



November 12, 2003

Anne Hemenway
William B. Travis Building
1701 North Congress Avenue
Austin, Texas 78701-1494

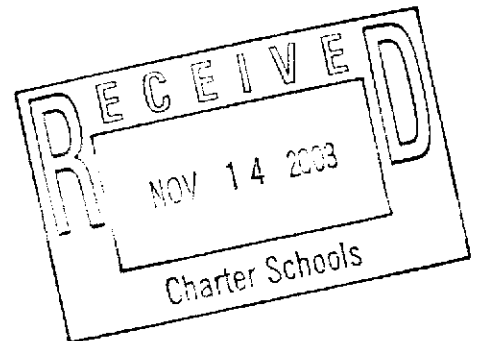
Dear Anne Hemenway:

Enclosed is the hard copy of the Second Generation Open-Enrollment Charter Renewal Application for Nova Charter School that includes the special education section inserted. Also enclosed are the amendments.

A floppy disk with the Charter Renewal file and Special Education file is included. If you have any questions or concerns please contact me at 214-398-6300.

Sincerely,

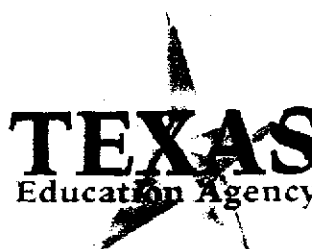
Sandra Maddon
Business Manager



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: Nova Charter School
(i.e., nonprofit organization, institution of higher learning, or governmental entity)

Charter School Name: Nova Charter School

Charter School County/District #: 057-809

Campus Name(s)	County/District/Campus #
Nova Charter School	057-809-101

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: 500

B. Grades Served: PK-6

Approved GED Program: YES ☐ NO ☒

C. Geographic Boundaries (School Districts): CARROLLTON-FARMERS BRANCH ISD, DALLAS ISD, DESOTO ISD, DUNCANVILLE ISD, GARLAND ISD, GRAND PRAIRIES ISD, IRVING ISD, LANCASTER ISD, LEWISVILLE ISD, MESQUITE ISD, PLANO ISD, RICHARDSON ISD, WILMER-HUTCHINS ISD.

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
Donna Houston-Woods	Chairman	No	None
Latonia Thomas	Secretary	No	None
Tracy Thomas-Jones	Treasurer	No	None
William L. Barefield	Vice Chair	No	None
Byron Myles	-----	No	None
Beverly Taylor	-----	No	None
Patricia Mims	-----	No	None
Alice Franklin	-----	No	None
Michell Smith	-----	No	None

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.

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
(NOVA HAS ONLY ONE BOARD)			

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.

The changes in the board structure involved increasing the board to eleven members. Even though is now rated as "Acceptable" due to the being a low performing school two years running its second and third years, the teacher position on the board was terminated. With permission from TEA on January 15, 2002, the member of board members was increased to 11, but on July 21, 2002 a resolution was passed to decrease the board members to nine. The reason for the decrease was it is very hard to recruit members to serve on a Board and be dedicated.

The Charter School is governed by a single Board Comprised of nine members that reflect the ethnic composition of the community served by the school: Four non-parent community members; four school parents/guardians; and three at-large persons serve as the Board of Directors for the non-profit organization. This Board is directly involved in the hiring of the Chief Executive Officer (CEO) and in evaluating the CEO's performance based on criteria established by the Board. In addition, this Board reviews hiring and discharging recommendations for faculty that may be made by the CEO. The Board governs the fiscal, educational, and staffing leadership for Nova Charter School. The Board has established an advisory committee (School Improvement Committee) to provide input for the concerns of the parents and teachers of Nova Charter School. Also, the advisory committee reflects the needs and concerns of the community served.

The Board fulfills

- * promote the educational welfare of al children
- * ensure creation and maintenance of a shared vision that promotes enhanced student achievement
- * adopt a shared vision based on community beliefs to guide local education

- * ensure that the vision of Nova Charter School expresses the present and future needs of the children and communities served by the school

A GUIDANCE AND DIRECTION role that includes a duty to:

- * provide guidance and direction for accomplishing the organizational vision to all schools operated by Nova Charter School
- * recognize and understand the respective roles of the Legislature, the State Board of Education, and the Texas Education Agency
- * adopt a planning and decision making process consistent with state statute that uses participation, information, research, and evaluation to help achieve vision of Nova Charter School
- * ensure the planning and decision making process engaged in by Nova Charter School enables all segments of the community, parents, and professional staff to contribute meaningfully to achieving the mission of Nova Charter School

AN ADVOCACY ROLE that includes a duty to:

- * generally promote the Nova organizational mission within communities served by Nova Charter School
- * help build partnerships with community, business, and governmental leaders to influence and expand educational opportunities and meet the needs of students
- * support children by establishing partnership between charter schools operated by Nova Charter School, parents, business leaders, and other community members as an integral part of each Nova-sponsored school's educational program
- * promote School Board service as a meaningful way to make long-term contributions to the local community and society

The following shows the officer positions designated by Nova Charter School. Description of each officer position is listed below.

PRESIDENT of the Board of Directors--The responsibilities of the president of the school board are all inclusive. The president is responsible to the parents and to the state for the safety and well being of all children and employees of the school. The president leads the other board members in selecting, evaluating and rehiring or replacing the chief operational officer, superintendent, of the school. The President, with the assistance of the superintendent and board committee members sets the monthly board meeting agenda items. The president conducts the board meetings so that all parties involved in the school are given a fair opportunity to present their concerns.

VICE PRESIDENT--shall have such powers and perform such duties as from time to time may be prescribed by the By-Laws, the Board of directors, or the President. In the absence or disability of the President, the Vice President shall perform all the duties of the President, pending action by the Board. While so acting, the Vice President shall have the powers of and be subject to all the restriction on, the President.

SECRETARY--The secretary shall see that all notices are duly given as required by law, the Articles of Incorporation, or these Bylaws. Be custodian of the minutes of the Corporation's meetings, its Corporate Record Book, its other records, and any seal which it may adopt. Maintain a record of all Members of the Corporation together with their current mailing addresses. And In general, perform all duties incident to the office of Secretary, and such other duties as from time to time may be required by Article Five of these Bylaws.

TREASURER--The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Corporation in those banks, trust companies, or other depositories as the Board of Directors select. (S)he shall receive and give receipt for monies due and payable to the Corporation, disburse or cause to be disbursed funds as may be directed by the Board of Directors, taking proper vouchers for those disbursements.

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.

A proposed policy addition regarding certified teachers was presented and unanimously approved. It reads "All teaching staff will possess a minimum of a bachelor's degree at the beginning of the contracted teaching time. If a hired teacher does not have his/her Texas certificate at the beginning of his/her teaching days, he/she will be required to file with Nova's personnel officer, a deficiency plan from an accredited college/university by November 1 of that year. To remain qualified to continue teaching the second and succeeding years, the teacher must achieve two objectives: (1) reduce the deficiency plan by at least six semester hours per school year and (2) pass the appropriate certification examination given by the state. If after three efforts, a teacher fails to pass the certification examination, the school has the right not to renew that teacher's contract." (Approved by NCS board on 8-5-99). It is anticipated that all teaching staff will be experts in the field of early childhood development and will provide evidence of success with experience in the field. Core area teachers will have college degrees and will meet all other requirements under federal and state laws and regulations. All Nova Charter School Teachers holds a minimum of a Bachelor's Degree. There is No teacher hired without a Degree. Nova will make the changes as soon as we received the revised No Child Left Behind Act regarding teacher qualifications.

Teachers must be qualified to execute instructional strategies for student growth and development, strategies for classroom management and organization, strategies for policy implementation, and possess good communication skills.

Qualifications for non-teaching administrators and staff include possession of appropriate education and/or certifications and special knowledge and skills in their particular job positions. Experience in the field may also be required as necessary.

The paraprofessional staff will possess a minimum of a high school diploma and possess experience in the field of early childhood development, education, and/or child care. The duties and responsibilities of the paraprofessional will be to provide direct and indirect services to students and teachers. They will be supervised and evaluated by the teacher. Paraprofessionals will attend all professional development activities with the teachers.

Special education services will be provided by personnel appropriately certified and licensed in the area of assignment. Moreover, there will be no waivers for these staff in accordance with state and federal law.

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.

entire section not part of charter

To inform parents of school rules and guidelines;

1. Nova Charter School provides each parent and employee with a copy of the Parent/Student Handbook.
2. Each child takes home a weekly newsletter to parents.
3. Periodic meetings are held for parent questions.

The policies regarding expulsions & suspensions, and due process requirements are as follows:

Policies governing administrative actions taken to prevent a student's expulsion and suspension are identified in the Parent/Student Handbook. These include requiring parents to attend a conference with the principal or assistant principal for intolerable school behavior by their student. Students placed on suspension may not return to class until the parent conference has been completed.

Students may be "emergency removed" from school for disruptive behavior from one through three days for disruptive behavior. Students may not return to school until the emergency removal days have been served. If students who are emergency removed from school report to school, parents will be called to pick them up. Students may be suspended for persistent and serious violations of the school's code of conduct and other rules. Violations of the "no weapons" code of conduct will be cause of student suspension.

Pending a hearing, the student may be placed on suspension for up to three consecutive days. Suspension periods pending hearings can be out-of-school, in school, or placement in an AEP. Written notice of the time and location of the expulsion hearing will be provided. The student's parents, guardian, or another adult who is not an employee of the charter school must represent the student at the hearing. If the decision to expel is made by the Board's designee, the decision may be appealed to the Board.

