consultant	\$4,750 calendar year 2002 to August 7, 2002
Resigned	0 calendar year 2003

5. List all previous experience with charter schools. Include open-enrollment schools and/or campus or program charters: None, other than in #4

DATES	EMPLOYER	ADDRESS	TITLE

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
<u>None, other than in #4</u>			

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

Dated and signed this 27th day of August, 2002, at 340114.
 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.

Peter G. Briggs
 (Signature of Affiant)

State of Massachusetts
 County of Essex

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

Subscribed and sworn to before me this 27th day of August, 2002.

Cornie Renard
 (Notary Public)

(SEAL)

My commission expires 5-3-2007

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

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

List all previous experience with any charter school management company:

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

6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? NO If yes, give details: _____


7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? NO If yes, give details: _____

8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? NO

If yes, give details: _____

Dated and signed this 13th day of May, 2003,
at Covington, Virginia

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


(Signature of Affiant)

State of Virginia

County of Alleghany

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

Subscribed and sworn to before me this 13th day of May,
2003.

(SEAL)

Terrie S. Wright
(Notary Public)

My commission expires 1/31/2004

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

Check all that apply:

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

It should be understood that a board member's resignation may not be effective until a replacement is duly appointed by the board, and a board member may be personally liable for any actions taken by the board.

School officer _____
State Position as defined in TEC 12.1012

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

Full Name of Charter School
Richard Milburn Academy

In connection with the above-named organization and charter school renewal application, I herewith 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) Robert John Munnally Ed. D.
2. Have you ever had your name changed or used another name? No

If yes, give reason for the change: _____

b. Maiden Name (if female) _____

c. Other names used at any time _____

3. Social Security Number: [REDACTED]

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

POSITION	COMPENSATION
<u>Charter Governing Board</u>	<u>None</u>

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

DATES	EMPLOYER	ADDRESS	TITLE

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
1993 - 1996	Richard Milburn High School	Salem, Mass.	Consultant

6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? No If yes, give details: _____

7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? No If yes, give details: _____

8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? No

If yes, give details: _____

Dated and signed this 28 day of August, 2002, at 12:02 PM
I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

Robert J. Munnally
(Signature of Affiant)

State of Massachusetts

County of Essex

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

Subscribed and sworn to before me this 28th day of August, 2002.

Carole Lenales
(Notary Public)

(SEAL)

My commission expires 5/3/07

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

Check all that apply:

Member of the governing board of the charter holder

Member of the governing board for the charter school

It should be understood that a board member's resignation may not be effective until a replacement is duly appointed by the board, and a board member may be personally liable for any actions taken by the board.

School officer

State Position as defined in TEC 12.1012

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

Richard Milburn Academy, Inc.

Full Name of Charter School

Richard Milburn Academy - Corpus Christi

In connection with the above-named organization and charter school renewal application, I herewith 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)

MICHAEL ALLEN PEEBLES

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

If yes, give reason for the change: _____

b. Maiden Name (if female) _____

c. Other names used at any time _____

3. Social Security Number: [REDACTED]

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

POSITION

COMPENSATION

BOARD MEMBER

REIMBURSEMENT OF TRAVEL EXPENSES

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

DATES	EMPLOYER	ADDRESS	TITLE
1999-2002	REGION 17 ESC	1111 W. LOOP 289 LUBBOCK, TX. 79416	CHIEF OPERATIONS OFFICER

I VISITED CHARTER SCHOOLS IN REGION 17 TO INFORM THEM OF SERVICES AVAILABLE.

- List all previous experience with any charter school management company:

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

6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? NO If yes, give details: _____

7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? NO If yes, give details: _____

8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? NO

If yes, give details: _____

Dated and signed this 5TH day of MAY, 2003,
at ROUND ROCK TX

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.

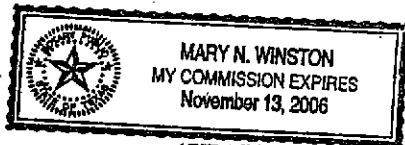
M. L. Peebles
(Signature of Affiant)

State of TEXAS

County of Williamson

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

Subscribed and sworn to before me this 5th day of May
20 03.



(SEAL)

Mary N. Winston
(Notary Public)

My commission expires 11-13-06

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

Check all that apply:

Member of the governing board of the charter holder

Member of the governing board for the charter school

It should be understood that a board member's resignation may not be effective until a replacement is duly appointed by the board, and a board member may be personally liable for any actions taken by the board.

School officer

State Position as defined in TEC 12.1012

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

Richard Milburn Academy, Inc.

Full Name of Charter School

Richard Milburn Academy - Corpus Christi

In connection with the above-named organization and charter school renewal application, I herewith 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)

Ernest Weldon Chambers

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

If yes, give reason for the change: _____

b. Maiden Name (if female) _____

c. Other names used at any time _____

3. Social Security Number: [REDACTED] _____

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

POSITION

COMPENSATION

NONE

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

DATES EMPLOYER ADDRESS TITLE

NONE

List all previous experience with any charter school management company:

DATES EMPLOYER ADDRESS TITLE

NONE

6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? NO If yes, give details: _____

7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? NO If yes, give details: _____

8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? NO

If yes, give details: _____

Dated and signed this 5th day of May, 2023,
at BANK ONE, 7600 BURNETT RD AUSTIN, TX 78757.

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.

Ernest Weldon Chambers
(Signature of Affiant)

State of Texas

County of Travis

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

Subscribed and sworn to before me this 5th day of May, 2003.



(SEAL)

Felicia Marshall
(Notary Public)

My commission expires 11-5-06

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

Check all that apply:

Member of the governing board of the charter holder

Member of the governing board for the charter school

It should be understood that a board member's resignation may not be effective until a replacement is duly appointed by the board, and a board member may be personally liable for any actions taken by the board.

School officer Regional Director of all Texas Richard Milburn Academy locations
State Position as defined in TEC 12.1012

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

Richard Milburn Academy, Inc.

Full Name of Charter School

Richard Milburn Academy

In connection with the above-named organization and charter school renewal application, I herewith 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) Norman Ricketts Hall

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

If yes, give reason for the change: _____

b. Maiden Name (if female) _____

c. Other names used at any time _____

3. Social Security Number: [REDACTED]

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

POSITION

COMPENSATION

<u>Chief Education Officer (Full time)</u>	<u>\$66,750.00</u>	<u>Calendar Year 2001</u>
<u>Regional Director</u>	<u>\$72,000.00</u>	<u>Calendar Year 2002 Projected</u>

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

DATES	EMPLOYER	ADDRESS	TITLE
<u>1996-99</u>	<u>Richard Milburn High School</u>	<u>Salem, Mass.</u>	<u>Texas Representative</u>
<u>1998-present</u>	<u>Richard Milburn Academy</u>	<u>Salem, Mass.</u>	<u>Regional Director</u>

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
1996-99	Richard Milburn H.S.	Salem, MA	Texas Representative

6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? No If yes, give details: _____

7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? No If yes, give details: _____

8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? No

If yes, give details: _____

Dated and signed this 28th day of August, 2002, at 11:35.

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.

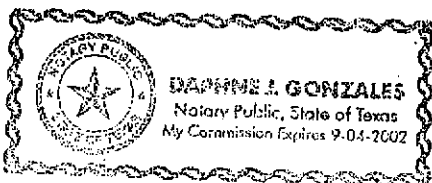
Norman Hall
(Signature of Affiant)

State of Texas

County of Guadalupe

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

Subscribed and sworn to before me this 28th day of August, 2002.



(SEAL)

Daphne J. Gonzales
(Notary Public)

My commission expires 9-4 2002

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

Check all that apply:

Member of the governing board of the charter holder

Member of the governing board for the charter school

It should be understood that a board member's resignation may not be effective until a replacement is duly appointed by the board, and a board member may be personally liable for any actions taken by the board.

School officer Teacher

State Position as defined in TEC 12.1012

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

Full Name of Charter School

Richard Milburn Academy - Killeen

In connection with the above-named organization and charter school renewal application, I herewith 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) Eunice O. Williams

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

If yes, give reason for the change: Marriage

b. Maiden Name (if female) Carter

c. Other names used at any time None

3. Social Security Number: [REDACTED]

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

POSITION	COMPENSATION
<u>Teacher</u>	<u>None</u>

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

DATES	EMPLOYER	ADDRESS	TITLE
<u>None</u>			

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
None			

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

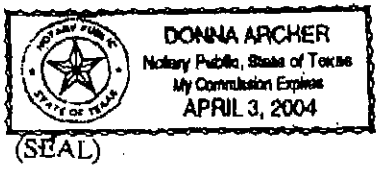
Dated and signed this 27 day of August, 2002, at 11:45.
 I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

Eunice O. Williams
 (Signature of Affiant)

State of Texas
 County of Bell

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

Subscribed and sworn to before me this 27th day of August, 2002.



Donna Archer
 (Notary Public)
 My commission expires 4-3-2004

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

Check all that apply:

Member of the governing board of the charter holder

Member of the governing board for the charter school

It should be understood that a board member's resignation may not be effective until a replacement is duly appointed by the board, and a board member may be personally liable for any actions taken by the board.

School officer

State Position as defined in TEC 12.1012

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

Richard Milburn Academy, Inc.

Full Name of Charter School

Richard Milburn Academy - Killeen

In connection with the above-named organization and charter school renewal application, I herewith 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)


Houston Conley

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

If yes, give reason for the change: _____

b. Maiden Name (if female) _____

c. Other names used at any time _____

3. Social Security Number: 

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

POSITION

COMPENSATION

_____ none _____

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

DATES EMPLOYER ADDRESS TITLE

None

- List all previous experience with any charter school management company:

DATES EMPLOYER ADDRESS TITLE

None

6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? NO If yes, give details: _____

7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? NO If yes, give details: _____

8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? NO

If yes, give details: _____

Dated and signed this 8th day of May, 20 03,
at 12:23 pm Mitchellville Md.

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.

Auston Guley
(Signature of Affiant)

State of MD.

County of Prince Georges

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

Subscribed and sworn to before me this 8th day of May,
20 03.

Diane B. Price
(Notary Public)

(SEAL)

My commission expires 10-1-04

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

Check all that apply:

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

It should be understood that a board member's resignation may not be effective until a replacement is duly appointed by the board, and a board member may be personally liable for any actions taken by the board.

School officer None
State Position as defined in TEC 12.1012

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

Full Name of Charter School
Richard Milburn Academy - Killeen

In connection with the above-named organization and charter school renewal application, I herewith 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) Cathryn Suzanne Austin

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

If yes, give reason for the change: Marriage

b. Maiden Name (if female) Pickett

c. Other names used at any time Morris

3. Social Security Number: [REDACTED]

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

POSITION	COMPENSATION
<u>Parent</u>	<u>None</u>

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

DATES	EMPLOYER	ADDRESS	TITLE
<u>None</u>			

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
None			

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

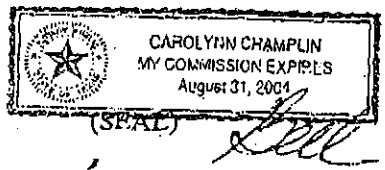
Dated and signed this 27 day of August, 2002, at 11:15 a.m.
 I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

Cathryn S. Austin
 (Signature of Affiant)

State of Texas
 County of Bell

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

Subscribed and sworn to before me this 27th day of August, 2002.



