

CHARTER SCHOOL NAME Erath Excels! COUNTY-DISTRICT # 220-803

Academy

Generation Three

Open-Enrollment Charter

Renewal Application

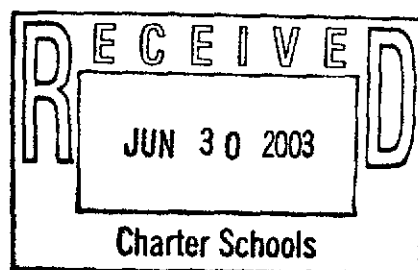
Standard Renewal

(Amended February 24, 2003)

Application Due June 30, 2003

21ST CENTURY ACADEMY OF SCIENCE AND TECHNOLOGY
ACADEMY OF BEAUMONT
ACADEMY OF CAREERS AND TECHNOLOGIES CHARTER SCH
ALPHONSO CRUTCH'S-LIFE SUPPORT CENTER
AMERICAN ACADEMY OF EXCELLENCE CHARTER SCHOOL
AMIGOS POR VIDA-FRIENDS FOR LIFE CHARTER SCHOOL
BRAZOS SCHOOL FOR INQUIRY & CREATIVITY
CAREER PLUS LEARNING ACADEMY
COMQUEST ACADEMY
CROSSROADS COMMUNITY ED CTR CHARTER SCHOOL
DALLAS COUNTY JUVENILE JUSTICE
EAGLE PROJECT (ABILENE)
EAGLE PROJECT (BEAUMONT)
EAGLE PROJECT (BROWNSVILLE)
EAGLE PROJECT (BRYAN)
EAGLE PROJECT (DALLAS)
EAGLE PROJECT (DEL RIO)
EAGLE PROJECT (FT WORTH)
EAGLE PROJECT (LAREDO II)
EAGLE PROJECT (LUBBOCK)
EAGLE PROJECT (MIDLAND)
EAGLE PROJECT (PHARR-MCALLEN)
EAGLE PROJECT (SAN ANTONIO)
EAGLE PROJECT (TEXARKANA)
EAGLE PROJECT (TYLER)

EAGLE PROJECT (WACO)
ERATH EXCELS ACADEMY INC
FOCUS LEARNING ACADEMY
FORT WORTH CAN ACADEMY
FRUIT OF EXCELLENCE
GEORGE I SANCHEZ CHARTER HS SAN ANTONIO
GULF SHORES ACADEMY
HONORS ACADEMY
HOUSTON GATEWAY ACADEMY, INC.
HOUSTON HEIGHTS LEARNING ACADEMY
JAMIE'S HOUSE CHARTER SCHOOL
KATHERINE ANNE PORTER SCHOOL
KENNY DORHAM SCHOOL FOR THE PERFORMING
MCCULLOUGH ACADEMY OF EXCELLENCE
MIDLAND ACADEMY CHARTER SCHOOL
OAK CLIFF ACADEMY
RANCH ACADEMY
SAN ANTONIO CAN! HIGH SCHOOL
SAN ANTONIO SCHOOL FOR INQUIRY & CREATIVITY
SHEKINAH RADIANCE ACADEMY
SOUTHWEST HIGH SCHOOL
TEKOA ACADEMY OF ACCELERATED STUDIES
TOVAS-TACTILE ORAL VISUAL ALTERNATIVE
WA-SET PREPARATOY ACADEMY



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

Dated Material---Open Immediately

**Return on or before—5:00 p.m., Central Time
Tuesday, June 30, 2003
Charter Schools Division
Room 5-107**

Application Instructions

The Renewal Application is due to TEA/Charter Schools Division by 5:00 pm, **June 30, 2003**. Timely submission of a **complete** renewal application will be used as part of the basis for renewal determination. After the application is reviewed by internal reviewers at the agency, applicants may be required to submit follow-up information to clarify or complete the original application. Applicants have fifteen working days after being contacted to submit any follow-up information unless a longer period of time is negotiated. After that point, the application will not be considered timely and sufficient.

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

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

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

Format of Application

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

List of Attachments

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

Definitions

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

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

General Scope of Agency Review

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

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

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

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

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

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

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

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

Part 1. Charter Update

Charter Holder Name: Erath Excels! Academy
(i.e., nonprofit organization, institution of higher learning, or governmental entity)

Charter School Name: Erath Excels! Academy

Charter School County/District #: 220-803

Campus Name(s)	County/District/Campus #
Erath Excels! Academy	220-803-001
Erath Excels! Academy Jr. High	220-803-041

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

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

A. Maximum Enrollment: 245

B. Grades Approved to Served: 7-12

Approved GED Program: YES ☒ NO ☐

C. Geographic Boundaries (all school districts within geographic boundaries): Stephenville, Dublin, DeLeon, Comanche, Hico, Hamilton, Morgan Mill, Bluff Dale, Lipan, Santo, Lingleville, Huckabay, Tolar and Gorman

Section II. Governance Structure and Procedures

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

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

A. Governing Body of Charter Holder

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

Board Member Name	Office Held	Relative(s) Within the Third Degree of Consanguinity or Affinity Who are Also Serving on the Board	Board Member Compensation or Remuneration Per Year
Dr. Mary Louise McCabe	President	None	None
Dr. Annette Albrecht	Vice President	None	None
Ms. Shawna Newton	Secretary	None	None
Ms. Sonia Trevino	Member	None	None
Ms. Debra Miller	Member	Director of School	\$35,000

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

Mrs. Debra Miller is the Founder and Director of Erath Excels and receives an 12 month salary of \$35,000. Mrs. Miller has abstained from any vote regarding her contract. There has not been a discussion of salary increase since the inception of the school. The school has received an acceptable rating and all audits have been in good standing.

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

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

B. Governing Body of Charter School

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

Board Member Name	Office Held	Relative(s) Within the Third Degree of Consanguinity or Affinity Who are also Serving on the Board	Board Member Compensation or Remuneration Per Year

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

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

C. Roles and Responsibilities of Governing Bodies

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

Description of Governing Structure

The governing structure of Erath Excels! Academy includes a five member Board of Directors who have the education background, academic credentials, business acumen, and enhanced sense of community to perceive the need for a reformed educational environment for at-risk youth of our community.

Future board members will be chosen from those in the community with like interests and compatibility of vision. This course of action will ensure that there will be continuity between the organization's vision and that of the initially established Board of Directors.

School Board Selection Process

Initial charter school board members were selected by the school's Director. They were requested and did serve on the board for a two year period. After serving two years, board members have the option to rotate off the board, if desired. The Director for the school will be responsible for replacing outgoing board members or board members that vacate their position prior to the end of their term. New board members will be appointed based on the educational, management, and business expertise most needed on the board. All remaining board members will vote on the approval of subsequent board members. Board President, Vice President and Secretary are elected by the majority vote of the Board.

Board Responsibilities

The Board's responsibility will be the development of policies for every phase of school activities, i.e. curriculum, business services, student expectations, staff selection and evaluation.

The Board will then establish monitoring and evaluation criteria to assure that policies are followed. These procedures will be administered by the school's Director. School policy and administrative regulations will comply with the charter contract. The Board will have oversight responsibility for ensuring that Erath Excels! Academy implements the charter in full accordance with the law.

Board members are critical to the success of the charter school. The Board will provide guidance to the Director and will not be involved in the supervision of teachers or other school faculty.

Initial Board responsibilities are outlined below:

- * Adopt rules and bylaws necessary to govern and oversee management of Erath Excels! Academy.
- * Acquire and hold real and personal property, sue and be sued and receive bequests and donations and other money or funds.
- * Dispose of property no longer necessary for the operation of school district.
- * Prepare, adopt and file a budget for the next fiscal year and file a report of disbursements and receipts for the preceding fiscal year.
- * Have a district accounts audited following the close of each fiscal year by a Texas certified public accountant or public accountant holding a license from the Texas State Board of Public Accountancy.
- * Publish an annual report describing Erath Excels! Academy's education performance, including campus performance objectives and the progress toward the objectives.

The Board will have fiduciary responsibility with oversight and decision making on school operations to include:

1. selection of school principal
2. setting of policies
3. approving annual budgets
4. approving school procedures

Board Meetings

The Board will meet once a month in a public location. 72 hours prior to a meeting, a notice will be posted in a visible window at the school location. Parents and community members will be invited to participate in a public forum session at the beginning of each regular board meeting so that issues of interest and concern can be expressed.

The Director will be responsible for coordinating regular and special board meeting agendas. Each board member will be allowed to place items on board agendas. Both agendas and supporting materials will be delivered to each board member prior to the meeting. Meetings will follow the Open Meetings Act and the Open Records Act (TEC), Chapter 551 and 552.

D. Organizational Chart, Criminal History Records, Biographical Affidavit

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

Section III. Teacher Qualifications

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

Classroom teachers providing instruction will have Basic Teacher Certification and/or a degree with extensive directly related experience or training related experience working with at-risk youth. In deference to NCLB legislation, the administration at EE!A has strongly encouraged all teachers to pursue alternative teaching certification.

Erath Excels! Academy does not discriminate against any employee on the basis of race, creed, sex, national origin, religion, or disability.

Erath Excels! Academy secures criminal background checks on all employees, whether paid or volunteer, who perform duties or services at the school.

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.

Student/Parent Orientation is held at the beginning of each trimester. Students and parents are given a student handbook that has all the school rules and student behavior guidelines.

Suspension or Expulsion

Serious infractions, and persistent misbehaviors, as determined by the principal, may result in more serious disciplinary consequences, up to and including suspension and/or expulsion.

Firearm Violations

Federal law mandates that a student be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm (as defined by 20 U.S.C. 7151) to school. However, the Charter School Director or designee may modify the length of the expulsion or assess another comparable penalty that results in the student's exclusion from the regular school program on a case-by-case basis.

Firearm under Federal law includes:

1. Any weapon (including a starter gun) that will or is designed to or that may readily be converted to expel a projectile by the action of an explosive.
2. The frame or receiver of any such weapon
3. Any firearm muffler or firearm weapon
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade

Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:

1. A firearm
2. An illegal knife, such as a knife with a blade over 5 1/2 inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife, sword; or spear
3. A club
4. A prohibited weapon, such as an explosive weapon, machine gun; a short-barrel firearm; a firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun.

Suspension Process

The principal or designee has the authority to suspend a student for a period of up to three school days for any offense for the following reasons:

1. The severity or persistence of the Code of Conduct violation;
2. The need to further investigate an incident; or
3. A recommendation to expel the student.
4. When police have to be called and a student is issued a citation for classroom disruption, fighting, illegal drugs, or other reasons.

Prior to suspending a student, the principal or designee must hold an informal conference with the student to:

1. Notify the student of the accusations against him/her'
2. Allow the student to relate his/her version of the incident' Determine whether the student's conduct warrants suspension.

Notification of Parents/Guardians

If the principal or designee determines the student's conduct warrants suspension, the principal or designee will notify the student's parents/guardians of the period of suspension, the grounds for the suspension, and the time and place for a conference with the principal.

Emergency Actions

In an emergency, the principal or designee may order the suspension of a student for up to five days if the student's presence threatens the health, safety, or welfare of himself/herself or other students or faculty.

If a student is suspended in an "emergency" situation without the opportunity for notice of the allegations against him/her the principal must notify the student of the allegations and provide the student with an opportunity to present his/her version of the incident within a reasonable period of time, not to exceed three days.

A student may receive credit for work missed during the period of suspension if the student makes up work missed during the period of suspension within the same number of days the student was absent.

Expulsion

Only the School Director has the authority to expel for any period up to one calendar year. The principal may recommend expulsion of a student to the School Director. The principal's recommendations shall specify the reasons, identified in the Student Code of Conduct, for a particular student's expulsion.

Due Process

When the principal determines that a student's conduct warrants expulsion, but prior to taking any expulsion action, the principal will provide the student's parents/guardians with written notice of:

1. The reasons for the proposed expulsion; and
2. The date and location for a hearing before the School Director, within three days after the date of the notice, unless the parents/guardians and School Director agree in writing to an alternate time.

The notice shall further state that the student may:

- a. be present at the hearing;
- b. have an opportunity to present evidence;

- c. have an opportunity to examine/question the school's evidence and witnesses;
- d. be accompanied by his/her parents/guardians; and
- e. be represented by an attorney

The notice shall also state that failure to request such a hearing constitutes a waiver of further rights in the matter.

Hearing Before School Director

The school shall make a good faith effort to inform the student and the student's parents/guardians of the time and place for the hearing, and the school shall hold the hearing regardless of whether the student, the student's parents/guardians, or another adult representing the student attends. The School Director shall audio record the hearing.

Immediately following the hearing on expulsion, the School Director will notify the student and the student's parents/guardians in writing of his/her decision. The decision shall specify.

- 1. The length of the expulsion, if any;
- 2. The procedures for re-admittance at the end of the expulsion period; and
- 3. The right to appeal the School Director's decision to the school board.

Appeal to Board

1. The student or his/her parents/guardians may appeal the School Director's decision to the school board by notifying the School Director in writing within seven days of the date of receipt of the School Director's decision. The board will review the audio or transcribed record from the hearing before the School Director at the next regularly scheduled board meeting, or at the discretion of the board, at a specially called meeting. The board will notify the student and his/her parents/guardians of its decision in writing within five calendar days of the hearing.

2. Consequences will not be deferred pending the outcome of an appeal of an expulsion to the board. Except when required by law, students will not earn academic credit during a period of expulsion.

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.)

Employee Complaints, Concerns & Grievances:

Except for sexual harassment complaints where the supervisor is the subject of the complaint, all employees shall first bring their work-related complaints or concerns to their immediate supervisor. If the complaint cannot be resolved on an informal basis, the employee may file a formal, written complaint.

Complaints must be brought within 10 days of the time the employee knew or should have known of the event(s) or incident(s) giving rise complaint.

Complaints or concerns which are not resolved at the supervisory level may be brought to the attention of the School Director within 10 days of the day the employee knew or should have known of the complaint. The complaint or concern addressed to the Director must be in writing, must be specific, and where possible, suggest a resolution. The Director shall attempt to respond to all written complaints or concerns within 10 days of the receipt of the written complaint.

2. Employees who are dissatisfied with the response of the School Director may present their complaint to the Board of Directors during the time of Citizen's Presentations at the next regular meeting of the Board of Directors. The Board shall "stop, look, and listen" to the complaint but may not deliberate or act on the complaint except in compliance with the Open Meetings Act.

Whistleblower Grievances:

Employees shall not suffer any adverse personnel action for having reported, in good faith, a violation of law or policy to an authority in a regulating, enforcing, investigating, or prosecuting branch of state or local government. Wmpleeoyes who believe that an adverse personnel action was taken in violation of this policy shall take immediate steps to have that action reviewed under the school grievance or employee complaint process. The School shall post a notice in a prominent place in the workplace as prescribed by the ATtorney General advising employees of their Whistleblower right.

Student Complaints

For purposes of this policy, "days" meant school calendar days.

Where campus decisions are involved, parents of students shall first bring their student-related complaints or concerns to their campus principal. If the complaint cannot be resolved on an informal basis, the parents may file a formal, written complaint.

Complaints must be brought within 10 days of the time the parents knew or should have known of the event(s) or incident(s) giving rise to the compliant.

Complaints or concerns that are not resolved at the campus level may be brought to the attention of the School Director within 10 days of the day the parents knew of, or should have known of, the complaint. The complaint or concern addressed to the Director must be in writing, must be specific, and where possible, suggest a resolution. The Director shall attempt to respond in writing to all written complaints or concerns within 10 days of receipt of the written complaint.

Parents who are dissatisfied with the response of the School Director may present their complaint to the board of directors during the time of Citizens' Presentations at the next regular meeting of the board of directors. The board shall "stop, look, and listen" to the complaint, but may not deliberate or act on the complaint except in compliance with the Open Meetings Act.

The failure of the board to act on the complaint has the effect of upholding the decision below.

Public Complaints

For purposes of this policy, "days" means school calendar days.

Citizens who are not parents or employees of Erath Excels! Academy students having complaints or concerns regarding Erath Excels! Academy shall first bring their complaints of concerns to the appropriate campus principal or school administrator. If the complaints cannot be resolved on an informal basis, at the campus level, the citizen may file a formal, written complaint.

Written citizen complaints must be brought within 10 days of the time the citizen knew, or should have known, of the event(s) or incident(s) giving rise to the compliant.

Written complaints or concerns must be addressed to the School Director, must be specific, and where possible, suggest a resolution. The Director shall attempt to respond in writing to all written complaints or concerns within 10 days of the receipt of the written complaint.

Citizens who are dissatisfied with the response of the School Directors may present their complaint to the board of

directors during the time of Citizens' Presentations at the next regular meeting of the board of directors. The board shall "stop, look, and listen" to the complaint, but may not deliberate or act on the complaint except in compliance with the Open Meetings Act.

The failure of the board to act on a complaint has the effect of upholding the decision below.

Student Complaints:

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.**)

Erath Excels! Academy offers a four week admissions period. Dates are posted in the local newspaper.

Erath Excels! Academy admission policy uses the lottery for choosing potential students. When more students apply for admission than can be accommodated by the maximum enrollment, students must be chosen from the pool at random for all the available spots. Students already enrolled in the charter school do not have to reapply every year.

Exceptions to the policy are on these bases only: (a) students who are enrolled in a public school at the time it is converted into a public charter school; (b) siblings of students already admitted to or attending the same charter school; (c) children of a charter school's founders (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment); and (d) children of employees in a work-site charter school (so long as the total number of students allowed under this exemption constitutes only as small percentage of the school's total enrollment).

Erath Excels! Academy does not discriminate against any student on the basis of race, creed, sex, nation origin, religion, disability or need for special education services.

Students who have a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37 of the Texas Education Code. may be denied admissions. After careful consideration, these students may be admitted on an individual basis. Accommodations will be provided to meet the needs of special populations.

Students having completed the eighth grade but not promoted to the ninth grade may be accepted into the Erath Excels! Academy's ninth grade program by board approval only. School records will be reviewed and testing may be required for student to be considered for enrollment.

Part 2. Program Evaluation

Section VII. Evaluation of Student Performance

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

A. AEIS Base Indicators

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

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

Erath Excels! Academy is rated under the Alternative Education Accountability system. Our first school year was 1999-2000 and we were not rated that year. We received a Needs Peer Review Rating our second year and an Acceptable Rating our third year. This year schools were not rated so we kept our Acceptable Rating.

TAAS - In 1999-2000, we had 69.2% passing the Reading TAAS section, 66.7% passing the Mathematics section and 53.8% passing the Writing section. In 2000-2001, we had 73.3 passing the Reading section 26.7% passing the Math and 48.2% passing the Writing. In 2001-2002, 100% passed the Reading and Math Exit Level test and 77.8% passed in the Writing.

Dropouts - Dropout rate for 1999-2000 was 21.5%. We reduced that to 11.9% in 2000-2001 school year. For 2002-2003 our drop out rate was 13%.

Attendance - The total refined ADA for 1999-2000 school year was 67.3%, 2000-2001 was 65.1% , 2001-2002 was 84.69% and 2002-2003 was 92.47%.

B. AEIS Additional Indicators

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

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

Erath Excels! Academy has always been rated under the Alternative Accountability system. Our additional indicators for 2001-2002 and 2002-2003 were to have the percentage of 11th and 12th grade long-term students passing the Exit level TAAS retakes and the percentage of long-term students who advance to the next grade or graduate. We met this indicator and received the Acceptable rating.

Erath Excels! Academy's first year, 1999-2000 had 15 students that graduated with a diploma and 8 with a GED. No one graduated on the recommended transcript. Out of the total 23 students, 3 went on to a post secondary school. Two took the SAT or ACT.

In 2000-2001, we had 35 students graduate with a diploma, 3 with a GED. From the 35 students, only one graduated on the recommended transcript. Out of the total 38 graduates 4 went on to a post secondary school. Six took the SAT or ACT. Five of our 35 diploma graduates completed their requirements for graduation in three years.

In 2001-2002, we had 35 students graduate with a diploma, 3 with a GED. Five graduated on the recommended transcript. Out of the total 38 graduates, 9 went on to a post secondary school. Nine took the SAT or ACT. Eight graduated in three years.

This year, 2002-2003, we had 52 students graduate with a diploma and 2 with a GED. Eight graduated on the recommended transcript. Sixteen graduated within three years. Out of the sixteen that graduated early, three graduated on the recommended transcript. 31 of our 54 graduates plan to enroll in a post secondary school. Only three so far have taken the SAT or ACT.