A student shall be expelled by written order setting the term of the expulsion. Before the expulsion, the Superintendent will provide the student a hearing at which the student is afforded due process, which shall include the following:

- * Prior notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation
- * Right to a full and fair hearing before the Board or its designee
- * Right to an adult representative or legal counsel
- * Opportunity to testify and to present evidence and witnesses in his or her defense
- * Opportunity to examine the evidence presented by the school administration and to question the administration's witnesses.

The notice shall be in writing and shall be advised of the nature of the evidence and the names of any witnesses whose testimony may be used against the student. The student will be notified of the date of the hearing. The decision will be based exclusively on evidence presented at the hearing. The final decision will be communicated promptly to the student and parent.

Notice of expulsion will be made to the county juvenile court within two business days after the expulsion hearing is held. The Administration will inform each teacher of the expelled student of the offense that caused the expulsion. Teachers so informed are required to keep all expulsion information confidential.

A decision by the Superintendent to expel a student may be appealed to the Board. A handicapped student shall not be excluded from his current placement pending appeal to the Board for more than ten days without ARD committee action to determine appropriate services in the interim. Pending appeal to a special education hearing officer, unless the charter school and parents agree otherwise, a handicapped student shall remain in the present education setting.

Nova Charter School Assures that the student Code of Conduct is not unilaterally applied to all students, and that the ARD committee will address behavioral needs for students with disabilities for whom the Code is inappropriate or for whom the behaviors are a manifestation of the student's disability.

Nova Charter School assures that discipline for students eligible for special education services is consistent with (300.12 (d), 300.522 and 37.004). In the instance that a special education student commits an offense, a Manifestation Determination ARD will be held at the earliest possible date to determine whether or not the behavior is a manifestation

of the student's disability. Depending on the outcome of this ARD meeting, the ARD may develop an individualized behavior plan and determine that the student code of conduct is not appropriate for this student. It may also review placement, assessment documentation and other factors to determine an alternative intervention.

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.)

Parents/students are informed of the following methods through the parent/student Handbook:

Conflicts/complaints

Students and their parents have access to a hearing to insure that conflicts/complaints that arise with the school are resolved. This process may take place at any time that there is conflict to be resolved. Resolution is as follows:

1. The parent/student may request a conference in writing with the principal regarding the decision of the teacher within three days of the incident. The principal will provide a conference time within 24 hours of the request. The conference shall be conducted within three days of the request.
2. The parent/student may request a hearing in writing to the superintendent within 10 days regarding the principal's decision. The conference shall be conducted within 10 days to the parent/student's request.
3. The parent/student may request a hearing in writing to the school board regarding the superintendent's written decision within 10 days of receipt of the document. The board may assign one of the members as the hearing officer to mediate the conflict/complaint for the school. The designee may choose to render a decision regarding the conflict/complaint in writing within 10 days of the hearing or refer the matter to the full board to resolve the conflict. The board will render a decision regarding the conflict during the regularly scheduled board meeting.
4. The parent/student has the right to appeal the board's decision to the Texas Education Agency (TEA). The number and person to contact will be provided at the regularly scheduled board meeting upon request.

Employees are given the following guidelines in their handbook:

Complaints and grievances

In an effort to hear and resolve employee complaints in a timely manner and at the lowest administrative level possible, the board has adopted an orderly process that all employees must follow when bringing formal complaints and grievances. Employees are encouraged to discuss problems or complaints with their supervisor or an appropriate administrator at any time.

The formal grievance process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative grievance procedures are exhausted, employees can bring grievances to the Board of Trustees. For ease of reference, the district's policy concerning the process of bringing complaints and grievances is reprinted as follows:

This policy provides employees an orely process for the prompt and equitable resolution of grievances when a concern has not been resolved. The Board intends that, whenever feasible, grievances be resolved at the lowest possible administrative level. This policy shall not be construed to creat new or additional rights beyond those granted by Board policy or law.

DEFINITIONS

For purposes of the policy, "days" shall mean calendar days.

The terms "complaint" and "grievance" shall have the same meaning. A grievance under this policy may include, but shall not be limited tom any of the following:

1. Grievances concerning an employee's wages, hours, or conditions of work.
2. Specific allegations of unlawful discrimination in employment on the basis of sex (including allegation of sexual harassment), race, religion, national orgin, age, or disability.
3. Specific allegations of unlawful discrimination or retaliation on the basis of the employee's exercise of constitutional rights.
4. "Whistleblower" complaints.

OTHER REVIEW PROCESSES

Procedures and information regarding sexual harassment by other employees are found at NCS and information regarding federal nondiscrimination. An employee's dismissal or non renewal may be the subject of a grievance under this policy only if the District does not otherwise provide for a review of the matter.

The following are governed by other review processes and are ot subject to this policy:

1. Frieivances regarding suspension of a contractual employee without pay:
2. Grievances regarding termination of an employment contract governed by Chapter 21 of the Education Code:
3. Grievances against a District peacer officer:
4. Grievances regarding instructional materials:

NOTICE TO EMPLOYEES

The principal of each campus and other supervisory personnel shall ensure that employees under their supervision are informed of this policy.

FREEDOM FROM RETALIATION

Neither the Board nor the administration shall unlawfully retaliate against any employee for bringing a grievance under this policy.

WHISTLEBLOWER

Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this policy within 15 days after the date the alleged adverse employment action. The complaint shall first be filed in accordance with LEVEL TWO, below. Time lines for the employee and the Distret set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint.

GENERAL PROVISIONS

A grievance must specify the individual harm alleged. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. All time limits shall be strictly complied with unless modified by mutual consent. Cost of any grievances shall be paid by the party incurring them.

CONSOLIDATION

When the Superintendent determines that two or more individual grievances are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the grievances.

DECISIONS

Announcing a decision in the employee's presence constitutes communication of the decision.

INITIATING GRIEVANCE

Unless otherwise specified in policy, an employee shall initiate a grievance as provided at LEVEL ONE, below.

LEVEL ONE

An employee who has a grievance shall request a conference with the principal or immediate supervisor by submitting the grievance in writing on a form provided by the District. The form must be filed within 15 days of the time the

employee first knew or should know of the event or series of events about which the employee is complaining. The principal or supervisor shall hold the conference within seven days after receipt of the written request. The principal or supervisor shall have seven days following the conference within which to respond.

LEVEL TWO

If the outcome of the conference at Level One is not to the employee's satisfaction or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to discuss the grievance. The request shall be in writing on a form provided by the District and must be filed within seven days following receipt of a response or, if no response is received, within seven days of the response deadline. The Superintendent or designee shall hold the conference within seven days after receiving the written request. The Superintendent or designee shall have seven days following the conference within which to respond.

LEVEL THREE

If the outcome of the conference at LEVEL TWO is not to the employee's satisfaction or if the time for a response has expired, the employee may submit to the Superintendent or designee a request to place the matter on the agenda of a future Board meeting. The request shall be in writing on a form provided by the District and must be filed within seven days following receipt of a response or, if no response is received, within seven days of the response deadline.

The Superintendent or designee shall provide the Board with copies of the employee's original grievance, all responses, and any written documentation previously submitted by the employee and the administration. The Board is not required to consider documentation not previously submitted or issues not previously presented. The presiding officer may set reasonable time limits. The Board shall hear the grievance and may request a response from the administration. The District shall make an audiotape record of the level Three proceeding before the Board. The Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting.

CLOSED MEETING

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the grievance request that it be heard in public.

EXCEPTION

However, if the grievance involves a complaint or charge against another District employee or a Board member, it shall be heard in closed meeting unless an open meeting is requested in writing by the employee or Board member against whom the complaint or charge is brought.

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.**)

Nova Charter School does not discriminate in admission based on gender, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend. The school, however, will provide for the exclusion of a student who has a documented history of criminal offense, juvenile court adjudication or discipline problems under Subchapter A, Chapter 37.

Currently enrolled students receive a Notice to Return form in January. 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 April 18.

Currently enrolled students expressing a desire to return are automatically enrolled for the following school 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.

Registration and Enrollment procedures- (Note: enrollment means actually receiving instruction by attendance in a public school, as opposed to being registered prior to receiving instruction.) Parents and students will be required to attend a registration or pre-enrollment conference in which student behavior codes (including uniforms), vision

statements, and curriculum and instructions will be addressed. This conference will be conducted by the CEO or Principal or Lead Teacher and is intended to be an informative session that will invite questions and address parental fears and/or concerns. After the school has reached capacity, a waiting list will be compiled. A lottery system will then be implemented for vacancies created by natural student attrition. Students with special needs or those identified as at risk or Limited English Proficiency will receive equal consideration for enrollment.

All students must submit a general information form, emergency form, parent approval of student' participation form (field trips), free or reduced lunch application and home language survey. A student's permanent records must be in the child's legal name. In case of a name change due to adoption, the parent/guardian must bring the adoption paper to the school officer before the name can be changed.

Registration and enrollment Procedures-- Kindergarten and First Grade-- Pre-Kindergarten (PreK) students must be four (4) years old on or before September 1st of the school year. Kindergarten students must be five (5) years old on or before September 1st of the school year. First grade students must be six (6) years old on or before September 1st of the school year. Students attending Nova Charter School for the first time are required to have: a birth certificate, up-to-date shot records, social security card, report card (if one is available), parent survey on home language, and proof of residence.

Immunization requirements-- These requirements are fully described in the Nova Charter School Handbook and meet the requirements of state law. A delay in school enrollment may be necessary if the student has not started or has not continued to receive vaccine doses as they become due. All immunization records must be validated by physician's signature or health clinic stamp. The month, day and year must be indicated on the record for each new immunization received.

