

**Open-enrollment Charter School Renewal Applications
Generation Three -- Abbreviated**

Part 1. Charter Update

Charter Holder Name: Academies of America
(i.e. nonprofit organization, institution of higher learning, or governmental entity)

Charter School Name: Academy of Dallas

Charter School County/District #: 057-810

**Campus Name(s)
County/District/Campus**

Academy of Dallas
057-810-101

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: 1000

B. Grades Served: PK-8

Approved GED program: YES NO

C. Geographic Boundaries (School Districts): Dallas ISD, Arlington ISD, Grand Prairie ISD, Duncanville ISD, DeSoto ISD, Cedar Hill ISD, Wilmer Hutchins ISD, Mesquite ISD, Lancaster ISD, Irving ISD, Garland 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, the offices held, any board members relative 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 about), 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

Richard Walls

Chair

None

\$5,000

Nathalia Brooks

Secretary/Treasurer

None
\$5,000

Sonya Mitchell
Vice Chair

None
\$5,000

2. Will any relative of the board member within the third degree of consanguinity or affinity (see definition about) 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

1. Tiffany Walker – daughter of the school principal, Reginald Walker, is the PEIMS coordinator for the school and is paid \$10.40/hour.

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

Jessica Sears

Board President

None

-0-

Paul Bradley

Vice President/
Secretary

None

None

-0-

Nathalia Brooks

Treasurer

None

-0-

Robert H. Young

Member

None

-0-

2. Will any relative of the board member within the third degree of consanguinity or affinity (see definition about) 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

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.

Each member of the board has performed essential roles and duties in implementing the charter school. They have performed roles and duties related to visionary leadership, guidance, direction and advocacy for the success of the charter school. Some of their more important roles and duties include the following:

VISIONARY ROLE that includes a duty to:

- promote the educational welfare of all 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 reflects the present and future needs of the children and communities served by these schools

A GUIDANCE AND DIRECTION ROLE that includes a duty to:

- provide guidance and direction to the school in accomplishing its organizational vision.
- recognize and understand the respective roles of the legislature, the State Board of Education, the Texas Education Agency, and the local Boards in the governance of the school.
- adopt a planning and decision making process consistent with state statute that uses participation, information, research, and evaluation to help achieve vision of the proposed school.
- ensure the planning and decision making process engaged in by the Academy of Dallas enables all segments of the community, parents, and professional staff to contribute meaningfully to achieving the mission of the proposed school.

AN ADVOCACY ROLE that includes a duty to:

- generally promote organizational missions within communities served by school campuses operated by the 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 partnerships between the school, parents, business leaders, and other community members as an integral part of the school's educational program
- promote School Board service as a meaningful way to make long-term contributions to the local community and society.

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 and describe the difference from the previous requirement.

All instructional staff that are identified as classroom teachers will possess a minimum of a bachelor's degree who provide instruction in the following core curriculum areas: English; reading or language arts; mathematics; science; foreign languages; civics and government; economics; arts; history; and geography. The Academy of Dallas assures that staff including paraprofessionals will meet the minimum qualifications required by state and federal laws and regulations.

Section IV. Code of Conduct

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.

The school has created a *Student Handbook* that sets forth a code of conduct for students attending our charter school. Parents and students are provided this handbook upon enrollment where parents are required to sign a document stating that they have received the handbook and understand its contents which are kept on file in the student's folder.

Our disciplinary policies focus toward restoring and directing the offending student to behavior that is acceptable to our school rather than toward harsh punishment such as expulsion. The most austere punishment (suspension and expulsion) will be reserved for offenses that are persistent and serious violations of the school's code of conduct and established classroom rules. For example, violation of the "no weapons" code of conduct will be cause for student suspension or expulsion on the first occurrence of the violation.

Policies governing administrative actions taken to prevent a student's expulsion and suspension are identified in our "*Student Handbook*". These include requiring parents to attend a conference with the Principal or designee for inappropriate behavior at school. Students placed on a parent conference request status may not return to class until the parent conference has been completed.

The school may "emergency remove" students for disruptive behavior for as long as three days. Students may not return to school until the emergency removal days have been served. If students who are removed from school report to school prematurely, 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.** Violation of the "no weapons" code of conduct will be cause for student's suspension or expulsion.

The charter school's *Student Handbook* will set forth the school's procedures (due process) for expulsion and suspension of students. Our procedure is structured as follows:

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 or in-school. Written notice of the time and location of the

expulsion hearing will be provided to the student and parents or guardians. The student's parents, guardian, or another adult who is not an employee of the charter school may represent the student at the hearing. If the decision to expel is made by the school's administrative staff, the decision may be appealed to the Board.

A student shall be expelled by written order stating the facts that warrant expulsion, and setting the term of the expulsion. Before the expulsion, the School's Superintendent or designee will provide the student a hearing at which the student is afforded due process, which shall include the following:

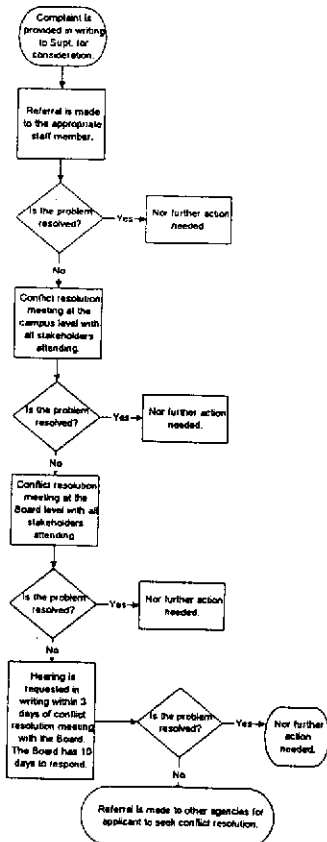
- Prior notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation;
- Right to a full and fair hearing before the Board or its designee;
- Right to an adult representative or legal counsel;
- Opportunity to testify and to present evidence and witnesses in 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 advise of the nature of the evidence and the names of any witnesses whose testimony may be used against the student. The student and his/her parent(s) or guardian(s) 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 his/her parent(s) or guardian(s).

Notice of expulsion will also be made to the county juvenile court within two business days after the expulsion hearing is held. The school will inform each teacher of the expelled student of the offense that caused the expulsion. Teachers so informed will be required to keep all expulsion information confidential. The school's *Student Handbook* sets forth the school's procedures for appeals of expulsion and suspension of students. The appeals procedure will be structured as follows: A decision by the Superintendent to expel a student may be appealed to the Board. A handicapped student shall not be excluded from his or her current placement pending appeal to the Board for more than 10 days without ARD committee action to determine appropriate services in the interim. Pending appeal to a special education hearing officer, unless the school and parents agree otherwise, an identified special education student shall remain in the present education setting.

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.)



The Board of Directors have adopted policies pertaining to notifying parents of its students about their rights. The notice procedure will inform parents or eligible students that they have the right to:

- Inspect and review the student's education records
- Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
- Consent to disclosures of personally identifiable information contained in the student's education records (except to the extent that the Act provides for exceptions)
- file a complaint concerning alleged failures by the school to comply with state or federal legal requirements for notifying parents and students of their rights

In addition to notices to parents about their rights, the school will provide notices regarding all procedures for exercising such rights including but not limited to:

- the procedure for exercising the right to inspect and review education records
- the procedure for requesting amendment of records
- the procedure to file a complaint against the charter school or a staff member employed by the school (See Figure 1.)
- the procedure for student complaints regarding the charter school

The Academy of Dallas will provide notices by any means that are reasonably likely to inform the parents or eligible students of their rights.

Staff member complaints must follow the chain of command and utilize the same complaint procedure described in the previous diagram. All complaints may be appealed to the Board of Directors for a hearing. All complaints to be considered must be submitted in writing within ten working days of occurrences and responded to by the charter school within ten working days. If the Board cannot resolve a complaint, the appellant is referred to the TEA Complaints Division.

Citizen complaints when directed to the school are received by the Principal. Resolution at the local level is preferred. If the principal cannot resolve the complaint, the complaints are referred to the local school board for resolution. All complaints to be considered must be submitted in writing within ten working days of occurrences and responded to by the charter school within ten working days. All complaints may be appealed to the Board of Directors for a hearing. If the Board cannot resolve a complaint, the appellant is referred to the TEA Complaints Division.

All stakeholders have the following rights:

- Right to a full and fair hearing before the Board or its designee after the chain of command has been followed;
- Right to an adult representative or legal counsel;
- Opportunity to testify and to present evidence and witnesses in his or her complaint;
- Opportunity to examine the information prepared by the school administration and to question the administration's witnesses.

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.**)

The Board accepts completed applications throughout the fiscal year (September 1-August 31). If the charter school is oversubscribed, a waiting list is established. From the waiting list, the Superintendent or designee selects students by lottery for available grade level positions. When an opening occurs at a grade level, applicants' names are selected at random to determine which students will be offered admission to the school.

The total enrollment shall not exceed the maximum number of students approved in the open-enrollment charter. Students who reside outside the geographic boundaries shall not be admitted to the charter school until all eligible applicants who reside within the boundaries and who have submitted application have been enrolled.

This charter school will admit transfer students to the charter school in accordance with the Commissioner's Rules §100.1207 (c).