C. Other Information Relevant to Student Performance

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

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

Erath Excels! Academy attracts students who have dropped out of school or students who are at risk of dropping out of school. Most all of our students have lost credits or were failing and would not have earned credits in their traditional school program. Our main objectives are to encourage students to attend school on a regular basis and earn credits toward graduation. We have an accelerated program that allows opportunities for students to earn credits at a faster pace and increase their odds of graduating on or before their expected graduation date. We received the Ninth Grade Initiative Grant that allowed us to offer summer school in 2002 and 2003 for ninth grade students. We pre and post test students using the STAR Reading and Math assessments. We have completed three reports to TEA for the Ninth Grade Initiative and will do one to follow up this past trimester and a final one after our summer session. These reports tell how many ninth graders advanced to the tenth grade and how many credits they earned each trimester and during the summer. The Ninth Grade Initiative Grant is based on statistics that show that students who do not promote to the tenth grade are at greater risk of dropping out of school. Our educational program focuses on the restoration of student's credits at an accelerated pace before they feel defeated and drop out of school. Our ninth graders also scored highest on the Reading TAKS with 57% meeting standard. We will continue to focus on reading and bringing up students's reading levels. The Ninth Grade Initiative Grant, along with some special education funds also helped purchase our Fast ForWord computer reading program. This was a six week, ninety minute a day program that developed reading skills from the most basic level. Students gained an average of one year reading level after going through the program.

We offer trimesters in which students have the opportunity to earn 3 to 4 credits each trimester for a total of 9 to 12 credits each year. This allows students who fail a class to make it up the following trimester or students who have come to us with a credit deficit the opportunity to recover their credits and graduate in a timely manner. We also have some courses taught at the same time, (i.e., Biology and Health, World Geography and World History, and Health and

PE) and some taught in one trimester rather than a full year as the traditional school,(i.e., U.S. History, Math Models, and English IV). We also offer API (American Preparatory Institute) packet classes where students work at their own pace and can finish as quickly as they complete all the modules in the packets. These innovative courses along with the trimester schedule allow students to earn credits at an accelerated pace.

Erath Excels! Academy believes that students will attend school on a regular basis if the curriculum is addressing their needs and is relevant to their lives. Our charter requires students to produce portfolios, presentations, videos, and/or performances to help evaluate their acquisition of the TEKS and the course work. Our teachers incorporate an expeditionary project into their course work. Last summer session we did our first summer school expedition having the students develop a science museum and presenting programs and experiments to students from a local child care center. Some of our expeditions have included: building and flying kites, writing children's books and reading them to local elementary school students, touring and making a report on the Burlington Northern Santa Fe Transportation Center, Chess tournaments, Stomp presentation where students composed rhythms using instruments they had made, dining with a chef at Rough Creek Lodge in Glenrose, performing in a talent show, writing and producing a play about the effects of drug use and abuse, presenting a puppet show, making a presentation to the Upper Leon Water Authority on water treatment and purification, and taking a one week expeditionary trip that involved an extensive cross-curricular study of the history, economic, and ecological contributions of the Texas Coastal Bend Area. During this extensive expedition as part of their advanced social studies class, students visited Washington on the Brazos and the Sea Center in Lake Jackson, the missions in Goliad, the Port Authority and the Museum of Science and History in Corpus Christi, and the Texas A&M-Corpus Christi Marine Aquaculture Center in Port Aransas, and walked a levy and swam in the Gulf Coast. Students that took the social studies class knowing they would be involved in the one week expedition reported higher attendance, fewer classroom discipline referrals, and students overcoming nicotine addictions in order to take the trip.

Erath Excels! Academy has received technology grants from its inception. Our first year we received the TIE Grant and awarded 30 computers for our students. We used Nova Net curriculum and most all our courses were on the computer. We have moved from the majority of self-paced course work (American Preparatory Institute & Nova Net) to classes that have a teacher facilitating students' work and helping them one on one. We found that self-paced for the majority of our students means no pace. There are a few students that are very self-motivated and work well in this type curriculum. We received two TIF Grants and purchased 21 Dell computers for students. We have 15 computers for teachers and office staff. This year, we received the TARGET Grant (through a consortium with ESC XI) that will provide us with an 18 wireless computer lab and extensive staff technology training in how to use technology in the classroom, training for our technology person and training for the principal. Local funds and the Ninth Grade Initiative monies have helped us purchase our RETN (Region IX Technology Networking) distance learning equipment. This technology has allowed us to provide "in-house" mini expeditions to our students. Our students participated in the Civil War Inactment program and before the war broke out our students watched and listened to students from Denton interact with students from Iraq about the anticipated war. These programs were most impactful to our students. We have also used the RETN equipment to provide extensive training to our board members, staff and teachers. We did four hours of board training, nine hours of principal training about networking, laws and policies, an ESL workshop, Title I workshop, and the 21st Century Grant application workshop.

Through the RETN, we plan to offer students advanced and dual credit courses. We will also continue to offer students more expeditions over RETN. This summer school session we plan to offer a program about the space shuttle, giving students an up-close experience of being in the space shuttle and lifting off into space.

Erath Excels! Academy has been fortunate to be able to provide counseling services to our students. Our principal has her LPC and our Director has over 11 years of school counseling experience. We also work closely with Tarleton State University and their Counseling Department providing placement for their interns. We have had TSU counseling interns since the inception of our school. The interns provide additional individual counseling for our students. Community based organizations such as Family Care Service with the Foster Home For Children, STAR Counsel (an alcohol and drug prevention program) and the Pregnancy Care Center also provide group and individual counseling and suicide intervention. We brought our suicide interventions down from 12 in the previous school year to 6 this year. Children who can cope with life situations are better able to concentrate on school work. The majority of our students are coping with problems that prevent them from giving education their full focus.

The students that participated in our Work Cooperative Program enjoyed weekly guest speakers from various career fields in our community. They took trips to visit different business facilities. They researched career opportunities and college options. We will continue to expand this program.

Section VIII. 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 students passing exams and annual dropout rates.

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

Using the 2002-2003 TAKS test as a benchmark we will begin a TAKS program during the 2003-2004 school year. We will use the 2002-2003 released TAKS tests to test students in November to see how they are progressing. We have hired a TAKS Coordinator who will implement this program to follow students and courses closely so as to insure that students are receiving the skills they need to be successful on the TAKS. Our goal is for 90% of our 11th grade students to meet state standard on the February TAKS test date and for 80% of our 10th grade students to meet state standards on the TAKS by the February test date. Within 5 years we plan for 100% of our 10th and 11th grade students to meet state standard on the TAKS.

Over the next five years, Erath Excels! Academy's goal is to reduce our high school drop out rate to 3%. This is one of our biggest challenges. We would like for it to be only 1% however, we draw from a population of students that have already been out of school for one semester or more and/or have lost credits due to failure or poor attendance in their former school. Many of our students live on their own or with friends. 17% of our students are teen parents. So many of our students are transient and often have no one to answer to. While they are with us, we must find ways for them to achieve success in a short period of time or they have a tendency to give up and drop out.

We expect our junior high drop out rate to be less than 1%.. We decided to add grades seven and eight so that we could begin working with students at an earlier age and hopefully change or prevent the behaviors that keep them from being successful in high school, (i.e. poor attendance and attitudes).

Erath Excels! Academy plans to improve attendance over the next five years to bring our attendance rate up to 95%. Attendance is another big hurdle. Many of our students come to us having lost credit due to poor attendance. We are continually looking for programs that are proven successful and incorporate the ones that work with our students. We have found success with the expeditionary projects in the classroom, accelerated curriculum, and counseling. We want to develop our parental involvement by offering parents courses such as GED, ESL and computer.

We believe our junior high will reach the 96% attendance rate in 2004-2005, our first year to serve these students.

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.

Beginning 2004-2005, all freshmen students will be working on the recommended transcript. We plan for 90% of this group of students to graduate within three years on the recommended transcript. Students who come to us after spending a year or more in another school often have already lost credit and have to make up course work. These students may take up to four years to graduate and may not do so on the recommended transcript. However, with our accelerated curriculum they should be able to graduate by their designated completion date on the recommended transcript.

Our RETN (Region XI Technology Network) capabilities will enable us to offer students advanced and/or dual credit courses. We are working to develop and expand our programs so that more students will have the opportunity to participate in the advanced and dual credit courses. Within five years we plan to have at least 25% of our students taking one or more of these courses. We also plan to work with Weatherford and Texas State Technical College to offer approved Tech Prep courses that will allow students to receive college credit upon enrollment in these institutions. We hope to have these courses approved and in place no later than 2005-2006.

We have always had part time counselors and counseling interns to help students with personal issues. We have secured a full time counselor for 2004-2005 school year to work with 11th and 12th grade students having them complete the SAT or ACT, TASP, and FASFA forms. Fee waivers will be provided for those that qualify. Students will be transported to the test site if they need a ride. We plan to see at least 80% of our students taking the SAT or ACT and TASP before graduating from high school.

100% of students in the HSEP (High School Equivalency Program) under intense instruction and with permission to test will pass all sections of the GED test.

C. Other Relevant Performance Goals

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

100% of seventh, eighth, ninth grade, and special education students taking the FastForWord program will raise their reading level by at least one grade level on the STAR Reading and Math Test.

At least 60% of the Erath Excels! Academy parents will be involved in a GED, ESL, and/or computer course by 2005-2006. We plan for this to continue to increase each year.

Erath Excels! Academy students are required to keep portfolios. All courses must have an expeditionary project, presentation, video, and/or performance as part of the evaluation process of that course. Students must be given a variety of means in which to show their grasp and knowledge of each course's TEKS.

Section IX. Plans and Initiatives to Improve Student Performance

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

Erath Excels! Academy has requested and been approved to add 7th and 8th grades to our program. We plan to add these grade levels in January of 2004. Our experience with high school students has been that we attract students that have poor school attendance, lack of motivation, failed one or more courses, lack of parental support. Many have skill deficits that do not allow them to be successful. We will put each student in the 7th and 8th grade through the Fast ForWord Reading program in a effort to raise their reading levels by at least one grade level and hopefully more.

We also plan to offer night courses for parents in GED preparation, ESL and computer skills. We have tried many other ways to get parents involved with little success. Hopefully if we provide them with a skill and something they need personally, they will come. We plan to have parenting skills woven into these courses.

Fortunately we have receive TIF and TI grants as well as the TARGET grant through ESC XI. We were also able to use some of our Ninth Grade Initiative monies to purchase some technology. We have a state of the art technology program with distance learning capabilities. We do many of our teacher, staff and board trainings through our distance learning equipment. We plan to use our distance learning more extensively to provide advanced and dual credit courses for students, live on-line expeditions, and continued staff development and board training.

We plan to hire a full time counselor to provide more individual counseling for students with self-defeating behaviors and more individual and group counseling for career planning. All of our 11th and 12th grade students will complete the forms to register for the SAT or the ACT and the TASP test. Fee Waivers will be provided for those who qualify. Transportation will be provided for those who need a ride to the test site on the Saturday it is offered. Students will work extensively with college applications, work applications, and financial aid applications.

Section X. 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.

After our first visit from TEA (the two year visit), we implemented bookkeeping policies and our ESL Program. We hired a consultant to help get our ESL program in place and we have a certified teacher that goes into the classroom with the students for at least two class periods to help with their understanding of the language and the course work. We were also sited on some special education indicators and have corrected those. We now hire not only a special education teacher but our own diagnosticion. We do transfer ARDS on all new students and all our time lines are in compliance except for rare circumstances. (Usually caused by the transiency of our students.)

We received a "Needs Peer Review" in 2000-2001 because of our math and writing TAAS scores and drop out rate. To correct these problems, we put a program in place to follow our drop outs and our students progress on TAAS.

We have a very transient population of students at Erath Excels!. During the 2001-2002 school year, we hired staff to track our students who withdrew from school. We have continued to give reports to the Bard of Directors on a regular basis showing who has withdrawn from school and why. It is now the duty of our school secretary to follow students who withdraw to see if they enroll in another school or if we can recapture them.

We did benchmark TAAS testing and implemented a tutoring program to help students who were weak in the areas of writing and math. We hired a tutor to help students improve their writing and math skills. We will continue to provide this service for the TAKS testing program. As a result of our TAAS program we brought our scores up to 100% passing in math and reading and 76% passing in writing. In the transition from TAAS to TAKS, we will continue the program we have in place converting the requirements to TAKS.

Erath Excels! Academy has an Advisory Committee that meets to help us set goals and plan programs for the coming year. They are vital in developing our Campus Iprovement Plan each year.

Part 3. Special Needs Students/Programs

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

Section XI. IDEA Key Components

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

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

The Texas Side-by-Side is available online to assist the application process:

<http://www.tea.state.tx.us/special.ed/rules/sbs.html>.

A. Child Find (34 CFR 300.125)

CHILD FIND (34 CFR §300.125)

CHILD FIND IDENTIFICATION

General Requirement:

The Erath Excels! Academy offers a system of "Child Find" in which all individuals birth through 21 who fall within our responsibility, children already enrolled but not yet identified, siblings of children already enrolled, and children that school staff come in contact with, are identified, and evaluated. The following are a few of the activities/ responsibilities which address our system of child identification:

- * Provide public awareness to inform parents of children already enrolled in Erath Excels! Academy of educational opportunities available to individuals with disabilities and maintains documentation of such activity;
- * Disseminate information regarding availability of services;
- * Erath Excels! Academy assures confidentiality requirements are met in the collection and use of data;
- * Maintains the 60 calendar day time frame referrals to evaluation report set forth in TEC;

- * The referral, full and individual evaluation, and ARD/IEP placement process adheres to all state and federal requirements.

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

CONFIDENTIALITY (34 CFR Part 99; 34 CFR 300.127, 300.560-300.575; TEC 26.004; 19 TAC 89.1050(f)(3))

ACCESS TO STUDENT RECORDS (§26.004)

The Erath Excels! Academy shall permit parents to inspect and review all education records relating to their child.

A parent is entitled to access of all written records of a school district concerning the parent's child, including:

- a. attendance records;
- b. test scores;
- c. grades;
- d. disciplinary records;
- e. counseling records;
- f. psychological records;
- g. applications for admissions;
- h. health and immunization information;
- i. teacher and counselor evaluations; and
- j. reports of behavioral patterns.

1. The following guidelines shall apply when parents request to review or inspect records relating to the education of their student with disabilities:

- a. The Erath Excels! Academy shall comply with a request of parents to review records without unnecessary delay and before any meeting regarding an IEP or hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child.
- b. Erath Excels! Academy shall comply with the request in no case more than 45 days after the request has been made.

2. The right to inspect and review education records includes:

- a. the right to a response from Erath Excels! Academy to reasonable requests for explanations and interpretations of the records;

- b. the right to request that Erath Excels! Academy 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
 - c. the right to have a representative inspect and review the records.
3. Erath Excels! Academy may presume that the parent has authority to inspect and review the student's records, unless Erath Excels! Academy has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

TRANSFER OF RECORDS (§89.1050(f) (3))

Erath Excels! Academy shall forward education records upon request to officials of other schools or school systems in which the student intends to enroll without written consent under the conditions described in this procedure. The transfer of records shall occur no later than the 30th calendar day after the student enrolls in the new school. In addition, a student transferring into Erath Excels! Academy shall have his/her records transferred to the charter school no later than 30 calendar days from the previous school of attendance. The Family Educational Right and Privacy Act (FERPA) does not require the student's current and previous school district/charter to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34§99.31(a)(2) and §99.34

CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFO (§300.127)

Education records, including directory information, may be released without the written consent of the student's parents to the following:

- a. school officials, including teachers, who have a legitimate educational interest; "School officials" are deemed to have a "legitimate educational interest" in a student's records when they are working with the student; considering disciplinary or academic actions, the student's case, compiling statistical data, or investigating or evaluating programs.
- b. officials of other schools or school systems in which the student seeks or intends to enroll, provided that the Erath Excels! Academy will notify the parent or student that it forwards education records to such officials; or
 - (1. makes a reasonable attempt to notify the parent, unless the record transfer is initiated by the parent,
 - (2. furnishes a copy of the transferred record to the parent if he so desires,
 - (3. gives the parent an opportunity for a hearing to challenge the content of the record.
- c. authorized representatives of the Comptroller General of the United States, the Secretary of Education or state educational authorities who require access to student or other records necessary in connection with the audit and evaluation of a state supported program or in connection with the enforcement of federal or state legal requirements that relate to such programs;
- d. personnel involved with a student's application for, or receipt of, financial aid;

- e. state and local officials to whom such information is specifically required to be reported or disclosed by state statute adopted prior to November 19, 1974;
- f. accrediting organizations that require the information for purposes of accreditation;
- g. parents of a dependent student;
- h. appropriate persons who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

DEFINITIONS (§300.560)

Destruction of education records means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

Education Records means, except as may be provided otherwise below, those records, files, documents, and other materials that contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution.

Participating Agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained.

Personally Identifiable Information means that information includes: the name of the student, the student's parent, or other family member; the address of the student; a personal identifier, such as the student's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

School Officials shall mean any employees, trustees, or agents of Erath Excels! Academy as well as attorneys, consultants, and independent contractors who are retained by Erath Excels! Academy.

NOTICE TO PARENTS (§300.561)

Notice that is adequate to fully inform parents about the requirements of §300.127 which is the confidentiality of personally identifiable information of students with disabilities.

This is an annual written notice provided in the primary or home language informing all parents of students in attendance of their rights. This is not limited to students receiving special education services. The information may be provided:

1. in district's enrollment packets given at registration,
2. in local newspaper advertising,
3. posted in buildings,
4. district mail-outs.

Documentation will be kept by the designated district staff.

ACCESS RIGHTS (§300.562)

Erath Excels! Academy shall permit parents to inspect and review any educational records relating to their child/children that are collected, maintained or used by the school. Erath Excels! Academy will comply with a request without unnecessary delay and before any meeting regarding an IEP or any hearing based on §§300.507 and 300.521-528 and never more than 45 days after the request has been made.

1. The right to inspect and review education records under this section includes:

- a. The right to response from the charter school to reasonable requests for explanations and interpretations of the records;
- b. The right to request the charter school provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records;
- c. The right to have a representative of the parent inspect and review the records.

2. Erath Excels! Academy may presume that the parent has authority to inspect and review records relating to his or her child unless the charter school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

RECORD OF ACCESS (§300.563)

Erath Excels! Academy will maintain a record of parties obtaining access to education records collected, maintained or used under Part B of IDEA (except access by parents and authorized employees of the school), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

RECORDS ON MORE THAN ONE CHILD (§300.564)

If material in the education record of a student includes information on more than one student, the parent or guardian shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

TYPES AND LOCATIONS OF INFORMATION (§300.565)

1. The Erath Excels! Academy shall provide parents on request a list of the types and locations of education records collected, maintained, or used by Erath Excels! Academy.
2. The designated record custodian of Erath Excels! Academy shall be responsible for all the education records of Erath Excels! Academy students.

FEES (§300.566)

No fee may be charged to search for or to retrieve the education record of a student. A fee of \$0.10 (10¢) per page may be charged for copies of education records that are made for the parents or students under

this procedure, provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. A waiver of fee should be requested in writing. No fee will be charged to search for or to retrieve information.

AMENDMENT OF RECORDS AT PARENT'S REQUEST (§300.567)

The parent who believes the information in the student's education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the student may request the Erath Excels! Academy to amend the information.

Within fifteen (15) school days of the record custodian's receipt of a request to amend records, the Erath Excels! Academy shall notify the parents in writing of its decision on the request.

If Erath Excels! Academy decides to refuse to amend the information in accordance with the request, Erath Excels! Academy shall inform the parent of the refusal, and advise the parent of the right to a hearing under §300.568.

OPPORTUNITY FOR A HEARING (§300.568)

If a hearing is requested to challenge information in the records, it shall be held within fifteen (15) school days after the request for a hearing is received. Parents shall be notified in advance of the date, time, and place of the hearing. A record custodian who is not responsible for the contested records, or designee, shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence and may be assisted or represented at the hearing, at their own expense.

RESULT OF HEARING (§300.569)

The parents shall be notified of the decision of the hearing in writing within fifteen (15) school days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.

- a. If as a result of the hearing, Erath Excels! Academy decides the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the records will be amended and the parent informed in writing.
- b. If after the hearing, Erath Excels! Academy decides the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the parents shall be given a copy of this guideline and the opportunity, within thirty (30) school days, to place in the record a statement commenting on the information and/or setting forth any reason for disagreeing with the Erath Excels! Academy's decision.
- c. Any explanation is maintained by Erath Excels! Academy, and if the contested record is disclosed, the explanation shall also be disclosed.

HEARING PROCEDURES (§300.570)

A hearing held under §300.568 must be conducted according to the procedures under FERPA (Family Education Rights and Privacy Act §99.22).

- a. the hearing will be held within a reasonable time after receiving the request,
- b. the parent will be given notice of date, time, and place, in a reasonable time prior to the hearing,
- c. the hearing will be conducted by an official of the Erath Excels! Academy who did not have a direct interest in the outcome of the hearing,
- d. the parents will be given full and fair opportunity to present evidence relevant to the amendment to the record,
- e. the decision will be made in a reasonable time after the hearing and presented in writing to the parent,
- f. the decision will be based solely on the evidence presented at the hearing, and the summary of evidence and the reasons for the decision will be included in the written report of the hearing,
- g. the parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

CONSENT (§300.571)

1. Parental consent must be obtained before personally identifiable information is:
 - a. disclosed to anyone other than officials of participating agencies collecting or using the information;
 - b. used for any purpose other than meeting a requirement under the Individual with Disabilities Act. The Erath Excels! Academy may not release information from these records without parental consent except as provided in the Family Educational Rights and Privacy Act (FERPA).