Carolyn Champlin
 (Notary Public)
 My commission expires Aug 31, 2004

Attachment 4

**Documentation for Evaluation of Other Information Relevant
to Performance**

RMA Killeen



May 2001

RICHARD MILBURN ACADEMY

1001 E. Veteran's Memorial Blvd.
Suite 301C
Killeen, Texas 76541
(254) 634-4444 • Fax (254) 634-4044

High School Division Office
27 Congress Street, Suite 204
Salem, Massachusetts 01970
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FINAL REPORT

**THE KILLEEN EXPERIENCE
1999-2000 SCHOOL YEAR**

**The Texas Education Agency in partnership with
Richard Milburn Academy (RMA)**

**Dr. Norman Hall
Regional Director, Richard Milburn Academy**

**Teffanie White
School Director, Richard Milburn Academy**

May 2001

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HISTORY OF RICHARD MILBURN ACADEMY (RMA)

Recognizing the need to serve soldiers who required instruction in basic skills, GED training and certification, LTC Richard A. Grim founded the predecessor of Richard Milburn High School (RMHS) in 1975 at the Marine Corps Development and Education Command at Quantico, Virginia. Subsequent to initial approval by the Virginia State Department of Education and the Veterans Administration, the Southern Association of Colleges and Schools (SACS) accredited RMHS in 1980. Currently, RMHS annually serves more than 50,000 students in programs ranging from elementary remediation to adult foreign language training. In the high school, 78% of RMHS students have experienced success by making acceptable progress toward achieving individual academic and life/career skills goals. RMHS currently provides programs for students in 31 school districts in 9 states (Arizona, Florida, Illinois, Indiana, Massachusetts, North Carolina, Texas, Vermont, and Virginia) and the District of Columbia. Richard Milburn Academy (RMA), a non-profit institution, has been formed by executives of RMHS to replicate the RMHS programs in charter schools which require that the applicant agency be a non-profit institution.

Throughout the report, Richard Milburn Academy in Killeen will be referred to as RMA.

KEY CHRONOLOGY OF EVENTS

DATE	EVENT
June 15, 1998	Charter contract executed
August 8, 1999	1 st day of school, First Semester
August 25, 1999	Board of Trustee Meeting
November 10, 1999	Board of Trustee Meeting
December 14, 1999	Title I Federal Grant, NOGA received
December 16, 2000	First Semester Ends
January 4, 2000	Second Semester began
May 6, 2000	Title X Federal Grant, NOGA received
February 22, 23, 24, 2000	Participated in TAAS
February 22, 2000	Board of Trustee Meeting
May 25, 2000	Second Semester ends
May 16, 2000	Board of Trustee Meeting

MISSION STATEMENT

Richard Milburn Academy (RMA) motivates and challenges at risk adolescents to achieve academic excellence, employment success, and social responsibility by providing non-traditional experiential learning opportunities in which students develop self-confidence, self-worth, self-discipline, and self-acceptance.

RMA PHILOSOPHY

RMA believes all students can achieve excellence in a positive challenging educational environment that stimulates their interests, channels their energies, and develops their abilities. RMA is committed to providing a non-traditional learning environment for students with distinct needs for these educational services. Recognizing the individual strengths and intrinsic worth of all students, RMA modifies educational services to provide specific skill development opportunities for all students to achieve self confidence, self-worth, self-discipline and self-acceptance.

RMA is committed to ensuring opportunities for all students to increase skills in both academic and employment environments. RMA concentrates on increasing students' basic academic and career/life skills by offering opportunities not only to earn academic credits toward high school diplomas, but also to receive career counseling for the school-to-work transition. RMA provides services to help students increase specific

talents and self-worth, using instruction and regularly scheduled counseling sessions focused on individual student needs.

STATEMENT OF PURPOSE

RMA's specific purpose centers on attracting various types of at risk students and maintaining their school attendance to achieve high school completion. RMA provides educational services which feature combinations of academic and school-to-work programming, small class sizes, and intensive guidance counseling for the students who are "at risk" in the public school.

PROGRAM GOAL

RMA will provide opportunities for at risk students to achieve success in a safe and supportive academic environment.

PROGRAM OBJECTIVES

RMA offered:

- Academic Credit Courses For High School Graduation
- Small Classes With Individualized Instruction
- Flexible Scheduling
- Individual Assessments For Student Evaluations
- Tutorials And Counseling Sessions For Students
- Career Counseling For All Students
- Additional Curriculum:
 - Speech
 - Keyboarding

ELIGIBLE STUDENTS

RMA is designed to assist students who have had difficulty in the public high school as exhibited by any one or more of the following situations:

- Suspended from school five or more days during the previous year.
- Pregnant or the parent of one or more children.
- Retained in grade during the last four years.
- Failed to receive credit in at least two major subjects during the most recent grading period.

- Scored in the bottom quartile of standardized achievement tests used by school system at the end of the previous year.
- Poor school attendance/truancy defined as not attending school 20% of time without an excuse during the most recent grading period.
- Expelled from school in the previous school year.
- Lacks demonstrated proficiency in the English language as measured by a standardized test.
- Drug or alcohol dependent, identified by medical authority or appropriate school personnel.
- On probation or in custody of Juvenile Probation.
- High school dropout.

ENROLLMENT DEMOGRAPHICS

Tables 1 through 3 present the enrolled student demographics of RMA's 263 enrolled students (68.8% were minority, 54.0% were male, and 46.8% were below 11th grade).

Table 1

RACE	Number	Percent
African American	101	38.4%
American Indian	2	0.8%
Asian	15	5.7%
Caucasian	82	31.2%
Hispanic	63	23.9%
Other	0	0.0%
Total	263	100.0%

Table 2

GENDER	Number	Percent
Male	142	54.0%
Female	121	46.0%
Total	263	100.0%

Table 3

ENTRY GRADE LEVEL	Number	Percent
Grade 9	42	16.0%
Grade 10	81	30.8%
Grade 11	74	28.1%
Grade 12	66	25.1%
Total	263	100.0%

HIGH SCHOOL PROGRAM

The High School program provided non-traditional educational programming for students to earn high school diplomas. RMA offered courses in academic core curriculum and encouraged student success by integrating life strategies skills throughout the program.

High School Program Features (1999/2000)

- *COMPLETE HIGH SCHOOL ACADEMIC CURRICULUM
 - Core Curriculum Offerings
 - English, social studies, mathematics and science
 - Elective Curriculum Offerings

- *ACADEMIC CORE CURRICULUM SKILL IMPROVEMENT
 - Reading, writing, spelling and mathematics skills

- *MONITORED STUDY
 - Individualized/monitored and evaluation

- *EXPERIENTIAL LEARNING
 - Hands-on student centered instructional activities

- *LOW PUPIL TEACHER RATIO
 - Direct instruction focused on individual student

Classes were held from 8:00 A.M. to 5:00 P.M. (two, four hour sessions), Monday through Friday.

RMA's counselor/coordinator was available for daily scheduled and adhoc counseling sessions with students and parents. As part of the evaluations, the counselor reviewed the personalized education program with students and parents.

LOCATION

RMA executed a lease for partial use of a shopping center located at 1001 East Veteran's Memorial Boulevard, Suite 301 C, which consists of 5 classrooms, 3 offices (administrative space), a lounge, a breakfast store, a storage room, and a snack room.

**Richard Milburn Academy – Killeen
1001 East Veteran's Memorial Boulevard
Suite 301C
Killeen, Texas**

STAFFING

RMA's nineteen (19) highly qualified professional staff and support staff covered all subject areas and special populations as follows:

	NAME	POSITION	DEGREE	YRS. EXP.	AREA OF SPECIALTY
	A. On Site Support	(8) staff members			
1	Teffanie T. White	School Director	Bachelors, Liberal Arts	3	English, Sociology
2	Geronimo Resendez	English Teacher	Bachelors, English	1	English
3	Sheila Greer	U.S. & World History Teacher	Bachelors, History	1	History, Journalism
4	Ben Morris	Math & Science Teacher	Masters, Science	4	Science
5		English & Math Teacher			
6	Julius Shaw	Electives Teacher	Bachelors	17	Math, Finance
7	Beverly Williams	Counselor	Bachelors	22	Speech Pathology
8	Tabetha Moore	Admin. Assistant	H.S. Diploma	2	Office Administration
	B. Off Site Support	(11) staff members			
1	R. Crosby	President	Masters, Administration	30	Business
2	B. Sidman*	Superintendent Chief Education Officer	Ed. D School Administration	32	School Administration
3	D. Eldridge*	RM Dir. Of Operations	M.Ed. , Guidance/Counseling	18	Guidance/Counseling
4	N. Hall	Regional Dir.	Doctorate, Education	45	Superintendent
5	E. Hodgeson*	RM, Director of HR	B.A., History	14	Human Resources
6	S. Dunlop*	RM, H. R. Rep.	High School Diploma	13	Human Resources
7	R. Chapman	RM Controller	B.S., Accounting	17	Accounting
8	J. Lovely*	Payroll	A.S., Business	20	Accounting
9	S. Moss*	RM Business Manager	B.A., Political Science	7	Business
10	C. Brady*	RM Admin. Assist.	High School Diploma	21	Business
11	C. Renales*	RM Exec. Assistant	Associates Degree, Science	23	Office Administration

*Staff obtained through the RMHS Administrative Agreement

PARENTAL INVOLVEMENT

During this first full year of operation RMA Killeen stressed the importance of parental involvement. RMA's concept of parental involvement includes the following definitions from Epstein's framework⁽¹⁾ of six types of parental involvement (communicating, parenting, student learning, volunteering, school decision making/advocacy, and collaborating with the community) to gain an understanding of the variety and depth of parental involvement.

- | | |
|---|--|
| A. Communication | Communication between home and school is regular, twoway and meaningful. |
| B. Parenting | Parenting skills are promoted and supported. |
| C. Student Learning | Parents play an integral role in assisting student learning. |
| D. Volunteering | Parents are welcome in the school, and their support and assistance is sought. |
| E. School Decision Making and Advocacy | Parents are full partners in the decisions that affect children and families. |
| F. Collaborating with Community | Community resources are used to strengthen schools, families and student learning. |

It is upon this framework that RMA will build community involvement during the 2000/2001 school year.

RMA values the involvement of all parents in a variety of roles. The staff began the development of a parental contract designed to get all parents involved with the school in some capacity for at least three hours each month. In addition, a parent will be appointed to the Board.

AUDITED FINANCIAL STATEMENT

The contract fiscal year will close on August 31, in accordance with the TEA fiscal year. RMA has engaged a CPA firm to conduct an audit which will be provided upon completion.

DONORS AND GRANTORS

RMA did not receive any donations for this school year.