The following statement applies to enrollment of students:

The Academy of Dallas admits students of any race, color, nationality, disability, and ethnic origin to all the rights, privileges, programs, and activities of the school. It does not discriminate on the basis of gender, race, color, nationality, artistic ability, ethnic origin, religion, disability, academic ability, athletic ability, or the district the child would otherwise attend. Students who have a documented history of a criminal offense, juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37 will be excluded from enrolling.

Section VII. Student Performance Goals

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 student 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.

Academic Goal #1 – To create a quality school environment that leads to outstanding academic performance.

A quality school environment is heavily dependent on the following variables: qualified administrative, instructional, and support staff; appropriate and diverse learning resources; data from student assessments; quality curriculum; and parent and community support. The student performance objectives convey how well these variables are performing in concert.

Objective

How progress will be measured relative to this objective.

Assessment Instrument to be used.

Timeline for reporting progress.

1.1 Student performance on State instruments will equal or surpass State standards as defined on the AEIS report.

The school will establish benchmarks during the first year and will compare the charter schools performance to State standards each year.

TAKS, SDAA, LDAA, RPTE

Annually reported through aggregated data that is compiled in the annual charter school evaluation report available to the public through websites, publications, and reports to the board.

1.2 To consistently improve individual TLI scores to demonstrate that students are acquiring skills and knowledge and to indicate at least one year's growth.

The school will disaggregate data and make comparisons on each student's TLI scores to determine progress annually.

TAKS

Annually reported by the instructional staff to the parents and administration.

1.3 To improve subgroup TLI scores to demonstrate that students are acquiring skills and knowledge and to

indicate at least one year's growth.

The school will disaggregate data and make comparisons on each student's TLI scores to determine progress.
TAKS

Annually reported by the instructional staff to the parents and administration.

1.4 To compare TLI and SAT9 scores with academic performance on the student report card to determine progress.

Progress will be measured through a matrix maintained on each individual student reporting scores and classroom grades to determine academic growth and/or needs.

TAKS, SAT9

Disaggregated data will be utilized by teachers annually to report individual growth and improvement to parents. Progress will be charted annually through student profiles to develop and update the school's district improvement plan.

1.5 Each grade level will demonstrate a 10% gain in TAKS Reading scores, compared to prior grade level performance.

Achievement of this objective will be measured by comparing each grade cohort's reading scores from one year to the following year.

TAKS

Annually reported through aggregated data that is compiled in the annual charter school evaluation report available to the public through websites, publications, and reports to the board.

1.6 Each grade level will demonstrate a 10% gain in TAKS Math scores, compared to prior grade level performance.

Achievement of this objective will be measured by comparing each grade cohort's math scores from one year to the following year

TAKS

Annually reported through aggregated data that is compiled in the annual charter school evaluation report available to the public through websites, publications, and reports to the board.

1.7 By the end of year 5 of renewal, the school's TAKS passing rate will be at least 60%.

Achievement of this objective will be measured by the school's overall achievement on TAKS testing.

TAKS

TAKS passing rates for each school in the State will be announced by TEA annually after TAKS scoring is completed. The AEIS report card for the school will be distributed to parents and will be made available upon request for community members. The AEIS report is published on the TEA website. A link will be established on the charter school's website for review purposes.

1.8 By the end of year 5, 65% of the special populations taking alternative tests will demonstrate gains in reading, writing, and math.

Achievement of this objective will be measured by the school's overall achievement on alternative tests.

SDAA, RPTE

Alternative tests passing rates for each school in the State will be announced by TEA annually after scoring is completed. The AEIS report card for the school will be distributed to parents and will be made available upon request for community members. The AEIS report is published on the TEA website. A link will be established on the charter school's website for review purposes.

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.

Academic Goal #2 – To produce high rates of student attendance and retention and low rates of expulsion and suspension.

Poor attendance and high mobility rates as well as discipline problems create gaps in learning and splinter skills. Participation in the learning process provides stability and consistency for all learners. Only students attending school will benefit from the long-term changes leading to self-evaluation and problem solving skills where students invest in their own learning.

Objective

How progress will be measured relative to this objective.

Assessment Instrument to be used.

Timeline for reporting progress.

2.1 To demonstrate at least a 93% student attendance rate each year.

The school will maintain student attendance accounting records in accordance with State requirements.

PEIMS Attendance Accounting

Progress will be reported annually through the charter school evaluation report and the AEIS report card provided to parents.

2.3 To create a child centered learning environment that promotes safety, curiosity, and respect to retain students from year to year.

Progress will be measured through the student transfer report submitted to TEA online monthly. A 5% mobility threshold will be indicative of success.

TEA Transfer Report

AEIS

Enrollment, attendance, and withdrawals are recorded daily utilizing PEIMS software. The PEIMS coordinator will inform administration regarding the transfer report results each month. Mobility will be reported in the annual charter school evaluation report available on the website and board reports.

2.4 To ensure that student expulsion and suspension rates do not exceed 1% of student enrollment each year.

The school will maintain records related to each incident including services to support expelled students and notification records, due process hearing minutes, and appeal records.

PEIMS Discipline Record Accounting

School discipline records of expelled and suspended students will be maintained on a daily basis and available to parents whenever action is taken.

C. Other Relevant Performance Goals

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

School Performance Goal #1 – To ensure that major constituents other than students (school personnel, parents and guardians, and community members) are satisfied with the school’s overall service delivery to it’s students.

Objective

How progress will be measured relative to this objective.

Assessment Instrument to be used.

Timeline for reporting progress.

- 1.1 By August, 2006 and continuing each year thereafter, 75% of school personnel will rate the school’s overall service delivery to students as satisfactory.
The school will conduct a survey of teachers and administrators each year to determine the extent to which these staff members are satisfied with the school’s overall service delivery to students.
Locally developed staff satisfaction survey.
Surveys will be conducted annually and results reported through the annual charter school’s evaluation report available through the school’s website, publications, or board reports.

- 1.2 By August, 2006 and continuing each year thereafter, 75% of parents and guardians will rate the school’s overall service delivery to students as satisfactory.
The school will conduct a survey of parents and guardians each year to determine the extent to which these parents and guardians are satisfied with the school’s overall service delivery to students.
Locally developed parent and guardian satisfaction survey.
Surveys will be conducted annually and results reported through the annual charter school’s evaluation report available through the school’s website, publications, or board reports.

- 1.3 By August, 2006 and continuing each year thereafter, 50% of community partners will rate the school’s overall service delivery to students as satisfactory.
The school will conduct a survey of community partners each year to determine the extent to which these community members are satisfied with the school’s overall service delivery to students.
Locally developed community partner satisfaction survey.
Surveys will be conducted annually and results reported through the annual charter school’s evaluation report available through the school’s website, publications, or board reports.

School Performance Goal #2 – To ensure accountability to the community and the State through timely report submissions.

Objective

How progress will be measured relative to this objective.

Assessment Instrument to be used.

Timeline for reporting progress.

2.1 To prepare, maintain, and submit financial records that are defined by GAAP.

Budgets will be prepared, expenditures recorded, and reports submitted to the Board, PEIMS, and TEA as required.

External Audit, PEIMS submission, Board reports

Annual audits are available upon request to parents and community members. Budget and expenditure information is available online at the TEA website for parents and community members to review.

2.2 To recruit, train, and retain 75% of the qualified instructional staff by August, 2006.

Records will be maintained to determine retention levels of staff, documented training, and satisfaction surveys.

Satisfaction Surveys

Logs of training

List of staff each year

Progress will be reported annually through the charter school evaluation report and the AEIS report card provided to parents.

2.3 To identify quality staff members that will provide accurate and timely attendance reports and PEIMS records maintaining student confidentiality.

Data collection recording and reporting accurately describes the staff, student, and financial information of the school. PID corrections and timely reports will be used to identify quality staff members.

Edit+, State Reports

The data that is reported to PEIMS will be utilized to compile student and staff demographics which are reported in the annual charter school evaluation report distributed on the website, publications, and board reports.

Section VIII. Monitoring Follow-Up

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.

A Charter School Initial On-Site Review was conducted by the State education agency in September, 2000. The following is a summary of the conclusions by the TEA monitoring team regarding compliance issues in the school:

I. Charter Review

There were four charter citations during the IOR visit. Three of the citations were addressed through amendments to the charter that were approved by the SBOE on November 3, 2000. The fourth citation involved the school improvement team representation. The corrective action designed by the school was to identify members to serve on the team and to initiate work on their campus improvement plan.

II. Bilingual/ESL

There were no citations on the Bilingual/ESL indicators.

III. Special Education

The special education monitors identified 13 compliance issues and cited the school for needed corrective actions. Four of the indicators that were found to be out of compliance were specific to the school's special education policies and procedures: S9 (a) and (b) Independent Educational Evaluation, S10 Assistive Technology, S13 Evaluation, S30 Discipline. The Corrective Action Plan developed by the school indicated revisions in the Policies and Procedures would be made and board approved. This correction was made and implemented in the school.

Indicator S1 was cited due to the fact that although the school obtained Child Find posters from the Education Service Center were posted in the school and in three public places, no information identifying the school specifically were on the posters. The Corrective Action Plan developed by the school indicated that this information would be placed on all Child Find posters. This correction was made and implemented in the school.

Indicator S4 was cited due to the fact that the Annual Notice of Confidentiality was not distributed to all parents of students in the school. The Corrective Action Plan developed by the school indicated that this Notice would be included in the school's Student Handbook. This correction was made and implemented in the school.