SAFEGUARDS (§300.572)

1. Erath Excels! Academy shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction stages.
2. One official in the district shall assume responsibility for ensuring confidentiality of personally identifiable information. The official responsible for ensuring the confidentiality of any personally identifiable information in special education records shall be the Special Education Director in the special education office located at:

**Erath Excels! Academy
2900 West Washington Street
Suite 12
Stephenville, TX 76401**

3. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records.
4. Erath Excels! Academy shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. This listing is maintained at the special education office.

DESTRUCTION OF INFORMATION (§300.573)

1. Erath Excels! Academy shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child.
2. Erath Excels! Academy will destroy special education records at the parent's request when records are no longer needed to provide educational services to the child.
3. Directory information may be maintained without time limit, including the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed.

CHILDREN'S RIGHTS (§300.574)

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. In addition:

1. The rights accorded to parents under Part B of the Act are transferred to a student who reaches the age of majority, the rights regarding educational records must be transferred to the student.
2. The Erath Excels! Academy will provide any notice required under Part B of the Act to the student and the parent.

A. ASSURANCE TO ABIDE BY FERPA IN 34 CFR PART 99

Erath Excels! Academy assures that it and its employees will abide by all the requirements of the Family Educational Rights and Privacy Act as stated in 34 CFR Part 99.

The Erath Excels! Academy shall give parents of students in attendance, or eligible students in attendance, notification of their rights under the Family Educational Rights and Privacy Act of 1974, and of the locations where copies of the district's policy may be located, including notice of the right to file complaints concerning alleged failures by Erath Excels! Academy to comply with the provisions of the Act. Parents of students identified as having a primary language other than English shall be notified in that language. Notices in English and Spanish to be posted in each school have been distributed to the building principals. Copies of the notices are available in the special education office.

C. Procedural Safeguards (34 CFR 300.504)

PROCEDURAL SAFEGUARDS (34 CFR 300.504)

General

The Procedural Safeguards document developed by the Texas Education Agency must be provided to parents of a student with a disability, at a minimum:

1. upon initial referral for evaluation,
2. upon each notification of any ARD meeting,
3. upon reevaluation of the student, and
4. upon receipt of a request for due process.

Contents

The procedural safeguards notice must include a full explanation of all of the procedural safeguard available under 300 §§403, 300.500-529, and 300.560-577 and the State complaint procedures available under §§300.660-662 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 hearing;
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);
12. Civil actions;
13. Attorneys' fees; and
14. The state complaint procedures under §§300.660-662 including a description of how to file a complaint and the timelines under those procedures.

All of the above are included in the TEA publication from October of 2002 (14 pages).

Notice must also be given in understandable language to the general public and the native language or mode of communication of the parent as described in §300.503(c).

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

TIMELINE FOR NOTICE (§89.1015)

State Board of Education rule interprets the federal term "reasonable time" as at least five school days. Parents may agree to waive the five school day notice period to which they are entitled.

PRIOR NOTICE BY THE PUBLIC AGENCY; CONTENT OF NOTICE (§300.503)

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 Erath Excels! Academy:
 - a. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
 - b. 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 (1) of this section relates to an action proposed by Erath Excels! Academy that also requires parental consent *under* §300.505, Erath Excels! Academy may give notice at the same time it requests parent consent.

Content of Notice

The notice required under paragraph (a) of this section must include:

1. Content of the written Notice must include:
 - a. a description of the action proposed or refused by Erath Excels! Academy,
 - b. an explanation of why the district proposes or refuses to take the action,
 - c. a description of any options the district considered and the reasons why those options were rejected,
 - d. a description of each evaluation procedure, test, record, or report the district uses as a basis for the proposal or refusal,
 - e. a description of any other factors which are relevant to the district's proposal or refusal,
 - f. sources for parents to contact to obtain assistance in understanding these provisions,
 - g. a statement informing the parents about the State complaint procedures, including a description of how to file a complaint and the timelines under those procedures. Include a statement that the ARD committee members will discuss, at the parent's request, the provision of any educational or related service not proposed for discussion by Erath Excels! Academy.

Notice in Understandable Language

1. The notice under paragraph (a) of this section must be:
 - a. Written in language understandable to the general public; and
 - b. 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, Erath Excels! Academy shall take steps to ensure:

- d. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- e. That the parent understands the content of the notice; and
- f. That there is written evidence that the requirements in the paragraphs above in this section have been met.

PARENT PARTICIPATION (§300.345(b); §89.1015)

Information provided to parents:

1. The Notice of the ARD/IEP meeting must: (34 CFR §300.345 and §89.1015)
 - a. be provided to parents at least five school days in advance of the ARD to ensure they will have an opportunity to attend,
 - b. include the purpose, time, and location of the meeting and who will be in attendance,
 - c. provide opportunity to schedule the meeting at a mutually agreed upon time and place, including rescheduling the meeting,
2. For a student with a disability beginning at age 14, or younger, if appropriate, the notice must:
 - a. indicate that a purpose of the meeting will be the development of a statement of the transition services needed for the student, and
 - b. indicate that the student will be invited.
3. For a student with a disability beginning at age 16, or younger, if appropriate, the notice must:
 - a. indicate that a purpose of the meeting is the consideration of the individual transition plan for the student,
 - b. indicate that the student will be invited, and
 - c. identify any other agency that will be invited to send a representative, if appropriate.

RIGHT TO INFORMATION CONCERNING SPECIAL EDUCATION (§26.0081)

TEA has produced a document containing all of the information to meet this requirement: Guide to the ARD Process. Erath Excels! Academy ensures that a copy of this document will be mailed home to the parent of every student as soon as practicable after a referral has been made to determine eligibility for admission to the special education program. It will be no later than five days before the initial ARD committee meeting and also at any other time requested by the parents.

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)

NOTICE TO PARENTS FOR ADMISSION, REVIEW AND DISMISSAL (ARD) COMMITTEE MEETING (§89.1045(a))

1. Erath Excels! Academy 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 CFR §§300.345, 300.503, and 300.505, and Part 300, Appendix A.
2. 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. Erath Excels! Academy 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. Erath Excels! Academy should inform the 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.

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)

EVALUATION (34 CFR 300.530-300.543; TEC 29.004; 19 TEC 89.1011; 89.1015; 89.1040)

REFERRAL FOR FULL AND INDIVIDUAL INITIAL EVALUATION (§89.1011)

Referral

1. Referral of students for a full and individual evaluation for possible special education services shall be a part of Erath Excels! Academy'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.
2. If the student continues to experience difficulty in the general classroom after the provision of interventions, school personnel must refer the student for a full and individual initial evaluation. A referral 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 the required timeline of 60 calendar days.

FULL INDIVIDUAL AND INITIAL EVALUATION (§29.004)

Erath Excels! Academy will ensure that a full and individual evaluation is conducted for each student being considered for special education and related services. A written report of a full individual and initial evaluation of a student for purposes of special education services will be completed within 60 calendar days following the date on which the referral for evaluation was initiated by school personnel, the student's parent or legal guardian, or another appropriate person. The evaluation

will be conducted using procedures that are appropriate for the student's most proficient method of communication.

The evaluation will be completed before the initial provision of special education and related services and will be the basis for the ARD committee to:

- A. determine if the student is a "student with a disability" in accordance with federal and state requirements; and
- B. determine the educational needs of the student.

In implementing the requirements above, Erath Excels! Academy ensures that:

- A. the evaluation is conducted in accordance with the procedures in federal and state law,
- B. the results of the evaluation are used by the ARD/IEP committee in developing an individualized education program.

INITIAL EVALUATION (§300.531)

Each public agency shall conduct a full and individual initial evaluation, in accordance with §§300.532 and 300.533, before the initial provision of special education and related services to a child with a disability under Part B of the Act.

EVALUATION PROCEDURES (§300.532)

Before any action is taken with respect to the initial placement of a child with a disability in a program providing special education and related services, a full and individual evaluation of the child's educational needs must be conducted in accordance with requirements below:

Erath Excels! Academy ensures the following:

- A. Tests and other evaluation materials used to assess the student:
 - 1. Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - 2.. Are provided and administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so;
 - 3. Are standardized tests that have been validated for the specific purpose for which they're used?
 - 4. Are standardized tests that are administered by trained personnel in conformance with the instructions provided by their producer; and
 - 5. Are maintained in the student's legal folder
 - a. page(s) containing test scores are retained.

- b. pages containing questions/answers are destroyed.
- B. 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.
- C. 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. areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- D. Tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the student'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 (except where those skills are the factors that the test purports to measure).
- E. No single procedure is used as the sole criterion for determining an appropriate educational program for a student.
- F. The student 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.
- G. The evaluation must be sufficiently comprehensive to identify all the child's educational needs, whether or not; they link to the child's disability category.
- H. Uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- I. Uses evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.
- J. A variety of evaluation tools and strategies are used to gather relevant functional and developmental information about the student, including information provided by the parent, that may assist in determining:
 - 1. whether the child is a student with a disability,
 - 2. the content of the student's IEP, including information related to enabling the child:
 - a. to be involved in and progress in the general curriculum; or
 - b. if a preschool child, to participate in appropriate activities.
- K. The evaluation is made by a multidisciplinary group of persons, including at least one teacher or other specialist with knowledge of the area of suspected disability.

DETERMINATION OF NEEDED EVALUATION DATA (§300.533)

As part of an initial evaluation (if appropriate) and as part of any reevaluation, a team that includes individuals required in 34 CFR §300.344, and other qualified professionals, as appropriate, will:

- A. Review existing evaluation data on the child, including but not limited to:
 - 1. evaluation and information provided by the parents of the student,
 - 2. current classroom based evaluations and observations,
 - 3. observations by teachers and related service providers; and
- B. On the basis of that review, including input from the child's parents, the ARD/IEP team will identify what additional data, if any, are needed to determine:
 - 1. Whether the child has a particular category of disability, as described in 34 CFR §300.7, or in case of a reevaluation of a student, whether the student continues to have a disability;
 - 2. The present levels of performance and educational needs of the student;
 - 3. Whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
 - 4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.
- C. Erath Excels! Academy will administer tests and other evaluation materials as may be needed to produce the data identified in A and B above.
- D. If determination under paragraph A is that no additional data are needed to determine whether the student continues to be a student with a disability, the Erath Excels! Academy will notify the student's parents:
 - 1. Of that determination and the reasons for it; and
 - 2. Of the right of the parents to request a full and individual evaluation to determine whether the student continues to be a student with a disability.
- E. Erath Excels! Academy is not required to conduct an evaluation described in paragraph D. 2. above unless requested to do so by the student's parents.
- F. If the ARD/IEP committee determines additional data is not needed and documents that determination, the date of the ARD/IEP committee meeting becomes the new evaluation date.

ELIGIBILITY CRITERIA (§89.1040)

1. To be eligible to receive special education services, a student must be a "child with a disability" as defined in the federal law, the Texas Education Code and Rules.
2. The determination of whether a student is eligible for special education and related services is made by the student's ARD/IEP committee. Any evaluation or re-evaluation of a student shall be conducted in accordance with federal and state regulations. The evaluation will document the members of the ARD/IEP team. The ARD/IEP 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:
 - a. licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriately certified or;
 - b. licensed practitioner with experience and training in the area of the disability, or a licensed or certified professional for a specific eligibility category.

DETERMINATION OF ELIGIBILITY (§300.534)

Upon completing the administration of test 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. Erath Excels! Academy will provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

A child may not be determined to be eligible under Federal and State laws if:

1. The determinant factor for that eligibility is:
 - a. Lack of instruction in reading or math; or
 - b. Limited English proficiency; and
2. The child does not otherwise meet the eligibility criteria under §300.7(a).

Erath Excels! Academy must also 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.

The evaluation described above in this section is not required before the termination of a student's eligibility under Part B of IDEA due to graduation with a regular high school diploma, or exceeding the age of eligibility for FAPE under State law.

PROCEDURES OF DETERMINING ELIGIBILITY AND PLACEMENT (§300.535)

In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child Erath Excels! Academy will:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendation, 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.

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.

REEVALUATION (§300.536)

Erath Excels! Academy ensures that a reevaluation will be completed in accordance with the three year timeline requirement. Prior to the three year anniversary date of an active special education student's evaluation, a reevaluation (review of existing data) will be planned by the ARD/IEP committee to determine the scope of the evaluation.

Reevaluations must be done on or before the date of the last comprehensive evaluation or more frequently if conditions warrant, or if the parent or teacher requests an evaluation.

A reevaluation packet will be completed before determining that the student is no longer a student with a disability (unless dismissal is due to graduation with a regular high school diploma or exceeding age eligibility for a free appropriate public education).

ADDITIONAL PROCEDURES FOR EVALUATING CHILDREN WITH SPECIFIC LEARNING DISABILITIES

ADDITIONAL TEAM MEMBERS (§300.540)

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 professional which must include:

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 State to teach a child of his or her age; and
4. At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

CRITERIA FOR DETERMINING THE EXISTENCE OF A SPECIFIC LEARNING DISABILITY (§300.541)

A team may determine that a child has a specific learning disability if:

1. The child does not achieve commensurate with his age and ability levels in one or more of the areas listed below, if provided with learning experience 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;
 - a. Oral expression
 - b. Listening comprehension
 - c. Written expression
 - d. Basic reading skill
 - e. Reading comprehension
 - f. Mathematics calculation
 - g. Mathematics reasoning
3. 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:
 - a. A visual, hearing, or motor impairment;
 - b. Mental retardation
 - c. Emotional disturbance; or
 - d. Environmental, cultural or economic disadvantage.

OBSERVATION (§300.542)

At least one team member other than the child's regular teacher shall observe the academic performance in the regular classroom setting.

WRITTEN REPORT (§300.543)

A written report will be completed and will document the following:

- a. Whether the child has a specific learning disability;
- b. The basis for making the determination;
- c. The relevant behavior noted during the observation of the child;
- d. The relationship of that behavior to the child's academic functioning;
- e. The educationally relevant medical findings, if any;
- f. Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services;
- g. The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

Each team member will 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, specifically, 34 CFR, §300.344.

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)

**DEVELOPMENT AND IMPLEMENTATION OF THE IEP; ESY; RESTRAINT AND TIME OUT
ARD COMMITTEE §89.1050(a)**

Erath Excels! Academy will 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 (relating to Referral for Full and Individual Initial Evaluation (FIE)). The ARD committee shall be the individualized education program (IEP) team defined in federal law and regulations including, specifically, 34 CFR, §300.344.

TIMELINE §89.1050(d)

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

**NOTICE TO PARENTS FOR ADMISSION, REVIEW, AND DISMISSAL (ARD)
COMMITTEE MEETINGS §89.1045(b)**

Erath Excels! Academy will invite the parents and/or adult student to participate as members of the ARD committee by providing written notice in accordance with 34CFR§§300.345, 300.503, and 300.505, part 300 Appendix A.

A parent may request an ARD meeting at any mutually agreeable time to address specific concerns about his or her child's special education services. The school district 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. Erath Excels! Academy will inform parents of the functions of the ARD committee and the circumstances or types of problems for which as ARD committee would be appropriate.

WHEN IEPs MUST BE IN EFFECT (§300.342)

General

Erath Excels! Academy will have in effect for each child with a disability an IEP.

Implementation of IEP's

- is in effect before special education and related services are provided,
- begin on the date designated by the ARD/IEP committee meeting,
- be in effect at the beginning of each school year for each student with a disability within our jurisdiction,

- be provided to each general education teacher, or is accessible to all other special education teachers, related service provider, and other service providers who are responsible for its implementation, and
- in addition, each teacher and provider is informed of his/her specific responsibilities related to implementing the child's IEP and the specific accommodations and supports that must be provided.

TRANSFER STUDENTS §89.1050(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 Erath Excels! Academy determines that the current IEP is appropriate and can be implemented as written; or
2. If the conditions of the paragraph above can not be met by Erath Excels! Academy, then the ARD committee must meet when the student enrolls and the parents verify that the student was receiving special education services in their previous school, or the previous school verifies in writing or by telephone that the student was receiving special education services. At this meeting, the ARD committee must do one of the following:
 - a. the ARD committee may determine that it has appropriate evaluation data and other information to develop and begin implementation of a complete IEP for the student; or
 - b. The ARD committee may determine that valid evaluation data and other information from the previous school are not sufficient 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 or the collection of new evaluation data by the Erath Excels! Academy staff. In this situation, a second ARD committee meeting must be held within 30 days school days from the date of the first ARD committee meeting to finalize or develop an IEP based on the current information.
3. In accordance with TEC §25.002, the school in which the student was previously enrolled shall furnish the new 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.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE) (§300.300.121)

- (1) Erath Excels! Academy has adopted a policy that is:
 - (A) Is consistent with the requirements of §§300.300-300.313; and applies to all children with disabilities, including children who have been suspended or expelled from school.
 - (B) FAPE for children beginning at age 3. Each state shall ensure that:
 - (i) the obligation to make FAPE available to each eligible child attending Erath Excels! Academy begins no later than the child's third birthday; and
 - (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with

§300.342(c).

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.

(C) FAPE for children suspended or expelled from school:

- (i) Erath Excels! Academy 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 ten school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.**
- (ii) In the case of a child with a disability who has been removed from their current placement for more than ten school days in that year, the school for the remainder of the removals, must :**
 - a) provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriate advance toward achieving the goals set out in the child's IEP, if the removal is:**
 - under the school personnel's authority to remove for not more than ten consecutive school days as long as that removal does not constitute a change of placement under §300.519(b), §300.520(a)(1); or**
 - for behavior that is not a manifestation of the child's disability, consistent with §300.524; and**
 - b) Provide services consistent with §300.522, regarding determination of the appropriate interim alternative education setting, if the removal is:**
 - For drug or weapons offenses under §300.520(a)(2); or**
 - 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 they remain in the current placement, consistent with §300.521.**

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).

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.

D. Children advancing from grade to grade:

- (i) Erath Excels! Academy shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child is advancing from grade to grade.
- (ii) The determination that a child described in paragraph (a)(1) of this section is eligible under this part, must be made on an individual basis by the group responsible within the child's school for making those determinations.

IEP MEETINGS §300.343

General

Erath Excels! Academy shall be responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of any child with a disability enrolled in their school.

Initial IEP's; provision of services

1. Erath Excels! Academy assures that within a reasonable period of time following the school's receipt of parental consent to an initial evaluation of a child:
 - a. The child is evaluated; and
 - b. If determined eligible special education and related services are made available to the child in accordance with an IEP.
2. In meeting the requirement stated above, a meeting to develop an IEP for the child be conducted within 30 days of a determination that the child needs special education and related services.

REVIEW AND REVISION OF IEP's

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:
 - a. Any lack of expected progress toward the annual goals described in §300.347(a), and in the general curriculum, if appropriate;
 - b. The results of any reevaluation conducted under §300.536;
 - c. Information about the child provided to, or by, the parents, as described in §300.533(a)(1);
 - d. The child's anticipated needs; or
 - e. Other matters.

IEP TEAM §300.344

General

Erath Excels! Academy assures that the IEP team for each child with a disability will include:

1. One or both of the student's parents;
2. At least one general education teacher of the student (if the student is, or may be, participating in the general education environment);
3. The special education teacher or the special education provider of the child;
4. A representative of the district, who:
 - a. is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - b. is knowledgeable about the general curriculum; and
 - c. Is knowledgeable about the availability of resources of the district.

The district may designate another staff member to serve as the representative, if the criteria 1-3 are satisfied (provided other district ARD/IEP members meet the other participant requirements). The superintendent will approve the list of qualified ARD/IEP representatives of the district.

5. Individuals who can interpret the instructional implications of evaluation results, who may be a member of the team described in this section. Individuals may include:
 - speech/language pathologist, for speech-only referrals;
 - educational diagnostician; and/or
 - licensed specialist in school psychology/psychologist.
6. At the discretion of the parent or Erath Excels! Academy, other individuals who have knowledge or special expertise regarding the student, including related service personnel as appropriate, and
7. if appropriate, the student.

TRANSITION SERVICE PARTICIPANTS

Erath Excels! Academy will 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:

- The student's transition services needs under §300.347(b) (1)
- The needed transition services for the students §300.347(b) (2); or
- Both.

If the student does not attend the IEP meeting, Erath Excels! Academy shall take steps to ensure that the student's preferences and interests are considered.

In implementing the requirements of §300.347(b)(2), Erath Excels! Academy will also take other steps to obtain participation of other agencies, as appropriate based on the student's needs and interests, in the planning of any transition services.

DETERMINATION OF KNOWLEDGE AND SPECIAL EXPERTISE

The determination of the knowledge and special expertise of any individual described in the paragraph above (IEP Team-general) shall be made by the party (parents or school) who invited the individual to be a member of the IEP team.

DESIGNATING A PUBLIC AGENCY REPRESENTATIVE §89.1050(c)

Erath Excels! Academy may designate another member of the IEP team from Erath Excels! Academy to also serve as the administrative representative if the criteria described above for that position on the IEP team are satisfied.

PARENT PARTICIPATION

Public Agency Responsibility – General

1. Erath Excels! Academy will take all necessary steps to ensure that one or both of the parents of a child with disability are present at each IEP meeting or are afforded the opportunity to participate, including:
 - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. Scheduling the meeting at a mutually agreed on time and place.