(1) National Standards for Parent/Family Involvement Programs, National PTA

RMA received the following grants in accordance with federal guidelines:

Federal Program	Amount
Title I	10,229.00
Title X	40,000.00
Total	\$50,229.00

MEETING MISSION AND GOALS

On the basis of the overall results shown in the report, RMA met its mission and goals as follows:

Mission

RMA clearly provided an opportunity for at risk students to stay in school and increase academic and career/life skills with counseling and school to work opportunities. Two hundred and sixty three students enrolled in RMA who otherwise may have dropped out of school. Approximately 78.5% of our students stayed in school or graduated.

RESULTS

1. Average Daily Membership/Average Daily Attendance

The percent of average daily attendance (ADA) rate was 77.2% over the school year as shown in Table 4.

TABLE 4
Average Daily Attendance (ADA)⁽¹⁾

SCHOOL YEAR 1998-1999	AGGREGATE MEMBERSHIP ⁽²⁾	AVERAGE ATTENDANCE ⁽³⁾	% ADA
1 st Six Weeks (08/08/99 to 09/17/99)	2,809	1,907	67.9%
2 nd Six Weeks (09/20/99 to 10/29/99)	3,342	2,362	70.7%
3 rd Six Weeks (11/01/99 to 12/17/99)	3,132	2,559	81.7%
4 th Six Weeks (01/06/00 to 02/18/00)	3,928	3,104	79.0%
5 th Six Weeks (02/21/00 to 04/07/00)	4,519	3,618	80.1%
6 th Six Weeks (04/10/00 to 05/25/00)	3,116	2,550	81.8%
Total	20,846	16,100	77.2%

- (1) Public Education Information Management System (PEIMS) Report.
 (2) The aggregate enrollment of students of the school in the period.
 (3) The aggregate attendance of students of RMA during the period.

In a comparison, RMA's attendance rate is less than the Killeen ISD rate. Statistics relative to comparison groups are not available to date. Although RMA's attendance rate has increased from 76.0% SY 1998/1999, our goal is to continue addressing student attendance.

TABLE 5
ADA Comparison

Comparison Group	Percent ADA (%)
RMA	77.2%
Killeen, ISD	96.0%
Killeen Alternative Schools ⁽¹⁾	Statistics Not Yet Available
Killeen Comparable Schools ⁽²⁾	Statistics Not Yet Available

(1) Killeen Alternative Center High School, Pathways Learning Center, and Killeen JJAEP

(2) These are public schools that would have been attended by our students. Our students are primarily from four Killeen home schools: Killeen High (128), C.E. Ellison (88), Killeen 9th Grade Center (11), and Ellison 9th Grade Center (18), which we have identified as a home school comparison group.

Source of Data: www.tea.state.tx.us Academic Excellence Indicator System Non TASS Indicators

2. Grade Achievement

Of the 164 students who were continually enrolled in the school, 29.9 % continued into the next grade as summarized in Table 6 below.

TABLE 6
Promotion Rates

ENTERING GRADE	NO. ENROLLED	LESS WITHDRAWALS AND DROPOUTS	NET NUMBER OF STUDENTS ENROLLED	NUMBER PROMOTED TO THE NEXT GRADE	PERCENT
9	42	14	28	3	10.7%
10	81	32	49	11	22.4%
11	74	31	43	7	16.3%
12	66	22	44	28	63.6%
Totals	263	99	164	49	29.9%

RMA will focus on improving this performance for the next school year.

Graduation Rates, College Admission Test Scores and College Admission

Of the 44 students eligible to graduate, 28 (63.6%) graduated on May 25, 2000 with a high school diploma.

Of the 28 graduates, 21 (75.0%) plan to attend a postsecondary education program. Follow up telephone surveys in December showed that 8 (28.6%) were actually enrolled in a post secondary program as shown in Table 7.

TABLE 7
Cumulative Graduate Survey Results

Year	Number Of Graduates	Percent Planning Post Secondary Education Upon Graduation	Survey Response Rate ⁽¹⁾	Percent Attending Post Secondary Education 6 Months Following Graduation	Survey Response Rate ⁽¹⁾
1998/1999	10	60.0%	100.0%	10.0%	50.0%
1999/2000	28	75.0%	100.0%	28.6%	96.4%

⁽¹⁾ Rate based upon the number of graduates in that particular student year.

3. Success Rate

Table 8A below shows a 78.5% success rate with success defined as a student staying in school or graduating.

TABLE 8A

	A	B	C	D	E	F	G
Level	Total Students	Graduates of RMA	Returned to Home School	Recommended to Remain at RMA	Withdrawal ⁽¹⁾	Drops ⁽²⁾	Percent Success ⁽³⁾
High School	263	28	61	75	54	45	78.5%

- (1) Withdrawal reasons include incarceration, relocation, referral to other programs (other than home school), and other factors beyond the control of RMA.
- (2) Drop reasons include suspension, expulsion, and dropped out.
- (3) Success is a percent of enrollments, minus withdrawals, who remain in school or graduate, i.e. $G = (B+C+D)/(A-E) \times 100$.

We are satisfied with these results given that they represent the first full year of our program for a population primarily of students who were at risk of dropping out of school or had recently dropped out of school. Many of our withdrawals moved out of the district, reflecting the high degree of mobility of the population we serve. Although we are serving a challenging population, we are encouraged with our student's accomplishments and will continue to work to improve the success of our students during the 2000-2001 school year.

Cumulative Data

Table 8B presents the cumulative success data. Over the past two years, a 78.7% success rate has been achieved at RMA Killeen.

TABLE 8B
Cumulative Success 1998-2000 School Years

	A	B	C	D	E	F	G
School Year	Total Students	Graduates of RMA	Returned to Home School	Recommended to Remain at RMA	Withdrawal ⁽¹⁾	Drops ⁽²⁾	Percent Success ⁽³⁾
1998-99	136	10	13	69	20	24	79.3%
1999-00	263	28	61	75	54	45	78.5%
Total	399	38	74	144	74	69	78.8%

- (1) Withdrawal reasons include incarceration, relocation, referral to other programs (other than home school), and other factors beyond the control of RMA.
- (2) Drop reasons include suspension, expulsion, and dropped out.
- (3) Success is a percent of enrollments, minus withdrawals, who remain in school or graduate, i.e.
 $G = (B+C+D)/(A-E) \times 100$.

Student Performance

RMA participated in the Texas Assessment of Academic Skills (TAAS) program by administering the test battery in February 2000. The TAAS tests measure skills that a student has been taught over the cumulative years in school in Texas or otherwise. The results of the TAAS indicate whether the student has acquired the knowledge and skills that are required at his or her grade level. By law, all Texas public school students must pass either the exit level TAAS tests or a series of end-of-course tests before they are eligible to receive a high school diploma.

The first time a student can take the exit level TAAS is in the spring of the 10th grade. Students who are unsuccessful on any subject area section of the exit level TAAS may retake the test as often as it is given. The exit level TAAS is given in the spring and summer for seniors, and the fall of each school year.

The subject areas tested are Writing, Reading, and Mathematics. These tests are measured on the level TAAS. This section will list objectives (skill areas) measured in each subject area. The skills tested have been taught to a child over the years he or she has been in school.

The Texas Learning Index (TLI) is a student's score on the TAAS Reading and Mathematics tests. To pass those tests, a student must achieve a TLI of at least a "70".

The results shown in Table 9 (Reading/Writing) and Table 10 (Mathematics) are inconclusive. Our students scored below the Killeen ISD and statewide averages which is not surprising for the at risk population we serve. These first year scores can only be deemed "baseline" data and not evidence of school effectiveness as research has shown that a school's academic effectiveness is not evident for three or four years.

The challenge with any school is to show educational quality by emphasizing what students have achieved. Increasingly the measure of quality is a statewide (or district-wide) standardized norm-referenced test such as the TAAS. A further challenge is that the testing system in Texas is aligned with the Texas standards. While RMA has used the Texas standards this first year, its student population (as previously discussed) has not consistently been exposed to the scope and sequence as outlined due to erratic school enrollment, attendance and other discipline or personal issues they face. Therein lies the paradox as discussed in the Hudson Institute's August 1997 Final Report on Charter Schools in Action*.

"Standardized testing programs used by states and communities for conventional school accountability purposes may not suit a charter school's distinctive mission or philosophy (or its student body, especially if it enrolls many at-risk youngsters.) The standards built into such tests may be unrealistically high for the pupil population or absurdly low for another. The multiple choice format may conflict with the charter school's deepest beliefs about teaching, learning and assessment. The grade-level assumptions of the tests may not correspond to the charter school's scope and sequence. In simplest terms: what a charter school was founded to teach may not be exactly what the district measures. And the ways in which the charter school most desires to demonstrate its effectiveness may not yield the kinds of information the [District] seeks from its schools." (Manno. p. 13)*

*Manno, Bruno V., Chester E. Finn, Louann A. Bierlein, and Gregg Vanourek, "Charter School Accountability: Problems and Prospects", Charter Schools in Action Project, Final Report, Part IV, Washington, D.C.: Hudson Institute, August 1997.

**TABLE 9
TAAS Results: Reading/Writing**

	Grade10		
	RMA	Killeen ISD	Statewide
Number Enrolled	49	1724	242,295
READING			
Number Tested	28	1547	229,357
READING COMPENSATION⁽¹⁾			
Word Meaning ⁽¹⁾	46%	83%	84%
Supporting Ideas ⁽¹⁾	43%	90%	94%
Summarization ⁽¹⁾	43%	78%	83%
Relationships and Outcomes ⁽¹⁾	43%	83%	86%
Inferences and Generalizations ⁽¹⁾	14%	59%	64%
Point of View, Propaganda, and Fact and Opinion ⁽¹⁾	29%	72%	77%
Percent Meeting Minimum Expectations	32%	87%	90%
Percent Mastering All Objectives	11%	45%	53%
Average Texas Learning Index (TLI)	x-61.6%	x-82.8%	x-84.7%
Average Normal Curve Equivalent (NCE)			
Texas Percentile Rank (PR)			
WRITING			
Number Tested	23	1550	228,637
Written Composition ⁽¹⁾ (3 or 4 required)	0.0%	51%	65%
Sentence Construction ⁽¹⁾	17%	67%	68%
English Usage ⁽¹⁾	87%	90%	90%
Use of Spelling, Capitalization, and Punctuation ⁽¹⁾	48%	73%	77%
Percent Meeting Minimum Expectations	35%	88%	90%
Percent Mastering All Objectives	0%	37%	47%
Average Scale Score	1437	1670	1742

(1) Percent of students demonstrating objective mastery

N = Object Not Mastered

TABLE 10
TAAS Results: Mathematics

	Grade10		
	RMA	Killeen ISD	Statewide
Number Enrolled	49	1724	242,295
MATHEMATICS			
Number Tested	32	1554	230,184
CONCEPTS			
Number Concepts ⁽¹⁾	44%	79%	87%
Algebraic/Mathematical Relations and Functions ⁽¹⁾	66%	79%	87%
Geometric Properties and Relationships ⁽¹⁾	56%	86%	90%
Measurement Concepts ⁽¹⁾	22%	55%	71%
Probability and Statistics ⁽¹⁾	28%	56%	58%
OPERATIONS			
Use of Addition to Solve Problems ⁽¹⁾	50%	89%	92%
Use of Subtraction to Solve Problems ⁽¹⁾	50%	89%	90%
Use of Multiplication to Solve Problems ⁽¹⁾	47%	83%	86%
Use of Division to Solve Problems ⁽¹⁾	16%	39%	50%
PROBLEM SOLVING			
Problem Solving Using Estimation ⁽¹⁾	41%	77%	81%
Problem Solving Using Solution Strategies ⁽¹⁾	28%	67%	79%
Problem Solving Using Mathematical Representation ⁽¹⁾	34%	70%	76%
Evaluation of the Reasonableness of a Solution ⁽¹⁾	44%	80%	85%
Percent Meeting Minimum Expectations	34%	88%	86%
Percent Mastering All Objectives	0%	37%	26%
Average Texas Learning Index (TLI)	x-62.0		x-60.4%

(1) Percent of students demonstrating objective mastery

N = Object Not Mastered

In addition to TAAS testing, RMA Killeen will begin administering the Iowa Test of Basic Skills to better determine achievement levels of students entering RMA. Due to the fact that most of our students have not been tested since elementary school and have erratic attendance in the secondary schools, this test will enable us to pinpoint their levels of competency and better meet their needs. The test will be administered four weeks prior to the end of the school year to measure how well we have done during this period. This will also give us a starting point for returning students. The results will be discussed with teachers and plans made to meet students' needs.