Indicator S3 was cited due to the fact that although the school had policies and procedures in place regarding Surrogate Parent need, identification and training, no child required the services of a Surrogate at that time, and therefore no person had been identified as a Surrogate Parent and received the training. The Corrective Action Plan developed by the school indicated that a Surrogate Parent would be identified and trained in the event the need arose. This correction was made and implemented in the school. However, new Commissioner's Rules indicate that training of Surrogate Parent volunteers is not required until assignment a

a Surrogate.

Indicator S11 was cited due to the fact that no documentation was available to indicate that Procedural Safeguards had been issued to parents when Notice of ARD Committee Meeting was provided. The Corrective Action Plan included a tracking document that indicates the date the Procedural Safeguards is provided to parents. Additionally, three sources for parents to contact are made available to the parents for assistance in understanding the contents of the document in the Procedural Safeguards. This correction was made and implemented in the school.

Indicator 15 was cited because the 30 school day timeline required by federal law between a Temporary ARD and a Review ARD had not been met. The Corrective Action Plan included a tracking document developed by the school's special education consultant that documents dates of ARDs and timelines due to the next action. This Corrective Action was implemented by the school.

Indicator S28 was cited because the school did not have a resource classroom available to the student whose folder was reviewed and whose ARD committee determined that the schedule of services should include resource classroom assignment for a given time per day. Therefore, the school was not providing a continuum of services available to students with identified handicapping conditions. The Corrective Action Plan include recruiting a special education certified teacher and providing classroom space for a resource classroom, self-contained classroom, or content mastery as determined by the ARD committee. This Corrective Action has been made by the school and implemented on the campus.

Indicator 29 was cited because the school did not provide the resource classroom to the student whose schedule of service included resource classroom for a given time per day. The Corrective Action Plan for the school included recruiting a special education certified teacher and providing classroom space for resource classroom. This Corrective Action has been made by the school and implemented on the campus.

Indicator S31 was cited because the ARD document did not consider Extended School Year services for the student whose folder was being reviewed by the monitor. The Corrective Action Plan for the school included revising the ARD/IEP form to include Extended School Year consideration, and staff development to address this issue. The Correction Action has been made by the school and implemented in all ARD meetings.

Indicator S36 was cited because not all school employees had viewed the video, "Aiming High and Targeting Excellence" regarding state corrective actions for special education. The Corrective Action Plan for the school included obtaining a school copy of the video and documenting by signature of each employee on a school employee list that each employee had in fact seen the video. This Corrective Action has been made by the school, and all employees of the school see the video at the beginning of each school year; any new employees hired by the school during the school year are also required to view the video.

A Corrective Action Review visit was conducted by the State Education Agency team in September, 2001, at which all charter, B/ESL, and special education indicators were found to be in compliance and all Corrective Actions implemented. The school continues to provide quality special education services to all students enrolled that are eligible for services that are compliant with federal and state regulations. Presently, the school does not meet the threshold for high risk factors on the PAS/DAS that would invoke a DEC visit .

Part 2. Special Needs Students/Programs

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

Section IX. IDEA Key Components

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

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

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

IDEA Key Components

A. Child Find (34 CFR 300.125)

The Academy of Dallas has established policies and procedures that affirmatively seek out, identify and evaluate children with disabilities, aged birth through twenty-one years, regardless of their enrollment status at the school. Inquiries to the school concerning students who are not age appropriate for the school are logged and referred to the Region X Education Service Center Child Find department, Dallas ISD, or the Headstart Early Childhood Program. Referral in these instances and follow-up is made by the school receptionist. Additionally, the school has defined specific procedures for referral of students who may be eligible for special education services when a teacher, parent or other person involved with the educational program of the child initiates a referral. The staff is trained annually on these procedures as well as identification of indicators in student performance that suggest assessment for special services may be appropriate. Any student who enrolls in the school is screened through the enrollment process for previous special education eligibility, and inquiries are made immediately to the sending school in this instance so that verification can be determined and a Temporary ARD can be scheduled. In the 2001-2002 school year, the following Child Find activities occurred:

1. Number of inquiries regarding students not age appropriate for the school: 0
2. Number of special education students transferring into the school 7
3. Number of initial referrals for special education assessment: 12
4. Number of student assessed for special education eligibility: 10
5. Number of students initially placed in special education in the school: 6

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

Confidentiality of all special education records is maintained by Academy of Dallas Charter School through compliance with federal and state regulations. All eligibility folders are maintained in a locked file cabinet in the administrator's office with a list of persons who have access to the file in full public view. An access log is maintained in the front of all eligibility folders where any persons having access to the folder signs as to the purpose of access. The building principal is the officer in charge of maintaining confidentiality of these records. Parents of adult students are advised of their rights pertaining to student records annually through inclusion of the Annual Notice of Confidentiality in the school's student handbook. The Parent's Guide to

Procedural Safeguards has been distributed to all parents of special education students. Parents are provided the Procedural Safeguards for Parents of Special education Students in all instances of Notice and/or Consent, and have access/confidentiality procedures described to them by the campus Special Education teacher. Only in the instance of attaining the age of 18 are students given access to copies of documents in the eligibility folder and/or explanations or interpretations of the records. Copies of documents contained in the folder are made available to the parent/guardian by request, and no more than \$.10/copy, or the amount charged to parents of non-eligible students for copies, is charged for copies of the documents. No fee is charged for staff time or research. Confidential information is disclosed only with written parental permission, except in the instance of a request of records from a receiving school when a student has transferred from the charter school. In that instance, verification that records are being requested by a school in which a student has enrolled in order to develop the student's academic program is received prior to sending records; the records are sent to the receiving school within 30 days of the enrollment of the student in that school (or the request from the previous school is received by the Academy). Confidential information may be disclosed to officials of participating agencies when release of information without consent is permitted by the rules in FERPA. Disciplinary reports and/or information may be disclosed to participating agencies when the behaviors resulting in disciplinary actions are not related to the student's handicapping condition. Parents are informed of their right to request an amendment to any information in the school record. When an amendment is requested by a parent, the charter school replies within a reasonable time with a refusal or amendment; the parent is notified of their right to request a hearing when the amendment is refused through provision of Procedural Safeguards and an explanation by the Special Education teacher on campus. During the 2001-2002 school year, no hearings or amendments were requested of the school by any parent or guardian. Special Education records are maintained by the school for a period of seven years, and parent notice is given when destruction of these records becomes appropriate.

C. Procedural Safeguards (34 CFR 300.504)

A full explanation of Procedural Safeguards is provided to parents upon Notice or Consent requests, a minimum of five school days prior to a proposal to initiate or change education placement, conduct an evaluation, or refuse to change educational placement. The explanation addresses Independent Education Evaluations, prior written notice requirements, parental consent, access to confidential records, opportunity to present complaints leading to due process hearings, child placement pending due process hearings, procedures for students who are subject to placement in an interim alternative placement requirements for unilateral placement by parents of students in private schools at public expense, mediation, due process hearings, state-level appeals, civil actions, attorneys fees, complaint procedures (timelines) and provides three sources of explanation available for parent contact (one not associated with the district or the TEA). The Explanation of Procedural Safeguards is provided to parents in the following instances:

1. upon initial referral for evaluation
2. upon each notification of an admission, review, or dismissal committee (ARD) meeting
3. upon each re-evaluation
4. upon a school district's or parent's request for a "due process hearing" about their child
5. when any information that specifically identifies the student is no longer needed

This document is provided in the natural language of the parent/guardian or adult student, and/or an interpreter is made available for translation to the parent/guardian's native language.

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

The Academy of Dallas Charter School has adopted policies and procedures with respect to Notice of Admission, Review or Dismissal meetings. This Notice is provided to parents at least five school days prior to the meeting unless the parent agrees to waive their right to the five-day requirement. The Notice includes:

1. student name
2. date, time and place of the meeting
3. purpose of the meeting
4. information to be considered
5. options considered prior to convening the meeting
6. persons invited to/attending the meeting
7. opportunity for parent to invite other persons
8. opportunity for parent to reschedule the meeting
9. other considerations at parent request
10. opportunity for parent to waive five-day notification requirement
11. opportunity for parent to indicate attendance at the meeting, permission to proceed without the parent being present, participation by telephone, or request to be contact regarding rescheduling
12. parent signature and date.

The Notice is provided to the parent in the parent's native language when the parent's dominant language is other than English, and an interpreter is available to interpret the contents of the Notice when needed or when the parent is hearing impaired. A copy of the Procedural Safeguards is provided to the parent that includes three sources available for parent contact in understanding the contents of the Notice.

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

A Full and Individual Evaluation is conducted of each student's educational needs prior to initiation of special education services. In addition to standardized tests and other evaluation materials used in the evaluation, the school draws upon information from a variety of sources in making the determination of eligibility for special education services. Aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, adaptive behavior, language (primary, receptive and expressive), and state or other competency testing are all sources of information to be made a part of the FIE. Consent for Initial Evaluation is obtained from the parent and Notice of Assessment is provided to the parent a minimum of five school days before the evaluation is initiated. Notice and consent is provided to the parent in the parent's dominant language, and an interpreter is available to interpret the contents of the documents when the dominant language is other than English or when the parent is hearing impaired.