Other Methods to Ensure Participation

If neither parent can attend, Erath Excels! Academy will use other methods to ensure parent participation, including individual or conference telephone calls.

Conducting an IEP without Parent Participation

A meeting may be conducted without a parent in attendance if Erath Excels! Academy is unable to convince the parents that they should attend. In this case Erath Excels! Academy must have a record of its attempts to arrange a mutually agreed on time and place, such as:

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Use of Interpreters

Erath Excels! Academy will 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.

Parent Copy of child's IEP

Erath Excels! Academy will give the parent a copy of the child's IEP at no cost to the parent.

DEVELOPMENT, REVIEW, AND REVISION OF THE IEP §300.346

Development of IEP

General, In developing each child's IEP, the ARD/IEP team will consider:

- The strengths of the child and the concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the child; and
- As appropriate, the results of the child's performance on any general State or school-wide assessment programs.

The IEP Team also will consider the following if necessary:

- 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;
- In the case of the child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
- 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 is not appropriate for the child;
- 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
- Consider whether the child requires assistive technology devices and services.

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 the paragraph above.

Statement in IEP

Statement in IEP, if in considering the special factors described in the paragraphs above, 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.

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:

- a. Appropriate positive behavioral interventions and strategies for the child; and
- b. Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child consistent with §300.347(a) (3).

Content of IEP (§300.347)

General

The IEP for each child with a disability must include:

- A. A statement of the child's present levels of educational performance, including:
 1. How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for non-disabled children); or
 2. For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.
- B. A statement of measurable annual goals, including benchmarks or short-term objectives, related to:
 1. 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 non-disabled children), or for preschool children, as appropriate, to participate in appropriate activities; and
 2. Meeting each of the child's other educational needs that result from the child's disability.

C. 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:

1. To advance appropriately toward attaining the annual goals;
2. 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
3. To be educated and participate with other children with disabilities and non-disabled children in the activities described in this section;

D. An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

E. A statement of any individual modifications in the administration of state or school-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

F. If the IEP team determines that the child will not participate in a particular state or school-wide assessment of student achievement (or part of an assessment), a statement of:

1. Why that assessment is not appropriate for the child; and
2. How the child will be assessed.

G. 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

H. A statement of:

1. How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
2. 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 non-disabled 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.

Transition Services

The IEP must include 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

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.

Transfer of Rights

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

Content of the Individualized Education Program (IEP) (§89.1055)

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 CFR §300.346 and §300.347, and Part 300, Appendix A.

B. The IEP must include a statement of an individual allowable accommodations in the administration of assessment instruments developed in accordance with TEC § 39.023(a) – (c), or school-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 school-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 the 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.

The Report (§89.1050(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 school shall provide a written or audio-taped 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 school shall make a good faith effort to provide a written or audio-taped copy of the student's IEP, as defined in 34 CFR §300.346 and 300.347.

Agency Responsibilities for Transition Services (§300.348)

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

IEP Accountability (§300.350)

Erath Excels! Academy must:

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

Extended School Year Services (§300.309)

- A. *Erath Excels! Academy shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.*
- B. *Extended school year services must be provided only if a child's IEP team determines, or an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child;*
- C. In implementing the requirements of this section, Erath Excels! Academy may not:
 - 1. Limit extended school year services to particular categories of disability; or
 - 2. Unilaterally limit the type, amount, or duration of those services.
- D. 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:
 - a) beyond the normal school year of Erath Excels! Academy;

- b) in accordance with the child's IEP; and
- c) at no cost to the parents of the child; and

2. Meet the standards of the SEA.

Extended School Year Services (ESY Services) (§89.1065)

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

A. 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 CFR §300.309, and the provisions of this section. In determining the need for and in providing ESY services, a school may not:

- 1. limit ESY services to particular categories of disability; or
- 2. unilaterally limit the type, amount, or duration of ESY services.

B. The need for ESY services must be documented from formal and/or informal evaluations provided by the school 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.

C. 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.

D. 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.

- 1. Placement in a more restrictive instructional arrangement;
- 2. Significant loss of acquired skills necessary for the student to appropriately progress in the general curriculum;
- 3. 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;
- 4. 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
- 5. Loss of access to on-the-job training or productive employment as a result of regression in skills.

- E. If the school does not propose ESY services for discussion at the annual review of a student's IEP, the parent may request that the ARD committee discuss ESY services pursuant to 34 CFR §300.344.
- F. 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.
- G. For students enrolling in a school during the school year, information obtained from the prior school as well as information collected during the current year may be used to determine the need for ESY services.
- H. 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.
- I. Schools are not eligible for reimbursement for ESY services provided to students for reasons other than those set forth in this section.

Discipline (§89.1050(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).

Disagreements (§89.1050(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.

- A. 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 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 school from reaching mutual agreement about all required elements of an IEP.
- B. 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.

- C. The date, time and place for continuing the ARD committee meeting shall be determined by mutual agreement prior to the recess.
- D. If a ten-day recess is implemented as provided in paragraph A of this subsection and the ARD committee still cannot reach mutual agreement, the school shall implement the IEP which it has determined to be appropriate for the student.
- E. 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.
- F. When a school implements an IEP with which the parents disagree or the adult student disagrees, the school shall provide prior written notice to the parents or adult student as required in 34 CFR §300.503.
- G. 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.

Confinement, Restraint, Seclusion and Time-Out (§37.0021)

- 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 school employee or volunteer or an independent contractor of a school 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 regulation adopted under that Act, or any subsequent amendments to those regulations;
2. 40 TAC Sections 720.1001-720.1013; or
3. 25 TAC Section 412.308(e).

D. The commissioner by rule shall adopt procedures for the use of restraint and time-out by a school employee or volunteer or an independent contractor of a school in the case of a student receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:

1. be consistent with:
 - a. professionally accepted practices and standards of student discipline and techniques for behavior management; and
 - b. relevant health and safety standards; and
2. identify any discipline management practice or behavior management technique that requires a school employee or volunteer or an independent contractor of a school to be trained before using that practice or technique.

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

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

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

Procedures for Use of Restraint and Time-Out (§89.1053)

A. In addition to the requirements of 34 CFR §300.346(a)(2)(i) and (c), schools and charter schools must implement the provisions of this section regarding the use of restraint and time-out. In accordance with the provisions of 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. A school employee, volunteer, or independent contractor may use restraint only in an emergency as defined in subsection (b) of this section and with the following limitations:

- 1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
- 2. Restraint shall be discontinued at the point at which the emergency no longer exists.
- 3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
- 4. Restraint shall not deprive the student of basic human necessities.

D. Training for school employees, volunteers, or independent contractors shall be provided according to the following requirements:

- 1. Not later than 4/1/03, 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 4/1/03, 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. 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 was attempted; and
- i) information documenting parent contact and notification.

F. For the purposes of subsection (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. 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 for school employees, volunteers, or independent contractors shall be provided according to the following requirements:

1. Not later than 4/1/03, 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 4/1/03, 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. 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. 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. Beginning with the 2003-2004 school year, with the exception of actions covered by subsection (f) of this section, cumulative data regarding the use of restraint must be reported through the Public Education Information Management System (PEIMS).

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

LEAST RESTRICTIVE ENVIRONMENT (LRE) PLACEMENT

General (§300.550)

The Erath Excels! Academy will assure:

1. That to the maximum extent possible students with disabilities, including students in public or private institutions or other care facilities, are educated with non-disabled students to meet the student's individual education program and overall educational needs. In providing programs, services, and activities for students with disabilities, Erath Excels! Academy shall first consider the least restrictive environment of the general education program.
2. Special classes, separate schooling or other removal of students with disabilities from the general education environment occurs only when the nature and severity of the disability is such that education in general classes, (including art, music, and PE) with the use of supplementary aids and services, cannot be achieved satisfactorily.

Continuum of Alternative Placements (§300.551)

Erath Excels! Academy assures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The continuum required in the paragraph above must:

- a. 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 institution); and
- b. Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Instructional Arrangements and Settings (§89.63)

Erath Excels! Academy will provide services with special education personnel to students with disabilities in order to meet the special needs of those students in accordance with 34 CFR §§300.550-330.554

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 ARD committee.

Instructional arrangements, settings shall be based on the individual needs and individualized education program (IEPs) of eligible students receiving special education services and shall include the following:

1. Mainstream
2. Homebound
3. Hospital class
4. Speech Therapy
5. Resource Room/Services
6. Self-Contained (mild, moderate, or severe) regular campus
7. Off home Campus
8. Nonpublic Day School
9. Vocational Adjustment Class/Program
10. Residential Care and Treatment Facility
11. State School for Persons with Mental Retardation

Placements §300.552

In determining the educational placement of a child with a disability, including a preschool child with a disability, Erath Excels! Academy will ensure that:

1. The placement decision:
 - a. 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

- b. Is made in conformity with the LRE provision of this section, including §§300.550-300.554

2. The child's placement:

- a. Is determined at least annually;
- b. Is based on the child's IEP; and
- c. Is as close as possible to the child's home;

3. 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 non-disabled;

4. 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

5. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Nonacademic Setting (§ 300.553)

In providing or arranging for the provision of non academic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth the §300.306, Erath Excels! Academy assures that each child with a disability participates with non-disabled children in those services and activities to the maximum extent appropriate to the needs of the child.

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

TRANSITION SERVICES (§300.29)

Definition (34 CFR § 300.27)

Transition services means a coordinated set of activities for a student with a disability that:

- 1. is designed within an out-come oriented process, that promotes movement from school to post-school activities including post-secondary 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:
 - a. instruction,
 - b. related services,
 - c. community experiences,

- d. development of employment, and
- e. other post-school adult living objectives, and
- f. when appropriate, acquisition of daily living skills and functional vocational evaluation.

TRANSITION PLANNING (§29.011)

1. The Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission shall develop, agree to and by rule adopt a memorandum of understanding that establishes the respective responsibilities of each agency for the provision of services necessary to prepare students enrolled in special education programs for a successful transition to life outside of the public school system.
2. The Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission may request other appropriate agencies to participate in the development of the memorandum of understanding and each agency requested shall participate and adopt the memorandum. The memorandum must be agreed to by all participating agencies.
3. The memorandum may require an agency or school to provide a service only if the agency or school is providing that service at the time the memorandum is adopted. The memorandum shall require each participating agency to participate in the development of a transition plan required by section (5) below on the request of the school.
4. The Texas Education Agency shall coordinate the development of the memorandum of understanding.
5. Erath Excels! Academy shall develop and annually review an ITP for each student enrolled in a special education program who is at least 16 years of age.

The ITP shall be developed in a separate document from the IEP and may not be considered a part of the IEP.

Erath Excels! Academy shall coordinate development of the ITP with any participating agency as provided in the memorandum of understanding in order to provide continuity and coordination of services among the various agencies and between the ITP and IEP.

Erath Excels! Academy shall request the participation in the development of the ITP of any participating agency recommended by school personnel or requested by the student or the student's parent.

Erath Excels! Academy shall invite the student and the student's parents or guardians to participate in the development of the ITP.

Only those components of the ITP that are the responsibility of Erath Excels! Academy may be incorporated into the student's IEP.

Only the failure to implement those components of a student's ITP that are included in the IEP.

Only the failure to implement those components of a student's ITP that are included in the IEP are subject to the due process procedures of IDEA or to TEA compliant procedures.

The failure of Erath Excels! Academy to develop and annually review an ITP for a student is subject only to TEA complaint procedures and not to the due process procedures of IDEA.

A monitoring visit under §29.010 shall include a review of the transition planning requirements under this section.

Erath Excels! Academy is not liable for the failure of another agency to implement those components of the ITP that are designated as the responsibility of that agency under the memorandum of understanding.

The Memorandum of Understanding (MOU) on Transition Planning for Students Receiving Special Education Services (§89.1110)

Purpose:

Under Texas Education Code §29.010, Transition Planning, the purpose of this memorandum of understanding (MOU) is to establish "the respective responsibility of each agency for the provision of the services necessary to prepare students enrolled in special education programs for and successful transition to life outside the public school system."

The MOU was established among the following agencies:

1. Texas Commission for the Blind
2. Texas Department of Human Services
3. Texas Department of Mental Health and Mental Retardation
4. Texas Education Agency
5. Texas Employment Commission; and
6. Texas Department of Protective and Regulatory Services.

Erath Excels! Academy assures that it will meet all of the requirements of §89.1110.

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)

CERTIFIED PERSONNEL

Qualifications of Special Education Personnel (34 CFR §300.136)

The term "qualified" means that a person has met the Texas Education Agency approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which he or she is providing special education or related services. For teachers who currently are not certified or licensed for their assignment, there is documentation that required actions for certification/licensure are being taken.

All special education and related service personnel shall be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 CFR §300.21, §300.136; the TEC §21.002, §21.003, and §29.304; or appropriate state agency credentials.

Teachers who hold a special education certificate or endorsement may be assigned to any level of a basic special education instructional program serving eligible students between the ages of three and twenty-one in accordance with limitations of their certificate.

Except as stated in §89.1131 (b) (1) – (8).

Paraprofessional Personnel (TAC §89.1131)

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.

Interpreting Services, Orientation and Mobility

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.

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.

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

SERVICES TO EXPELLED STUDENTS

FAPE §300.121(d)

FAPE FOR CHILDREN SUSPENDED OR EXPELLED FROM SCHOOL

1. Erath Excels! Academy 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 10 school days or less in the 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 for his or her current placement for more than 10 school days in that school year, Erath Excels! Academy, for the remainder of the removals, must:
 - a. 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:
 - i. 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 in placement under §300.519(b)(§300.520((a)(1))); or
 - ii. For behavior that is not a manifestation of the child's disability, consistent with §300.524; and

- b. Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is:
 - i. For drug or weapon offenses under §300.520(a)(2); or
 - ii. 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
- c. 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 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)).
- d. The child's IEP team determines that 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

DETERMINATION OF SETTING (§300.522)

General - The interim alternative educational setting referred to in §300.520(a) (2) must be determined by the IEP team.

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 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 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.

PLACEMENT OF STUDENTS WITH DISABILITIES (§37.004)

Text of section as amended by Acts 2001, 77th Leg., ch. 1225, §1

- (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.

[Text of subsection (e) effective until 9/1/03.]

- (e) Notwithstanding any other provision of this subchapter, in a county with a juvenile justice alternative education program established under Section 37.011, the expulsion under a provision of Section 37.007 described by this subsection of a student with a disability who receives special education services must occur in accordance with this subsection and Subsection (f). The school district from which the student was expelled shall, in accordance with applicable federal law, provide the administrator of the juvenile justice alternative education program or the administrator's designee with reasonable notice of the meeting of the student's admission, review, and dismissal committee to discuss the student's expulsion. A representative of the juvenile justice alternative education program may participate in the meeting to the extent that the meeting relates to the student's placement in the program. This subsection applies only to an expulsion under:

- (1) Section 37.007(b), (c), or (f); or
- (2) Section 37.007 (d) as a result of conduct that contains the elements of any offense listed in Section 37.007(b)(3) against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district.

[Text of subsection (f) effective until 9/1/03.]

- (f) If, after placement of a student in a juvenile justice alternative education program under Subsection (e), the administrator of the program or the administrator's designee has concerns that the student's educational or behavioral needs cannot be met in the program, the administrator or designee shall immediately provide written notice of those concerns to the school district from which the student was expelled. The student's admission, review and dismissal committee shall meet to reconsider the placement of the student in the program. The district shall, in accordance with applicable federal law, provide the administrator or designee with reasonable notice of the meeting, and a representative of the program may participate in the meeting to the extent that the meeting relates to the student's continued placement in the program

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

ALLOWABLE EXPENDITURES OF STATE SPECIAL EDUCATION FUNDS (19 TAC 89.1125)

- 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 (IEP's) 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, a district 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 CFR § 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.

85% DIRECT COSTS (\$105.11)

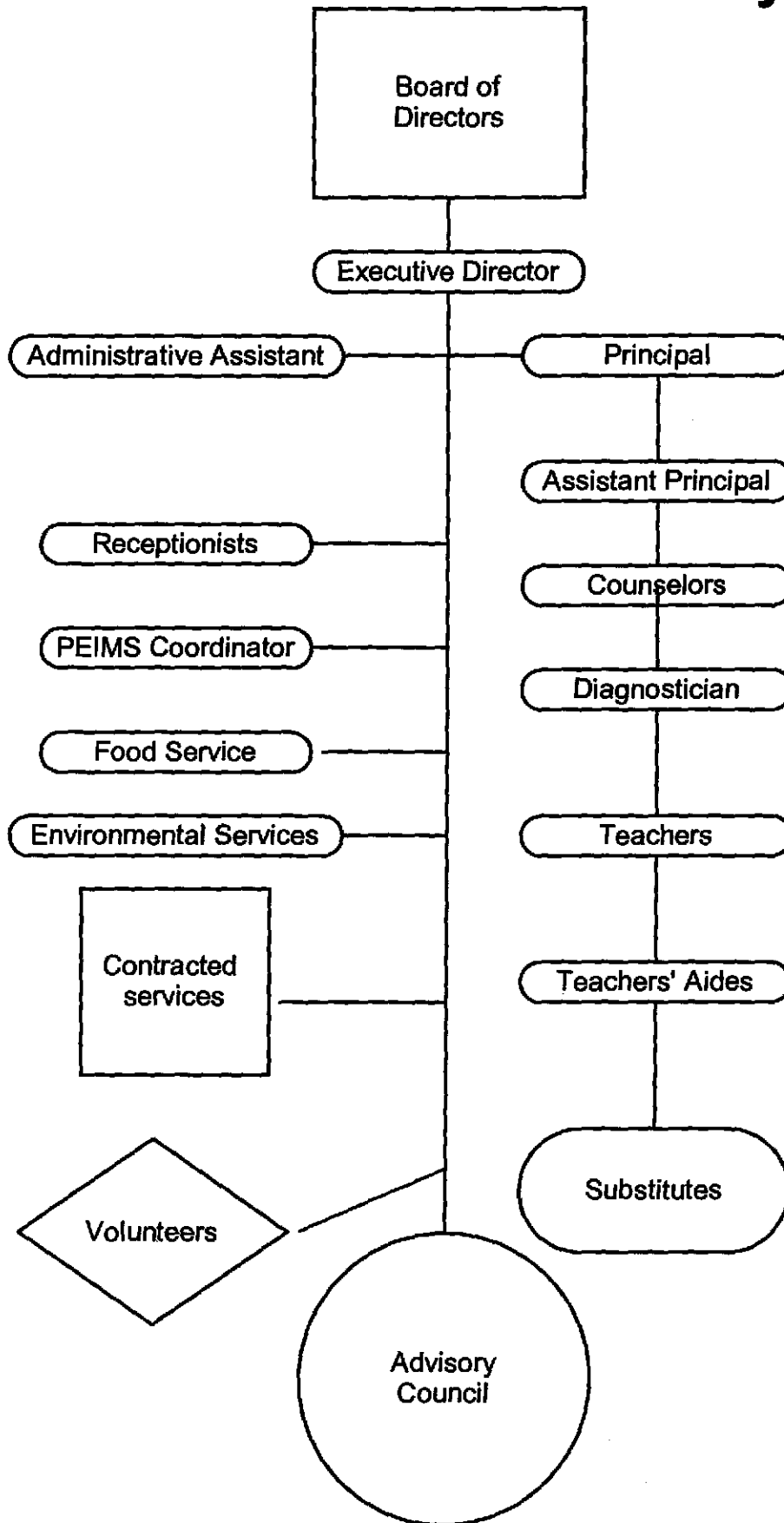
No more than 15% of Erath Excels! Academy's Foundation School Program special allotments under TEC Chapter 42, Subchapter C, may be expended for indirect costs related to the following programs: compensatory education, gifted and talented education, bilingual education and special language programs, 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 TEA bulletin, Financial Accountability System Resource Guide.

CFR=Code of Federal Regulations TEC=Texas Education Code TAC=Texas Administrative Code

Attachment 1

Organization Chart

Erath Excels! Academy



Attachment 2

Criminal History Records for Board Members

Criminal History Records/Background

PAGES 70 – 83 = 14 PAGES

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

Attachment 3

Board Member Biographical Affidavit

Erath Excels! Academy

Board of Director President

Dr. Mary Louise McCabe

Dr. Mary Louise McCabe is the wife of Dr. Dennis McCabe, president of Tarleton State University. The McCabe's have been married for the past 40 years. [REDACTED]

[REDACTED]. Dr. Mary Lou McCabe received her bachelor's and master's degrees from Highland University in Las Vegas, New Mexico. She earned her doctorate degree from Texas A&M Commerce. She has been in education for 31 years. She taught grades 2-12 and both undergraduate and graduate students at the college level. She has taught in New Mexico, California, and Texas. She is a member of the Twentieth Century Club.