Charter schools report, and the RMA school is no different, that they use a variety of assessments to produce a blend of traditional and nontraditional measures to gauge whether students are learning (Manno, p. 13)*. RMA teachers reported that they use a variety of non-traditional assessments, including teacher developed performance assessments, individual evaluations, self reports and teacher observations.

Because this was RMA's first full year of operation and all students were new to the school, collecting individual student baseline achievement data describing what students know and can do when they enrolled is an important first step in tracking student learning. The majority of RMA's students academic career prior to enrolling at RMA has been wrought with failure and underachievement. With good baseline information, now in place, student progress can be determined over time by comparing each student's starting point to his or her new current situation. The measure of learning over time through traditional and non-traditional assessment can help determine the "value added" from RMA's education approach and program.

In discussing these anomalies with an outside evaluator, school administrators cited several factors for their student's aversion to standardized testing and reasoning for not taking the tests seriously. For example, a significant number of students who attended RMA this year were not enrolled in *any* school last year. Further, RMA students have an aversion to testing which was demonstrated by their failure to show up for the exam or take the exam seriously by trying to answer the questions correctly. It is therefore predictable given the at-risk nature of the student body and their failure to complete the exam that the vast majority of the students scored poorly. This first year, baseline data provided RMA staff and administrators a basis on which to establish individual student, teacher and school goals for gains in standardized test scores for the next school year. These would include that all RMA students answer all questions and understand the importance of trying their best when completing the test. Teachers will analyze the sub test scores and work with students to incorporate necessary skill area growth into their Pupil Education Plans. The school will establish practices and procedures that will support and enhance overall student gains on standardized tests. In the vein of continuous improvement, the RMA school administrators acknowledge that standardized assessment is "part of the deal" and have already, as a result of reviewing the TAAS results, begun formulating strategies that will better prepare their nontraditional students for the exercise of standardized testing.

Therefore, strategies such as test practice sessions; afterschool or Saturday academies with an emphasis on review of in-class and enrichment materials; instituting evening classes; information sessions for parents, teacher, students and community partners on the meaning and importance of standardized assessments; and carefully reviewing test administration procedures are all intervention strategies being seriously considered for the next school year.

Educational strategies that proved to be valuable for RMA students will continue and will be improved in the 2000-01 school year. Providing Career and Technology Education Classes for RMA students will enhance their ability to succeed in the working world. Increased parental involvement will result in a higher percent of success for RMA students.

4. Satisfaction Surveys

A. Students

Of 164 students regularly attending the school, 75 students (47.5%) responded to a brief satisfaction survey as summarized in Table 11.

TABLE 11
Summary of Student Survey Responses*

STATEMENT	PERCENT POSITIVE RESPONSE**
1. I feel comfortable talking with or seeking help from my teachers.	86.7%
2. I have regular access to computers.	84.5%
3. I think this school has high expectations of me.	83.3%
4. I think I am getting a better education here than at my previous school.	81.7%
5. My teachers make an extra effort to help me learn and understand what is being taught.	81.4%
6. My principles and teaches respect my opinions and me.	80.0%
7. This school is doing a good job in preparing me for college or a career after high school.	79.3%
8. I think this school has quality instruction.	78.7%
9. I feel comfortable talking with or seeking help from my counselor.	78.0%
10. I feel comfortable talking with or seeking help from my principal or school director.	76.7%
11. School rules are clear.	76.6%
12. School discipline is fair.	76.6%
13. Teachers at school provide me with clear and timely information about how well I am doing academically.	75.4%
14. I think this school has high standards.	74.2%
15. I feel safe in my school.	71.0%
16. I regularly use computers for my assignments.	73.6%
17. I find my classroom work challenges me.	69.8%
18. I find my homework assignments challenge me.	65.5%

*A survey summary is contained in Appendix A.

**Agree or strongly agree with the statement.

Highlights:

- On 18 of the 18 survey items reported, a clear majority of positive response was received.
- 87% of respondents agreed or strongly agreed that "I feel comfortable talking with or seeking help from my teachers".
- 84% of respondents agreed or strongly agreed that "I have regular access to computers".
- 83% of respondents agreed or strongly agreed that "I think this school has high expectations".
- 81% of respondents agreed or strongly agreed that "My teachers make an extra effort to help me learn and understand what is being taught".

B. Parents

Of 164 students regularly attending the school, RMA received responses to a mailout survey from only 29 parents (17.7%). Of the 29 responses, a clear majority of the respondents agreed or strongly agreed with all of the positive statements shown in Table 12.

TABLE 12
Summary of Parent Survey Responses*

STATEMENT	PERCENT POSITIVE RESPONSE**
1. I feel comfortable visiting the school and talking with the principal or school director.	100.0%
2. I think overall the school is doing a good job.	100.0%
3. I feel comfortable visiting the school and talking with the guidance and other staff.	100.0%
4. I feel comfortable visiting the school and talking with the teachers.	100.0%
5. I am happy with this school.	100.0%
6. I think my child is safe and well cared for in school.	96.4%
7. I think the school has quality instruction.	96.4%
8. I think the school has high standards.	92.3%
9. I would like more opportunities to express my ideas and opinions in the school.	90.0%
10. I think the school has high expectations for my child.	88.5%
11. The school provides me with clear and timely information about my child's academic performance.	82.8%

*A survey summary is contained in Appendix A.

**Agree or strongly agree with the statement.

C. Staff

Of eight staff employed on site to operate the RMA School, 100% responded to a mailout survey as summarized in Table 13.

TABLE 13

Staff Survey Response*: How would you evaluate the school's success so far in these areas?

STATEMENT	PERCENT POSITIVE RESPONSE**
1. Providing an appropriate educational alternative for children who need it.	100.0%
2. Attracting students for whom the school's mission and methods are appropriate.	100.0%
3. Developing a rigorous curriculum and effective teaching methods.	100.0%
4. Raising student achievement levels.	100.0%
5. Running smoothly as an organization.	100.0%
6. Educating children who are hard to educate.	100.0%
7. Setting and maintaining high academic standards.	100.0%
8. Maintaining student enrollment.	100.0%
9. Giving teachers adequate preparation time.	85.7%
10. Having a positive influence on education in the community.	85.7%
11. Maintaining order and discipline.	85.7%
12. Using suitable means of assessing student performance.	83.3%
13. Providing teachers with the instructional supplies and materials they need.	71.4%
14. Involving teachers in decision making.	71.4%
15. Providing for the safety of students and staff.	71.4%
16. Binding a high quality, high performing staff.	71.4%
17. Obtaining necessary resources.	71.4%
18. Integrating technology into the curriculum.	71.4%
19. Involving parents.	60.05
20. Providing necessary training/staff development for teachers.	16.7%

*A survey summary is contained in Appendix A.

**Agree or strongly agree with the statement.

Overwhelmingly, with over 50% positive or better response, the staff agreed with 19 of the 20 positive statements shown in the table.

ANECDOTES

The positive results of any program cannot be totally depicted using statistics. For the student who graduates from RMA, and who would otherwise have been a dropout, statistics do not tell the full story. Many students have experienced failure in school and have had little hope for success. Because of extra help and encouragement, these students can progress towards high school graduation. Statistics cannot possibly convey the dimension of these personal triumphs.

Here are some of our success stories for the 1999/2000 school year.

When [REDACTED] first came to RMA [REDACTED] was trying to get into the Navy, but [REDACTED] lacked quite a few credits from getting [REDACTED] diploma. [REDACTED] has wasted a lot of time in regular high school and if [REDACTED] didn't buckle down would lose a large sign on bonus. So, [REDACTED] came to us and enrolled first into ht morning classes, then to the afternoon and then back to morning. [REDACTED] fiddled around for a while and then with the help of the RMA Staff [REDACTED] started to become more interested in earning [REDACTED] credits. By the end of [REDACTED] time with us [REDACTED] had received the credits [REDACTED] needed to not only graduate and join the Navy, but also get [REDACTED] gin on bonus. [REDACTED] worked very hard here at RMA and was rewarded by receiving [REDACTED] high school diploma and a promising career in the military with more rank then when [REDACTED] had first signed up to join the Navy.

[REDACTED] is a very determined [REDACTED]. [REDACTED] is a [REDACTED] with [REDACTED], yet [REDACTED] attend school full time while [REDACTED]. With the help of a very supportive mother [REDACTED] came to RMA to obtain [REDACTED] high school diploma, because of the flexible hours [REDACTED] was able to attend school and still have time [REDACTED]. [REDACTED] graduated this spring and is planning on attending college in the fall to obtain [REDACTED] nursing degree. [REDACTED] wants to be a [REDACTED] and especially [REDACTED].

Many kids face tough times out on the streets, yet that didn't keep [REDACTED] down. [REDACTED] came to RMA with an attitude that [REDACTED] was a real [REDACTED] who didn't put up with anything. [REDACTED] started out slowly, not really sure what to expect. What [REDACTED] got was support from the RMA staff, which helped to make the difference. [REDACTED] started getting the credits [REDACTED] needed to graduate along with staying out of trouble. Many times [REDACTED] was faced with the opportunity to do wrong but [REDACTED] abstained and did something with [REDACTED]. To the pleasure of [REDACTED] grandmother and all the Staff, [REDACTED] walked across the stage at graduation with [REDACTED] head held high knowing that [REDACTED] had achieved the goal [REDACTED] had set out to reach. [REDACTED] now plans to attend college in Houston, Texas and see where life takes [REDACTED] knowing [REDACTED] has a solid foundation to stand on.

*The names of the students have been changed to ensure their confidentiality.