Applications from new students are accepted from the first school day in January through last school day in April. 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 space in a class, then a lottery will be conducted on the last business day in May. A name is drawn for each vacancy that exists, and each applicant whose name is 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 lowest 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's name is added to the waiting list behind the names of the applicants who timely applied. The School will implement a policy of open-entry and open-exit, thus no specified timetable is used for registering and admitting students.

Nova's admission policies further the mission of the school in several ways related to equitable access.

- * The policy of offering services on a "first come, first served" basis serves the school's mission of equally respecting the rights of all people in its service area.
- * The policy of offering a lottery system once the school has reached its capacity, like wise serves the mission of respecting and treating people fairly and opening the school to children from diverse family circumstances.
- * The policy of open-entry and open-exit serves the school's mission by making it easier for children in the service area, including those living in highly transient and migratory families, to enroll in our school, thereby respecting the rights of all groups

The policy of excluding students who have a documented history of criminal offense, juvenile court adjudication, or discipline problems supports the school's mission of expecting all children to follow school behavioral guidelines.

entire 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.

SDAA/LDAA

Special Education Student Evaluation

For students who are enrolled in special education, an alternative to TAAS/TAKS is available per ARD decision. For students with whom the TAAS/TAKS is not deemed appropriate the State Developed Alternative Assessment or a Locally Developed Alternative Assessment will be available. Finally, Nova Charter School assures that students with disabilities are included in the school's accountability system.

The determination of achievement level will be determined by the ARD committee after review of all pertinent documentation. Each evaluation will be scored and a copy of the results will be maintained in the student audit file.

TAAS

Nova Charter School TAAS scores from the year 2000 (the first year reported) and the year 2001 are listed below. Nova only had grades PK-4 in the year 1998-99, PK-5 in 1999-2000 and PK-6 in 2000-2001. Nova had only PK-2 in 2001-2002. Nova Charter School is tied to Nova Charter School southeast for the 2001-2002 school year. Since Nova Charter School Southeast was voted acceptable for 2001-2002, then Nova was rated acceptable.

TAS % Passing Grade 3 English

	State	ESCX	Nova
Reading 2001	86.8	85.3	100
2000	97.9	84.8	66.7
Math 2001	83.1	81.1	100
2000	80.6	76.3	50
All Tests 2001	79.2	76.6	100
2000	77.1	73.1	41.7

TAAS % Passing Grade 4 English

	State	ESCX	Nova
Reading 2001	90.8	88.1	50
2000	89.9	87.0	50
Writing 2001	89.2	86.9	40
2000	90.3	87.4	70
Math 2001	91.3	88.0	60
2000	87.1	83.1	50
All Test 2001	81.6	77.9	30
2000	80.3	76.3	50

TAS % Passing Grade 5 English

	State	ESCX	Nova
Reading 2001	90.2	87.2	63.6
2000	87.8	84.4	76.9
Math 2001	94.6	91.9	45.5
2000	92.1	89.6	38.5

All Tests 2001	88.2	84.6	45.5
2000	85.0	81.0	38.5

TAAS % Passing Grade 6 English

	State	ESCX	Nova
Reading 2001	85.6	85.8	73.3
2000	86.0	87.5	
Math 2001	91.4	91.3	46.7
2000	88.5	88.7	
All Test 2001	82.7	83.0	46.7
2000	81.5	82.3	

Progress of prior year TAAS Failers

Sum of 4-8 & 10

Ave. TLI Growth

	State	ESCX	Nova
Reading 2001	10.89	11.20	-3.44
2000	9.32	9.84	-0.67
Math 2001	10.97	11.93	6.25
2000	8.82	8.81	5.00

Percent of failers passing TAAS

	State	ESCX	Nova
Reading 2001	52.2	49.9	11.1
2000	49.0	48.9	33.3
Math 2001	57.4	55.9	16.7
2000	49.8	48.0	.0

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.

ATTENDANCE RATES

	State	ESCX	Nova
1999 - 2000	95.6	95.7	97.7
1998 - 1999	95.4	95.7	98.2

Nova exceeded the state and Region X attendance rates both years, even though Nova decreased its attendance rate 0.5 of one percent from 1998-1999 to 1999-2000.

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.

There were no unique accomplishments of our students as they relate to the student performance

Section VIII. Student Performance Goals

entire section not part of charter
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.

Long Range Goal # 1 (Reading)

All students and each sub-group of students will achieve 80% mastery level of performance in TAKS reading.

Long Range Goal #2 (Writing)

All students and each sub-group of students will achieve 80% mastery level of performance in TAKS writing.

Long Range Goal # 3 (English Language Arts)

All students and each sub-group of students will achieve 80% mastery level of performance in TAKS English Language Arts.

Long Range Goal # 4 (Math)

All students and each sub-group of students will achieve 80% mastery level of performance in TAKS Math.

Long Range Goal # 5 (Social Studies)

All students and each sub-group of students will achieve 80% mastery level of performance in TAKS Social Studies.

Long Range Goal # 6 (Science)

All students and each sub-group of students will achieve 80% mastery level of performance in TAKS Science.

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.

ATTENDANCE RATES: Students will achieve a 98% Attendance Rate.

TLI GROWTH: Students will achieve a growth rate of 10% per year in each subject on the TAKS Test.

ACCOUNTABILITY RATING: Nova Charter School will achieve a recognized level within five year.

B. AEIS ADDITIONAL INDICATORS YEAR TO YEAR PROGRESS

Selected AEIS District Data

A Multi-Year History

District: 057809

District name: Nova

County Name: Dallas

2001 District Accountability rating: CHATER

	1999	2000	2001	2003	2004	2005	2006	2007
TAAS All Test taken								
All Students	23.1	42.9	56.3	65	70	75	80	85
African American	33.3	41.7	52.9	60	70	75	80	85
Hispanic		57.1	57.9	65	70	75	80	85
White				65	70	75	80	85
Economically Disadvantaged		41.7	58.8	65	70	75	80	85
TAAS Reading								
All Students	61.5	65.7	72.9	75	80	85	90	90
African American	66.7	66.7	66.7	70	75	80	85	85
Hispanic		85.7	78.9	80	85	90	90	90
White				65	70	75	80	85
Economically Disadvantaged		66.7	76.7	78	80	85	90	90
TAAS Mathematics								
All Students	38.5	45.7	62.5	65	70	75	80	85
African American	50.0	45.8	57.1	60	65	75	80	85
Hispanic		57.1	68.4	70	75	80	85	85
White				70	75	80	85	85

Economically Disadvantaged	41.7	64.7	70	75	80	85	85	
TAAS Writing								
All Students	60.0	70.0	40.0	60	70	75	80	85
African American	66.7		70	65	75	80	85	
Hispanic		40.0	50	60	70	80	85	
White			65	70	75	80	85	
Economically Disadvantaged		33.3	50	60	70	80	85	
Attendance Rate, gr 1-12								
All Students	98.2	97.7	98	98	98	98	98	
Compus Student Composition								
African American	69.0	55.5	46.4	50	50	50	50	
Hispanic	15.0	36.1	46.9	45	45	45	45	
White	13.0	6.5	4.7	5	-5	-5	-5	
Economically Disadvantaged	51.0	60.6	85.4	80	80	80	80	

C. Other Relevant Performance Goals

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

Each student in K-6 takes the ITBS test in the fall and spring. The goal is to have an annual school average academic growth from fall to spring of:

2003 .8 academic year's growth
 2004 .9 academic year's growth
 5005 1.0 academic year's growth
 2006 1.1 academic year's growth
 2007 1.2 academic year's growth

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.

Nova's education program will provide an intense academic focus on the 4R's: Reading, Writing, Arithmetic and Responsibility. It offers a "forward with the basics" attitude in an ethnic and culturally integrated learning community. In delivering the program, Nova Charter School will provide its students with:

- * A safe and friendly learning environment
- * A mastery of the core knowledge and basic skills
- * An appreciation for diversity
- * Positive reasons for staying in school
- * Behavioral guidelines that foster self-discipline, responsibility and respect for others
- * A school where parents, staff and community members serve together on the school board and school improvement committees

The program will include the required minimum curriculum as provided by Section 28.002, Texas Education Code.

CURRICULUM AND INSTRUCTION

Goals, objectives, and content in all subjects areas and grade levels under the TEKS curriculum have been established by TEA and codified in the Texas Administrative Code, Title 19 (19 TAC), Chapter 110-128. These goal, objectives, and definitions of content areas are intended to promote skill development and raise standards of student achievement. Nova Charter School will embrace all the state's goals and objectives related to curriculum and its program will mirror and support the state's aims through:

- * selecting textbooks and other instructional materials that are aligned to the TEKS curriculum
- * maintaining updated information provided by TEA related to the TEKS curriculum requirements
- * requiring curriculum for each content area and grade level, kindergarten through Grade six, that is consistent with the state's TEKS curriculum
- * ensuring rigor in the school's curriculum
- * articulating to parents, students and others in the community what students should know and be able to do at each grade level
- * ensuring that the knowledge and skills meet the learning needs of all students
- * providing professional development to teachers and other related to the state's TEKS curriculum (from resources provided by the regional ESC, the Texas Center for Reading and Language Arts, and other appropriate sources)
- * ensuring students assessment measures that are aligned with the TEKS

The core curriculum will be integrated and will require mastery and skill development in the areas of reading, writing, oral language, and arithmetic. We will use strategies predicated on a research-based approach in that the age and individual learning preferences will determine the way skills are taught. All students will learn together, Special needs students and students speaking other languages will learn along with peers and will not be segregated to learn a second curriculum. Additional services will be contracted to provide a comprehensive program for identified special learners (i.e. special education, ESL, etc) Oral and written language activities will be embedded in the curriculum along with discovery projects, technology, art, music, movement, drama, dance, and games.