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

Check all that apply:

- ☒ Member of the governing board of the charter holder
☐ Member of the managing board for the charter school
☐ School officer _____

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

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

Full Name of Charter School
Erath Excels! Academy

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

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

1. Full Name (Initials Not Acceptable) Mary Louise McCabe

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

If yes, give reason for the change: Marriage

b. Maiden Name (if female) Mary Louise Martinez

c. Other names used at any time Mary Lou McCabe

3. Social Security Number: [REDACTED]

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

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

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

DATES	EMPLOYER	ADDRESS	TITLE
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None

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
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None

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

If yes, give details: _____

Dated and signed this 26th day of June, 2003, at Stephenville, Tx.
I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

Mary Louise McCabe
(Signature of Affiant)

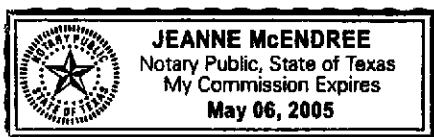
State of Texas

County of Ft. Worth

Personally appeared before me the above named Mary Louise McCabe
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 June, 2003.



(SEAL)

Jeanne McEndree
(Notary Public)

My commission expires May 6, 2005

Erath Excels! Academy

Board of Director Vice President

Dr. Annette Albrecht

Dr. Annette Albrecht is the wife of Dr. Dennis Jones, CIS Professor at Tarleton State University. Dr. Albrecht is currently an Associate Professor in the Department of Educational Administration, Counseling, and Psychology at Tarleton State University in Stephenville, Texas where she has been since 1992. She holds her Ph.D. in Counseling from Marquette University in Milwaukee, Wisconsin where she had a private counseling practice. Prior to entering her doctoral program, she taught in the public schools at the middle and high school level. She has co-authored a textbook on distance learning and is currently working on a textbook for school counselors. She and her husband currently reside in Stephenville where they are involved in numerous civic organizations and very active on the Tarleton campus.

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

Check all that apply:

- ☒ Member of the governing board of the charter holder
☐ Member of the managing board for the charter school
☐ School officer _____

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

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

Erath Excels! Academy

Full Name of Charter School

Erath Excels! Academy

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

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

1. Full Name (Initials Not Acceptable) Annette Carla Albrecht

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

If yes, give reason for the change: No

b. Maiden Name (if female) Annette Carla Albrecht

c. Other names used at any time None

3. Social Security Number: [REDACTED]

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

POSITION

COMPENSATION

Vice President None

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

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

None

List all previous experience with any charter school management company:

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

None

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

If yes, give details: _____

Dated and signed this 26th day of June, 2003, 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.

Annette C. Albrecht
(Signature of Affiant)

State of Texas

County of Erath

Personally appeared before me the above named Annette C. Albrecht
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 June, 2003.



(SEAL)

Jeanne McEndree
(Notary Public)

My commission expires May 6, 2005

Erath Excels! Academy

Board of Director Secretary

Ms. Shawna Henry Newton

Ms. Newton is the wife of Jeff Newton for eight years. Mr. Newton is a contractor & builder. [REDACTED].

Ms. Newton received her bachelor's degree in criminal justice from Tarleton State University in 1997 and her Master of Criminal Justice (with honors) in 2002 from Tarleton State University. Ms. Newton has worked at the Erath County Juvenile Probation Officer for the past six years. She is a member of the Juvenile Justice Association. Ms. Newton has served as a member of our Board of Directors since its inception.

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

Check all that apply:

- ☒ Member of the governing board of the charter holder
☐ Member of the managing board for the charter school
☐ School officer _____

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

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

Full Name of Charter School
_____Erath Excels! Academy_____

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

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

1. Full Name (Initials Not Acceptable) _____Shawna Henry Newton_____

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

If yes, give reason for the change: _____Marriage_____

b. Maiden Name (if female) _____Shawna Michelle Henry_____

c. Other names used at any time _____Shawna Michelle Henry Newton_____

3. Social Security Number: _____[REDACTED]_____

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

POSITION	COMPENSATION
<u>Secretary</u>	<u>None</u>
_____	_____
_____	_____
_____	_____

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

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

None

List all previous experience with any charter school management company:

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

None

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

Dated and signed this 26th day of June, 2003, at Stephenville, TX.
I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

Shawna Henry Newton
(Signature of Affiant)

State of Texas
County of Crath

Personally appeared before me the above named Shawna Henry Newton
personally known to me, who, being duly sworn, deposes and says that he/she executed the above instrument and that the

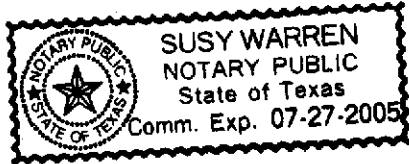
statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

Subscribed and sworn to before me this 26 day of June, 2003.

Susy Warren
(Notary Public)

(SEAL)

My commission expires 7-27-2005



Erath Excels! Academy

Board of Director Member

Ms. Sonia H. Trevino

Ms. Sonia Trevino has been married for 13 years, [REDACTED]. She and her husband own the Spanish Newspaper Acento Hispano. She has worked as the Editor, Technical Writer, Quality Assurance Inspector, Accounts Receivable Clerk, Receptionist, and Secretary. Ms. Trevino served on the Chamberlin Elementary PTO Board during the 2001-2002 and 2002-2003 school years. She also served as the ESL Translator, volunteered her time during school activities and with other board members who needed assistance. She has been nominated to serve as Secretary and ESL Translator for Hook Elementary this coming school year, 2003-2004. She is a member of the Church of Christ in Dublin, Texas.

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

Check all that apply:

- ☒ Member of the governing board of the charter holder
☐ Member of the managing board for the charter school
☐ School officer _____

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

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

Full Name of Charter School
Erath Excels! Academy

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

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

1. Full Name (Initials Not Acceptable) Sonia Trevino

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

If yes, give reason for the change: Marriage

b. Maiden Name (if female) Sonia Hernandez

c. Other names used at any time Sonia H. Trevino

3. Social Security Number: [REDACTED]

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

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

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

DATES	EMPLOYER	ADDRESS	TITLE
None			

List all previous experience with any charter school management company:

DATES	EMPLOYER	ADDRESS	TITLE
None			

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

If yes, give details: _____

Dated and signed this 27th day of June, 2003, at Stephenville, TX
I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

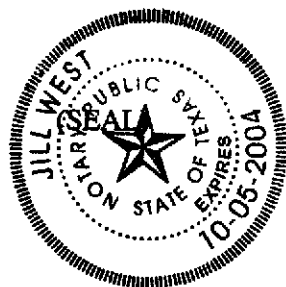
Sonia H. Trevino
(Signature of Affiant)

State of Texas
County of Grath

Personally appeared before me the above named Sonia H. Trevino
personally known to me, who, being duly sworn, deposes and says that he/she executed the above instrument and that the

statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

Subscribed and sworn to before me this 27th day of June, 20 03.



Jill West
(Notary Public)

My commission expires 10-5-04

Erath Excels! Academy

Board of Director Member

Ms. Debra Miller

Ms. Miller is the wife of State Representative Sid Miller. [REDACTED]
[REDACTED]. Ms. Miller is the founder and director of Erath Excels! Academy. She received her bachelor's degree from Tarleton State University in Elementary Education with history and kindergarten certification. She received her master's degree from Tarleton State University in Counseling in 1981, Elementary Music Certification in 1991, and Vocational Counseling Certification in 2002. Ms. Miller has ten years of teaching elementary education grades K-3 and four years of counseling experience in grades K-12 and seven years of counseling experience in grades 9-12 before founding Erath Excels! Academy. She has served on the Board of Directors since the inception of the school. Ms. Miller serves on the CASA (Court Appointed Special Advocates) Board, is a member of the Twentieth Century Club, Cross Timbers Republican Women, and Green's Creek Baptist Church. .

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

Check all that apply:

- ☒ Member of the governing board of the charter holder
☐ Member of the managing board for the charter school
☒ School officer Director

Note: A board member's resignation may not be effective until a replacement is duly appointed. Board members should review the charter holder's articles of incorporation, bylaws, or comparable documents to determine the procedures for resignation. Until a board member's resignation is effective, the board member remains held to the fiduciary obligations and standards of a trustee holding funds in trust for a beneficiary and may be held liable for any breaches of those obligations and standards.

State Position as defined in TEC 12.1012

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

Full Name of Charter School
Erath Excels! Academy

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

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

1. Full Name (Initials Not Acceptable) Debra Joan Miller

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

If yes, give reason for the change: Marriage

b. Maiden Name (if female) Debra Joan White

c. Other names used at any time Debbie Joan White

3. Social Security Number: [REDACTED]

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

POSITION

COMPENSATION

Member

Yes - Director of Erath Excels! Academy

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

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

None

List all previous experience with any charter school management company:

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

None

6. Will you or any relative within the third degree of consanguinity (i.e., parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? Yes If yes, give details: I am the Director of Erath Excels! Academy and receive an annual salary of \$35,000 for a 12 month contract. No raise since inception of school.
7. Will your spouse or any of your spouse's relatives within the third degree of consanguinity (i.e., his or her parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, aunt, uncle, niece, nephew) be employed by or receive any compensation or remuneration from the charter holder or the charter school? No If yes, give details: _____
8. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or indictment charging a misdemeanor involving moral turpitude or any felony or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? No

If yes, give details: _____

Dated and signed this 26th day of June, 2003, at Stephenville, TX.
I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

Debra Miller
(Signature of Affiant)

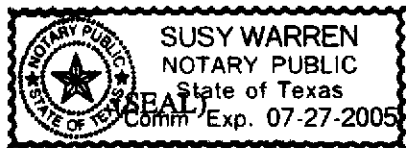
State of Texas

County of Erath

Personally appeared before me the above named Debra Miller
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 26 day of June, 2003.



Susy Warren
(Notary Public)

My commission expires 7-27-2005

Attachment 4

Document for Evaluation of
Other Information Relevant
to Performance

Growth Report

STAR Reading : Tuesday, 06/24/03, 01:43 PM

Pretest Dates : 8/19/02 to 6/1/03

Posttest Dates : 8/19/02 to 6/1/03

Erath Excels Academy

Sorted By : Student Name

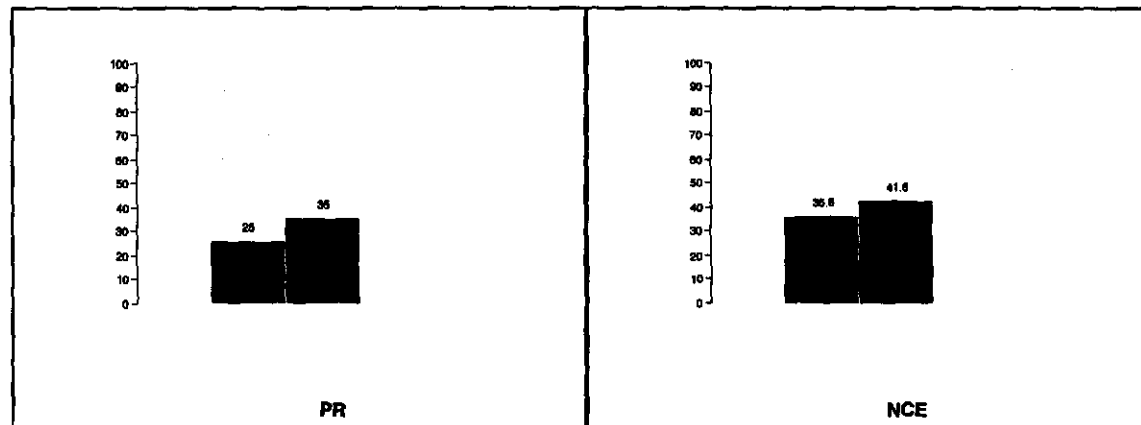
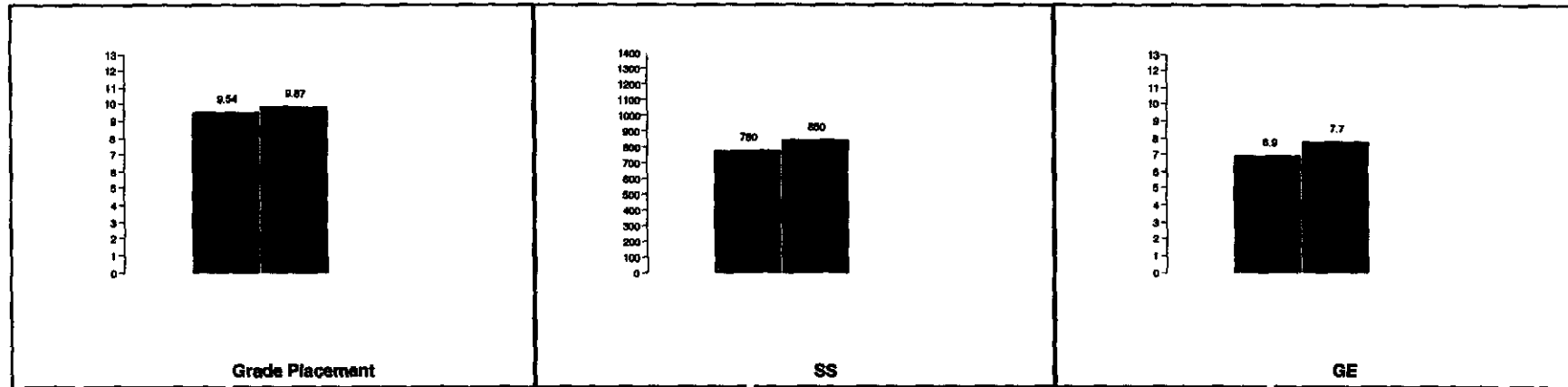
Growth Summary



Pretest



Posttest



Historical Data : Included

Growth Report

Page 3

Pretest Dates : 8/19/02 to 6/1/03

STAR Reading : Tuesday, 06/24/03, 01:43 PM

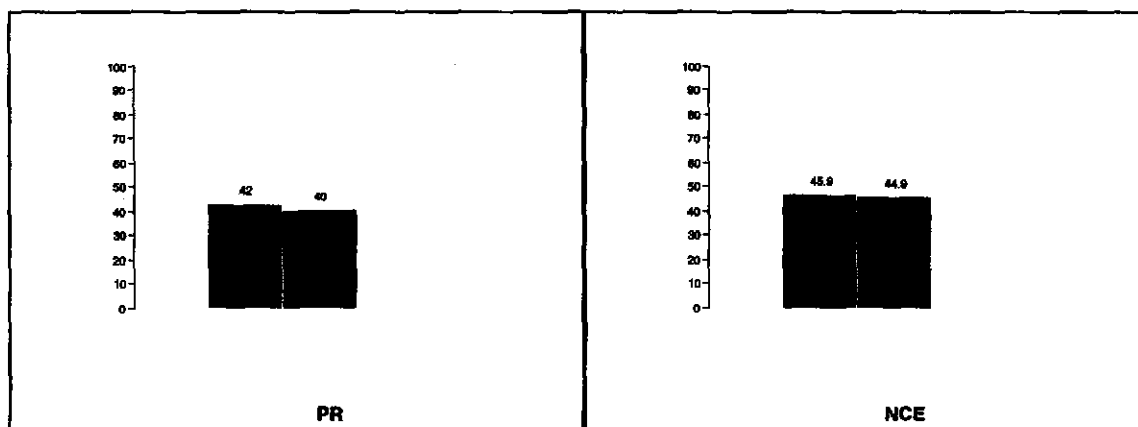
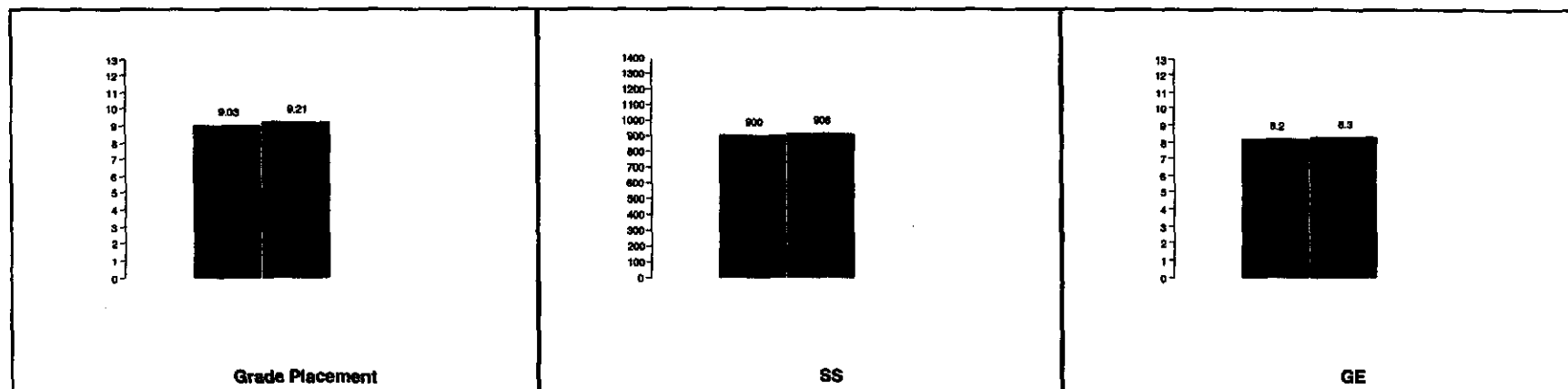
Posttest Dates : 8/19/02 to 6/1/03

Erath Excels Academy

Sorted By : Student Name

Growth Summary

Pretest
Posttest



Historical Data : Included

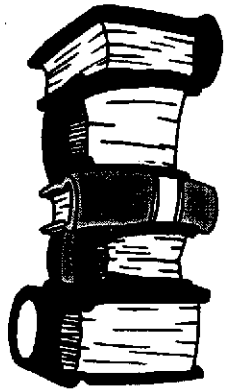
School Year	1999-2000	2000-2001	2001-2002	2002-2003
Diploma	15	35	35	52
Recommended	0	1	5	3
GED	8	3	3	2
SAT/ACT	2	6	9	3
Post Secondary	3	4	9	31
Graduated 3 yrs	0	5	8	16

Attachment 5

Document for Evaluation of
Other Information Relevant
to Performance

Erath Excels!

Erath Excels! Academy offers an educational choice for high school students whose needs are not met in the traditional school setting.



The school provides students with *flexible scheduling* and individualized instruction.

Students who successfully

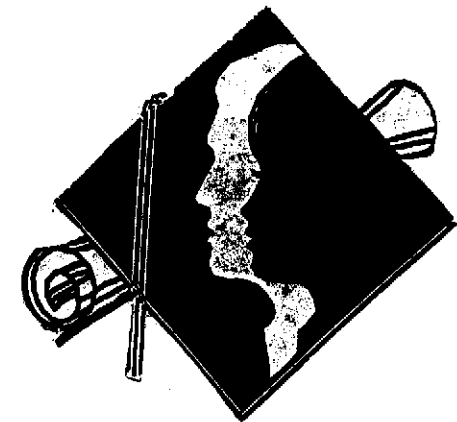
complete all requirements for graduation, earn an accredited diploma from Erath Excels! Academy and the State of Texas.

Erath Excels! Academy
2900 West Washington, Ste 12
Stephenville, Texas 76401
Phone: (254)965-8883
Fax: (254)965-8654

Erath Excels! Academy
2900 West Washington St.
Suite 12
Stephenville, Texas 76401

Erath Excels! Academy
a tuition free open-
enrollment charter.

A SCHOOL OF CHOICE



Mission Statement

Erath Excels! Academy believes all students can achieve excellence in a positive, challenging, educational environment that stimulates their energy, and develops their abilities.

Erath Excels! Academy is committed:

- To provide a safe, non-traditional learning environment to meet student's educational needs
- To recognize individual strengths and intrinsic worth of all students
- To attract and motivate students to attend school regularly to achieve a marked measurable improvement in their academic, employment, social, and life skills
- To enable students to graduate from an accredited high school
- To provide opportunities for all students to become fully responsible community members and achieve career success in the 21st Century
- Erath Excels! Academy shall not discriminate against any student or employee on the basis of race, creed, sex, national origin, religion, disability or need for special education services.



What is a Charter School?

Charter schools are independent public schools that are allowed to operate free from traditional bureaucratic and regulatory red tape that confines public schools. Freed from such micro-management, charter schools design and deliver programs tailored to educational excellence and community needs. Because they are schools of choice, they are held to the highest level of accountability-consumer demand. **Erath Excels! Academy** is a charter school funded by the State of Texas, grants, and beneficence.

Child Find Policy

Erath Excels! Academy shall seek out, identify, locate, and evaluate children with disabilities enrolled in the school or contact the school regarding enrollment and shall determine which children with disabilities are currently receiving needed special education and related services.

Erath Excels! Academy is a tuition free open-enrollment charter school serving students in grades 7-12.