█████ came to us from another Charter school in town. They had had many problems out of █████. When █████ came to Richard Milburn Academy, █████ has a very large chip on █████ shoulder and many wild stories to tell. But yet again, the Staff at Richard Milburn were very dedicated and hung in there during all the stories and the █████ wild verbal rampages. █████ finally came to the decision that we were not going to give up on █████ and were going to make █████ work for █████ credits. In doing so, █████ earned six credits in the last semester of school. █████ also was crowned Prom █████ at Richard Milburn Academy-Killeen's first Prom. █████ has even stated that "if it hadn't been for this school █████ would have dropped out a long time ago and that █████ would not return to regular high school". █████ is still enrolled here at Richard Milburn and is looking forward to graduating sometime in the fall.

Each of our students faced challenges, obstacles, and hurdles, which would have deterred many others. Drugs, alcohol, neglect, abuse, lack of support, ridicule, teen pregnancy/parent, transportation to mention a few. Yet, these students find ways to attend, study, and graduate. Anyone who witnessed the successes, tears of joy, and love present at this year's graduation, know why to those of us who work for RMA, these are our "HEROS".

*The names of the students have been changed to ensure their confidentiality.

Attachment 5

Special Needs/Programs Information Request

RMA Killeen



STUDENT HANDBOOK

RICHARD MILBURN ACADEMY

TEXAS



STUDENT HANDBOOK

August 1999

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SECTION 1

INTRODUCTION

Welcome to Richard Milburn Academy (RMA). We look forward to providing a meaningful educational experience as you are completing the requirements to earn a high school diploma.

RMA Mission Statement

Richard Milburn Academy (RMA) is committed to enabling each student to maximize learning opportunities to achieve success and increase skills in the academic and work experience environment by offering a non-traditional academic, career, and life skills program.

RMA students, parents, and staff are responsible for becoming knowledgeable of the entire contents of this Student Handbook.

SECTION 2
UNIQUE CHARACTERISTICS

Some of the school's distinguishing characteristics include:

- Alternative class schedules to meet individual needs
- Small class size
- Life skills approach to education
- Focus on individual learning styles
- Variety of instructional approaches
- Emphasis on thinking and problem solving skills
- Dedicated staff who recognize RMA student's special circumstances
- High expectations for all students
- Support system to assist student achievement and success
- School to Work Program

SECTION 3

HISTORY—PHILOSOPHY--OBJECTIVES

A. History of RMA

Richard Milburn Academy (RMA), a non-profit institution, was established in 1997 by executives of Richard Milburn High School (RMHS) to replicate the successful non-traditional programs RMHS operates throughout the country. RMHS was founded in 1975 by Lt.Col. Richard A. Grim, a retired disabled veteran of the Vietnam War, to meet the educational need for basic skills and GED at the Marine Corps Development and Education Command, Quantico, Virginia. RMHS received accreditation from the Southern Association of Colleges and Schools in 1980. Today RMHS and RMA focus on serving high school students who have had difficulty achieving success in traditional school settings.

B. Philosophy

The staff of Richard Milburn Academy believe that our nation's greatest resource is its people, and that education is crucial in developing the academic and practical skills of every individual. We believe that education is a continuous process with shared responsibilities by the RMA staff, students and their families, and members of the community. We further believe that a philosophy of education must be realistic, practical and consistent with the times. It should be targeted toward developing and maintaining a sound educational framework and committed to educational excellence for all students.

We believe that education should be directed toward the optimal development of an individual's skills, abilities, awareness, attitudes, and values. Each student should be viewed as unique with intrinsic worth and should be accepted and treated with respect and dignity. We must be keenly aware of each student's critical differences in intellectual, physical, social, and emotional development.

We believe that student excellence is achieved through fostering a love of learning as well as the development of factual knowledge and practical skills.

We believe that in order to prepare students to be productive citizens, we must emphasize an appreciation of diverse social and cultural heritage. Therefore, students are provided opportunities to develop an understanding of and a commitment to our democratic society, and a respect for individuals, for property, for authority, and for the democratic process.

We believe that education must prepare each student for economic and occupational success through the command of academic excellence skills and the development of critical thinking and problem solving processes.

Richard Milburn Academy

We believe that the school should partner with the community it serves to meet the educational needs of its students. Collectively the school and community can join forces to create, provide, and maintain productive and effective relationships that enhance both the educational program and community. Consequently, interaction, communication, and involvement should be promoted among the school, its staff, students, parents, and the community.

Richard Milburn Academy staff strives to provide a positive, challenging educational environment which stimulates the interests, channels the energies, and develops the abilities of each student. We seek to guide students toward reaching their maximum potential through self-awareness, self-confidence, self-worth, self-discipline, and self-acceptance.

C. Objectives

Richard Milburn Academy objectives are multi-dimensional. We are committed to:

1. Offering an educational program which allows students to develop academic competency in the skill areas of reading, writing, speaking and listening, science, mathematics, social studies, and fine arts.
2. Providing an alternative educational program which allows students to obtain a high school diploma in a non-traditional setting.
3. Providing students with a challenging educational environment that will assist them in developing to their fullest potential.
4. Recognizing the individual strengths and weaknesses of students and developing educational strategies which meet student needs and enhance their strengths.
5. Providing a diverse program of instruction that will stimulate interest, foster creativity, develop aesthetic appreciation, and encourage initiative through challenging and meaningful activities.
6. Providing a student-centered educational environment designed to meet each student's unique interests, skills, abilities, and needs.
7. Encouraging students to develop skills of questioning, researching, and problem-solving that will lead to independent thinking and mature judgement.
8. Assisting students in making informed educational, economic and occupational choices and in setting realistic goals.

9. Instilling in students a thorough understanding of the democratic process as well as the desire to contribute positively and productively as citizens to the community, the nation, and the world.
10. Providing students opportunities to acquire a sense of personal worth and to instill a belief and respect in the dignity and rights of others.
11. Encouraging staff members to strive for excellence through professional preparation and staff development/growth opportunities.
12. Encouraging community involvement and support for school programs through open communication and by seeking input from the community.
13. Continuing to evaluate the total school program and to make changes to ensure adherence to a changing society and the changing needs of students.

SECTION 4

STUDENT INFORMATION

A. Admissions

A student seeking admission to RMA should schedule an appointment with the School's Director to discuss the program of studies and the school's expectations of the student for satisfactory performance and graduation. Admission is granted on an individual basis after review of the student's application packet, academic records, and the initial interview by the School Director, with final approval/disapproval of admission made by the Superintendent. RMA is non-discriminatory in its admission process.

B. Registration

Following enrollment in RMA, a student may register for classes based upon the recommendations of the School Director.

As an approved charter public school, there are no tuition and fees for eligible students from the school district.

C. Orientation

The format of student orientation varies at different campuses, but the focus of all orientations is to provide a smooth transition into the RMA program.

D. Class Sessions

Class sessions are scheduled to meet the needs of the specific student populations. Classes are offered morning, afternoon or evening and on weekends as necessary.

E. Attendance

Attendance policies are set by the program requirements at the particular RMHS campus. This information will be provided at orientation.

Regular attendance is required. Because RMA operates on an accelerated schedule with course material condensed, attendance is essential. If absences are necessary due to illness or other extreme situations, notification to the office is required prior to absence. The director will notify the instructor if the absence is excused or unexcused. Missed assignments may be made up only if an absence is excused.

F. Home Assignments

Due to the accelerated class schedule, home assignments are an integral part of the RMA program. Home assignments supplement and enhance the instruction received

Richard Milburn Academy

during regular class meetings. Students are expected to complete all assignments by the designated due date. Grades for home assignments not submitted on time will be effected.

If you are absent (excused), it is your responsibility to make up all missed assignments as subsequently scheduled by the instructor to avoid receiving a lower grade for late work.

G. Grading System

Grades at RMA reflect not only academic progress, but also effort, attendance, class participation, and completion of assignments. The RMA grading scale is based on the local school division's grading scale:

Progress reports on grades and attendance are issued at the halfway point of a class session and at the end of the session. Mid-term progress reports reflect the progress achieved during the first half of the session, as well as any missing or incomplete assignments and recommendations for improvement. Final progress report cards reflect the entire session.

If a student receives an "I" (incomplete) for a course the student must contact the School Director and set up a schedule for completion of requirements. If the student does not complete the requirements the "I" will be changed to an "F".

H. Graduation Requirements

Graduation from RMA in the 1998/99 school year and thereafter requires the following:

English/Language Arts	4 units
Mathematics	3 units
Science	2 units
Social Studies	2.5 units
Economics	.5 unit
Academic Elective	1 unit
Physical Education	1.5 units
Health Education	.5 unit
Technology Applications	1 unit
Speech	.5 unit
Electives	<u>5.5 units</u>
	22 units total

Graduation from RMA with a diploma issued by the public school district requires appropriate credits as required by the public school district.

I. Student Records

Accurate and complete individual records are maintained for each student enrolled in RMA. Regulations regarding these records are:

- Parents have the right to inspect any and all records relating to their dependent under age 18;
- Students may inspect their records;
- Educational records (transcripts) may be forwarded on written request to a school in which the student intends to enroll or has applied for admission. Transcripts are available free of charge.

J. Awards Program

RMA recognizes outstanding achievement in academic and attendance categories. Some of these awards are the Principal's List for students who earn all A's during a session, the A – B Honor Roll for students who make all A's and B's during a session and Perfect Attendance List for those students who attended all of their class meetings during a session. Other awards may be presented based on the student population.

K. Graduation

Graduation is held at various times during the year based upon the student population. Upon successful completion of all course work necessary to earn a diploma, and after all requirements have been met, a diploma will be ordered for the student. Diplomas are issued at the commencement exercise. Graduates not attending the formal ceremony may pick up their diploma in person or request, in writing, that the School Director mail it to them.

L. Class Rings

RMA class rings may be purchased from the Herff Jones Company. A representative from Herff Jones may be scheduled to display rings and take orders. Orders for rings may be placed at other times by contacting the Herff Jones office in your area. Ring information is also available from the School Director.

M. Emergencies

Every effort is made to insure the welfare and safety of each student at RMA. However, should an emergency arise involving medical support, the following steps will be taken by a member of the administrative or instructional staff of RMA. Information obtained from the student's emergency data form will be used to assess the course of action which may involve: notifying a parent or guardian; obtaining necessary medical support

from named hospital and/or doctor; or transporting the student to the nearest medical facility if deemed appropriate and/or necessary.

A written report will be filed with the School Director following the incident.

Should an emergency arise which involves evacuating the building, students are to leave the classroom in an orderly manner and proceed to the nearest marked exit.

N. Weather/Closing Policy

The weather/closing policy for RMA is determined by the director at each location. This information will be given at orientation. Please contact your School Director if you have any questions.

SECTION 5

STUDENT CODE OF BEHAVIOR

A. Responsibilities and Rights of Students

EDUCATION: Students have the **RIGHT** to an education without regard to race, religion, sex, creed, national origin, handicapping condition, or intellectual ability. Student **RESPONSIBILITIES** include regular school attendance, conscientious effort in classroom work, conformance to school rules and regulations, and the **RESPONSIBILITY** not to interfere with the education of fellow students or the orderly operation of the school.