An Explanation of Procedural Safeguards is provided to the parent when Notice and Consent is given or requested that includes three sources available for parent contact in understanding the contents of the documents. All evaluation materials are validated for the specific purposes for which they are used, including those tailored to assess educational need and not merely those that are designed to provide a single general intelligence quotient. The school contracts for these assessment services with licensed, trained and knowledgeable personnel (educational diagnosticians, Licensed Specialists in School Psychology, speech therapists, etc). Testing is conducted in the student's native language which is established through the Language Dominance form provided for parent completion upon enrollment, and may be determined through more formal assessment of oral expression, listening comprehension, reading comprehension and written language where indicated. The student is evaluated in all areas of suspected disability, a classroom observation

is completed by a person other than the classroom teacher and a determination is made by a multi-disciplinary team when a learning disability is suspected.

Intellectual testing is used to determine intellectual functioning as a part of eligibility criteria for mental retardation and learning disabilities, but informal intellectual assessment is sometimes used for other eligibilities. Adaptive Behavior Scales are always included in the evaluation when consideration of mental retardation is being made. The school's policies and procedures regarding evaluation includes compliance with all federal timelines. Upon initial referral for special education evaluation, the 90-day timeline is tracked through the use of tracking documents and documentation in the eligibility folder. The special education teacher is responsible for monitoring of the required timelines. For student whose eligibility has been previously established, re-evaluation is considered by the ARD committee at least every three years. The committee determines evaluation needs to establish continued eligibility, the 90-day timeline is monitored by the special education teacher, and the committee reconvenes to consider assessment data and determine continued eligibility. Upon request by a parent or other person involved in the educational program of the student, additional assessment may be conducted when considered and recommended by the ARD committee. An eligibility report is completed by properly licensed personnel and made a part of the evaluation for ARD committee review.

F. Development and implementation of the individualized educational program (IEP); Extended school year (ESY) services

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

An Individual Education Plan is developed by the ARD committee for each student with a disability through a coordinated effort between the administrator, special education and/or related services staff, the parent and the mainstream education teacher (where appropriate), prior to the initiation of services to the student. The following components are addressed in development of the IEP:

- Annual goals and short-term objectives are presented for approval to the ARD committee in draft form, or may be developed during the ARD meeting, as well as determination of modifications/adaptations needed to address the academic, physical, medical, social, emotional and behavioral contingencies affecting the student's program.
- Language needs of the child with Limited English Proficiency or the child who is deaf or hard of hearing
- consideration of needed supplementary aids and services
- present learning competencies
- adaptive behavior
- assistive technology services and/or device
- modifications in competency testing
- least restrictive environment
- related services
- schedule of services
- consideration of Extended School Year programming
- persons providing special education services

Additionally, frequency of parent notification of progress is determined. A copy of the IEP goals, objectives and modifications are provided to the mainstream teacher(s) and the special education teacher for monitoring in the classroom. The special education teacher serves as a mentor to the mainstream teacher(s) in implementation and monitoring of goals, objectives and modifications in the regular classroom. Further coordination occurs

between the classroom teacher and related services providers or speech therapists when needed through consultation. In the instance of students whose eligibilities include hearing impairment or visual impairment, and the school does not have available a special education teacher with those specific certifications, the school contracts with the education service center for those personnel.

Extended School Year services are considered in the annual ARD for each student, and provision of services will be determined based on classroom teacher reports, achievement/progress reports and parent information that supports the regression of the student in academic and/or self-help skills that cannot be recouped within eight weeks of the next school year. The ARD committee meets at the end of the regular school year to determine appropriateness of ESY as well as to develop goals and objectives for the ESY program based on the student's IEP.

G. Least Restrictive environment (LRE) placement (34 CFR 300.500-300.553; 19 TAC 89.63(a-c))

The charter school offers educational programming through a continuum of services and opportunities to students with disabilities within the regular program and curriculum to the greatest extent possible and with individuals who are not disabled. Consideration for Instructional Arrangement is made in the ARD meeting, ensuring that each student shall be offered an instructional arrangement based on assessment data and recommendations, individual student needs and not dependent upon existing special education instructional arrangements in the school. The following instructional arrangements have been determined and provided for special education student in the charter school during the 2001-2002 school year:

1. speech therapy – provided individually and, in some instances, in small groups for eligible students
2. mainstream class with adaptations and modifications
3. resource classroom – available for Content Mastery from the regular classroom to complete or get individual help with assignments, regularly scheduled classes (one period to four periods).

The school currently has no students who are severely impaired, and is not providing severe self-contained classroom services. Physical Therapy, Occupational Therapy, Speech/language Therapy, assistive technology devices and services and adaptive PE are provided to students requiring these services on a contractual basis with licensed professionals. Certified special education teachers instruct the resource class and participate in team-teaching in the inclusion model for those students whose ARD team determines this as appropriate. No students have been placed in an Alternative setting due to behavioral or other considerations, and no students have received services at home or in a hospital classroom, private institutions or other care facilities.

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

The school provides transition planning to students who have reached the age of fourteen. However, since the school addresses grades Pre K-8, no students enrolled in the school have reached the age of 16. Policies and procedures are in place in the event students of that age enroll. Otherwise, the ARD committee considers transition planning during the ARD meeting supplementally. Agencies identified as providing services to the student or the student's family are invited to ARD meetings when appropriate to early transition planning; no MOU's have been developed with these agencies due to ages of the students addressed, and no signatory agencies have requested an ARD committee meeting to consider transition planning for students who are younger than age 16. Students and parents are provided brochures and literature concerning transition beginning at age 14 and prior to ARD committee consideration that assists in identifying steps and responsibilities in working toward transition to adult life.

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)

During the 2001-2002 school year, the school employed one emergency certified special education whose deficiency plan is part of the personnel record. This teacher currently serves the students on the Vernon Street Campus which encompasses the 3rd-8th grade students. Currently there are no resource students receiving services on the Oak Park Campus, although there are three students who have been referred for special education evaluation on that campus. Five students on the Vernon St. Campus are receiving services from the speech therapist due to their eligibility as speech impaired. The school continues in recruitment efforts through newspaper ads and other search methods to attract and hire additional special education certified teachers. Additionally, certified and licensed speech therapists (2), a physical therapist and an occupational therapist were available to the school through contractual agreements. The school contracts with a special education consultant for program integrity, planning and overview. One paraprofessional (teacher aid) was employed by the school works under the supervision of the certified special education staff to provide services to special education eligible students.

The school contracts with appropriate certified and/or licensed personnel providing assessment and evaluation services to special education students through assessment, scoring, report writing and attendance in ARD meetings on an "as needed" basis.

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

During the 2001-2002 school year, no special education students were suspended more than ten days cumulatively. However, policies and procedures and staff training are in place to ensure that if the situation occurs, an 11th day ARD will be held immediately. Also, no special education student was considered for expulsion, and no manifest determination ARDs were held. The school does have provisions for alternative placements for expelled students to maintain FAPE for all special education students, who are provided services in a Homebound instructional arrangement (determined by the ARD committee). The special education teacher provides instruction related to the Individual Education Plan in the student's home for the amount of time and using materials and supplies determined by the ARD committee. In the event that a student's behavior includes consistent minor rule violations and/or major behavioral problems, the school has Behavior Management Specialists available through contracted agreements for development of Functional Behavioral Assessments and Behavior Intervention Plans. Additionally, the school does have a designated in-school suspension program where students may be assigned by ARD committee determination. The school does not currently have an off-campus Alternative Education Program.

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

Special education funds have been expended according to the 85% rule as mandated by the Texas Education Agency. The following items have been paid from received special education funds by the charter school:

1. salaries for special education certified teachers who provide services to special education eligible students;
2. invoices from contracted related service providers whose Texas licenses apply to their particular therapy and who provide therapeutic services to special education eligible students;
3. special education consultant fees paid to the Texas certified special education consultant;
4. invoices from contracted assessment personnel who are certified and licensed in the State of Texas as Educational Diagnosticians and/or Licensed Specialists in School Psychology who evaluate and assess special education referred or eligible students;
5. materials and supplies for the resource classroom and, in some instances, the mainstream classrooms for use by special education students only in compliance with the student IEP;
6. assistive technology devices and/or services provided to special education eligible students in compliance

with ARD committee direction;

7. the portion of salaries of paraprofessionals whose job duties include provision of services to special education students under the supervision of special education certified teachers for the percentage of time spent in the provision of those services to special education students.

Section X. 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.