Curriculum

- recommended transcript
- in accordance with TEA requirements
- individualized instruction
- state of the art technology
- accelerated courses
- expeditionary learning
- GED preparation
- flexible scheduling
- work cooperative

EEA serves grades 7-12, up to the age 21 years old from:

Bluff Dale	Huckabay
Comanche	Lingville
DeLeon	Lipan
Dublin	Morgan Mill
Gorman	Santo
Hamilton	Stephenville
Hico	Tolar

Erath Excels! Academy

2900 W. Washington, Suite 12

Stephenville, TX 76401

Phone: (254) 965-8883

Fax: (254) 965-8654

Debra Miller, Director

Brenda Faulkner, Principal

Application for Enrollment

2003 —2004

Name of Student _____ DOB _____

Mailing Address _____ Gender: M ___ F ___

Physical Location _____

SS# _____ - _____ Home Phone # _____ Cell # _____

Do you have Sibling(s) currently enrolled here? _____ Name(s) _____

Parent Information

Father	Place of Employment	Work Phone
Address (if different from above)	City	Zip
		Home Phone
Mother	Place of Employment	Work Phone
Address (if different from above)	City	Zip
		Home Phone
Emergency Contact	Emergency Phone Number	

Who is Student living with? _____ Who has legal custody? _____

Who is responsible for student? _____ Relationship? _____

Erath Excels! Academy

2900 W. Washington, Suite 12, Stephenville, TX 76401

Phone: (254) 965-8883

Fax: (254) 965-8654

Debra Miller, Director

Brenda Faulkner, Principal

Date _____

ENROLLMENT

Student Information

Name of Student _____ DOB _____

Mailing Address _____

Physical Location _____ Gender: M _____ F _____

City _____ Zip _____

SS# _____ - _____ - _____ Home Phone # _____ Cell # _____

Do you have Sibling(s) currently enrolled here? _____ Name _____

Ethnicity: White _____ Hispanic _____ Black _____ Asian _____ American Indian _____

Most recent school attended _____

City _____ State _____ Grade Level _____ Last date attended _____

Did you officially withdraw? _____ (if yes, attach a copy of withdrawal form)

Parent Information

Father _____ Place of Employment _____ Work Phone _____

Address (if different from above) _____ City _____ Zip _____ Home Phone _____

Mother _____ Place of Employment _____ Work Phone _____

Address (if different from above) _____ City _____ Zip _____ Home Phone _____

Emergency Contact _____ Emergency Phone Number _____

Who is Student living with? _____ Who has legal custody? _____

Who is responsible for student? _____ Relationship? _____

OFFICE USE ONLY

Date enrolled _____ G.E.D. or Diploma _____

Transcript Copy _____ / _____ Medication Form _____ Shot Records _____ SSI _____

Breakfast Program Form _____ Birth Certificate _____ DL _____

Date Graduated _____ Date Withdrawn _____ Code # _____

Student Questionnaire

Student's Employer _____ Work Phone _____

Single _____ Married _____ Children (how many) _____

Which program would you like to participate in? Diploma Program _____ GED Program _____

Have you ever been in a Special Education/Resource class? _____

Where? _____ Type of Class? _____

Please list history of illness, accidents, or other health problems:

Are you assigned to a Probation Officer? _____ If "Yes", please list name and explain reason:

Officer _____ Date _____ City _____

Reason:

.....

A copy of the **student's transcript** and **shot record** must be presented to the front office before your child can be enrolled. These can be obtained from their previous school.

Also, a copy of the **student's drivers license**, **birth certificate** and **social security card** are required for the student's permanent folder. Please attach copies to this form or our office will make copies for you before school starts. These must be on file when your child starts school.

Erath Excels! Academy

MEDICATION PERMIT FORM

Permission to dispense prescription medicine to student.

If it is necessary for a student to have medication in order to remain in school, his or her parent/guardian is requested to complete the form below. All medication should be given by the parent outside of school hours if at all possible. **ALL MEDICATION MUST BE IN THE ORIGINAL CONTAINER and the parent should deliver medicine to the front office.**

Name of Student _____ Date _____

Name of Medication _____

Time to be given _____ Amount to be given _____

Special Instructions _____

Parents

**Please sign below in order for the school to give medicine as needed.
You must send your own container.**

I am sending an original container of Advil/Tylenol for my child if he or she needs relief from headaches, muscle aches, or toothaches. They have my permission to have 1-2 tablets during school hours. I understand this container will be marked with my child's name and will be locked in the front office. My child will have to get permission from a staff member before getting their aspirin.

Call me before giving any aspirin _____ Day Phone _____

I do not need to be contacted in order to give my child Advil/Tylenol. It may be given at their request during the school day.

Signature (Parent/Guardian)

Date

Erath Excels! Academy

Request for Student Records

Date: _____

Name: _____

DOB: _____ Grade: _____

The student listed above previously attended _____
(Name of previous school)

and is now enrolled in:

Erath Excels! Academy
2900 W. Washington, Suite 12
Stephenville, Tx. 76401
Phone 254-965-8883
FAX 254-965-8654

Please send us: _____

This year's grades including withdrawal grades

_____ An OFFICIAL TRANSCRIPT of grades

_____ TAAS and other standardized test scores

_____ IMMUNIZATION Records

_____ Other information that would be helpful in working with
this student

_____ Special Education Records
(Release form attached)

Signature of parent/guardian

Signature of school official

Erath Excels! Academy

HOME LANGUAGE SURVEY

Erath Excels! Academy is required by law to obtain this information. Please complete this form and return it to the school.

Student's Name

Grade in School

Parent's/Guardian's Name

Relationship to Student

- What is the first language this student learned? _____
- What language does this student speak most often? _____
- What language does the family use most often? _____

Signature (parent or guardian)

Date

.....

LA ENCUESTA SOBRE CASERA

Erath El Lenguaje Sobresale! La ley requiere a la academia obtener esta informacion. Llene el forr por favor este y vuelva a la escuela.

Nombre Del Estudiante

el grado en escuela

Nombre De los padres o encargado

parenuesco con el estudiante

- Cual es el primer Idioma que aprendio este estudiante? _____
- Cual idioma hable el estudiante mas a menudo? _____
- Cual idioma la familia habia mas a menudo en la casa? _____

Firma de padres o encargado

Fecha

Erath Excels! Academy

2900 W. Washington, Suite 12

Stephenville, Texas 76401

Phone: 254/965-8883 Fax: 254/965-8654

**Special Education
Student Record Release Authorization**

_____ has my consent to
Name of Previous School

release special education records on _____
Name of Student

to Erath Excels! Academy.

Signature (Parent/Guardian)

Relationship to Student

Address of previous school and contact name (if not in Erath County)

Erath Excels! Academy School District/Charter School
LETTER TO HOUSEHOLDS (Single-Child)
NATIONAL SCHOOL LUNCH/BREAKFAST PROGRAM
SCHOOL YEAR 2002-03

Dear Parent/Guardian:

The Erath Excels! Academy school offers a choice of healthy meals each school day. Children may buy lunch for NA, breakfast for .75, and after school snacks for NA. Children who qualify under U. S. Dept. of Agriculture guidelines may get meals free or at a reduced-price of NA for lunch, .25 for breakfast and NA for after school snacks. All meals served must meet nutrition standards established by the U. S. Department of Agriculture. If a child has a disability, as determined by a doctor, and the disability prevents the child from eating the regular school meal, the school will make substitutions prescribed by the doctor. If a substitution is needed, there will be no extra charge for the meal. Please note, however, that the school is not required to make a substitution for a food allergy, unless it meets the definition of disability. Please call the school for further information; telephone number 965-8883.

Your child can get free school meals if you get food stamps or Temporary Assistance for Needy Families (TANF). Depending on your income, your child may be eligible for either free or reduced-price meals.

How do I get free or reduced-price school meals for my child? You must complete the Application for Free and Reduced-Price Meals Form and return it to the school.

- ♦ **Households getting food stamps or TANF.** You only have to include your child's name and case number, and an adult household member must sign the form.
- ♦ **Households that do not get food stamps or TANF.** If you do not have a case number, you must include the names of all household members, the amount of income each person received last month and where the income came from. An adult household member must sign the form and include his or her social security number, or indicate that he or she has no social security number.
- ♦ **Households with a foster child.** You must include the child's name and the amount of "personal use" income the child received last month, and an adult must sign the form.

Will the form be verified? Your eligibility may be checked at any time during the school year. School officials may ask you to send written evidence that shows that your child should get free or reduced-price school meals.

Can I appeal the school's decision? You can talk to school officials if you do not agree with the school's decision on your form. You also may ask for a fair hearing by calling or writing to:

Debra Miller Phone: 254-965-8883

Mailing Address: 2900 W. Washington, Ste. 12, Stephenville, TX 76401

Must I report changes? If your child gets free or reduced-price meals because of your income, you must tell us if your household size decreases, or if your income increases by more than \$50 per month or \$600 per year. If your child gets free meals because your household gets food stamps or TANF, you must tell us when you no longer get these benefits.

Will information on my form be kept confidential? We will use the information on your form to decide if your child should get free or reduced-price meals. We may inform officials with other child nutrition, health and education programs of the information on your form to determine benefits for those programs or for funding and/or evaluation purposes.

Can I apply for free and reduced-price meals later? You may apply for free and reduced-price meals at any time during the school year. If you are not eligible now but have a change, like a decrease in household income, an increase in household size, become unemployed or get food stamps or TANF, complete another form then.

We will let you know if you are approved or denied.

Sincerely,

Eroth Excels! Academy School District/Charter School -
APPLICATION FOR FREE AND REDUCED-PRICE MEALS (Single-Child)
SCHOOL YEAR 2002-03

Complete, sign and return the form to Eroth Excels! Academy. Please read the instructions. If you need help completing this form, call: 965-8883

1. CHILD'S NAME: _____
 Last First M.I.
 Child's Grade: _____ Name of School: _____ SS#/Student ID: _____
 Or Site Number _____ (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 child listed above. List all income. Go to section #5.

Names		Current Monthly Income			
Names of Household Members (include the child listed above) If you need more spaces, attach a separate sheet		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: _____

Privacy Act Statement: Unless you list the child's food stamp or TANF case number or are applying for a foster child, Section 9 of the National School Lunch Act requires that you include the social security number of the household member signing the form or indicate that the household member signing the form does not have a social security number. You do not have to list a social security number, but if a social security number is not listed or an indication is not made that the adult household member signing the form does not have a social security number, we cannot approve the form. The social security number may be used to identify the household member in verifying the correctness of the information stated on the form. This may include program reviews, audits, and investigations and may include contacting employers to determine income, contacting a food stamp or TANF office to determine current certification for food stamps or TANF benefits, contacting the State employment security office to determine the amount of benefits received and checking the documentation produced by the household member to prove the amount of income received. These efforts may result in a loss or reduction of benefits, administrative claims, or legal actions if incorrect information is reported. The social security number may also be disclosed to programs as authorized under the National School Lunch Act and the Child Nutrition Act, the Comptroller General of the United States, and law enforcement officials for the purpose of investigating violations of certain Federal, State and local education, health and nutrition programs.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5884 (voice and TDD). USDA is an equal opportunity provider and employer.

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: _____

APPLICATION INSTRUCTIONS (Single-Child)

Please complete the Application for Free and Reduced-Price Meals Form using the instructions below. Sign the form and return it to Erath Exalts! Academy. If you need help, call: Telephone No. 965-8883.

1 CHILD INFORMATION: Print your child's name. If you are applying for school meals, include your child's grade and name of school.

2 FOSTER CHILD: Complete this part and sign the form in # 5.

- (a) Write the foster child's monthly "personal use" income. Write "O" if the foster child does not get "personal use" income.
- (b) A foster parent or other official representing the child must sign the form in #5. You do not have to list a social security number.
- (c) Complete a separate form for each foster child.

3 OTHER BENEFITS: Complete this Part and sign the form in # 5.

- (a) If you are applying for school meals, list your current food stamp or TANF case number for your child.
- (b) Sign the form in # 5. An adult household member must sign. You do not have to list a social security number.

4 ALL OTHER HOUSEHOLDS: Complete this Part and sign the form in #5.

- (a) Write the names of everyone in your household even if they do not have an income. Include yourself, your spouse, the child you are applying for and all other household members.
- (b) Write the amount of income each person received last month before taxes or anything else was taken out and where it came from, such as earnings, welfare, pensions, and other income (see example below for types of income to report). Each income amount should be entered in the appropriate column on the form. If any amount last month was more or less than usual, write that person's usual monthly income.
- (c) If anyone is self-employed, write the amount of income the person earns from self-employment; for example, income from operating a farm. Please call the number at the top of the form if you need help.
- (d) Sign the form and indicate your social security number in #5. If you do not have a social security number, write "none".

5 SIGNATURE AND SOCIAL SECURITY NUMBER:

- (a) The form must have the signature of an adult household member.
- (b) The adult household member who signs the statement must include his/her social security number. If he/she does not have a social security number, write "none". A social security number is not needed if you listed a food stamp or TANF case number or if you are applying for a foster child.

INCOME TO REPORT

Earnings from Work

Wages/salaries/tips
Strike benefits
Unemployment compensation
Worker's compensation
Net income from self-owned
business, day care business
or farm

Welfare/Child Support/Alimony

Public assistance payments
Welfare payments
Alimony/child support payments

Pensions/Retirement/Social Security

Pensions
Supplemental Security Income
Retirement income
Veteran's payments
Social security

Other Monthly Income/Self-employment

Disability benefits
Cash withdrawn from savings
Interest/dividends
Income from estates/trusts/
Investments
Regular contributions from
persons not living in the
household
Net royalties/annuities/
net rental income
Military allowance for off-base housing
Any other income

Uninsured children?

\$18 a month or less buys health insurance for them all.

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"When [redacted] used to get asthma attacks, it was pretty scary. I'd stay home from work, we'd go to the doctor and things would be better. At least until I saw the bills – talk about scary! But now [redacted] covered, and that's a load off my mind."



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Erath Excels! Academy School District/Charter School
CARTA A LAS FAMILIAS

PROGRAMA NACIONAL DE ALMUERZOS ESCOLARES/PROGRAMA DE DESAYUNOS ESCOLARES
2002-03

Estimados padres/apoderados:

Erath Excels! Academy School ofrece comidas saludables para escoger todos los días de clase. Los niños pueden comprar almuerzo a NA y desayuno a .75, y merienda después escuela NA. Los niños que califican de acuerdo a las pautas del Departamento de Agricultura de los EE.UU. pueden obtener comidas gratuitas o al precio rebajado de NA para el almuerzo, y a .25 para el desayuno y a NA para merienda después escuela. Todas las comidas que se sirven deben cumplir con las normas de nutrición establecidas por el Departamento de Agricultura de los EE.UU. Si un niño tiene una discapacidad, según lo haya determinado un médico y la discapacidad no permite que el niño coma la comida escolar regular, la escuela hará las sustituciones prescritas por el médico. Si se necesita una sustitución, no habrá costo adicional por la comida. Sin embargo, por favor tengan en cuenta que la escuela no está obligada a hacer una sustitución por una alergia a un alimento, a menos que cumpla con la definición de discapacidad. Por favor llamen a la escuela para solicitar mayor información.

Su hijo puede obtener comidas escolares gratuitas si usted recibe cupones para alimentos, o Asistencia Provisional para Familias Necesitadas ("TANF"). Si el ingreso total de su grupo familiar es igual o inferior al monto en el Cuadro de Ingresos, su hijo puede recibir comidas ya sean gratuitas o a precio rebajado.

¿Cómo consigo comidas escolares gratuitas o a precio rebajado para mi hijo? Sólo tiene que completar el Formulario de Asistencia para Comidas y devolverlo a la escuela.

- Los grupos familiares que reciben cupones para alimentos, "TANF". Sólo tienen que incluir el nombre de su hijo y el número del caso y un miembro adulto del grupo familiar debe firmar el formulario.
- Los grupos familiares que no reciben cupones para alimentos, o "TANF". Si no tienen un número de caso, deben incluir los nombres de todos los miembros del grupo familiar, el monto del ingreso que cada persona obtuvo el mes pasado y de dónde provino el ingreso. Un miembro adulto del grupo familiar debe firmar el formulario y debe incluir su número de seguro social o indicar que no tiene uno.
- Los grupos familiares con un niño a cargo de los servicios sociales. Deben incluir el nombre del niño y el monto de ingreso para "uso personal" que el niño recibió el mes pasado y un adulto debe firmar el formulario.

¿Se verificará el formulario? En cualquier momento durante el año escolar se puede comprobar su elegibilidad. Los funcionarios escolares les pueden pedir que manden evidencia escrita que demuestre que su hijo debe recibir comidas escolares gratuitas o a precio rebajado.

¿Puedo apelar la decisión de la escuela? Puede hablar con los funcionarios escolares si no está de acuerdo con la decisión de la escuela sobre su formulario. También puede pedir una audiencia imparcial llamando o escribiendo a:

Debra Miller Teléfono: 254-965-8883
Dirección: 2900 W. Washington, Ste. 12, Stephenville, Tx 76401

¿Debo notificar los cambios? Si su hijo recibe comidas gratuitas o a precio rebajado debido a su ingreso, debe decirnos si el tamaño de su grupo familiar disminuye o si sus ingresos aumentan en más de \$50 al mes o \$600 al año. Si su hijo recibe comidas gratuitas debido a que su grupo familiar recibe cupones para alimentos, o "TANF", debé avisarnos cuando ya no reciba esos beneficios.

¿Se mantendrá confidencial la información en mi formulario? Usaremos la información en su formulario para determinar si su hijo debe recibir comidas gratuitas o a precio rebajado. Podemos informar a los funcionarios encargados de otros programas de nutrición infantil, salud y educación sobre la información en su formulario para determinar los beneficios para esos programas o para propósitos de financiamiento y/o evaluación.

¿Puedo solicitar más adelante comidas gratuitas o a precio rebajado? Puede solicitar comidas gratuitas o a precio rebajado en cualquier momento durante el año escolar. Si no es elegible ahora, pero tiene un cambio, como una disminución en el ingreso del grupo familiar, un aumento en el tamaño del grupo familiar, queda cesante u obtiene cupones para alimentos, o "TANF", complete un formulario en ese momento.

Le haremos saber si se aprueban o niegan los beneficios.

Atentamente,

FORMULARIO DE ASISTENCIA PARA COMIDAS PARA EL AÑO ESCOLAR

Complete, firme y devuelva el formulario a Earth Exalts! Academy 2002-03. Por favor lea las instrucciones. Si usted necesita ayuda para completar este formulario llame al: 905-888.3

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: [] SI [] 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: _____

CÓMO COMPLETAR EL FORMULARIO PARA ASISTENCIA PARA COMIDAS

Por favor complete el Formulario de Asistencia para Comidas usando las siguientes instrucciones. Firme el formulario y devuélvalo a _____. Si necesita ayuda, llame al # _____.

- 1 (a-e) INFORMACION SOBRE EL NIÑO:** Escriba en imprenta el nombre de su hijo. Si está solicitando comidas escolares, incluya el grado de su hijo y el nombre de la escuela.

- 2 NIÑOS A CARGO DE LOS SERVICIOS SOCIALES:** Complete esta parte y firme el formulario en el #5.
 - (a) Anote el ingreso mensual para "uso personal" del niño. Anote "O" si el niño no recibe ingreso para "uso personal".
 - (b) Uno de los padres encargados del niño bajo el servicio social u otro representante oficial debe firmar el formulario en el #5. No tiene que anotar un número de seguro social.
 - (c) Complete un formulario separado para cada niño a cargo de los servicios sociales.

- 3 OTROS BENEFICIOS:** Complete esta parte y firme el formulario en el #5.
 - (a) Si está solicitando comidas escolares, anote el actual número de caso de cupones para alimentos o "TANF" para su(s) hijo(s).
 - (b) Firme el formulario en el #5. Un miembro adulto del grupo familiar debe firmar. No tiene que anotar un número de seguro social.

- 4 TODOS LOS DEMAS GRUPOS FAMILIARES:** Complete esta parte y firme el formulario en el #5.
 - (a) Anote los nombres de todos los miembros de su grupo familiar, incluso si no tienen un ingreso. Inclúyase a usted mismo, su cónyuge, el niño para el que están solicitando beneficios y todos los demás miembros del grupo familiar.
 - (b) Anote el monto del ingreso que cada persona recibió el mes pasado antes de la deducción para los impuestos o de cualquier otra deducción y de dónde provino, tal como sueldo, asistencia social, pensiones y otros ingresos (vea los ejemplos de más abajo para los tipos de ingresos a dar cuenta de). Cada monto de los ingresos debe anotarse en la columna correspondiente en el formulario. Si cualquier monto el mes pasado fue más o menos que lo acostumbrado, anote el ingreso mensual acostumbrado de la persona.
 - (c) Si alguna persona trabaja por cuenta propia, anote el monto del ingreso que la persona gana por cuenta propia; por ejemplo, ingreso por cuidar niños en casa o por estar a cargo de una granja. Por favor llame al número en la parte superior de este formulario si necesita ayuda.
 - (d) Firme el formulario e incluya su número de seguro social en el #5. Si no tiene un número de seguro social, anote "ninguno".

- 5 FIRMA Y NUMERO DE SEGURO SOCIAL:**
 - (a) El formulario debe tener la firma de un miembro adulto del grupo familiar.
 - (b) El miembro adulto del grupo familiar que firme la declaración debe incluir su número de seguro social. Si no tiene un número de seguro social anote "ninguno". No se necesita un número de seguro social si anota un número de caso de cupones para alimentos, o "TANF" o si está solicitando para un niño a cargo de los servicios sociales.