ENVIRONMENT: Students have the **RIGHT** to expect a safe school environment in which to learn and a climate within the school that is conducive to learning. Students have a **RESPONSIBILITY** to assist the school staff in operating a safe school by abiding at all times by the laws of the United States, the state, the local government and the school regulations.

RESPECT: Students have the **RIGHT** to expect courtesy, fairness, and respect from members of the school staff and other students. Students have the **RESPONSIBILITY** to respect the rights and authority of teachers, students, administrators, and all others included in the educational process.

PROPERTY: Students have the **RIGHT** to expect that other students and school personnel will respect their personal property. Students have the **RESPONSIBILITY** to respect personal property rights of other students, teachers, and administrators, as well as the school's property, including building and equipment.

EXPRESSION: Students have the **RIGHT** to freedom of expression, to address policies publicly, privately, in writing, or orally. Students have a **RESPONSIBILITY** to see that expressions do not interfere with the educational program. Students have a **RESPONSIBILITY** not to use obscene, slanderous, or libelous statements and disruptive tactics.

GRIEVANCE: Students have the **RIGHT** to grievance to school staff regarding decisions made by staff members considered not in the student's best interest. Students have the **RESPONSIBILITY** to follow grievance procedures.

B. Grievance Procedures

RMA believes in resolving problems, wherever possible, which may arise day to day. In the event students have grievances which have not been resolved to their satisfaction they may present grievances for resolution in the following manner:

STEP 1: Within one week of the student's knowledge of the incident or action, a student may file a grievance in writing with the teacher. The teacher will attempt to resolve the grievance through an informal conference of all parties involved. The teacher has one week after receiving the written grievance to respond in writing.

STEP 2: If the grievance remains unresolved, the student may resubmit the original grievance, in writing, to the School Director within one week. The School Director will attempt to resolve the grievance through an informal conference of all parties involved. The School Director has two weeks after receiving the written grievance to respond in writing.

STEP 3: If the grievance remains unresolved, the student may submit the original grievance, in writing, to the Area Director within one week. The Area Director will review the grievance and render a decision, in writing, within 1 week after receiving the written grievance.

STEP 4: If the grievance remains unresolved the student may submit the original, in writing, to the Regional Director within one week. The Regional Director will review the grievance and render a decision, in writing, within 2 weeks after receiving the written grievance.

STEP 5: If the grievance remains unresolved, the student may resubmit the original grievance, in writing, to the Superintendent within one week. The Superintendent will review the grievance and render a final decision, in writing, within 3 weeks after receiving the written grievance.

C. Rules of Conduct

Acts for which students may be disciplined or dismissed by school officials include, but are not limited to, the following:

1. Violation of any Federal, State, or local law or regulation of the school.
2. Forgery, cheating, or plagiarism.
3. Violation of attendance policy to include habitual tardiness, leaving grounds without permission and trespassing.
4. Conduct that endangers the well-being of other students.
5. Physical assault or battery upon any person; fighting, including mob assault behavior.
6. Continued and willful disobedience or open defiance of the authority of any teacher or staff member.

7. Cursing or verbally abusing any person, including remarks intended to demean a person's race, religion, sex, creed, national origin, handicapping condition, or intellectual ability. Using orally, or in writing, vulgar or patently offensive language.
8. Theft, taking, or trying to take another person's property or money by force, fear, or other means.
9. Willfully causing or attempting to cause damage to school property. Vandalism, arson, or any threat to bomb, burn, or destroy in any manner a school building or school property. Student and/or parents will be responsible for paying for repairs or loss of school property.
10. Unauthorized use or possession of firearm, knife, or other weapon on or near school property including the use or possession of explosives and fireworks.

Weapons include, but are not limited to, any gun or object designed to propel a missile; any bowie knife, switchblade knife, razor, or slingshot; any flailing instrument consisting of two or more rigid parts which can be swung freely (such as a nun-chuck or fighting chain); any object with points or pointed blades; or any object used with the intent of threatening or harming an individual on or near school grounds.

11. Substance abuse.
12. Gambling in any form.
13. School regulation prohibits smoking at all RMA facilities.
14. Appropriate dress and grooming are expected. Moderation and good taste are the best guidelines in selecting appropriate school clothing. Shoes and shirts must be worn at all times.
15. Use of radios, tapeplayers, CD players, walkmen, beepers, cellular phones, telephones, etc. during instructional time unless specifically directed by the teacher for educational purposes.

SECTION 6
STUDENT SERVICES

A. Learning Resources

Learning resources typically utilized by RMA students include local public libraries, college and university libraries, learning resource centers, museums, community agencies, etc. Lists of the area services are available from the School Director.

RMA encourages use of the Internet for educational research and utilizes educational software for enrichment as well as remediation.

B. Counseling

RMA offers a variety of services to students, parents, faculty and the community depending upon site location. Among these are:

- Student transcript evaluation
- Programs to orient students and parents to the school
- Consultations with teachers, administrators, parents, and community resources
- Course scheduling and high school program planning
- College, career, and education planning
- Record-keeping of credits and other academic information
- Community service presentations/education
- Transition services for students returning to public schools

SECTION 7

CLOSING

This handbook has been developed with a concern for the unique circumstances of RMA students. RMA procedures are tailored to recognize student's desires to complete their high school education. If you have friends who would be interested in the RMA program, please feel free to share your copy of the handbook with them.

Richard Milburn Academy

NOTES

RICHARD MILBURN ACADEMY

Contact RMA today to arrange
a tour of our campus and set
up a meeting with our staff.

■ PHILOSOPHY

At Richard Milburn Academy, we believe that all students can achieve excellence in a positive, challenging educational environment that stimulates their interests, channels their energies and develop their abilities.

We are committed to providing a supportive learning environment designed to meet the needs of students who have not been successful in a public high school setting. We are committed to ensuring opportunities for all students to achieve success and earn their high school diploma.

Richard Milburn Academy - Killeen admits students of any race, color, national and ethnic origin 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 race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.



RICHARD MILBURN ACADEMY

1001 E. Veterans' Memorial Blvd.
Suite 301 C
Killeen, TX 76541
p: 254-634-4444 f: 254-337-4044
rmacademy.org

*RMA can make a difference
in your life!*

■ WHO WE ARE

Richard Milburn Academy is a public charter high school for students who have not been successful in the public high school. We offer students the opportunity to achieve their personal and academic goals by offering a complete high school curriculum. Our small class sizes and student-centered approach to learning allow our teachers to be flexible in their teaching methods to best meet each student's needs. Our flexible scheduling makes it possible for students to earn credits toward a high school diploma while still fulfilling other responsibilities such as a job.

■ OUR MISSION

At RMA, we are committed to enabling each student to maximize learning opportunities to achieve success and increase skills in the academic and work experience environment by offering a non-traditional academic, career and life skills program.

■ ADMISSION TO RMA

RMA is designed to assist high school students who have had difficulty in traditional high school. This includes but is not limited to the following situations:

- Retained in grade during high school
- Suspended from school five (5) or more days during the previous year
- Failed to receive credit in at least two (2) major subjects
- Poor school attendance/truancy, defined as excessive absences
- High school dropout or at risk of being a dropout

Potential students will be admitted based on the date of application for enrollment up to the funded enrollment at each campus. A waiting list will be established respective to the date and time of registration. If more students apply than there are slots, RMA is required by state law to run a lottery in accordance with procedures set by the state.

“This school has strongly changed my way of life and how I want to live in the future. I really love RMA!”

■ PROGRAM/CURRICULUM

Richard Milburn Academy offers a complete high school curriculum including the following components:

- Core curriculum offerings including English, social studies, math and science
- Elective course offerings such as humanities, foreign language and a variety of other classes
- Academic core curriculum skill improvement, including reading, writing, spelling and mathematics skills
- School-to-Work Program

“RMA has helped me get on the road to success!”

Attachment 5-B

RMA Killeen - Application for Admission – Richard Milburn Academy



RICHARD MILBURN ACADEMY – KILLEEN

1001 East Veterans' Memorial Blvd, Ste. 301C

Killeen, Texas 76541

Phone: (254) 634-4444

Fax: (254) 634-4044

APPLICATION FOR ADMISSION

Student Information

Name: _____
Last First Middle

Address: _____
Number Street Apt./Route

City State Zip Code

Social Security Number: _____

Date of Birth: _____

Telephone:

Student Home #: _____

Student Work #: _____



Admission Policy (Attachment 3)

Students seeking admission to RMA should schedule an appointment with the school's project director to discuss the program of studies and the school's expectations of the student for satisfactory performance and graduation. Richard Milburn Academy prohibits discrimination in admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend, in accordance with TEC 12.111, although the academy may provide 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, Chapter 37.

RMA is an open enrollment school with student population limits set by the charter contract. The admission period for students entering the RMA begins July 15th and continues until August 31st of the new school year. Once RMA has maximized its capacity according to open enrollment regulations and the charter student population limits (200 students), the lottery system is implemented for new student placement.

The lottery system utilized by RMA does not allow for a first-come first-served admission after reaching full capacity. All students that are waiting for admission are given an equal opportunity for selection through a random drawing of applications. This process remains in effect until there are either no applicants left unserved, or until there are fewer applicants than student positions available in the program.

Attachment 5-C
RMA Killeen - Enrollment Card

not part of charter

Attachment 5 Part D

RMA Killeen - Instructional Arrangements/Settings

Richard Milburn Academy of Killeen utilizes a shopping mall building, which has been remodeled to accommodate classrooms as well as the administrative offices. Students attending RMA have, to this date, not needed the services of a resource room, or self-contained setting for any special education needs. All of the students with disabilities have been assigned mainstream services.

The teaching staff of RMA Killeen consists of six teachers and a diagnostician that is special education certified. The school is a member of a special education cooperative with the local educational service center and surrounding school districts. The school counselor acts as a teacher mentor to other staff members, reviewing all IEP materials, and offering assistance in curriculum modification where needed. The school diagnostician directs both the in-service of all teaching staff in special education procedures and protocols, and the formation/implementation of all student ARDs. She also monitors all student achievement through staff meetings during conference periods, making sure that the IEP of a student with a disability is functionally sound.

Students in the mainstream program are served along with the general program students in regular classroom settings. Each teacher is instructed on the provision of services to individual students according to their individual IEP. RMA also has a special education aide to assist in the instruction of students with disabilities. The function of the aide is to coordinate activities with the general education teacher, monitor and assist students with a disability in the general education setting, and perform one-on-one services as required for students with a disability.

Should the need arise for a resource room or self-contained classroom, RMA is functionally equipped for such a situation. The building being utilized for the school contains multiple offices that have yet to be remodeled into classrooms due to a lack of need. If special education needs arise, these office spaces can be quickly converted into functional classrooms for resource or self-contained services.

not part of charter

Attachment 5-E

RMA Killeen - Students with Disabilities

To this date, all students with a disability that have requested enrollment at RMA have come from a mainstream program in their previous school. If such a student were to enroll at the academy, he/she would be initially placed into the mainstream environment. Placement decisions at RMA are made during the initial transfer ARD. Such a temporary placement would be for a minimal amount of time, until the transfer ARD has been completed and services requested. The ARD and student placement processes should not exceed a 30-day time period.