** 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. N/A
- 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.

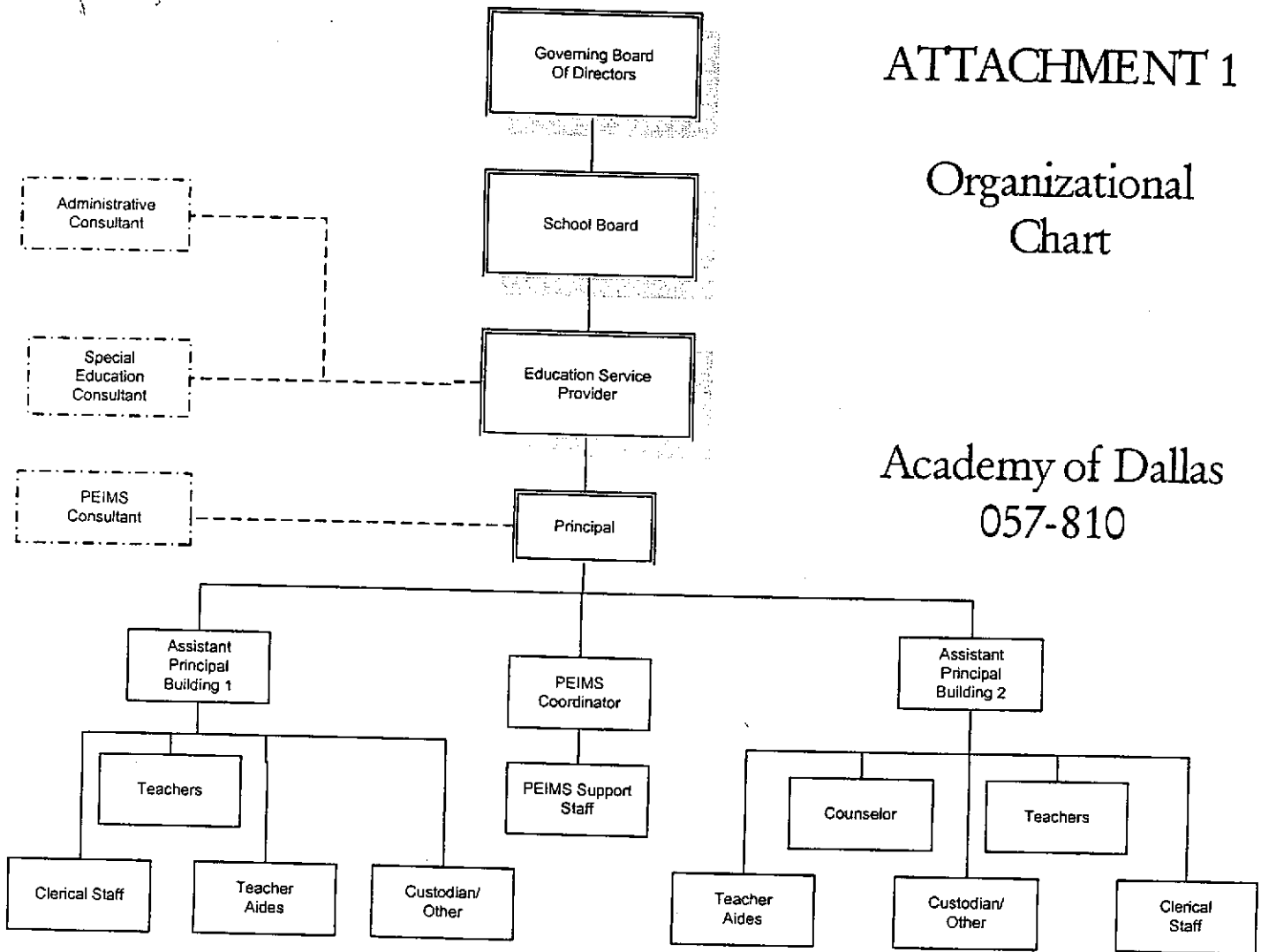
*If the initial placement prior to the 30-day transfer ARD is a mainstream instructional arrangement/setting, provide a detailed explanation for this decision.

For further **CLARIFICATION** on Section X. Information Requests, please contact Martha Murrell in the Division of Special Education (512-463-9362).

ATTACHMENT 1

Organizational Chart

Academy of Dallas
057-810



ATTACHMENT 2

Criminal History Records

Criminal History Records/Background

PAGE 29 - 30 = 2 PAGES

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

Criminal History Records/Background

PAGE 31 - 32 = 2 PAGES

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

ATTACHMENT 3

Biographical Affidavits

02/26/2003 03:55 2484150059

PAGE 01

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

Check all that apply:

- Member of the governing board of the sponsoring entity
- Member of the managing 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 Sponsoring Entity
Academy of America

Full Name of Proposed Charter School
Bexar County Academy

In connection with the above-named organization and charter school 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) Richard Dean Walls

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. Date and Place of Birth: 5/30/69 Detroit Michigan

5. Business Address: 6301 Woodrow Rd Lithonia GA 30038

Business Telephone: 404-456-3000

6. List your residences for the last ten (10) years starting with your current address, giving:

DATES	ADDRESS	CITY AND STATE	ZIP CODE
2000-2003	6508 Rock Springs Rd	Lithonia GA	30038
1992-2000	HC 65 Box 80	FORESTHILL WV	24935

DATES	ADDRESS	CITY AND STATE	ZIP CODE
2000-2003	6508 Rock Springs Rd	Lithonia GA	30038
1992-2000	HC 65 Box 80	FORESTHILL WV	24935

7. Education: Dates, Names, Locations and Degrees

College Concord College 89-92 Athens WV
General Studies

Graduate Studies N/A

Others N/A

8. List Membership in Professional Societies and Associations: N/A

9. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past twenty (20) years:

DATES	EMPLOYER	ADDRESS	TITLE
2000-2003	Academy of America	6301 Woodrow Rd	Lithonia GA 30038 National Project Mgr
1996-2000	Walls Enterprises	HC 65 Box 00	Forest Hill, WV 24935 Project Mgr
1994-1996	Tidewater Constr.	Virginia Beach, VA	TRUCK DRIVER
1988-1994	General Constr.	Detroit, MI	

10. Present employer may be contacted: Yes No (Circle One)

Former employers may be contacted: Yes No (Circle One)

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

Received Fax : Feb 26 2003 2:54PM Fax Station : Academy of America p. 3

02/26/2003 03:55 2484150059

PAGE 03

11. a) Have you ever been in a position which required a fidelity bond? NO If any claims were made on the bond, give details: _____

b) Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? NO If yes, give details: _____

12. List any professional, occupational, or vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past. (State date license was issued, issuer of license, date terminated, reasons for termination): BUSINESS LICENCE /GA/ DeKalb Co / OPEL

13. During the last ten (10) years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has such license held by you ever been suspended or revoked? NO If yes, give details: _____

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

POSITION	COMPENSATION

15. 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 sponsoring entity or the proposed charter school? _____ If yes, give details: _____

16. 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 sponsoring entity or the proposed charter school? _____ If yes, give details: _____

17. Have you ever been adjudged bankrupt? NO

02/26/2003 03:55 2484150059

PAGE 04

18. 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: _____

19. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any business, which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? NO

20. Are you now, or have you been, within the past five years, a plaintiff or defendant in any lawsuit? NO. If so, please furnish details: _____

Dated and signed this 26TH day of FEBRUARY, 20 03
at SOUTHFIELD, MICHIGAN

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.

Richard Walls
(Signature of Affiant)

State of MICHIGAN

County of OAKLAND

Personally appeared before me the above named RICHARD WALLS 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 26TH day of FEBRUARY, 20 03.

David K. McDonnell
(Notary Public)
DAVID K. McDONNELL
My commission expires 01/31/2004

(SEAL)

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

Check all that apply:

Member of the governing board of the sponsoring entity

Member of the managing 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 Sponsoring Entity
Academy of America

Full Name of Proposed Charter School

Academy of Dallas Charter School

In connection with the above-named organization and charter school 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) Sonya Mitchell

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. Date and Place of Birth: _____

5. Business Address: _____

Business Telephone: (847) 776-7072

6. List your residences for the last ten (10) years starting with your current address, giving:

<u>DATES</u>	<u>ADDRESS</u>	<u>CITY AND STATE</u>	<u>ZIP CODE</u>
	<u>51 N. Crescent Avenue</u>	<u>Palatine, IL</u>	<u>60067</u>

7. Education: Dates, Names, Locations and Degrees

College N/A

Graduate Studies N/A

Others _____

8. List Membership in Professional Societies and Associations: N/A

9. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past twenty (20) years:

DATES	EMPLOYER	ADDRESS	TITLE
<u>Self-Employed</u>			

10. Present employer may be contacted: Yes No (Circle One)

Former employers may be contacted: Yes No (Circle One)

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
<u>N/A</u>			

11. a) Have you ever been in a position which required a fidelity bond? No If any claims were made on the bond, give details: _____

b) Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? No

If yes, give details: _____

12. List any professional, occupational, or vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past. (State date license was issued, issuer of license, date terminated, reasons for termination): N/A

13. During the last ten (10) years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has such license held by you ever been suspended or revoked? No If yes, give details: _____

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

POSITION
N/A

COMPENSATION

15. 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 sponsoring entity or the proposed charter school? No If yes, give details: _____

16. 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 sponsoring entity or the proposed charter school? No If yes, give details: _____

17. Have you ever been adjudged bankrupt? No

18. 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: _____

19. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any business, which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? No

20. Are you now, or have you been, within the past five years, a plaintiff or defendant in any lawsuit? No If so, please furnish details: _____

Dated and signed this 28th day of August, 20 02
at 3:00 p.m.