High academic standards and continuous assessment for mastery of objectives constitute the cornerstone of success for students attending the proposed new school. The students' natural curiosity and desire for learning will be fostered to develop the innate skills, abilities, and talents of each student.

Nova Charter School will serve the community by preparing students to function in a productive manner for the betterment of society. A four part foundation is vital to the success of the students: Basic Skills, Thinking Skills, Personal Qualities, and Technology.

- * Basic Skills - requires that the student be literate in the areas of reading, writing, arithmetic, listening, and speaking.
- * Thinking Skills - requires that the student think creatively, make decisions, solve problems, visualize, reason and know how to learn.
- * Personal Qualities - are those which display responsibility, self-esteem, sociability, self-management, integrity, and honesty.
- * Technology - will equip the student with key boarding skills, software application knowledge and use, program development, and creativity.

Nova Charter School will provide "before" and "after" school services to facilitate working households and single parent homes. The programs will enrich the educational offerings of the day school and extend the learning time for the students in an atmosphere that is both relaxed and supportive. Students will experience situations that are both structured and student driven. The school will be open from 6:30 a.m. to 6:00 p.m.

Nova Charter School is a part of the Region 10 ESC consortium for Titles II, VI.

As a part the enrichment curriculum, Nova Charter School will offer general music, piano lessons, and physical education.

Key Initiatives (this is a new feature met in the chapter application)

1. Increase number of students in PK- Grade 6 to 400 so that a solid budget will under gird the school plan.

2. Increase the number of parent and community volunteers to 20 who invest 100 plus hours per school year. Increase the total volunteers to 40% of the parents.
3. Increase the number of parent-teacher day time conferences to at least three per family.
4. Increase the number of full days that parents spend with their child's teacher to two.
5. Increase the number of library books to 20 books per child.
6. Increase the number of fully certified teachers to 70%.
7. Increase the number of special programs to include talented and gifted students. Reading and Math Acceleration.
8. Increase the number of computers so as to provide 5 computers per classroom plus a 20 student computer lab.
9. Increase the base salaries and incentives for all staff members by 8 percent.
10. Increase offerings in the arts, athletics, music, speech and patriotism.
11. Increase the financial support from private companies and foundations.
12. Increase the students access to the world of knowledge through of the internet.
13. Increase the number of teacher paraprofessional both in the classrooms and school wide.
14. Increase the number of foreign languages offered to the students to include at least three foreign language.
15. Increase students access to personal/family and academic counseling.
16. Increase students access to drug prevention, anger management, character development and personal leadership skills.
17. Increase the amount of time and resources to show appreciation for student effort as well as student achievement.
18. Increase parental and public awareness of the benefits/offerings of Nova Charter School.
19. Increase parental skills in communicating with school staff.
20. Increase parental/community member (bilingual) skills.
21. Increase Board members involvement in teacher-student academic activities.
22. Increase Board members awareness of the charter school movement.
23. Increase Board members abilities to work together harmoniously to the achievement of the students' benefits.

Section X. Monitoring Follow-Up *section 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.

"An ESL certified teacher will be available to develop a lesson plan for all ESL students. ESL classes will be available five days per week. ESL students will also be tested early in the school year and progress will be documented regularly."

Following the most recent CAR visit: an ARD was conducted to correct the file of the student monitored. As well, all files were reviewed to ensure compliance on all indicators.

entire section not part of charter

NOVA CHARTER SCHOOL

A. Child Find

(34 CFR 300.125)

§300.125. Child Find. (Nova Charter School will implement child find in the school, with siblings, with ECI, and with ESCs.)

The Nova Charter School offers a comprehensive system of "Child Find" in which all individuals' birth through 21 who may or may not be in school can be identified.

Specifically, a Student Support Team comprised of school personnel participate in a three tiered referral process that enables them to identify children in the regular education environment who are experiencing difficulty, implement intervention and then monitor that intervention for success. When however, the interventions are unsuccessful, this SST committee has the responsibility of referring the student for assessment. All faculty and staff are trained yearly on this referral process.

Secondly, Nova provides posters in two languages outlining child find procedures. These posters are displayed in the office and throughout the school, and provide information pertaining to child find policies. Additionally, child find procedures are reviewed with parents during the ARD process. If a parent makes a request for information, he/she is referred to the special education coordinator who provides addresses and telephone numbers to the local Regional Services Center and a special education contact within his/her home district. Finally, the confidentiality of child find data is subject to the requirements of all other personal data. Moreover:

(a) General requirement.

(1) The Nova Charter School will have in effect policies and procedures to ensure that—

- (i) All children with disabilities 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 §300.7 and in need of special education, even though they are advancing from grade to grade.

(c) Child find for children from birth through age 2 when the State Education Agency and lead agency for the Part C program are different.

Nova Charter School 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 NCS will maintain documentation of the referral and that the individual evaluation occurred within the 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

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

34 CFR Part 99 It is the policy of Nova charter School that all staff ensure that the integrity and welfare of all students is maintained through adherence to the policy of confidentiality. This policy is held in accordance to the Family Rights and Privacy Act of 1974 (FERPA) which provides that a school or its officials (employees, trustees, agents consultants or independent contractors) may not release personally identifiable information (records containing name of student, parent or other family member, address, social security number, or personal characteristics that would make it possible to identify the child), files, education records (files, documents, or other material related to the student and maintained an educational agency or institution) or personal information contained there in without the written consent of the student's parents, legal guardian, and the student if he or she is 18 years of age to any individual, participating agency (one that collects, maintains or uses personally identifiable information), or organization.

§26.004. Access to Student Records.

A parent is entitled to access to all written records of Nova Charter School 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.

§89.1050(f)(3) (Transfer of Records))

(f)(3) In accordance with TEC, §26.002, the school district in which the student was previously enrolled shall furnish Nova 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 district. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., §1232g, does not require the student's current and previous school districts 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.

§300.127. Confidentiality of personally identifiable information.

(a) Nova Charter will have on file in detail the policies and procedures that the Nova has undertaken to ensure protection of the confidentiality of any personally identifiable information, collected, used, or maintained under Part B of the Act.

§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 Act.

§300.561. Notice to parents.

- (a) Nova Charter School 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 Nova;
 - (2) A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods Nova Charter School 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 participating agencies 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.

§300.562. Access rights.

- (a) Nova Charter School shall permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by Nova Charter School under this part. Nova Charter School 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 Nova Charter School to reasonable requests for explanations and interpretations of the records;

- (2) The right to request that Nova Charter School 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) Nova Charter School may presume that the parent has authority to inspect and review records relating to his or her child unless the school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

§300.563. Record of access.

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

§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.

§300.565. List of types and locations of information.

Nova Charter School shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school.

§300.566. Fees.

- (a) Nova Charter School 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) Nova Charter School may not charge a fee to search for or to retrieve information under this part.

§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 that Nova Charter School amend the information.
- (b) Nova Charter School 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 Nova Charter School 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 Sec. 300.568.

§300.568. Opportunity for a hearing.

Nova Charter School 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.

§300.569. Result of hearing.

- (a) If, as a result of the hearing, Nova Charter School 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, Nova Charter School 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 school district.
- (c) Any explanation placed in the records of the child under this section must—
- (1) Be maintained by Nova Charter School as part of the records of the child as long as the record or contested portion is maintained by the school district; and
 - (2) If the records of the child or the contested portion is disclosed by Nova Charter School to any party, the explanation must also be disclosed to the party.

§300.570. Hearing procedures.

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

§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) Nova Charter School, 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.
- (c) Nova Charter School will obtain from The Texas Education Agency policies and procedures that are used in the event that a parent refuses to provide consent under this section.

§300.572. Safeguards.

- (a) Nova Charter School shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- (b) One official at Nova 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) Nova Charter School shall maintain, for public inspection, a current listing of the names and positions of those employees within the school district who may have access to personally identifiable information.

§300.573. Destruction of information.

- (a) Nova Charter School 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.

§300.574. Children's rights.

- (a) Nova Charter School will obtain from The Texas Education Agency 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 Act 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, Nova Charter School must provide any notice required under section 615 of the Act to the student and the parents.

§300.575. Enforcement.

The Texas Education Agency shall provide the policies and procedures, including sanctions, that the State uses to ensure that its policies and procedures are followed and that the requirements of the Act and the regulations in this part are met.

C. Procedural Safeguards

(34 CFR 300.504)

§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 must 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).

D. Notice

(34 CFR 300.503; 34 CFR 300.345; TEC 26.0081; 19 TAC 89.1015; 19 TAC 89.1045)

§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.

§300.503. Prior notice by Nova Charter School; 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 Nova Charter School—
 - (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 Nova Charter School that also requires parental consent under §300.505, the school 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 Nova Charter School;
 - (2) An explanation of why Nova Charter School proposes or refuses to take the action;
 - (3) A description of any other options that Nova Charter School considered and the reasons why those options were rejected;
 - (4) A description of each evaluation procedure, test, record, or report Nova Charter School used as a basis for the proposed or refused action;
 - (5) A description of any other factors that are relevant to Nova Charter School'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, Nova Charter School 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.

§300.345. Parent participation.