Attachment 6

Electronic Application Certification

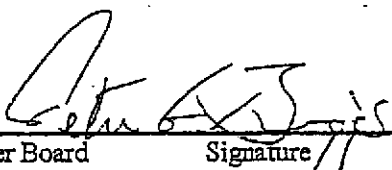
RMA Killeen

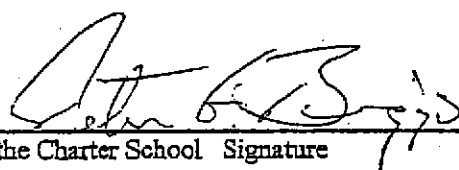
Part 4. Electronic Copy Certification and Written Resolution (Attachment 6)

Section XIII. Electronic Copy of Application

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

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

Peter Garland Briggs  August 29, 2007
Printed Name of Chairperson of Charter Holder Board Signature Date

Peter Garland Briggs  August 29, 2007
Printed Name of Chief Executive Officer of the Charter School Signature Date

Section XIV. Written Resolution

Applications must be accompanied by a written resolution adopted by the governing body of the charter holder and signed by the members voting in favor. The resolution must authorize the commissioner to renew the open-enrollment charter as set forth in the renewal application, as finally negotiated between the charter holder and the commissioner, including any conditions. (Attachment 7, Written Resolution)

Attachment 7

**Written Resolution Adopted by
Governing Body of Charter Holder**

RMA Killeen

WRITTEN CONSENT IN LIEU OF A SPECIAL MEETING
OF THE BOARD OF TRUSTEES OF
RICHARD MILBURN PUBLIC ACADEMY, INC.

In lieu of a Special Meeting of the Board of Trustees of Richard Milburn Academy, Inc. (the "Corporation"), a Virginia nonprofit corporation, the Trustees of the Corporation hereby unanimously agree to the following resolutions:


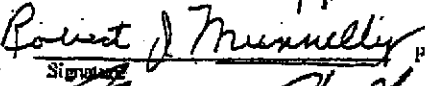
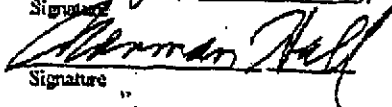
WHEREAS: the Board of Trustees of Richard Milburn Academy in Midland, Texas has been advised of the Texas Education Agency (TEA) Second Generation Open-Enrollment Charter Renewal Application to provide a resolution to renew the open-enrollment charter.

WHEREAS: Richard Milburn Academy in Midland, Texas is required by the TEA to supply a written resolution adopted by the governing body of the charter holder and signed by the members voting in favor of reapplication.

WHEREAS: be it resolved by the Board of Directors of Richard Milburn Academy to authorize the Commissioner of Education to renew the open-enrollment charter as set forth in the renewal application and as finally negotiated between the charter holder and the commissioner, including any conditions.

Each Director, by signing this consent, waives notice of the time, place, and purpose of such Special Meeting of the Board of Trustees and agrees to the transaction of the business of such Special Meeting by unanimous written consent of the Trustees in lieu of such meeting. This written consent may be executed in two or more counterparts.

Dated August 29, 2002

Mr. Peter Briggs	 Signature	Position: Chairman/President/CEO	<u>8/29/02</u> Date
Dr. Robert Munnally	 Signature	Position: Director	<u>8/29/02</u> Date
Dr. Norman Hall	 Signature	Position: Director/Vice President Chief Education Officer/ Secretary	<u>8/29/02</u> Date

Attachment 8
Statistical Data
RMA Killeen

**Attachment 8 Statistical Data
RMA Killeen**

**Attachment 8-A
RMA Killeen - Enrollment Demographics**

RACE*

School Year	1998/1999		1999/2000		2000/2001		2001/2002		Total	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
African American	49	36.0%	101	38.4%	103	37.6%	91	45.0%	344	39.3%
American Indian	7	5.1%	2	0.8%	3	1.1%	1	0.5%	13	1.5%
Asian	9	6.6%	15	5.7%	15	5.5%	6	3.0%	45	5.1%
Caucasian	32	23.5%	82	31.2%	101	36.9%	66	32.7%	281	32.1%
Hispanic	33	24.4%	63	23.9%	52	19.0%	38	18.8%	186	21.3%
Other	6	4.4%	0	0.0%	0	0.0%	0	0.0%	6	0.7%
Total	136	100.0%	263	100.0%	274	100.0%	202	100.0%	875	100.0%

GENDER*

School Year	1998/1999		1999/2000		2000/2001		2001/2002		Total	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
Male	77	56.6%	142	54.0%	139	50.7%	100	49.5%	458	52.3%
Female	59	43.4%	121	46.0%	135	49.3%	102	50.5%	417	47.7%
Total	136	100.0%	263	100.0%	274	100.0%	202	100.0%	875	100.0%

GRADE LEVEL*

School Year	1998/1999		1999/2000		2000/2001		Total	
	N	Percent	N	Percent	N	Percent	N	Percent
Grade 9	33	24.3%	42	16.0%	35	12.8%	110	16.3%
Grade 10	46	33.8%	81	30.8%	72	26.3%	199	29.6%
Grade 11	28	20.6%	74	28.1%	61	22.3%	163	24.2%
Grade 12	29	21.3%	66	25.1%	106	38.7%	201	29.9%
Total	136	100.0%	263	100.0%	274	100.0%	673	100.0%

*Source of Data: RMA Killeen Annual Reports 1999/2000 through 2001/2002

Attachment 8-B
RMA Killeen - TAAS

TAAS

School Year	Percent Meeting Minimum Expectations						Overall Success
	Reading		Writing		Math		
	N*	Percent	N*	Percent	N*	Percent	
1998/1999**	14	64.0%	14	71.0%	16	50.0%	61.7%
1999/2000**	28	32.0%	23	35.0%	32	34.0%	33.7%
2000/2001***	11	45.5%	8	37.5%	12	25.0%	36.0%
2001/2002***	16	75.0%	15	53.3%	16	68.8%	65.7%

*Number Tested

**Source of Data: RMA Killeen Annual Reports 1998-2001

***Source of Data: TEA 2002 District Accountability Data Tables

Attachment 8-C
RMA Killeen - Texas Learning Index

Texas Learning Index*

	Reading	Mathematics
	RMA	RMA
1998/1999	X-73.7	X-67.5
1999/2000	X-61.6	X-62.0
2000/2001	X-70.2	X-66.8
2001/2002	X-72.0	X-52.0

*Source of Data: TEA Reports to School Districts

Attachment 8-D
RMA Killeen - Success

Cumulative School Years Success

SCHOOL YEAR	A Total Students	B Graduates of RMA	C Returned to Home School	D Recommended to Remain at RMA	E Withdrawal ⁽¹⁾	F Drops ⁽²⁾	G Percent Success ⁽³⁾
1998/1999	136	10	13	69	20	24	79.3%
1999/2000	263	28	61	75	54	45	78.5%
2000/2001	274	45	82	97	15	35	86.5%
Cumulative	673	83	156	241	89	104	82.2%

- (1) Withdrawal reasons include incarceration, relocation, referral to other programs (other than home school), and other factors beyond the control of RMA.
- (2) Drop reasons include suspension, expulsion, and dropped out.
- (3) Success is a percent of enrollments, minus withdrawals, which remain in school or graduate, i.e. $G = (B + C + D) / (A - E) \times 100$.

Attachment 8-E
RMA Killeen - Student Survey

Summary of Student Survey Responses Statements

STATEMENT	PERCENT POSITIVE RESPONSE ⁽¹⁾				
	98/99	99/00	00/01	01/02	AVERAGE
1. I feel comfortable talking with or seeking help from my teachers.	74.4%	86.7%	91.8%	93.7%	86.7%
2. I feel safe in my school.	53.5%	71.0%	96.5%	87.0%	77.0%
3. My principal and teachers respect my opinions and me.	53.5%	80.0%	91.9%	88.1%	78.4%
4. My teachers make an extra effort to help me learn and understand what is being taught.	51.2%	81.4%	87.5%	89.7%	77.5%
5. I feel comfortable talking with or seeking help from my principal or school director.	51.2%	76.7%	96.6%	85.7%	77.6%
6. I think this school has high expectations of me.	48.8%	83.3%	93.1%	89.7%	78.7%
7. Teachers at school provide me with clear and timely information about how well I am doing academically.	48.8%	75.4%	85.4%	80.8%	72.6%
8. I feel comfortable talking with or seeking help from my counselor.	48.8%	78.0%	97.6%	93.6%	79.5%
9. I find my classroom work challenges me.	46.5%	69.8%	88.8%	74.6%	70.0%
10. School rules are clear.	39.5%	76.6%	93.5%	88.1%	74.4%
11. I think this school has quality instruction.	39.5%	78.7%	93.1%	85.2%	74.1%
12. This school is doing a good job in preparing me for college or a career after high school.	39.5%	79.3%	91.8%	86.2%	74.2%
13. School discipline is fair.	39.5%	76.6%	90.9%	82.2%	72.3%
14. I find my homework assignments challenge me.	39.5%	65.5%	84.4%	60.9%	62.6%
15. I think I am getting a better education here than at my previous school.	34.9%	81.7%	92.0%	83.5%	73.0%
16. I think this school has high standards.	34.9%	74.2%	89.4%	81.5%	70.0%
17. I have regular access to computers.	20.9%	84.5%	96.5%	71.2%	68.3%
18. I regularly use computers for my assignments.	20.9%	73.6%	83.5%	70.2%	62.1%
Annual Average	43.7%	77.4%	91.3%	82.9%	73.8%

(1) Agree or strongly agree with the statement.

(2) There was no counselor hired this year.

School Year	Number of Students	Number of Students	Completion	
	Enrolled	Surveyed	Number	Percent
1998/1999	136	92	43	46.7%
1999/2000	164	164	75	45.7%
2000/2001	274	126	97	77.0%
2001/2002	415	159	146	91.8%
Average	247	110	90	65.3%

Attachment 8-F
RMA Killeen - Promotion Rates

Cumulative Promotion Rates
Percent Promoted to Next Grade⁽¹⁾

SCHOOL YEAR	NUMBER ENROLLED	LESS WITHDRAWALS AND DROPOUTS	NET NUMBER OF STUDENTS ENROLLED	NUMBER PROMOTED TO THE NEXT GRADE	PERCENT
1998/1999	136	60	76	30	39.5%
1999/2000	263	99	164	49	29.9%
2000/2001	274	50	224	79	35.3%
Cumulative	673	209	464	158	34.1%

(1) Number enrolled less withdrawals and dropouts show the net number of students

Attachment 8-G
Graduate Survey

Cumulative/Average Graduate Survey Results

PERIOD	UPON GRADUATION					6 MONTHS FOLLOWING GRADUATION			
	School Year	Number of Graduates	Number and Percent ⁽²⁾ of Responses Upon Graduation	Number and Percent ⁽²⁾ Planning Post Secondary Education Upon Graduation	Number and Percent ⁽²⁾ of Responses At 6 Month Follow Up	Number and Percent Attending Post Secondary Education 6 Months Following Graduation			
1998/1999	10	10	100.0 %	6	60.0%	1	10.0%	5	50.0%
1999/2000	28	28	100.0 %	21	75.0%	27	96.4%	8	28.6%
2000/2001	45	45	100.0 %	28	62.2%	25	55.6%	16	64.0%
2001/2002									
Cumulative	83	83	100.0 %	55	66.3%	53	63.9%	29	54.7%

- (1) The rate is based upon the number of graduates in that particular student year.
(2) Not completed at the time of this submission.