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

Sanya Mitchell
(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 29th day of August,
20 02

Tamiko Strange
(Notary Public)

(SEAL)

My commission expires 11/30/04

TAMIKO STRANGE
Notary Public, Wayne County, MI
My Commission Expires Nov 30, 2004

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

Check all that apply:

Member of the governing board of the sponsoring entity

Member of the managing 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 Sponsoring Entity

Academy of America

Full Name of Proposed Charter School

Academy of Dallas Charter School

In connection with the above-named organization and charter school 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) Nathalia Brooks

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. Date and Place of Birth: _____

5. Business Address: N/A

Business Telephone: _____

6. List your residences for the last ten (10) years starting with your current address, giving:

<u>DATES</u>	<u>ADDRESS</u>	<u>CITY AND STATE</u>	<u>ZIP CODE</u>
	15365 Quincy	Detroit, MI	48238

7. Education: Dates, Names, Locations and Degrees

College N/A

Graduate Studies N/A

Others _____

8. List Membership in Professional Societies and Associations: _____

N/A

9. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past twenty (20) years:

DATES	EMPLOYER	ADDRESS	TITLE
-------	----------	---------	-------

Retired

10. Present employer may be contacted: Yes No (Circle One)

Former employers may be contacted: Yes No (Circle One)

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

11. a) Have you ever been in a position which required a fidelity bond? No If any claims were made on the bond, give details: _____

b) Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? No

If yes, give details: _____

12. List any professional, occupational, or vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past. (State date license was issued, issuer of license, date terminated, reasons for termination): N/A

13. During the last ten (10) years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has such license held by you ever been suspended or revoked? No If yes, give details: _____

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

POSITION

COMPENSATION

N/A

15. 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 sponsoring entity or the proposed charter school? No If yes, give details: _____

16. 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 sponsoring entity or the proposed charter school? No If yes, give details: _____

17. Have you ever been adjudged bankrupt? No

18. 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: _____

19. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any business, which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? No

20. Are you now, or have you been, within the past five years, a plaintiff or defendant in any lawsuit? No If so, please furnish details: _____

Dated and signed this 28th day of August, 20 02
at 3:00 p.m.

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

Nathalie Brooks
(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 29th day of August, 20 02.

Tamiko Strange
(Notary Public)

(SEAL)

My commission expires 11/30/04

TAMIKO STRANGE
Notary Public, Wayne County, MI
My Commission Expires Nov 30, 2004

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

Check all that apply:

- Member of the governing board of the sponsoring entity
- Member of the managing 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 Sponsoring Entity

Academy of America

Full Name of Proposed Charter School

Academy of Dallas Charter School

In connection with the above-named organization and charter school 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) Jessica Benette Richards Sears

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) Jessica Benette Richards

c. Other names used at any time None

3. Social Security Number: [REDACTED]

4. Date and Place of Birth: 07-11-1968 San Augustine, Texas

5. Business Address: 8200 Brookriver Drive Dallas, Texas 75247

Business Telephone: (214) 200-7882

6. List your residences for the last ten (10) years starting with your current address, giving:

<u>DATES</u>	<u>ADDRESS</u>	<u>CITY AND STATE</u>	<u>ZIP CODE</u>
8/02-Present	1345 Lke Grove Lane	DeSoto, Texas	75117
8/98-8/02	211 Oak Meadow Lane	Cedar Hill Texas	75104
10/95-8/98	301 Fair Oaks Blvd # 317	Euless, Texas	76039

6/93-10/95 4528 West Pioneer #386 Irving, Texas 75061
1/93-6/93 10672 Walnut Hill Ln #288 Irving, Texas 75038

7. Education: Dates, Names, Locations and Degrees

College Stevon F. Austin State University Nacogdoches, Texas
(BS Earth Science) Tyler College Tyler, Texas (AAS Behavioral Sc
Graduate Studies
Others

8. List Membership in Professional Societies and Associations: Whos Who
National Honor Society

9. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past twenty (20) years:

DATES	EMPLOYER	ADDRESS	TITLE
1997-Present	KRMB	Dallas, Texas	Auditor
1995-1997	Laloeet-Andevon	Virginia	Quality Control Clerk
1994-1995	Lakewood Staffing	Irving, Texas	Receptionist
1998-1994	Irving ISD	Irving, Texas	Teacher

10. Present employer may be contacted: Yes No (Circle One)
Former employers may be contacted: Yes No (Circle One)

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

DATES	EMPLOYER	ADDRESS	TITLE
None			

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
None			

11. a) Have you ever been in a position which required a fidelity bond? NO If any claims were made on the bond, give details: _____

b) Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? NO If yes, give details: _____

12. List any professional, occupational, or vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past. (State date license was issued, issuer of license, date terminated, reasons for termination): None

13. During the last ten (10) years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has such license held by you ever been suspended or revoked? _____ If yes, give details: _____

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

POSITION	COMPENSATION
<u>Board President</u>	<u>None</u>

15. 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 sponsoring entity or the proposed charter school? NO If yes, give details: _____

16. 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 sponsoring entity or the proposed charter school? _____ If yes, give details: _____

17. Have you ever been adjudged bankrupt? NO

18. 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: _____

19. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any business, which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? No

20. Are you now, or have you been, within the past five years, a plaintiff or defendant in any lawsuit? NO. If so, please furnish details: _____

Dated and signed this 19th day of December, 2002
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.

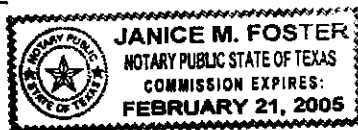
Jessica B. Sears
(Signature of Affiant)

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 19th day of December,
2002.



Janice M. Foster
(Notary Public)

(SEAL)

My commission expires Feb 21, 2005

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

Check all that apply:

Member of the governing board of the sponsoring entity

Member of the managing 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 Sponsoring Entity

Academy of America

Full Name of Proposed Charter School

Academy of Dallas Charter School

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

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

1. Full Name (Initials Not

Acceptable) Robert Harold Young

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. Date and Place of Birth: 12-8-47 Camden, Arkansas

5. Business Address: none

Business Telephone: none

6. List your residences for the last ten (10) years starting with your current address, giving:

DATES

ADDRESS

CITY AND STATE

ZIP CODE

29 Years 4712 Oak Trail Dallas TX 75232

650

7. Education: Dates, Names, Locations and Degrees

College El Centro College Dallas TX. A.A.

Graduate Studies _____

Others _____

8. List Membership in Professional Societies and Associations:

Vererans OF Foreign Wars, Purple Hearts, Kiwanas

9. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past twenty (20) years:

DATES	EMPLOYER	ADDRESS	TITLE
1975	Dallas Fire Dept,		Retired

10. Present employer may be contacted: Yes No (Circle One)

Former employers may be contacted: Yes No (Circle One)

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

DATES	EMPLOYER	ADDRESS	TITLE
	None		

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
	None		

11. a) Have you ever been in a position which required a fidelity bond? Yes If any claims were made on the bond, give details: None

b) Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? No
If yes, give details: _____

12. List any professional, occupational, or vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past. (State date license was issued, issuer of license, date terminated, reasons for termination): Fire & Rescue Officer City of Dallas

13. During the last ten (10) years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has such license held by you ever been suspended or revoked? No If yes, give details: No

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

POSITION	COMPENSATION
<u>Board Member</u>	<u>None</u>

15. 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 sponsoring entity or the proposed charter school? No If yes, give details: _____

16. 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 sponsoring entity or the proposed charter school? No If yes, give details: _____

17. Have you ever been adjudged bankrupt? No

18. 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: _____

19. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any business, which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? _____

20. Are you now, or have you been, within the past five years, a plaintiff or defendant in any lawsuit? No. If so, please furnish details: _____

Dated and signed this 20 day of December, 2002
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.

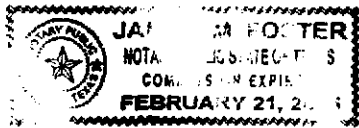
Robert H. Young
(Signature of Affiant)

State of Texas

County of Dallas

Personally appeared before me the above named Robert H. Young
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 20th day of December
2002



Janice M. Foster
(Notary Public)



(SEAL)

My commission expires Feb 21, 2005

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

Check all that apply:

Member of the governing board of the sponsoring entity

Member of the managing 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 Sponsoring Entity

Academy of America

Full Name of Proposed Charter School

Academy of Dallas Charter School

In connection with the above-named organization and charter school 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) Paul Bradley

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. Date and Place of Birth: _____

5. Business Address: N/A

Business Telephone: _____

6. List your residences for the last ten (10) years starting with your current address, giving:

<u>DATES</u>	<u>ADDRESS</u>	<u>CITY AND STATE</u>	<u>ZIP CODE</u>
	10201 W. Outer Drive	Detroit, MI	48223

7. Education: Dates, Names, Locations and Degrees

College N/A
Graduate Studies N/A
Others _____

8. List Membership in Professional Societies and Associations: N/A

9. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past twenty (20) years:

DATES	EMPLOYER	ADDRESS	TITLE
<u>Retired</u>			

10. Present employer may be contacted: Yes No (Circle One)

Former employers may be contacted: Yes No (Circle One)

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
<u>N/A</u>			

11. a) Have you ever been in a position which required a fidelity bond? No If any claims were made on the bond, give details: _____

b) Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? No
If yes, give details: _____

12. List any professional, occupational, or vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past. (State date license was issued, issuer of license, date terminated, reasons for termination): N/A

13. During the last ten (10) years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has such license held by you ever been suspended or revoked? No If yes, give details: _____

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

POSITION

COMPENSATION

N/A

15. 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 sponsoring entity or the proposed charter school? No If yes, give details: _____

16. 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 sponsoring entity or the proposed charter school? No If yes, give details: _____

17. Have you ever been adjudged bankrupt? No

18. 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: _____

19. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any business, which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? No

20. Are you now, or have you been, within the past five years, a plaintiff or defendant in any lawsuit? No If so, please furnish details: _____

Dated and signed this 28th day of August, 2002
at 3:00 p.m.

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

James A. Bradley
(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 29 day of August,
2002.