(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 Nova Charter School 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 Nova Charter School will invite the student; and
 - (iii) Identify any other agency that will be invited to send a representative.

§26.0081. Right to Information Concerning Special Education.

- (a) Nova Charter School shall produce and provide to school districts sufficient copies of a comprehensive, easily understood document 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) Nova Charter School will ensure that each school district provides the document required under this section to the parent as provided by 20 U.S.C. Section 1415(b):
 - (1) as soon as practicable after a child is referred to determine the child's eligibility for admission into the district'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.

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

- (a) Nova Charter School 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. Evaluation

(34 CFR 300.530-300.543; TEC 29.004; 19 TAC 89.1011; 19 TAC 89.1040)

§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 Nova Charter School'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, district 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. The referral for a full and individual initial evaluation must be completed in accordance with Texas Education Code, §29.004, related to the 60 calendar day time line.

§29.004. Full Individual and Initial Evaluation.

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 referral for evaluation was initiated by school personnel, the student's parent or legal guardian, or another appropriate person. The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication.

§300.530. General.

The Texas Education Agency shall ensure that Nova Charter School establishes and implements procedures that meet the requirements of §§300.531-300.536.

§300.531. Initial evaluation.

Nova Charter School 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 Act.

§300.532. Evaluation procedures.

Nova charter School 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 Act—
 - (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) Nova Charter School uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- (j) Nova Charter School agency uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

§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 Act, 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
 - 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. Nova charter School 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, Nova Charter School 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) Nova Charter School 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.

§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.

§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) Nova Charter School 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) Nova Charter School will 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 Act due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under State law.

§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, Nova Charter School 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.

§300.536. Reevaluation.

Nova Charter School 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.

§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 Texas Education Agency 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.

§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.

§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.

§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.

**F. Development and Implementation of the Individualized Education Program (IEP);
Extended School Year (ESY) Services; Restraint, Seclusion, and Time-Out**

(34 CFR 300.121; 34 CFR 300.342-300.350; 34 CFR 300.309; TEC 37.0021; 19 TAC 89.1050; 89.1053; 19 TAC §89.1045; 19 TAC 89.1055; 19 TAC 89.1065)

§ 89.1050(a) (ARD committee)

- (a) Nova Charter School 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. Nova Charter School will 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:

§ 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.

§89.1045. 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. Nova Charter School will respond to the parent's request either by holding the requested meeting or by requesting assistance through the Texas Education Agency's mediation process. Nova Charter School will 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.

§300.342. When IEPs must be in effect.

- (a) General. At the beginning of each school year, Nova Charter School will have an IEP in effect for each child with a disability within its jurisdiction.
- (b) Implementation of IEPs. Nova Charter School will 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.
- (d) Effective date for new requirements. All IEPs developed, reviewed, or revised on or after July 1, 1998 must meet the requirements of §§300.340-300.350.

§ 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, Nova Charter School will develop an IEP.

§ 89.1050 (f) For a student who is new to Nova Charter School district:

- (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 Nova Charter School 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 the previous school district 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 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 the collection of new evaluation data by Nova Charter School. 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 in which the student was previously enrolled shall furnish Nova 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 Nova. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., §1232g, does not require Nova and the student's previous school districts 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.

§300.300.121 Free appropriate public education (FAPE).

- (a) General. Each State must have on file with the Secretary information that shows that, subject to Sec. 300.122, the State has in effect a policy that ensures that all children with disabilities aged 3 through 21 residing in the State 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—
 - (1) Include a copy of each State statute, court order, State Attorney General opinion, and other State documents that show the source of the State's policy relating to FAPE; and
 - (2) Show that the policy—
 - (i)(A) Applies to all public agencies in the State; and
 - (B) Is consistent with the requirements of Secs. 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) Nova Charter School will ensure that—
 - (i) The obligation to make FAPE available to each eligible child residing in the Nova Charter School district begins no

later than the child's third birthday; and

- (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with Sec. 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 or IFSP will begin.
- (d) FAPE for children suspended or expelled from school. (1) Nova Charter School may not provide services during periods of removal under Sec. 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, Nova Charter School, 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 Sec. 300.519(b) (Sec. 300.520(a)(1)); or
 - (B) For behavior that is not a manifestation of the child's disability, consistent with Sec. 300.524; and
 - (ii) Provide services consistent with Sec. 300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is--
 - (A) For drug or weapons offenses under Sec. 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 Sec. 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 Sec. 300.519 (Sec. 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 Sec. 300.524.
- (e) Children advancing from grade to grade. (1) Each State shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child is advancing from grade to grade.
- (2) The determination that a child described in paragraph (a)(1) of this section is eligible under this part, must be made on an individual basis by the group responsible within Nova Charter School for making those determinations.

§300.343. IEP meetings.

- (a) General. Nova Charter School is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability (or, if consistent with §300.342(c), an IFSP).
- (b) Initial IEPs; provision of services. (1) Nova Charter School shall ensure that within a reasonable period of time following its 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. Nova Charter School will 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.

§300.344. IEP team.

- (a) General. Nova Charter School will 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 Nova Charter School 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 Nova Charter School;
 - (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 Nova Charter School, 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, Nova Charter School 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, Nova Charter School 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), Nova Charter School 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, Nova Charter School 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 Nova Charter School) who invited the individual to be a member of the IEP.
- (d) Designating a public agency representative. Nova Charter School may designate another school member of the IEP team to also serve as its representative, if the criteria in paragraph (a)(4) of this section are satisfied.

§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. Districts 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.

§300.345. Parent participation.

- (a) Public agency responsibility—general. Nova Charter School 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, Nova Charter School 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 Nova Charter School is unable to convince the parents that they should attend. In this case Nova Charter School 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. Nova Charter School 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. Nova Charter School shall give the parent a copy of the child's IEP at no cost to the parent.

§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).

§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 Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

§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.

§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 district 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, Nova Charter School 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.

§300.348. Agency responsibilities for transition services.

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

§300.350. IEP accountability.

- (a) Provision of services. Subject to paragraph (b) of this section, Nova Charter School 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.

§300.309. Extended school year services.

- (a) General.
- (1) Nova Charter School 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, Nova Charter School will 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 Nova 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 Texas Education Agency.

§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, Nova Charter School will 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 Nova Charter School personnel 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 Nova Charter School does not propose ESY services for discussion at the annual review of a student's IEP, the parent may request that the ARD committee discuss ESY services pursuant to 34 CFR, §300.344.
- (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 during the school year, information obtained from the prior school district 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) Nova Charter School is not eligible for reimbursement for ESY services provided to students for reasons other than those set forth in this section.

§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).

§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 Nova Charter School 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 district 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 Nova Charter School implements an IEP with which the parents disagree or the adult student disagrees, Nova 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.

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

- (a) It is the policy of this state to treat all students with dignity and respect. A student with a disability may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.
- (b) In this section:
 - (1) "Restraint" means the use of physical force or a mechanical device to restrict the free movement of all or a portion of a student's body.

- (2) "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:
 - (A) is designed solely to seclude a person; and
 - (B) contains less than 50 square feet of space.
- (3) "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
 - (A) that is not locked; and
 - (B) from which the student is not physically prevented from leaving.
- (c) A Nova Charter School district employee or volunteer or an independent contractor of the district may not place a student in seclusion. This subsection does not apply to the use of seclusion in a facility to which the following law, rules, or regulations apply:
 - (1) the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;
 - (2) 40 T.A.C. Sections 720.1001-720.1013; or
 - (3) 25 T.A.C. Section 412.308(e).
- (d) The commissioner by rule shall adopt procedures for the use of restraint and time-out by Nova Charter School employees or volunteers or an independent contractor of the district in the case of a student receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:
 - (1) be consistent with:
 - (A) professionally accepted practices and standards of student discipline and techniques for behavior management; and
 - (B) relevant health and safety standards; and
 - (2) identify any discipline management practice or behavior management technique that requires a Nova district employee or volunteer or an independent contractor 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 Section 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.

§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), Nova Charter School 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 force as is necessary to address the emergency.
 - (2) Restraint shall be discontinued at the point at which the emergency no longer exists.
 - (3) Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
 - (4) Restraint shall not deprive the student of basic human necessities.
- (d) Training 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 of 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).

G. Least Restrictive Environment (LRE) Placement

(34 CFR 300.550-300.553; 19 TAC 89.63(a-c))

§300.550. General LRE requirements.

- (a) Except as provided in §300.311(b) and (c), a State shall demonstrate to the satisfaction of the Secretary that the State has in effect policies and procedures to ensure that it meets the requirements of §§300.550-300.556.
- (b) Nova Charter School 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.

§300.551. Continuum of alternative placements.

- (a) Nova Charter School 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.

§89.63. Instructional Arrangements and Settings.

- (a) Nova Charter School will 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 district 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 school district. 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.
- (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, including students at South Texas Independent School District and Windham Independent School District:
- (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 school district's career and technology classes have been considered and determined inappropriate for the student.
- (10) **Residential care and treatment facility (not school district 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 district providing educational services to the students. In order to be considered in this arrangement, the services must be provided on a school district campus. If the instruction is provided at the facility, rather than on a school district 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 district in the same way as all other students receiving special education.
- (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 district campus, the student is considered to be served in the residential care and treatment facility arrangement/setting.

§300.552. Placements.

[See Appendix A; Q. 19, Q. 37]

In determining the educational placement of a child with a disability, including a preschool child with a disability, Nova Charter School 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.

§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, Nova Charter School 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.