INGRESOS QUE DEBEN INCLUIRSE

<u>Sueldo del trabajo</u>	<u>Pensiones/Jubilación/Seguro Social</u>	<u>Otro ingreso mensual/trabajo por cuenta propia</u>
Sueldo/salario/propinas	Pensiones	Beneficios por discapacidad
Beneficios por huelga	Ingreso de seguridad complementario	Efectivo retirado de ahorros
Compensación por cesantía	Ingreso por jubilación	Interés/dividendos
Compensación al trabajador	Pagos a ex-combatientes	Ingreso de bienes
raíces/fideicomisos/inversiones	Seguro social	Contribuciones regulares de personas que no residen en el hogar
Ingreso neto de empresa propia, cuidado de niños o granja	<u>Asistencia Social/Pensión para hijos/Pensión alimenticia</u>	Derechos netos de autor/pensión vitalicia neto por arriendo
	Pagos de asistencia pública	Subsidio militar por vivienda fuera de la base
	Pagos de asistencia social	Cualquier otro ingreso
	Pensión alimenticia/pagos de	
	Pensión para hijos	

Declaración de la Ley de Privacidad. A menos que usted anote el número del caso de cupones para alimentos, o "TANF" de niño o esté solicitando para un niño a cargo de los servicios sociales, la Sección 9 de la Ley Nacional de Almuerzo Escolar requiere que usted incluya el número de seguro social del miembro del grupo familiar que firma el formulario o que indique que el miembro del grupo familiar que firma el formulario no tiene un número de seguro social. No tiene que anotar un número de seguro social, pero si no se anota un número de seguro social o no se hace la indicación que el miembro adulto del grupo familiar que firma el formulario no tiene un número de seguro social, no podemos aprobar el formulario. El número de seguro social puede usarse para identificar al miembro del grupo familiar al verificar la exactitud de la información expresada en el formulario. Esto puede incluir revisiones del programa, auditorías e investigaciones y puede incluir comunicarse con empleadores para determinar el ingreso, comunicarse con una oficina de cupones para alimentos, o "TANF" para determinar la certificación actual para los beneficios de cupones para alimentos, o "TANF", comunicarse con la oficina estatal de seguridad del empleo para determinar la cantidad de beneficios recibidos y comprobar la documentación presentada por el miembro del grupo familiar para comprobar el monto del ingreso recibido. Esas acciones pueden resultar en una pérdida o reducción de beneficios, demandas administrativas o acciones legales si se da información incorrecta. El número de seguro social también puede revelarse a programas según se autoriza en la Ley Nacional de Almuerzo Escolar y la Ley de Nutrición Infantil, al Contralor General de los Estados Unidos y a los funcionarios del orden público con el propósito de investigar las infracciones de ciertos programas federales, estatales y locales de educación, salud y nutrición.

El Departamento de Agricultura de los EE.UU. ("USDA") prohíbe la discriminación en todos sus programas y actividades en base a la raza, color de la piel, país de origen, género, edad o discapacidad. Las personas con discapacidades que requieran medios alternativos de comunicarse con el Centro TARGET de "USDA" al (202) 720-2600 (voz y para sordos).

Para presentar una queja de discriminación, escriba a USDA, Directo, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 o llame al (202) 720-5964 (voz y para sordos). "USDA" es un proveedor y empleador que ofrece igualdad de oportunidades.

¿Niños sin seguro médico?

**\$18 o menos por mes compra seguro
médico para todos sus niños.**

Miles de niños en Texas son elegibles para recibir seguro médico a bajo costo o gratis. Una familia de cuatro personas con ingresos hasta \$38,000 por año puede calificar. Los beneficios incluyen visitas al médico o al hospital, recetas para medicinas, cobertura de condiciones ya existentes, cuidado dental y para los ojos, y mas. Llame ahora mismo para aplicar.

"¿Que susto me daba cuando le ocurría un ataque asmático a [REDACTED] Yo tenia que perder horas del trabajo para llevarlo al doctor. Y siempre se mejoraba. Pero cuando recibia la factura del doctor – me entraba otro susto! Ahora, [REDACTED] tiene cobertura médica, y me siento en paz."



TexCare Partnership

Seguro Médico Para Sus Niños
Al Alcance De Su Presupuesto

Para recibir más información llame al

1-800-647-6558

www.texcarepartnership.com

Erath Excels! Academy

Special Education Instructional Services

Most of the students in our special education program at Erath Excels! Academy have a mainstream placement. For the students whom IEP's provide resource, we have a special education teacher that offers the courses required during scheduled periods of the school day. This past year we had one student in a reading class for dyslexia and we had students in math and reading classes.

Students with the mainstream placement are given the opportunity to leave class and get extra help in our resource classroom with the special education teacher or our diagnostician. All teachers who have students in special education are given a list of modifications for each of these students.

We have never had a student with a self-contained placement but if a child with this placement enrolled, we would provide a classroom for that student with a special education teacher. This year we will have three teachers with special education certification to provide services for any of our 150-200 students that qualify for these services. We have always had 1 to 4 students with the emotionally disturbed label. We provide classes with a very small teacher-student ratio so that these students can receive more individual attention and instruction from the teacher.

When a student enrolls that was receiving special education services from his/her former school, we schedule a Transfer ARD on or before the student's first day of school. We call the student's former school and find out what services he/she was receiving. We then place the student in that schedule when possible or one very similar. The student's classroom teacher and the special education teacher monitor him/her closely to insure proper placement. The special education teacher gives a copy of the student's modifications to each of his/her teachers and visits with them daily to see how the placement is working. Another ARD is scheduled within 30 days of enrollment. Adjustments or changes are made during this meeting.

Attachment 6

Electronic Application Certification

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

Section XIII. Electronic Copy of Application

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

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

<u>Mary Louise McCabe</u>	<u>Mary Louise McCabe</u>	<u>June 24, 2003</u>
Printed Name of Chairperson of Charter Holder Board	Signature	Date

<u>Debra Miller</u>	<u>Debra Miller</u>	<u>June 25, 2003</u>
Printed Name of Chief Executive Officer of the Charter School	Signature	Date

Section XIV. Written Resolution

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

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

Attachment 7

Written Resolution Adopted
by Governing Body of
Charter Holder

Erath Excels! Academy
2900 W. Washington, Suite 12
Stephenville, Texas 76401
Phone: (254) 965-8883 Fax: (254) 965-8654

Resolution

Whereas Erath Excels! Academy, Inc., an open enrollment charter school serving students ages 12-21, grades 7-12; and

Whereas Erath Excels! Academy, Inc. currently serves 245 of said students; and

Whereas Erath Excels! Academy, Inc. provides an individual instruction for students who are not successful in traditional setting; and

Whereas Erath Excels! Academy, Inc. serves students on no more than two campuses; and

Whereas Erath Excels! Academy, Inc. serves students in the following school districts; Tolar, Hico, Stephenville, Lingleville, Huckabay, DeLeon, Dublin; Hamilton, Comanche, Bluff Dale Morgan Mill, Lipan, Santo, and Gorman; and

Whereas Erath Excels! Academy, Inc. has received an acceptable accountability rating; and

Whereas Erath Excels! Academy, Inc. is fiscally sound;


Be it resolved that Erath Excels! Academy, Inc., a third generation charter school, wishes to apply for charter renewal

Be it resolved that the Erath Excels! Academy, Inc Board of Trustees shall submit this resolution along with the charter renewal application to the Texas Education Agency and the State Board of Education for approval.

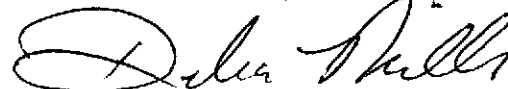
Witness our signatures on this 20 day of June, 2003 in Stephenville, Erath County, Texas.


Dr. Mary Lou McCabe, President


Dr. Ann Albrecht, Vice President


Ms. Shawna Newton, Secretary


Ms. Sonia Trevino, Member


Ms. Debra Miller, Member

CHARTER HOLDER SPECIAL EDUCATION ASSURANCES

DIRECTIONS:

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

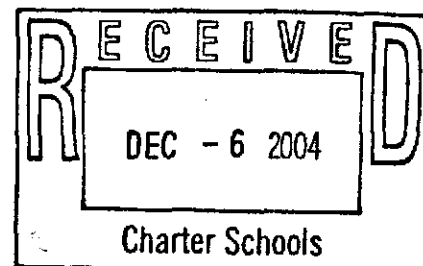
General Assurance Statement

Erath Excels! Academy, Inc.

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

A. Child Find

Initial: M. L. Inc



☒ **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: m.x.mc

☒ **TEC §26.004. Access to Student Records.**

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

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

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

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

☒ **34 CFR §300.127. Confidentiality of personally identifiable information.**

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

☒ **34 CFR §300.560. Definitions.**

As used in §§300.560-300.577—

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

☒ **34 CFR §300.561. Notice to parents.**

- (a) The [charter holder] shall give notice that is adequate to fully inform parents about the requirements of §300.127, including—
- (1) A description of the extent that the notice is given in the native languages of the various population groups in the State;

- (2) A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the [charter holder] intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
 - (3) A summary of the policies and procedures that the [charter holder] must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
 - (4) A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and implementing regulations in 34 CFR part 99.
- (b) Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents of the activity.

☒ **34 CFR §300.562. Access rights.**

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

☒ **34 CFR §300.563. Record of access.**

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

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

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

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

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

☒ **34 CFR §300.566. Fees.**

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

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

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

☒ **34 CFR §300.568. Opportunity for a hearing.**

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

☒ **34 CFR §300.569. Result of hearing.**

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

☒ **34 CFR §300.570. Hearing procedures.**

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

☒ **34 CFR §300.571. Consent.**

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

☒ **34 CFR §300.572. Safeguards.**

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

☒ **34 CFR §300.573. Destruction of information.**

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

☒ **34 CFR §300.574. Children's rights.**

- (a) The [charter holder] shall provide policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability.
- (b) Under the regulations for the Family Educational Rights and Privacy Act of 1974 (34 CFR 99.5(a)), the rights of parents regarding education records are transferred to the student at age 18.

- (c) If the rights accorded to parents under Part B of the [IDEA] are transferred to a student who reaches the age of majority, consistent with §300.517, the rights regarding educational records in §§300.562-300.573 must also be transferred to the student. However, the [charter holder] must provide any notice required under section 615 of the [IDEA] to the student and the parents.

☒ **34 CFR Part 99**

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

C. Procedural Safeguards

Initial: m.f.mc

☒ **34 CFR §300.504. Procedural safeguards notice.**

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

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

D. Notice

Initial:

m.g.m.c

☒ **19 TAC §89.1015. Time Line for All Notices.**

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

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

(a) Notice.

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

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

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

(c) Notice in understandable language.

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

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

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

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

☒ **TEC §26.0081. Right to Information Concerning Special Education.**

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

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

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

E. Consent

Initial: m.g.mc

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

- (a) [] [Each charter holder] establishes, maintains, and implements procedural safeguards that meet the requirements of §§300.500-300.529.
- (b) Definitions of "consent," [] As used in this part --
 - (1) Consent means that --

- (i) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
- (ii) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- (iii) (A) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.
(B) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

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

(a) General.

- (1) Subject to paragraphs (a)(3), (b) and (c) of this section, informed parent consent must be obtained before—
 - (i) Conducting an initial evaluation or reevaluation; and
 - (ii) Initial provision of special education and related services to a child with a disability.

- (2) Consent for initial evaluation may not be construed as consent for initial placement described in paragraph (a)(1)(ii) of this section.

- (3) Parental consent is not required before—

- (i) Reviewing existing data as part of an evaluation or a reevaluation; or
- (ii) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

- (b) Refusal. If the parents of a child with a disability refuse consent for initial evaluation or a reevaluation, the [charter holder] may continue to pursue those evaluations by using the due process procedures under §§300.507-300.509, or the mediation procedures under §300.506 if appropriate, except to the extent inconsistent with State law relating to parental consent.

- (c) Failure to respond to request for reevaluation.

- (1) Informed parental consent need not be obtained for reevaluation if the [charter holder] can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond.
- (2) To meet the reasonable measures requirement in paragraph (c)(1) of this section, the [charter holder] must use procedures consistent with those in §300.345(d).

- (d) Additional State consent requirements. In addition to the parental consent requirements described in paragraph (a) of this section, a State may require parental consent for other services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that a parent's refusal to consent does not result in a failure to provide the child with FAPE.

- (e) Limitation. [The charter holder] may not use a parent's refusal to consent to one service or activity under paragraphs (a) and (d) of this section to deny the parent or child any other service, benefit, or activity of the [charter holder], except as required by this part.

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

- (a) On request of a child's parent, before obtaining the parent's consent under 20 U.S.C. §1414 for the administration of any psychological examination or test to the child that is included as part of the evaluation of the child's need for special education, [the charter holder] shall provide to the child's parent:

- (1) the name and type of the examination or test; and
- (2) an explanation of how the examination or test will be used to develop an appropriate individualized education program for the child.

- (b) If the [charter holder] determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent under Subsection (a), the [charter holder] shall provide the information described by Subsections (a)(1) and (2) to the child's parent regarding the additional examination or test and shall obtain additional consent for the examination or test.

- (c) The time required for the [charter holder] to provide information and seek consent under Subsection (b) may not be counted toward the 60 calendar days for completion of an evaluation under Section 29.004. If a parent does not give consent under Subsection (b) within 20 calendar days after the date the [charter holder] provided to the parent the information required by that subsection, the parent's consent is considered denied.

F. Evaluation

Initial:

M.L.Mc

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

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

☒ TEC §29.004. Full Individual and Initial Evaluation.

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

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

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

☒ 34 CFR §300.531. Initial evaluation.

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

☒ 34 CFR §300.532. Evaluation procedures.

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

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

involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining—

- (1) Whether the child is a child with a disability under §300.7; and
 - (2) The content of the child's IEP.
- (c) (1) Any standardized tests that are given to a child—
- (i) Have been validated for the specific purpose for which they are used; and
 - (ii) Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
- (2) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.
- (d) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- (e) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- (f) No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
- (g) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- (h) In evaluating each child with a disability under §§300.531–300.536, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
- (i) The [charter holder] uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- (j) The [charter holder] uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

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

- (a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of the [IDEA], a group that includes the individuals described in §300.344, and other qualified professionals, as appropriate, shall—
- (1) Review existing evaluation data on the child, including-
 - (i) Evaluations and information provided by the parents of the child;
 - (ii) Current classroom-based assessments and observations; and
 - (iii) Observations by teachers and related services providers; and
 - (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—
 - (i) Whether the child has a particular category of disability, as described in §300.7, or, in case of a reevaluation of a child, whether the child continues to have such a disability;
 - (ii) The present levels of performance and educational needs of the child;
 - (iii) Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 - (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.
- (b) Conduct of review. The group described in paragraph (a) of this section may conduct its review without a meeting.
- (c) Need for additional data. The [charter holder] shall administer tests and other evaluation materials as may be needed to produce the data identified under paragraph (a) of this section.
- (d) Requirements if additional data are not needed.

- (1) If the determination under paragraph (a) of this section is that no additional data are needed to determine whether the child continues to be a child with a disability, the [charter holder] shall notify the child's parents—
 - (i) Of that determination and the reasons for it; and
 - (ii) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability.
- (2) The [charter holder] is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

☒ **19 TAC §89.1040. Eligibility Criteria.**

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

☒ **34 CFR §300.534. Determination of eligibility.**

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

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

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

☒ **34 CFR §300.536. Reevaluation.**

[The charter holder] shall ensure—

- (a) That the IEP of each child with a disability is reviewed in accordance with §§300.340-300.350; and

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

☒ **34 CFR §300.540. Additional team members.**

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

- (a) (1) The child's regular teacher; or
- (2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
- (3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and
- (b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

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

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

☒ **34 CFR §300.542. Observation.**

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

☒ **34 CFR §300.543. Written report.**

- (a) For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility, as required by §300.534(a)(2), must include a statement of—
 - (1) Whether the child has a specific learning disability;
 - (2) The basis for making the determination;
 - (3) The relevant behavior noted during the observation of the child;
 - (4) The relationship of that behavior to the child's academic functioning;
 - (5) The educationally relevant medical findings, if any;

- (6) Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and
 - (7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.
- (b) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

G. Development and Implementation of the Individualized Education Program (IEP):

Transfer Students; Transition; Extended School Year (ESY) Services;

Restraint, Seclusion, and Time-Out

Parent Placements in Private Schools

Initial: m. L. Mc

☒ **19 TAC §89.1050(a). [ARD committee]**

- (a) [The charter holder] shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted pursuant to §89.1011 of this title (relating to Referral for Full and Individual Initial Evaluation). The ARD committee shall be the individualized education program (IEP) team defined in federal law and regulations, including, specifically, 34 Code of Federal Regulations (CFR), §300.344. The [charter holder] shall be responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including, specifically, the following:
- (1) 34 CFR, §§300.340-300.349, and Texas Education Code (TEC), §29.005 (Individualized Education Program);
 - (2) 34 CFR, §§300.400-300.402 (relating to placement of eligible students in private schools by a school district [or charter holder]);
 - (3) 34 CFR, §§300.452, 300.455, and 300.456 (relating to the development and implementation of service plans for eligible students in private school who have been designated to receive special education and related services);
 - (4) 34 CFR, §§300.520, 300.522, and 300.523, and TEC, §37.004 (Placement of Students with Disabilities);
 - (5) 34 CFR, §§300.532-300.536 (relating to evaluations, re-evaluations, and determination of eligibility);
 - (6) 34 CFR, §§300.550-300.553 (relating to least restrictive environment);
 - (7) TEC, §28.006 (Reading Diagnosis);
 - (8) TEC, §28.0211 (Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction);
 - (9) TEC, §28.0212 (Personal Graduation Plan);
 - (10) TEC, §28.0213 (Intensive Program of Instruction);
 - (11) TEC, Chapter 29, Subchapter I (Programs for Students Who Are Deaf or Hard of Hearing);
 - (12) TEC, §30.002 (Education of Children with Visual Impairments);
 - (13) TEC, §30.003 (Support of Students Enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf);
 - (14) TEC, §33.081 (Extracurricular Activities);
 - (15) TEC, Chapter 39, Subchapter B (Assessment of Academic Skills); and
 - (16) TEC, §42.151 (Special Education).

☒ **19 TAC §89.1050(d). [30-day timeline]**

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

individual initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

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

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

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

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

☒ **19 TAC §89.1050(b). [IFSP/IEP]**

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

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

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

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

- (a) General. [] [The charter holder] has in effect a policy that ensures that all children with disabilities aged 3 through 21 enrolled in the [charter school] have the right to FAPE, including children with disabilities who have been suspended or expelled from school.
- (b) Required information. The information described in paragraph (a) of this section must--
 - (2) Show that the policy--
 - (i) (B) Is consistent with the requirements of §§300.300-300.313; and
 - (ii) Applies to all children with disabilities, including children who have been suspended or expelled from school.
- (c) FAPE for children beginning at age 3.
 - (1) [The charter holder] shall ensure that--
 - (i) The obligation to make FAPE available to each eligible child [enrolled in the charter school] begins no later than the child's third birthday; and
 - (ii) An IEP [] is in effect for the child by that date, in accordance with §300.342(c).
 - (2) If a child's third birthday occurs during the summer, the child's IEP [] team shall determine the date when services under the IEP will begin.
- (d) FAPE for children suspended or expelled from school.
 - (1) The [charter holder] need not provide services during periods of removal under §300.520(a)(1) to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.
 - (2) In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the [charter holder], for the remainder of the removals, must--
 - (i) Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is--
 - (A) Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(b) (§300.520(a)(1)); or
 - (B) For behavior that is not a manifestation of the child's disability, consistent with §300.524; and
 - (ii) Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is--
 - (A) For drug or weapons offenses under §300.520(a)(2); or
 - (B) Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with §300.521.
 - (3) (i) School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519 (§300.520(a)(1)).
 - (ii) The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524.
- (e) Children advancing from grade to grade.
 - (1) The [charter holder] will ensure that FAPE is available to any individual child with a disability [enrolled in the school] who needs special education and related services, even though the child is advancing from grade to grade.
 - (2) The determination that a child [] is eligible under this part, must be made on an individual basis by the group responsible within the child's [charter school] for making those determinations [(e.g., the ARD committee)]

☒ **34 CFR §300.343. IEP meetings.**

- (a) General. [The charter holder] is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability

(b) Initial IEPs; provision of services.

- (1) [The charter holder] shall ensure that within a reasonable period of time following the [charter holder's] receipt of parent consent to an initial evaluation of a child—
 - (i) The child is evaluated; and
 - (ii) If determined eligible under this part, special education and related services are made available to the child in accordance with an IEP.
- (2) In meeting the requirement in paragraph (b)(1) of this section, a meeting to develop an IEP for the child must be conducted within 30-days of a determination that the child needs special education and related services.

(c) Review and revision of IEPs. [The charter holder] shall ensure that the IEP team—

- (1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
- (2) Revises the IEP as appropriate to address—
 - (i) Any lack of expected progress toward the annual goals described in §300.347(a), and in the general curriculum, if appropriate;
 - (ii) The results of any reevaluation conducted under §300.536;
 - (iii) Information about the child provided to, or by, the parents, as described in §300.533(a)(1);
 - (iv) The child's anticipated needs; or
 - (v) Other matters.