Tamiko Strange
(Notary Public)

(SEAL)

My commission expires November 30, 2004

TAMIKO STRANGE
Notary Public, Wayne County, NH
My Commission Expires Nov 30, 2004

Admission . . .

Admission to the Academy of Dallas Charter School is open to all students regardless of race, creed color, etc., who are residents of the State of Texas; according to the available openings in various grade levels offered each semester. As a chartered public school, there are no tuition fees, however, certain extra-curricular activities such as lunchkey, transportation, uniforms, etc., have charges associated with them. If there are more applicants than openings available, students will receive priority enrollment. All applicants who complete the enrollment process will be admitted to the school.

A Good Spirit - A Sound Mind - A Sound Body

Academy of Dallas
1030 Oak Park Drive
Dallas, TX 75232

Location	Grades Served
<i>Academy of Dallas</i> 1030 Oak Park Drive Dallas, TX 75232 (214) 371-9600	Pre-K to 8th

If you are interested in enrollment, please contact the school for application information.

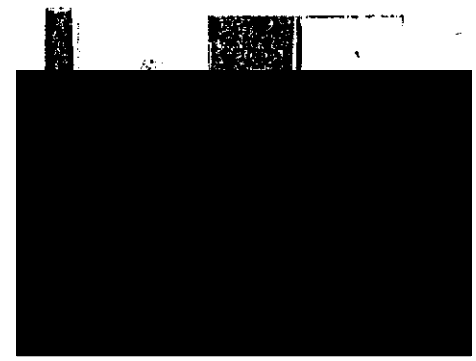
Place
Stamp
Here

850

Equip your children
for a successful
future . . .

Academy of Dallas

Entrepreneurial and Business



Charter School

Pre-K to 8th Education
at its finest!

Academy of Dallas

Entrepreneurial and Business Charter School

Our Philosophy . . .

The Academy of Dallas Charter School is committed to the philosophy that students in Urban areas (minority students in particular) need to learn the basic principles of economic development through their daily educational process. This educational process should start as early as pre-kindergarten and extend through adult education. For this reason, we combine a good basic education in the "3 R's" (Reading, Writing and Arithmetic) with an understanding of social responsibility, self-discipline and good ethics, using entrepreneurs and economic success as motivation to achieve necessary educational skills. At Academy of Dallas, business ownership and/or management will be emphasized, taught and experienced by every student to give relevance to the need to learn basic skills.

Our Methods . . .

- Present basic educational concepts so as to demonstrate how they apply to business and daily living.
- Provide students with an understanding of the American free enterprise system.
- Assist students in recognizing that career/job choices relate to academics and personal interest skills.
- Utilize state-of-the-art technology for teaching methods as well as student enrichment.
- Employ only State Certified teachers with innovative and resourceful techniques.
- Involve local business owners and entrepreneurs in the daily curriculum.
- Help students create, own and/or operate small businesses as a part of their graduation requirements.
- Expose students to success—fostering an environment where they are encouraged to set high goals for their future.

Academy of Dallas Charter School is a public academy authorized by the Texas Education Agency.

Our Curriculum . . .

These broad areas of knowledge will be emphasized as our core curriculum:

- Social Studies
- Language Arts
- Mathematics
- Science

Integrated in all the core subjects would be entrepreneurial and business application of all educational principles. Additionally, The Academy offers foreign languages, sports, music, art, as well as other extra curricular programs.

Our Mission . . .

We at The Academy of Dallas have risen above the "get a good job" philosophy of ordinary schools. Our students are taught to think creatively, set lofty goals for themselves, and prepare themselves to **create good jobs** in the community. This commitment to teach excellence toward self and others is our trademark, as well as the passport to success for our students and our community.

ATTACHMENT 4

Special Needs/Program Information
Academy of Dallas Informational Brochure
Copy of Enrollment Form

No student enrollment cards are utilized
Brief Description of the Academy of Dallas Special Education Program

School District/Charter School
APPLICATION FOR FREE AND REDUCED-PRICE MEALS (Multi-Child)
 SCHOOL YEAR 2002-03

Complete, sign and return the form to _____ Please read the instructions. If you need help completing this form, call: _____

1 (a) CHILD'S NAME: _____
 Child's Grade: _____ Name of School: _____ Last _____ First _____ M.I. _____
 Or Site Number _____ SS#/Student ID _____ (Optional)

(b) CHILD'S NAME: _____
 Child's Grade: _____ Name of School: _____ Last _____ First _____ M.I. _____
 Or Site Number _____ SS#/Student ID _____ (Optional)

(c) CHILD'S NAME: _____
 Child's Grade: _____ Name of School: _____ Last _____ First _____ M.I. _____
 Or Site Number _____ SS#/Student ID _____ (Optional)

(d) CHILD'S NAME: _____
 Child's Grade: _____ Name of School: _____ Last _____ First _____ M.I. _____
 Or Site Number _____ SS#/Student ID _____ (Optional)

(e) CHILD'S NAME: _____
 Child's Grade: _____ Name of School: _____ Last _____ First _____ M.I. _____
 Or Site Number _____ SS#/Student ID _____ (Optional)

2 Is this a FOSTER CHILD? (See the instructions). If this is a foster child, check here [] and write the child's monthly personal use income here: \$ _____. Go to section # 5.

3 Are you getting FOOD STAMPS or TANF benefits for your child? List the CASE number. DO NOT complete section #4. Go to section # 5. Food stamp case number: _____ TANF case number: _____

4 ALL OTHER HOUSEHOLDS: (Complete this part only if you did not complete sections #2 or #3). List all household members, including the children listed above. List all income. Go to section #5.

Names of Household Members (include the children listed above) If you need more spaces, attach a separate sheet	Current Monthly Income			
	Monthly Earnings from Work (Before Deductions) Job 1	Monthly Welfare, Child Support, Alimony	Monthly Payments from Pensions, Retirement, Social Security	Monthly Earnings from Job 2 or Any Other Monthly Income
1.	\$	\$	\$	\$
2.	\$	\$	\$	\$
3.	\$	\$	\$	\$
4.	\$	\$	\$	\$
5.	\$	\$	\$	\$
6.	\$	\$	\$	\$
7.	\$	\$	\$	\$
8.	\$	\$	\$	\$
9.	\$	\$	\$	\$
10.	\$	\$	\$	\$

5. SIGNATURE AND SOCIAL SECURITY NUMBER: **PENALTIES FOR MISREPRESENTATION:** I certify that all of the above information is true and correct and that the food stamp or TANF case number is current, correct or that all income is reported. I understand that this information is being given for the receipt of Federal funds; that institution officials may verify the information on the Application for Free and Reduced-Price Meals and that the deliberate misrepresentation of the information may subject me to prosecution under applicable State and Federal laws.

Signature of Adult: _____ Social Security Number: _____
 Printed Name: _____ Home Phone: _____ Work Phone: _____
 Mailing Address: _____ City: _____ State: _____ Zip Code: _____ Date: _____

For Official Use Only: MONTHLY INCOME CONVERSION: WEEKLY X 4.33, EVERY 2 WEEKS X 2.15, TWICE A MONTH X 2

Food Stamp/TANF household categorically eligible free: [] Yes [] No

Total monthly income: _____ Household Size: _____ Eligible: _____ NOT Eligible: _____ Date Withdrawn: _____
 Eligibility Classification: Free _____ Reduced-Price _____ Paid _____ Temporary: Free _____ Time Period: _____
 Determining Official: _____ Signature: _____ Date: _____

FORMULARIO DE ASISTENCIA PARA COMIDAS PARA EL AÑO ESCOLAR 2002-03

Complete, firme y devuelva el formulario a _____ Por favor lea las instrucciones. Si usted necesita ayuda para completar este formulario llame al: _____

1 (a) **NOMBRE DEL NIÑO:** _____
 Grado del niño: _____ Apellido _____ Nombre _____ Inicial 2 Nombre _____
 Nombre de la escuela: _____ SS#/Estudiante ID _____
 O Número posición _____ (Opcional)

(b) **NOMBRE DEL NIÑO:** _____
 Grado del niño: _____ Apellido _____ Nombre _____ Inicial 2 Nombre _____
 Nombre de la escuela: _____ SS#/Estudiante ID _____
 O Número posición _____ (Opcional)

(c) **NOMBRE DEL NIÑO:** _____
 Grado del niño: _____ Apellido _____ Nombre _____ Inicial 2 Nombre _____
 Nombre de la escuela: _____ SS#/Estudiante ID _____
 O Número posición _____ (Opcional)

(d) **NOMBRE DEL NIÑO:** _____
 Grado del niño: _____ Apellido _____ Nombre _____ Inicial 2 Nombre _____
 Nombre de la escuela: _____ SS#/Estudiante ID _____
 O Número posición _____ (Opcional)

(e) **NOMBRE DEL NIÑO:** _____
 Grado del niño: _____ Apellido _____ Nombre _____ Inicial 2 Nombre _____
 Nombre de la escuela: _____ SS#/Estudiante ID _____
 O Número posición _____ (Opcional)

2 ¿Es este un niño a cargo de servicios sociales? (Vea las instrucciones). Si este es un niño a cargo de servicios sociales, marque aquí y anote el ingreso mensual para uso personal del niño aquí: \$ _____. Vaya a la sección #5.