H. Transition Planning

(34 CFR 300.29; TEC 29.011; 19 TAC 89.1110)

The Nova Charter School assures that it will comply with all federal and State rules and regulations regarding transition services, including any new commissioner rules that result from the recent revisions to §29.001

§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.

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)

§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 school district's instructional options, a shared services arrangement with other school districts, 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 school district's instructional options, a regional day school program for the deaf, a shared services arrangement with other school districts, 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 district 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.

§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 Nova Charter School 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.

J. Services to Expelled Students

(34 CFR 300.121(d); 34 CFR 300.522; TEC Chapter 37.004)

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

- (d) FAPE for children suspended or expelled from school.
 - (1) A public agency 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, Nova Charter School, 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.

§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.

§ 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. Any disciplinary action regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a manifestation determination review has been conducted by the student's admission, review, and dismissal committee.
- (b) All disciplinary actions regarding a student with a disability who receives special education services shall be determined in accordance with federal law and regulations, including the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review.
- (c) A teacher in a disciplinary alternative education program who has a special education assignment must hold an appropriate certificate or permit for that assignment. A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes.

§ 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. Section 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; and
 - (3) behavioral intervention plans.
- (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 Section 37.008 who has a special education assignment must hold an appropriate certificate or permit for that assignment.
- (e) Notwithstanding any other provision of this subchapter, in a county with a juvenile justice alternative education program established under Section 37.011, the expulsion under a provision of Section 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 school district 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) Section 37.007(b), (c), or (f); or
 - (2) Section 37.007(d) as a result of conduct that contains the elements of any offense listed in Section 37.007(b)(3) against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district.
- (f) 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 school district 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 district 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.

K. Allowable Expenditures of State Special Education Funds

(19 TAC 89.1125)

§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, Nova Charter School 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.

\$105.11. Maximum Allowable Indirect Cost.

No more than 15 % of Nova Charter School'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.

ATTACHMENTS 5:

(A)

SCHOOL BROCHURE

Currently no school brochure is available to be used by personnel as advertisement.

(B)

PRE-SELECTION PAGE

Please see forthcoming fax.

(C)

ENROLLMENT FORM

Please see forthcoming fax.

(D)

INSTRUCTIONAL ARRANGEMENTS/SETTINGS IMPLEMENTED FOR THE PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES

GENERAL EDUCATION (Mainstream/special education consultation) Identified special education students receive instruction from general education teachers in the regular classroom setting. The special education teacher and the general education teacher consult at least once a month, but frequently informally discuss a student's progress on an "as needed" basis. Collaborative consultation allows students to be fully included in mainstream instruction, while the special education teacher helps to ensure student success by monitoring the student's progress.

GENERAL EDUCATION (SPECIAL EDUCATION SUPPORT TO STUDENT)

Students who are placed in the mainstream with accommodations and or content modifications can receive in class support from the special education teacher. This instructional approach allows the student to be completely mainstreamed with scheduled monitoring by the special education teacher to help the student achieve satisfactory progress.

RESOURCE ROOM SUPPORT

The special education teacher sometimes assists students in the mainstream classroom by working with their teachers to formulate different ways of instructing and assessing students. Both general education teachers and special education teachers work jointly to help students to experience success while remaining in the mainstream setting.

RESOURCE ROOM PLACEMENT

The student who is unable to progress satisfactorily in one or more content areas in the regular education classroom receives individual instruction in the Resource Room setting. In this setting, the special education teacher develops IEPs and lesson plans to meet the goals and objectives by using a variety of instructional approaches.

SELF-CONTAINED

Students who have significant academic needs that cannot be met by supplementary aids and services in the mainstream or resource environment are placed in the self-contained setting. Every effort is made to avoid self-containment. It is only used as a last resort.

(E)

TRANSFER ARDs

Nova Charter School will abide by state and federal laws regarding all transfer students. Moreover, we will maintain a system for placement decisions for transfer students who received special education services at their previous schools.

Students transferring to Nova Charter School are identified as special education eligible students during the enrollment process. Information from parents and from previous school is used to determine date of last ARD, assessment, eligibility, and instructional arrangement then, a temporary ARD is conducted.

The ARD committee conducts a full placement ARD within thirty calendar days. At this time, the current IEPs, FIE and other relevant information are available. The student's placement is based on the results of previous and current assessments.

Nova Charter school will provide certified special education teachers for instructional purposes.

Section XII. Information Request

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

Information Requests

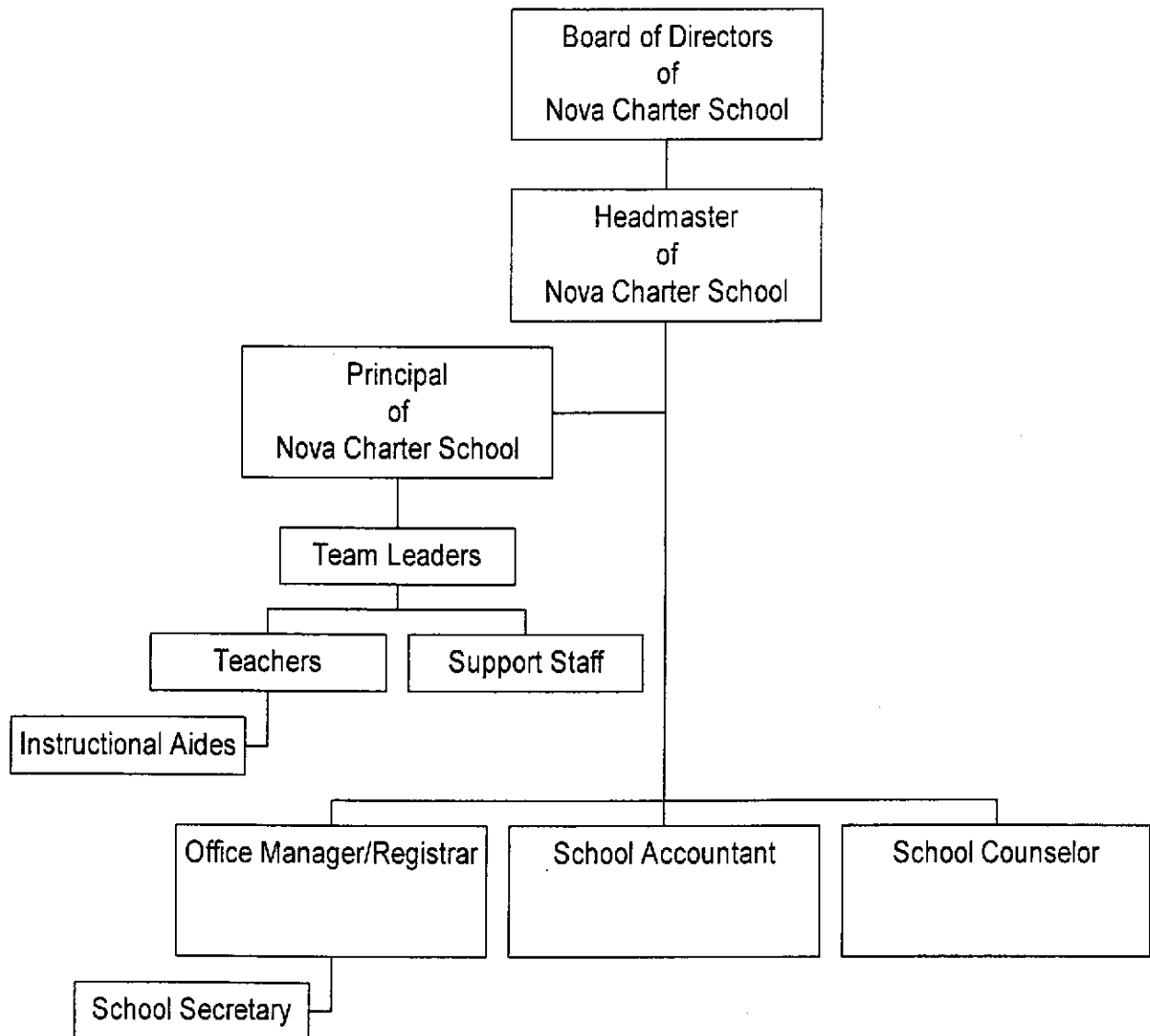
- A. Current copy of the charter school's informational brochure/pamphlet
- B. Current blank copy of the initial pre-selection data sheet for potential students – the form or student information requested for the charter school's admission method (i.e., lottery, etc.)
- C. Current blank copy of the student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

Attachment 1

Organizational Chart

Nova Charter School
Organization Chart



Attachment 2

Criminal History Records For Board Members

Criminal History Records/Background

PAGES 56 - 69 = 14 PAGES

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

Attachment 3

Board Members Biographical Affidavits

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

Check all that apply:

- ☒ Member of the governing board of the charter holder
☒ Member of the 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)
Nova Charter School

Full Name of Charter School
Nova Charter School

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) Michelle Elaine Smith

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 Elaine Smith

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
_____	_____
_____	_____
_____	_____

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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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 18 day of June, 2003, at Dallas.

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.

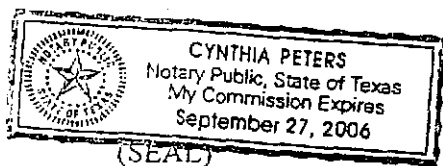
Michelle Smith
(Signature of Affiant)

State of Texas

County of Dallas

Personally appeared before me the above named Michelle Smith 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 25 day of April, 20 03.



Cynthia Peters
(Notary Public)

My commission expires September 27, 2006

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)
Nova Charter School

Full Name of Charter School
Nova Charter School

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) Patricia Anne Mims

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) Patricia Hunter

c. Other names used at any time Patricia Gantt

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

POSITION	COMPENSATION

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

DATES	EMPLOYER	ADDRESS	TITLE

073

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? 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 10 day of March, 20 03, at Dallas, 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.