☒ **34 CFR §300.344. IEP team.**

(a) General. The [charter holder] shall ensure that the IEP team for each child with a disability includes—

- (1) The parents of the child;
- (2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- (3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
- (4) A representative of the [charter holder] who—
 - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (ii) Is knowledgeable about the general curriculum; and
 - (iii) Is knowledgeable about the availability of resources of the [charter holder];
- (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;
- (6) At the discretion of the parent or the [charter holder], other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (7) If appropriate, the child.

(b) Transition services participants.

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

- (c) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or [charter holder]) who invited the individual to be a member of the IEP.
- (d) Designating a public agency representative. [The charter holder] may designate another [charter holder member] of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.

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

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

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

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

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

- (a) Development of IEP.
 - (1) General. In developing each child's IEP, the IEP team, shall consider—
 - (i) The strengths of the child and the concerns of the parents for enhancing the education of their child;
 - (ii) The results of the initial or most recent evaluation of the child; and
 - (iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.
 - (2) Consideration of special factors. The IEP team also shall—
 - (i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;
 - (ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
 - (iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;
 - (iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers

and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

- (v) Consider whether the child requires assistive technology devices and services.
- (b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.
- (c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.
- (d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of—
 - (1) Appropriate positive behavioral interventions and strategies for the child; and
 - (2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with §300.347(a)(3).

☒ **34 CFR §300.347. Content of IEP.**

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

- (A) Their child's progress toward the annual goals; and
- (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.
- (b) Transition services. The IEP must include—
 - (1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and
 - (2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.
- (c) Transfer of rights. In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the [IDEA], if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.



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

- (a) The individualized education program (IEP) developed by the admission, review, and dismissal (ARD) committee for each student with a disability shall comply with the requirements of 34 Code of Federal Regulations (CFR), §300.346 and §300.347, and Part 300, Appendix A.
- (b) The IEP must include a statement of any individual allowable accommodations in the administration of assessment instruments developed in accordance with Texas Education Code (TEC), §39.023(a)-(c), or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment. If the ARD committee determines that the student will not participate in a particular state- or district-wide assessment of student achievement (or part of an assessment), the IEP must include a statement of:
 - (1) why that assessment is not appropriate for the child; and
 - (2) how the child will be assessed using a locally developed alternate assessment.
- (c) If the ARD committee determines that the student is in need of extended school year (ESY) services, as described in §89.1065 of this title (relating to Extended School Year Services (ESY Services)), then the IEP must also include goals and objectives for ESY services from the student's current IEP.
- (d) For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan (IFSP) shall also meet the requirements of TEC, §30.002(e).
- (e) For students with autism/pervasive developmental disorders, information about the following shall be considered and, when needed, addressed in the IEP:
 - (1) extended educational programming;
 - (2) daily schedules reflecting minimal unstructured time;
 - (3) in-home training or viable alternatives;
 - (4) prioritized behavioral objectives;
 - (5) prevocational and vocational needs of students 12 years of age or older;
 - (6) parent training; and
 - (7) suitable staff-to-students ratio.
- (f) If the ARD committee determines that services are not needed in one or more of the areas specified in subsection (e)(1)-(7) of this section, the IEP must include a statement to that effect and the basis upon which the determination was made.
- (g) In accordance with 34 CFR §300.29, §300.344, and §300.347, for each student with a disability, beginning at age 14 (prior to the date on which a student turns 14 years of age) or younger, if determined appropriate by the ARD committee, the following issues must be considered in the development of the IEP, and, if appropriate, integrated into the IEP:
 - (1) appropriate student involvement in the student's transition to life outside the public school system; (2) if the student is younger than 18 years of age, appropriate parental involvement in the student's transitions;
 - (3) if the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district [or charter holder] in which the student is enrolled;

- (4) any postsecondary education options;
- (5) a functional vocational evaluation;
- (6) employment goals and objectives;
- (7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments;
- (8) independent living goals and objectives; and
- (9) appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

☒ **19 TAC §89.1050(e). [The report]**

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

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

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

☒ **34 CFR §300.350. IEP accountability.**

- (a) Provision of services. Subject to paragraph (b) of this section, [the charter holder] must—
 - (1) Provide special education and related services to a child with a disability in accordance with the child's IEP; and
 - (2) Make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

☒ **34 CFR §300.309. Extended school year services.**

- (a) General.
 - (1) [The charter holder] shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.
 - (2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child.
 - (3) In implementing the requirements of this section, [the charter holder] may not—
 - (i) Limit extended school year services to particular categories of disability; or
 - (ii) Unilaterally limit the type, amount, or duration of those services.
- (b) Definition. As used in this section, the term extended school year services means special education and related services that—
 - (1) Are provided to a child with a disability—
 - (i) Beyond the normal school year of the [charter school];
 - (ii) In accordance with the child's IEP; and
 - (iii) At no cost to the parents of the child; and
 - (2) Meet the standards of the [TEA].

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

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

- (1) The need for ESY services must be determined on an individual student basis by the admission, review, and dismissal (ARD) committee in accordance with 34 Code of Federal Regulations (CFR), §300.309, and the provisions of this section. In determining the need for and in providing ESY services, [the charter holder] may not:
 - (A) limit ESY services to particular categories of disability; or

(B) unilaterally limit the type, amount, or duration of ESY services.

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

☒ **19 TAC §89.1050(g). [Discipline]**

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

☒ **19 TAC §89.1050(h). [Disagreements]**

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

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



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

- (a) It is the policy of this state to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A, Chapter 29. A student with a disability who receives special education services under Subchapter A, Chapter 29, may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.
- (b) In this section:
 - (1) "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.
 - (2) "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:
 - (A) is designed solely to seclude a person; and
 - (B) contains less than 50 square feet of space.
 - (3) "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
 - (A) that is not locked; and
 - (B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.
- (c) [The charter holder] employee or volunteer or an independent contractor of [the charter holder] may not place a student in seclusion. This subsection does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of [the charter holder], or in a placement or facility to which the following law, rules, or regulations apply:
 - (1) the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;
 - (2) 40 T.A.C. §§720.1001-720.1013; or
 - (3) 25 T.A.C. §412.308(e).
- (d) The commissioner [of TEA] by rule shall adopt procedures for the use of restraint and time-out by [the charter holder] employee or volunteer or an independent contractor of [the charter holder] in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:
 - (1) be consistent with:
 - (A) professionally accepted practices and standards of student discipline and techniques for behavior management; and
 - (B) relevant health and safety standards; and
 - (2) identify any discipline management practice or behavior management technique that requires [the charter holder] employee or volunteer or an independent contractor of [the charter holder] to be trained before using that practice or technique.

- (e) In the case of a conflict between a rule adopted under Subsection (d) and a rule adopted under Subchapter A, Chapter 29, the rule adopted under Subsection (d) controls.
- (f) For purposes of this subsection, "weapon" includes any weapon described under §37.007(a)(1). This section does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:
 - (1) the student possesses a weapon; and
 - (2) the confinement is necessary to prevent the student from causing bodily harm to the student or another person.
- (g) This section and any rules or procedures adopted under this section do not apply to:
 - (1) a peace officer while performing law enforcement duties;
 - (2) juvenile probation, detention, or corrections personnel; or
 - (3) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of [the charter holder].

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

- (a) Requirement to implement. In addition to the requirements of 34 Code of Federal Regulations (CFR), §300.346(a)(2)(i) and (c), school districts and charter schools must implement the provisions of this section regarding the use of restraint and time-out. In accordance with the provisions of Texas Education Code (TEC), §37.0021 (Use of Confinement, Restraint, Seclusion, and Time-Out), it is the policy of the state to treat with dignity and respect all students, including students with disabilities who receive special education services under TEC, Chapter 29, Subchapter A.
- (b) Definitions.
 - (1) Emergency means a situation in which a student's behavior poses a threat of:
 - (A) imminent, serious physical harm to the student or others; or
 - (B) imminent, serious property destruction.
 - (2) Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body.
 - (3) Time-out means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
 - (A) that is not locked; and
 - (B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.
- (c) Use of restraint. A school employee, volunteer, or independent contractor may use restraint only in an emergency as defined in subsection (b) of this section and with the following limitations.
 - (1) Restraint shall be limited to the use of such reasonable forces as is necessary to address the emergency.
 - (2) Restraint shall be discontinued at the point at which the emergency no longer exists.
 - (3) Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
 - (4) Restraint shall not deprive the student of basic human necessities.
- (d) Training on use of restraint. Training for school employees, volunteers, or independent contractors shall be provided according to the following requirements.
 - (1) Not later than April 1, 2003, a core team of personnel on each campus must be trained in the use of restraint, and the team must include a campus administrator or designee and any general or special education personnel likely to use restraint.
 - (2) After April 1, 2003, personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 school days following the use of restraint.
 - (3) Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint.
 - (4) All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint.
- (e) Documentation and notification on use of restraint. In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the following documentation requirements.

- (1) On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint.
- (2) On the day restraint is utilized, a good faith effort shall be made to verbally notify the parent(s) regarding the use of restraint.
- (3) Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.
- (4) Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the ARD committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a behavioral intervention plan (BIP).
- (5) Written notification to the parent(s) and documentation to the student's special education eligibility folder shall include the following:
 - (A) name of the student;
 - (B) name of the staff member(s) administering the restraint;
 - (C) date of the restraint and the time the restraint began and ended;
 - (D) location of the restraint;
 - (E) nature of the restraint;
 - (F) a description of the activity in which the student was engaged immediately preceding the use of restraint;
 - (G) the behavior that prompted the restraint;
 - (H) the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
 - (I) information documenting parent contact and notification.
- (f) Clarification regarding restraint. The provisions adopted under this section do not apply to the use of physical force or a mechanical device which does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced in subsection (b)(2) of this section does not include:
 - (1) physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
 - (2) limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
 - (3) limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the individualized education program (IEP) as required by 34 CFR §300.346(a)(2)(i) and (c) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
 - (4) seat belts and other safety equipment used to secure students during transportation.
- (g) Use of time-out. A school employee, volunteer, or independent contractor may use time-out in accordance with subsection (b)(3) of this section with the following limitations.
 - (1) Physical force or threat of physical force shall not be used to place a student in time-out.
 - (2) Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior.
 - (3) Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.
- (h) Training on use of time-out. Training for school employees, volunteers, or independent contractors shall be provided according to the following requirements.
 - (1) Not later than April 1, 2003, general or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out.
 - (2) After April 1, 2003, newly-identified personnel called upon to implement time-out based on requirements established in a student's IEP and/or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out.
 - (3) Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must address the impact of time-out on the ability of the student to be

involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

- (4) All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out.
- (i) Documentation on use of time-out. Necessary documentation or data collection regarding the use of timeout, if any, must be addressed in the IEP or BIP. The admission, review, and dismissal (ARD) committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.
- (j) Student safety. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.
- (k) Data reporting. Beginning with the 2003-2004 school year, with the exception of actions covered by subsection (f) of this section, data regarding the use of restraint must be electronically reported to the Texas Education Agency in accordance with reporting standards specified by the Agency.
- (l) The provisions adopted under this section do not apply to:
 - (1) a peace officer while performing law enforcement duties;
 - (2) juvenile probation, detention, or corrections personnel; or
 - (3) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district [or charter holder].

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

(a) Except as specifically provided in this section, in accordance with 34 Code of Federal Regulations (CFR), §300.454, no eligible student who has been placed by his or her parent(s) in a private school or facility has an individual right to receive some or all of the special education and related services that the student would receive if he or she were enrolled in a public school district [or charter school]. Except as specifically set forth in this section, a school district's [or charter holder's] obligations with respect to students placed by their parents in private schools are governed by 34 CFR, §§300.450-300.462.

- (b) When a student with a disability who has been placed by his or her parents directly in a private school or facility is referred to the local school district [or charter holder], the local district [or charter holder] shall convene an admission, review, and dismissal (ARD) committee meeting to determine whether the district [or charter holder] can offer the student a free appropriate public education (FAPE). If the district [or charter holder] determines that it can offer a FAPE to the student, the district [or charter holder] is not responsible for providing educational services to the student, except as provided in 34 CFR, §§300.450-300.462 or subsection (d) of this section, until such time as the parents choose to enroll the student in public school full-time.
- (c) Parents of an eligible student ages 3 or 4 shall have the right to "dual enroll" their student in both the public school [e.g., charter school] and the private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five or until the student is eligible to attend a district's [or charter holder's] public school kindergarten program, whichever comes first, subject to the following.
 - (1) The student's ARD committee shall develop an individualized education program (IEP) designed to provide the student with a FAPE in the least restrictive environment appropriate for the student.
 - (2) From the IEP, the parent and the district [or charter holder] shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the least restrictive environment set forth in 34 CFR, §§300.550-300.553, and the policies and procedures of the district [or charter holder].
 - (3) For students served under the provisions of this subsection, the school district [or charter holder] shall be responsible for the employment and supervision of the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school [e.g., charter school] and shall remain the property of the school district [or charter holder].
- (d) The school district [or charter holder] shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP.
- (e) Complaints regarding the implementation of the components of the student's IEP that have been selected by the parent and the district [or charter holder] under subsection (c) [(d)] of this section may be filed with the Texas Education Agency under the procedures in 34 CFR, §§300.660-300.662. The procedures in 34 CFR, §§300.504-300.515 (relating to due process hearings) do not apply to complaints regarding the implementation of the components of the student's IEP that have been selected by the parent and the district under subsection (c) [(d)]

H. Least Restrictive Environment (LRE) Placement

Initial: _____

☒ **34 CFR §300.550. General LRE requirements.**

(b) [The charter holder] shall ensure—

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

☒ **34 CFR §300.551. Continuum of alternative placements.**

(a) [The charter holder] shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

- (1) Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
- (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

☒ **19 TAC §89.63. Instructional Arrangements and Settings.**

(a) [The charter holder] shall be able to provide services with special education personnel to students with disabilities in order to meet the special needs of those students in accordance with 34 Code of Federal Regulations, §§300.550-300.554.

(b) Subject to §89.1075(e) of this title (relating to General Program Requirements and Local District Procedures) for the purpose of determining the student's instructional arrangement/setting, the regular school day is defined as the period of time determined appropriate by the admission, review, and dismissal (ARD) committee.

(c) Instructional arrangements/settings shall be based on the individual needs and individualized education programs (IEPs) of eligible students receiving special education services and shall include the following.

- (1) **Mainstream.** This instructional arrangement/setting is for providing special education and related services to a student in the regular classroom in accordance with the student's IEP. Qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student, and/or the student's regular classroom teacher(s) necessary to enrich the regular classroom and enable student success. The student's IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP. Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications/accommodations, special materials/equipment, consultation with the student and his/her regular classroom teacher(s) regarding the student's progress in regular education classes, staff development, and reduction of ratio of students to instructional staff.
- (2) **Homebound.** This instructional arrangement/setting is for providing special education and related services to students who are served at home or hospital bedside.
 - (A) Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician licensed to practice in the United States. Homebound or hospital bedside instruction may, as provided by local [charter holder] policy, also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States. The student's ARD committee shall determine the amount of services to be provided to the student in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations, including the provisions specified in subsection (b) of this section.

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

☒ **34 CFR §300.552. Placements.**

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

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

(a) The placement decision—

- (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

- (2) Is made in conformity with the LRE provisions of this subpart, including §§300.550-300.554;
- (b) The child's placement—
 - (1) Is determined at least annually;
 - (2) Is based on the child's IEP; and
 - (3) Is as close as possible to the child's home;
- (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
- (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
- (e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

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

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

I. Transition Planning

Initial: m.g.mc

☒ **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.

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

- (g) In accordance with 34 CFR §300.29, §300.344, and §300.347, for each student with a disability, beginning at age 14 (prior to the date on which a student turns 14 [15] years of age) or younger, if determined appropriate by the ARD committee, the following issues must be considered in the development of the IEP, and, if appropriate, integrated into the IEP:
 - (1) appropriate student involvement in the student's transition to life outside the public school system;
 - (2) if the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
 - (3) if the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district [or the charter holder] in which the student is enrolled;
 - (4) any postsecondary education options;
 - (5) a functional vocational evaluation;
 - (6) employment goals and objectives;
 - (7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments;
 - (8) independent living goals and objectives; and
 - (9) appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

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

Initial: _____

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

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

- (c) Paraprofessional personnel must be certified and may be assigned to work with eligible students, general and special education teachers, and related service personnel. Aides may also be assigned to assist students with special education transportation, serve as a job coach, or serve in support of community-based instruction. Aides paid from state administrative funds may be assigned to the Special Education Resource System (SERS), the Special Education Management System (SEMS), or other special education clerical or administrative duties.
- (d) Interpreting services for students who are deaf shall be provided by an interpreter who is certified in the appropriate language mode(s), if certification in such mode(s) is available. If certification is available, the interpreter must be certified by the Registry of Interpreters for the Deaf or the Texas Commission for the Deaf and Hard of Hearing, unless the interpreter has been granted an emergency permit by the commissioner of education to provide interpreting services for students who are deaf. The commissioner shall consider applications for the issuance of an emergency permit to provide interpreting services for students who are deaf on a case-by-case basis in accordance with requirements set forth in 34 CFR, §300.136, and standards and procedures established by the TEA. In no event will an emergency permit allow an uncertified interpreter to provide interpreting services for more than a total of three school years to students who are deaf.
- (e) Orientation and mobility instruction must be provided by a certified orientation and mobility specialist (COMS) who is certified by the Academy for Certification of Vision Rehabilitation and Education Professionals.

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

(a) General.

- (1) As used in this part, the term special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—
 - (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
 - (ii) Instruction in physical education.
- (2) The term includes each of the following, if it meets the requirements of paragraph (a)(1) of this section:
 - (i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;
 - (ii) Travel training; and
 - (iii) Vocational education.

(b) Individual terms defined. The terms in this definition are defined as follows:

- (1) At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.
- (2) Physical education—
 - (i) Means the development of—
 - (A) Physical and motor fitness;
 - (B) Fundamental motor skills and patterns; and
 - (C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and
 - (ii) Includes special physical education, adapted physical education, movement education, and motor development.
- (3) Specially-designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—
 - (i) To address the unique needs of the child that result from the child's disability; and
 - (ii) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the [charter holder] that apply to all children.
- (4) Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—
 - (i) Develop an awareness of the environment in which they live; and
 - (ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

- (5) Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

K. Services to Expelled Students

Initial: *m.d.m.c*

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

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

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

☒ **34 CFR §300.522. Determination of setting.**

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

☒ **TEC §37.004. Placement of Students with Disabilities.**

- (a) The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee.
- (b) Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's admission, review, and

dismissal committee conducts a manifestation determination review under 20 U.S.C. §1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

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

L. Allowable Expenditures of State Special Education Funds

Initial: *m.g.m*

☐ 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.

Dr. Mary Lou McCabe
Signature of the Chairperson of the Board of the Charter Holder

Nov. 30, 2004
Date of Signature

Dr. Mary Lou McCabe
Typed name and Title of the Chairperson of the Board 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
April 1, 2005

Ms. Mary L. McCabe, Chair
Erath Excels! Academy, Inc.
2900 W. Washington, Ste. 12
Stephenville, Texas 76402

Re: Charter Renewal for Erath Excels Academy

Dear Ms. McCabe:

I am pleased to inform you that the charter renewal is approved for the Erath Excels Academy with a contract ending date of July 31, 2013. After renewal, the charter contract shall consist of the following:

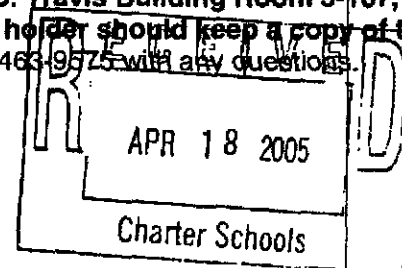
- the representations and assurances made by the charter holder in the original request for application under the standard application system;
- the original contract for charter, as signed by the charter holder and the State Board of Education;
- any condition, amendment, modification, revision, or other change to the charter approved by the State Board of Education or the commissioner of education;
- the final renewal application, on file with the Division of Charter Schools, including any revisions required by the agency and any amendments to the charter made through the renewal application, except any responses in the following sections including relevant attachments (not all applications contain each section listed): 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;
- 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. **In order to acknowledge acceptance of this renewed contract, the chair of the charter holder board must sign on the following page and return the original letter to the TEA's Division of Charter Schools, William B. Travis Building Room 5-107, 1701 North Congress Avenue, Austin, Texas 78701-1494. The charter holder should keep a copy of the letter for its files.** Please contact the Division of Charter Schools at (512) 463-9575 with any questions.

Sincerely,

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

cc: Debra Miller, Superintendent



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

I the undersigned hereby certify that the governing body of the charter holder has accepted and agreed to the charter renewal agreement as outlined in the foregoing letter and has authorized me to sign below.

Agreed and Accepted:

Mary L. McCabe

Mary L. McCabe

Chair, Erath Excelsi Academy, Inc.

April 13, 2005

Date