3 ¿Está usted recibiendo beneficios de CUPONES PARA ALIMENTOS, "TANF" para su hijo? Anote el NUMERO DEL CASO. NO complete la sección #4. Vaya a la sección #5.
 Número del caso de cupones para alimentos: _____ Número del caso de "TANF": _____

4 **TODOS LOS DEMAS GRUPOS FAMILIARES:** (Complete esta parte sólo si no completó las secciones #2 o #3). Anote a todos los miembros del grupo familiar, incluyendo los niños que se nombra más arriba. Anote todos los ingresos. Vaya a la sección #5.

Nombres	Actual Ingreso Mensual			
	Ingresos mensuales del trabajo (antes de las deducciones) Trabajo 1	Asistencia social, pensión para hijos, pensión alimenticia mensual	Pagos mensuales de pensión, jubilación, seguro social	Ingresos mensuales del trabajo 2 o cualquier otro ingreso mensual
1.	\$	\$	\$	\$
2.	\$	\$	\$	\$
3.	\$	\$	\$	\$
4.	\$	\$	\$	\$
5.	\$	\$	\$	\$
6.	\$	\$	\$	\$
7.	\$	\$	\$	\$
8.	\$	\$	\$	\$
9.	\$	\$	\$	\$
10.	\$	\$	\$	\$

5 **FIRMA Y NÚMERO DE SEGURO SOCIAL: SANCIONES POR DECLARACIONES FALSAS:** Certifico que toda la información anterior es verdadera y correcta y que el número de caso de cupones para alimentos, o "TANF" es vigente, correcto o que se da cuenta de todos los ingresos. Entiendo que se da esta información para recibir fondos federales; que funcionarios de la institución pueden verificar la información en el Formulario de Asistencia para Comidas y que la falsificación deliberada de la información puede resultar en que se me enjuicie conforme a las correspondientes leyes estatales y federales.

Firme del adulto: _____ Número de seguro social: _____

Nombre en letra imprenta: _____ Teléfono de casa: _____ Teléfono del trabajo: _____

Dirección de la Casa: _____ Ciudad: _____ Estado: _____ Código Postal: _____ Fecha: _____

Para Uso Oficial Solamente: Grupo familiar categóricamente elegible gratuito para cupones para alimentos/TANF: Sí No

CONVERSIÓN DEL INGRESO MENSUAL: SEMANALMENTE X 4.33 CADA 2 SEMANAS X 2.15 DOS VECES AL MES X 2

Ingreso mensual total: _____ Tamaño del grupo familiar: _____ Elegible: _____ NO Elegible: _____

Clasificación de elegibilidad: Gratuito: _____ Precio Rebajado: _____ Pagado: _____ Provisional: Gratuito: _____ Precio Rebajado: _____ Período de tiempo: _____

Funcionario que determina: _____ Firma: _____ Fecha: _____

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.

The charter school provides a full continuum of services for special education services according to the needs described in the student's ARD document. Currently, this includes:

1. mainstream class – the general curriculum is addressed for students in this setting with accommodations and/or modifications as determined by the ARD committee. The special education certified teacher monitors student progress and consults with the regular classroom teacher to ensure that academic progress is being made. In the event that progress is deterred, the special education teacher schedules an ARD committee meeting to review the student's program.
2. resource class – students whose educational plan requires modifications in the general curriculum are assigned to this class by the ARD committee for specific subject areas requiring specialty services or materials to address the student's handicapping condition. Students receive instruction by the certified special education teacher in this setting for the amount of time established in the ARD meeting.
3. content mastery – students whose handicapping condition indicates a possible need for special assistance in completing assignments from the general education classroom attend the resource class as designated by the ARD committee. This includes administration of an exam orally or with open book, or other modifications that would disturb the learning environment of the regular classroom; it also includes provision of specialty materials or services that allow a special education student to be successful in the general curriculum.
4. self-contained classroom – students whose ARD committee has determined at least 50% of their instructional day be served by special education staff or services receive instruction in the resource classroom for the appointed time of the school day. Additionally, several students require more structured or one to one management that is provided in the resource classroom throughout the school day. In all instances, the least restrictive environment described by the ARD committee is adhered to.

The resource classroom is located within the main building of the school and the facility is comparable to other general education classrooms in the school in size, accessibility and furnishings. It is located in such a manner as to provide students with handicapping conditions access to and interactions with their non-disabled peers.

***** 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. N/A***

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.

Upon enrollment at Academy of Dallas, students are screened for previous special education eligibility. If it is determined that the student is eligible for services, the special education coordinator at the school contacts the previous school and determines eligibility and instructional arrangement. A Temporary ARD is developed and

the previous school services are replicated as deemed appropriate by the Temporary ARD Committee. Temporary Goals and objectives are determined based on all available data pending receipt of records from the previous school. A Review ARD is held within 30 school days, where the most recent FIE is reviewed by the committee and a determination of instructional setting, goals and objectives and modifications/accommodations is made. If the coordinator receives an FIE that is out of date, or if it is impossible to obtain a copy of the FIE from the previous school within the 30 school day time period, parent is notified, consent is obtained, notice is provided and the student is re-evaluated by the school's contracted evaluation staff.

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

Only in the instance of verification from the previous school district that the most appropriate setting for the student is mainstream is that instructional arrangement provided to the student as determined by the Temporary ARD committee.

**RESOLUTIONS OF THE DIRECTORS
OF ACADEMY OF DALLAS**

authorization for charter renewal:

The following is a recital of facts underlying these resolutions:

- a. The board of directors of Academy of Dallas has been advised of the Texas Education Agency (TEA) Second Generation Open-Enrollment Charter Renewal Application to provide a resolution to renew the open-enrollment charter.

- b. Academy of Dallas is required by the TEA to supply a written resolution adopted by the governing body of the charter holder and signed by the members voting in favor of reapplication.

Accordingly:

RESOLVED, by the board of directors of Academy of Dallas to authorize the Commissioner of Education to renew the open-enrollment charter as set forth in the renewal application and as finally negotiated between the charter holder and the commissioner, including any conditions.

Adopted: August 31, 2002

Jessica Sears President 8/31/02
Signature Position Date

Mark H. King Board Member 8/31/02
Signature Position Date

Paul A. Bradley Secretary August 31, 2002
Signature Position Date

ATTACHMENT 5

Part 3. Electronic Copy Certification and Written Resolution (Attachment 5)

Section XI. 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.

<i>Richard Walls</i>	<i>Richard Walls</i>	<i>2/25/03</i>
Printed Name of Chairperson of Charter Holder Board	Signature	Date

Bettye Milledge	<i>Bettye Milledge</i>	<i>2/26/03</i>
Printed Name of Chief Executive Officer of the Charter School	Signature	Date

Section XII. 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 6, Written Resolution)

ATTACHMENT 6

RESOLUTIONS OF THE DIRECTORS
OF ACADEMY OF DALLAS

authorization for charter renewal:

The following is a recital of facts underlying these resolutions:

- a. The board of directors of Academy of Dallas has been advised of the Texas Education Agency (TEA) Second Generation Open-Enrollment Charter Renewal Application to provide a resolution to renew the open-enrollment charter.
- b. Academy of Dallas is required by the TEA to supply a written resolution adopted by the governing body of the charter holder and signed by the members voting in favor of reapplication.

Accordingly:

RESOLVED, by the board of directors of Academy of Dallas to authorize the Commissioner of Education to renew the open-enrollment charter as set forth in the renewal application and as finally negotiated between the charter holder and the commissioner, including any conditions.

Adopted: August 31, 2002

Jessica Sears President 8/31/02
Signature Position Date

Robert H. Young Board Member 8/31/02
Signature Position Date

Paul A. Bradley Secretary August 31, 2002
Signature Position Date

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:

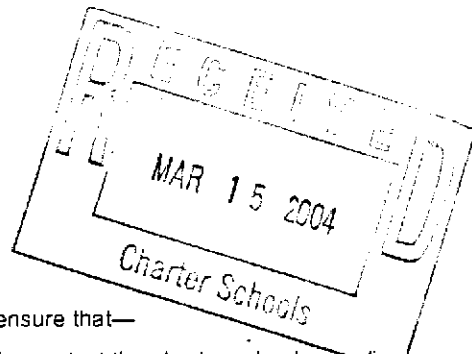
The rules and regulations have been slightly modified to clarify the charter holder's responsibility. Changes to actual regulations are indicated by brackets. Empty brackets indicate deletions. Brackets around words indicate paraphrased or changed wording.

General Assurance Statement

Academy of America, charter holder for Academy of Dallas 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: RW



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: RW

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: RW

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: RW 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: RW

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: RW

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: RW

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: RW

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: RW

[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: RW

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: kw

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: KW



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.

Richard Walls

Signature of the Chief Executive Officer of the Charter Holder

3/9/04

Date of Signature

Richard Walls, President – Academy of America

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



TEXAS EDUCATION AGENCY

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

Shirley J. Neeley, Ed.D.
Commissioner

September 17, 2004

Mr. Richard Walls, Board President
Academy of America
20755 Greenfield Rd., Ste 300
Southfield, MI 48075

Dear Mr. Walls:

I am pleased to inform you that the charter renewal for Academy of Dallas (county-district number 057810) is approved for a term of ten years with a contract ending date of July 31, 2013. After renewal, the contract for charter shall consist of the following elements:

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

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

Please contact the Division of Charter Schools at (512) 463-9575 with any questions.

Sincerely,

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

Cc: Betty Milledge, Superintendent

Enclosure

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