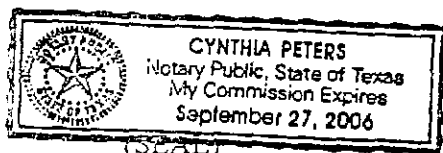
Patricia Mims
(Signature of Affiant)

State of Texas

County of Dallas

Personally appeared before me the above named Patricia Mims
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 11 day of March, 20 03



Cynthia Peters
(Notary Public)

My commission expires September 27, 2006

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)
Nova Charter School

Full Name of Charter School
Nova Charter School

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) William Lee Barefield, Jr.

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

POSITION	COMPENSATION

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

DATES

EMPLOYER

ADDRESS

TITLE

DATES	EMPLOYER	ADDRESS	TITLE

075

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? 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 23 day of January, 20 03, at Dallas 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.

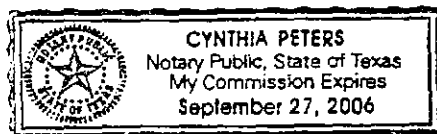
William L. Barefield
(Signature of Affiant)

State of Texas

County of Dallas

Personally appeared before me the above named William Barefield
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 23 day of January, 20 03.



(SEAL)

Cynthia Peters
(Notary Public)

My commission expires September 27, 2006
076 33

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)
Nova Charter School

Full Name of Charter School
Nova Charter School

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) Beverly Taylor

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 NA

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

POSITION	COMPENSATION

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

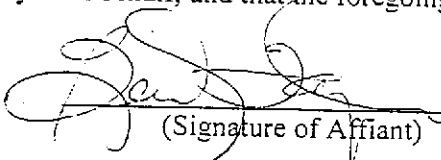
DATES	EMPLOYER	ADDRESS	TITLE

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE

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 8 day of May, 2003, at Dallas, 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.

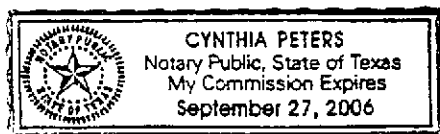

(Signature of Affiant)

State of Texas

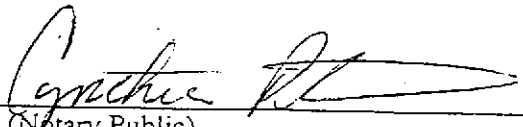
County of Dallas

Personally appeared before me the above named Beverly Taylor
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 8 day of May, 2003



(SEAL)


(Notary Public)

My commission expires September 27, 2006

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)
Nova Charter School

Full Name of Charter School
Nova Charter School

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) Alice Gee-Franklin
2. Have you ever had your name changed or used another name? yes
If yes, give reason for the change: Married
b. Maiden Name (if female) Mauldin
c. Other names used at any time Alice Gee
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

POSITION	COMPENSATION

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

DATES	EMPLOYER	ADDRESS	TITLE
2001	Nova Charter	Oak Cliff	Teacher

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? 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 04 day of February, 2003, at Dallas, 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.

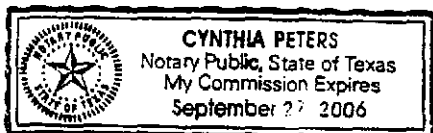
Alice Sue Franklin
(Signature of Affiant)

State of Texas

County of Dallas

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 4 day of February, 2003.



(SEAL)

Cynthia Peters
(Notary Public)

My commission expires September 27, 2006

**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)
West Oak Cliff Charter School DBA Nova Charter School

Full Name of Charter School
West Oak Cliff Charter School DBA Nova Charter School

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) Byron Kirk Myles

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
_____	_____
_____	_____
_____	_____

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

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 2 day of Sept, 2002, at 1pm.
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.

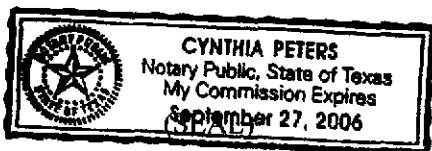
Bryan K. Myers
(Signature of Affiant)

State of Texas

County of Dallas

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 2 day of Sept, 2002.



Cynthia Peters
(Notary Public)

My commission expires September 27, 2006

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 Board President
State Position as defined in TEC 12.1012

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity)
West Oak Cliff Charter School DBA Nova Charter School

Full Name of Charter School
West Oak Cliff Charter School DBA Nova Charter School

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) Donna Houston-Woods

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) Miles

c. Other names used at any time Houston

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>N/A</u>	

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

DATES	EMPLOYER	ADDRESS	TITLE
<u>N/A</u>			

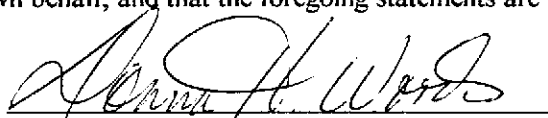
List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
N/A			

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 29 day of July, 20 02, at 10:00 am
I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

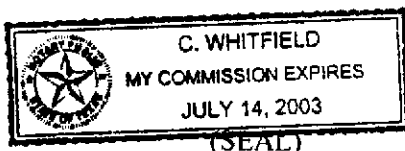

(Signature of Affiant)


State of Texas

County of Dallas

Personally appeared before me the above named Donna H. Woods
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 29th day of August, 20 02.




(Notary Public)

My commission expires 7-14-03

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 Secretary

State Position as defined in TEC 12.1012

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

West Oak Cliff Charter School DBA Nova Charter School

Full Name of Charter School

West Oak Cliff Charter School DBA Nova Charter School

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) LaTonia Thomas

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) Marshall

c. Other names used at any time Solomon

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

N/A

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

DATES

EMPLOYER

ADDRESS

TITLE

N/A

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
	N/A		

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? N/A 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? N/A 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? N/A
- If yes, give details: _____

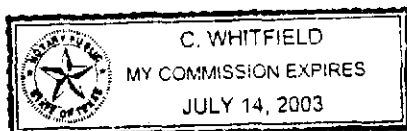
Dated and signed this 27 day of Aug, 20 02, at 2:30pm.
I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

LaTorcia Thomas
(Signature of Affiant)

State of Texas
County of Dallas

Personally appeared before me the above named LaTorcia Thomas
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 29th day of August, 20 02.



(SEAL)

C. Whitfield
(Notary Public)

My commission expires 7-14-03

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 _____ Treasurer _____
State Position as defined in TEC 12.1012

Full Name of Charter Holder (i.e., nonprofit corporation, institution of higher education, or governmental entity)
Nova Charter School West Oak Cliff DBA Nova Charter School

Full Name of Charter School
Nova Charter School West Oak Cliff DBA Nova Charter School

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) Tracy Patrice Thomas Jones
2. Have you ever had your name changed or used another name? Tracy Patrice Thomas

If yes, give reason for the change: married

b. Maiden Name (if female) Tracy Patrice Thomas

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>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 23 day of August, 2002, at 2:00.

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.

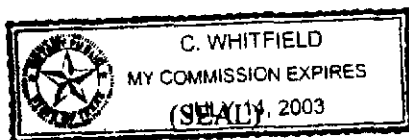
Tracy Thomas Jones
(Signature of Affiant)

State of Texas

County of Dallas

Personally appeared before me the above named Tracy Thomas Jones 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 29th day of August, 2002.



C. Whitfield
(Notary Public)

My commission expires 7-14-03

BOARD OF DIRECTORS AND SCHOOL BOARD MEMBERS

President Dona Houston-Woods (Harold)(Community)(9-30-03) 1460 Allegro Dr. Dallas Urban League 4315 S. Lancaster Rd. Dallas Tx.	Cell: (214) 707-0368 Home: (214) 374-8901 Work: (214) 915-4602 Fax: (214) 915-4601 E-mail: [REDACTED]
Secretary Latonia Thomas (O/C Parent)(9-20-02) 2917 Playa Vista Dr. Dallas Tx. 75238	Home: (214) 339-3324 Work: (214) 508-6719 Fax: (214) 508-5865 E-mail: [REDACTED]
Treasurer Tracy Thomas-Jones (S/E Parent)(9-20-03) 2402 Quinto Dr. Dallas Tx. 75238	Home: (214) 275-8330 Work: (214) 821-1599 Cell: (214) 821-8985 E-mail: [REDACTED]
Vicki Harwell (community)(6-22-04) 3913 Gannon Ln. #925 Dallas Tx. 75237	Home: (972) 709-2536 E-mail: [REDACTED]
Byron Myles (O/C Parent)(9-20-03) 1033 Glen Haven Hutchins Tx. 75141	Home: (972) 225-3278
Tina Chaney (community)(7-9-04) 1958 Pin Oak Lane Lancaster Tx. 75146	Home: (972) 218-6935 [REDACTED]

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)

Full Name of Charter School

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) _____

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

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

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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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)

(SEAL)

My commission expires _____

Attachment 4

Documentation For Evaluation Of Other Information Relevant To Performance

There is no attachment

Attachment 5
Special Needs/Program Information
Request

Nova Charter School

Admission Form

School Year _____

Grade _____

Student's Legal Name	Date of Birth	Age	
Name of Guardian	Home Phone#	Work Phone#	Relationship To Student ____ Mother ____ Father ____ Guardian
Street Address	City, State, Zip Code		

NOVA CHARTER SCHOOL

STUDENT ENROLLMENT APPLICATION
PLEASE PRINT FIRMLY AND CLEARLY
USE BLUE OR BLACK INK ONLY

INSTRUCTIONS
1. Shaded areas should be completed by school personnel
2. Parent/Guardian should complete all other information.