Attachment 8-H
RMA Killeen - Parent Survey

Summary Of Parent Survey Responses*

STATEMENT	PERCENT POSITIVE RESPONSE**				
	98/99	99/00	00/01	01/02	Average
1. I think Richard Milburn school has quality instruction.	85.2%	96.4%	87.0%	95.7%	91.1%
2. I think overall the Richard Milburn school is doing a good job.	85.2%	100.0%	100.0%	96.2%	95.4%
3. I would like more opportunities to express my ideas and opinions in the school.	77.8%	90.0%	95.7%	80.5%	86.0%
4. I think my child is safe and well cared for in school.	77.8%	96.4%	95.8%	88.2%	89.6%
5. The school provides me with clear and timely information about my child's academic performance.	74.1%	82.8%	88.0%	78.4%	80.8%
6. I think Richard Milburn school has high expectations for my child.	74.1%	88.5%	95.8%	86.0%	86.1%
7. I feel comfortable visiting the school and talking with the principal or school director.	70.4%	100.0%	100.0%	98.1%	92.1%
8. I think the school has high standards.	70.4%	92.3%	95.5%	89.8%	87.0%
9. I feel comfortable visiting the school and talking with the teachers.	70.4%	100.0%	100.0%	96.0%	91.6%
10. I feel comfortable visiting the school and talking with the guidance and other staff.	66.7%	100.0%	100.0%	98.1%	91.2%
Annual Averages	75.2%	94.6%	95.8%	90.7%	89.1%

School Year	Completion	
	Number Surveyed	Number Percent
1998/1999	92	27 29.3%
1999/2000	164	29 17.7%
2000/2001	126	29 23.0%
2001/2002	159	56 35.2%
Average	110	35 26.3%

Clearly, with an overall 89.1% positive response rate, RMA parents have been satisfied with the school and student performance.

Attachment 8-I
RMA Killeen - Staff Survey

Staff satisfaction is another important indicator of school success.

STATEMENT	PERCENT POSITIVE RESPONSE**				
	98/99	99/00	00/01	01/02	Average
1. Attracting students for whom the school's mission and methods are appropriate.	100.0%	100.0%	100.0%	100.0%	100.0%
2. Educating children who are hard to educate.	83.3%	100.0%	100.0%	100.0%	95.8%
3. Providing an appropriate educational alternative for children who need it.	83.3%	100.0%	100.0%	100.0%	95.8%
4. Developing a rigorous curriculum and effective teaching methods.	83.3%	100.0%	100.0%	92.3%	93.9%
5. Raising student achievement levels.	83.3%	100.0%	100.0%	100.0%	95.8%
6. Binding a high quality, high performing staff.	66.7%	71.4%	80.0%	92.3%	77.6%
7. Giving teachers adequate preparation time.	66.7%	85.7%	80.0%	100.0%	83.1%
8. Using suitable means of assessing student performance.	66.7%	83.3%	100.0%	100.0%	87.5%
9. Setting and maintaining high academic standards.	66.7%	100.0%	100.0%	100.0%	91.7%
10. Providing for the safety of students and staff.	50.0%	71.4%	90.0%	84.6%	74.0%
11. Involving parents.	50.0%	60.0%	80.0%	91.7%	70.4%
12. Having a positive influence on education in the community.	50.0%	85.7%	100.0%	100.0%	83.9%
13. Integrating technology into the curriculum.	33.3%	71.4%	90.0%	69.2%	66.0%
14. Maintaining student enrollment.	33.3%	100.0%	100.0%	100.0%	83.3%
15. Maintaining order and discipline.	33.3%	85.7%	100.0%	76.9%	74.0%
16. Obtaining necessary resources.	33.3%	71.4%	88.9%	84.6%	69.6%
17. Running smoothly as an organization.	16.7%	100.0%	90.0%	84.6%	72.8%
18. Involving teachers in decision-making.	16.7%	71.4%	100.0%	100.0%	72.0%
19. Providing necessary training/staff development for teachers.	16.7%	16.7%	90.0%	100.0%	55.9%
20. Providing teachers with the instructional supplies and materials they need.	NA	71.4%	90.0%	92.3%	84.6%
Annual Averages	54.4%	82.3%	93.9%	93.4%	81.0%

School Year	Total	Number	Completion	
	Staff	Surveyed	Number	Percent
1998/1999	6	6	6	100.0%
1999/2000	8	8	8	100.0%
2000/2001	10	10	10	100.0%
2001/2002	13	13	13	100.0%
Average	9	9	9	100.0%

Clearly, with an overall average of 81.0% positive response, staff satisfaction is high.

Attachment 8-J

RMA Killeen - Annual Performance Objectives - TAAS Percent Passing

Annual Performance Objectives - TAAS Percent Passing

School Year	2000-2001*		2001-2002*		2002-2003		2003-2004		2004-2005		2005-2006	
	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
TAAS Math All Students		25%		68.8%	69.8%		70.8%		71.8%		72.8%	
TAAS Reading All Students		45.5%		75%	76%		77%		78%		79%	
TAAS Writing All Students		37.5%		55.2%	56.3%		57.3%		58.3%		59.3%	

*Source of Data - TEA - 2002 Campus Accountability Data Tables

Attachment 8-K

RMA Killeen - Annual Performance Objectives - Dropout Rates

Annual Performance Objectives - Dropout Rates

School Year	2000-2001*		2001-2002*		2002-2003		2003-2004		2004-2005		2005-2006	
	Target	Actual	Target	Actual**	Target	Actual	Target	Actual	Target	Actual	Target	Actual
TAAS Math All Students		10.6%			10.3%		10%		9.7%		9.4%	

* Source of Data - TEA - 2002 Campus Accountability Data Tables

** Data not available

Attachment 7

Positive Press

Attachment 8

Monitoring Letter

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.
- Mail the original signed document to **Ms. Marty Murrell, Division of Special Education Programs and Complaints, Texas Education Agency, 1701 N. Congress, Austin, TX 78701.**

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.

General Assurance Statement

Richard Milburn Academy, Inc., charter holder for Richard Milburn Academy - Killeen 014-801 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: CSB

RECEIVED
 2014 MAR 10 11:03 AM
 SPECIAL EDUCATION

34 CFR §300.125. Child Find.

(a) General requirement.

(1) The [charter holder] shall have in effect policies and procedures to ensure that—

- (i) All children with disabilities, [enrolled in the charter school or who contact the charter school regarding enrollment], regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and
- (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

(2) The requirements of paragraph (a)(1) of this section apply to—

- (i) Highly mobile children with disabilities (such as migrant and homeless children); and
- (ii) Children who are suspected of being a child with a disability under [CFR 34] §300.7 and in need of special education, even though they are advancing from grade to grade.

[(c) The charter holder will notify the local ECI program of all children suspected of having a disability, from birth through the age of two, within 2 working days. The charter holder will maintain documentation of the referral and that the individual evaluation occurred within 45 calendar days.]

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

B. Confidentiality

Initial: CB

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

Initial:

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. NoticeInitial: CRS 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 of both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

- (2) Scheduling the meeting at a mutually agreed on time and place.
- (b) Information provided to parents.
- (1) The notice required under paragraph (a)(1) of this section must—
- (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - (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. EvaluationInitial: **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

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);
 - (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 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.

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

19 TAC §89.1050(g). [Discipline]

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

19 TAC §89.1050(h). [Disagreements]

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

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

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

- (a) It is the policy of this state to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A, Chapter 29. A student with a disability who receives special education services under Subchapter A, Chapter 29, may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.
- (b) In this section:
 - (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 all students with dignity and respect.
- (b) Definitions.
 - (1) Emergency means a situation in which a student's behavior poses a threat of:
 - (A) imminent, serious physical harm to the student or others; or
 - (B) imminent, serious property destruction.
 - (2) Restraint means the use of physical force or a mechanical device to restrict the free movement of all or a portion of the student's body.
 - (3) Time-out means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
 - (A) that is not locked; and
 - (B) from which the student is not physically prevented from leaving.
- (c) 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. For the purposes of subsections (c)-(e) of this section, restraint does not include the use of:
 - (1) physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
 - (2) limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, or provide comfort;
 - (3) limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors; or
 - (4) seat belts and other safety equipment used to secure students during transportation.
- (g) 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 individualized education program (IEP) and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior.
 - (3) Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.
- (h) Training on use of time-out. 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 collection requirement. Beginning with the 2003-2004 school year, with the exception of actions covered by subsection (f) of this section, cumulative data regarding the use of restraint must be reported through the Public Education Information Management System (PEIMS).

H. Least Restrictive Environment (LRE) Placement

Initial: 

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 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 PlanningInitial:  The charter holder assures that it will comply with all federal and State rules and regulations regarding transition services, including any commissioner rules that result from the 78th Legislature's revisions to TEC §29.00.] **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 of both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate including—
- (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
- (b) Information provided to parents.
- (1) The notice required under paragraph (a)(1) of this section must—
 - (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - (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.

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

Initial: AGB

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

Initial: 

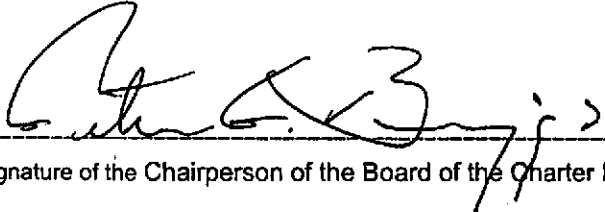
19 TAC §89.1125. Allowable Expenditures of State Special Education Funds.

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

- (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.



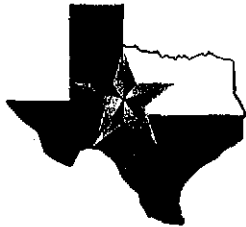
 Signature of the Chairperson of the Board of the Charter Holder

4/27/04

 Date of Signature

Peter G. Briggs, Chairperson

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



TEXAS EDUCATION AGENCY

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Shirley J. Neeley, Ed.D.
Commissioner

June 16, 2004

Mr. Peter Briggs, Board Chair
Richard Milburn Academy, Inc.
27 Congress Street
Salem, Massachusetts 01970

Dear Mr. Briggs:

I am pleased to inform you that the charter renewal for Richard Milburn Alternative High School, Killeen (county-district number 014-801) is approved for a term of ten years with a contract ending date of July 31, 2013. After renewal, the contract for charter shall consist of the following elements:

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

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

Please know that the efforts of those who have contributed to the school's successes are appreciated. I look forward to hearing of the school's accomplishments in its new term. Contact Mary Perry in the Division of Charter Schools at (512) 463-9575 with any questions.

Sincerely,

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

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