STUDENT'S LEGAL NAME		STUDENT'S SOCIAL SECURITY #		PRIMARY LANGUAGE SPoken ENGLISH <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER <input type="checkbox"/>	
DATE OF BIRTH / /	GENDER <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	ETHNICITY <input type="checkbox"/> American Indian <input type="checkbox"/> Asian Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> V e <input type="checkbox"/> Hispanic <input type="checkbox"/> OTHER:			
NAME OF GUARDIAN		HOME PHONE #	RELATIONSHIP TO STUDENT <input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER <input type="checkbox"/> GUARD		
STUDENT'S STREET ADDRESS			CITY, STATE ZIP CODE		
FATHER'S NAME	E-MAIL ADDRESS	WORK PHONE #	CELL/PAGER #	PLACE OF EMPLO	
MOTHER'S NAME	E-MAIL ADDRESS	WORK PHONE #	CELL/PAGER #	PLACE OF EMPLO	
NAME OF LAST SCHOOL ATTENDED		SCHOOL YEAR	CITY, STATE	GRADE I /EL	

HAS THE STUDENT EVER BEEN SUSPENDED OR EXPELLED FROM SCHOOL? ☐ YES ☐ NO
HAS THE STUDENT EVER BEEN PLACED IN AN ALTERNATIVE SCHOOL? ☐ YES ☐ NO
HAS THE STUDENT EVER BEEN DISCIPLINED FOR FIGHTING AT SCHOOL? ☐ YES ☐ NO
HAS THE STUDENT EVER BEEN RETAINED? ☐ YES ☐ NO IF YES, WHAT GRADE _____
IS THE STUDENT IN SPECIAL EDUCATION/RESOURCE/SPEECH? ☐ YES ☐ NO
IS THE STUDENT IN ESL? ☐ YES ☐ NO

DOCTOR'S NAME	OFFICE PHONE #	ADDRESS	
PREFERRED HOSPITAL	HOSPITAL PHONE #	ADDRESS	
Please list any medical conditions that the student has.		Taking Daily Medication YES <input type="checkbox"/> NO <input type="checkbox"/>	Name of Medication _____ Time(s) of dosage _____
EMERGENCY CONTACT	ADDRESS:	HOME PHONE	WORK PHONE #
EMERGENCY CONTACT	ADDRESS:	HOME PHONE	WORK PHONE #

IN CASE THIS CHILD BECOMES SERIOUSLY ILL OR INJURED AND NEITHER PARENT CAN BE REACHED,
WE ARE HEREBY AUTHORIZING NOVA CHARTER SCHOOL TO CONTACT ONE OF THE FOLLOWING: PHYSIC
AMBULANCE OR THE EMERGENCY CONTACTS THAT YOU LISTED ABOVE. ☐ YES ☐ NO

THE DALLAS FIRE DEPARTMENT PROVIDES AN AMBULANCE SERVICE. THERE IS A FEE CHARGED ONLY
IF THE PARAMEDICS TRANSPORTS THE CHILD IN THE AMBULANCE. YOU, AS THE PARENT/GUARDIAN, SH
ASSUME RESPONSIBILITY FOR THE PAYMENT OF SUCH SERVICES.

PARENT SIGNATURE: _____ DATE: _____

NOVA IS AN EQUAL OPPORTUNITY INSTITUTION. THEREFORE, NOVA DOES NOT DISCRIMINATE WITH
REFERENCE TO RELIGION, RACE, ETHNICITY OR COLOR.

DISTRIBUTION:
White - PEEL IS Coordinator
Canary - Hcroom Teacher
Pink - Student Folder

Attachment 6

Electronic Application Certification

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

Section XIII. Electronic Copy of Application

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

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

Dennis Woods

Printed Name of Chairperson of Charter Holder Board

Dennis Woods

Signature

9/2/02

Date

Ben Younger IV

Printed Name of Chief Executive Officer of the Charter School

Signature

Date

BENJAMIN YOUNGER IV

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 Chosen Holder



NOVA CHARTER SCHOOL
8301 Bruton Road, Dallas, TX 75217
(214) 309-9030 Office (214) 309-9033 Fax

RESOLUTION 105

WHEREAS, the Board of Trustees of Nova Charter School has adopted to renew the application for the Open-Enrollment of Nova Charter School;

THEREFORE, be it resolved by the Board of Trustees of Nova Charter School(s) the motion passed unanimously to 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.

Anna H. Wood
Board of Trustee

Alice Sue Franklin
Board of Trustee

Greg Thomas Jones
Board of Trustee

Donna J. [Signature]
Board of Trustee

Patricia [Signature]
Board of Trustee

Byron Myles
Board of Trustee

William L. Barefield
Board of Trustee

Ladonia [Signature]
Board of Trustee

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 Chief Executive Officer 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 Chief Executive Officer 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

NOVA charter holder for NOVA Charter School, assures that it has policies and procedures in place that insure 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.

A. Child Find

Initial: AC

☒ 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: plc

☒ 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 public 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) A [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: AW

☒ **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: AL☒ **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 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.S. Section 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.

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

- (a) A [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: EW

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

F. Evaluation

Initial: De

☒ **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. The referral for a full and individual initial evaluation must be completed in accordance with Texas Education Code, §29.004, related to the 60 calendar day time line.

☒ **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 school district, in accordance with 20 U.S.C. Section 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. Section 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, a [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.

☒ **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) A [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: *AB*

☒ **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:

☒ **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. 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 holder], 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 [charter school] during the school year, information obtained from the prior school district 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 all students with dignity and respect. A student with a disability may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.
- (b) In this section:
 - (1) "Restraint" means the use of physical force or a mechanical device to restrict the free movement of all or a portion of a student's body.
 - (2) "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:
 - (A) is designed solely to seclude a person; and
 - (B) contains less than 50 square feet of space.
 - (3) "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
 - (A) that is not locked; and
 - (B) from which the student is not physically prevented from leaving.
- (c) A [charter holder] employee or volunteer or an independent contractor of a [charter holder] may not place a student in seclusion. This subsection does not apply to the use of seclusion in a facility to which the following law, rules, or regulations apply:
 - (1) the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;
 - (2) 40 T.A.C. Sections 720.1001-720.1013; or
 - (3) 25 T.A.C. Section 412.308(e).
- (f) For purposes of this subsection, "weapon" includes any weapon described under Section 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.

☒ **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 time-out, if any, must be addressed in the IEP or BIP. The admission, review, and dismissal (ARD) committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.
- (j) Student safety. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.
- (k) Data 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: DL

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

☒ **34 CFR §300.552. Placements.**

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

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

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

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

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

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

I. Transition Planning

Initial:

☒ [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: *SL*

☒ **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: du

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

- (d) FAPE for children suspended or expelled from school.
- (1) A [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. Any disciplinary action regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a manifestation determination review has been conducted by the student's admission, review, and dismissal committee.
- (b) All disciplinary actions regarding a student with a disability who receives special education services shall be determined in accordance with federal law and regulations, including the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review.
- (c) A teacher in a disciplinary alternative education program who has a special education assignment must hold an appropriate certificate or permit for that assignment. A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes.

☒ **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. Section 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; and
 - (3) behavioral intervention plans.
- (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 Section 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 Section 37.011, the expulsion under a provision of Section 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) Section 37.007(b), (c), or (f); or
 - (2) Section 37.007(d) as a result of conduct that contains the elements of any offense listed in Section 37.007(b)(3) against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district.
- (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.

L. Allowable Expenditures of State Special Education Funds

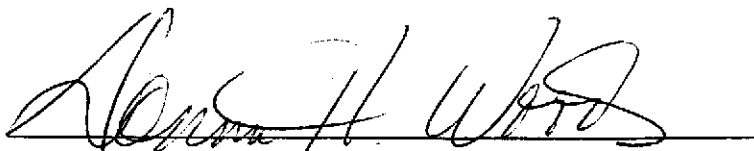
Initial: DT

☒ 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 Chief Executive Officer of the Charter Holder

3-1-04

Date of Signature

Donna H. Woods

Typed name and Title of the Chief Executive Officer of the Charter Holder



TEXAS EDUCATION AGENCY

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Shirley J. Neeley, Ed.D.
Commissioner

Ms. Donna Houston-Woods, Board Chair
Nova Charter School
8301 Bruton Road
Dallas, Texas 75217

Dear Ms. Houston-Woods:

I am pleased to inform you that the charter renewal for Nova Charter School, Oak Cliff (county-district number 057-809) 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;
- conditions as described in the attached document, Exhibit I; 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!"

Exhibit I
Conditions of Renewal for Nova Charter School, Oak Cliff

The charter renewal for Nova Charter School, Oak Cliff is approved with the following conditions:

- For Fiscal Year 2004, the charter holder for Nova Charter School, Oak Cliff will file the financial and compliance report on or before the due date.
- For Fiscal Year 2004, the charter holder for Nova Charter School, Oak Cliff will file the Report on Applying Agreed-Upon Procedures for State Compensatory Education on or before the due date.

If the agency believes a condition has not been met, it may report the matter to the commissioner. In that event, Nova Charter School, Oak Cliff may request a limited hearing under TEC §12.116, solely on the question of whether the conditions stated above were met. On final determination that a condition was not met, the commissioner may take appropriate administrative action, including denial of this charter renewal for Nova Charter School, Oak Cliff for failure to meet the conditions stated above.