

Sec. 1. NONDISCRIMINATION POLICY

1. No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any service, program, or activity provided or offered by Texas School of the Arts. 42 U.S.C. 12132; 29 U.S.C. 794(a); 34 CFR 104.4(a).

Sec. 2. FREE APPROPRIATE PUBLIC EDUCATION

Eligible students with disabilities shall enjoy the right to a free appropriate public education (“FAPE”), which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. Education Code 29.003(a).

FAPE means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by Texas Education Agency (“TEA”);
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student’s individualized education program (IEP).

20 U.S.C. 1401(9); 34 CFR 300.13, 300.17, 300.36.

Sec. 3. LEAST RESTRICTIVE ENVIRONMENT

Texas School of the Arts shall ensure that, to the maximum extent possible, children with disabilities shall be educated with children who are not disabled. Special classes, special schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the child’s disability is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved. 20 U.S.C. 1412(a)(5); 34 CFR 300.114(a)(2).

Sec. 4. DISCIPLINE

All disciplinary actions regarding students with disabilities shall be determined in accordance with applicable federal regulations, Education Code Chapter 37, and 19 Administrative Code 89.1053. 19 TAC 89.1050(g).

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device. 20 U.S.C. 1401(26); 34 CFR 300.34.

Sec. 1. APPLICABILITY OF TEXAS EDUCATION CODE

An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code relating to special education programs.

Education Code 12.104(b)(2)(F).

TEXAS CENTER FOR ARTS + ACADEMICS shall comply with the requirements for monitoring compliance with federal and state laws relating to special education pursuant to Texas Education Code Section 29.010.

Sec. 2. ASSURANCE

Open-enrollment charter schools must submit a plan to the Texas Education Agency that provides assurances that the charter school has in effect policies, procedures and programs that are consistent with the State and Federal policies and procedures governing special education.

20 U.S.C. 1413(a); 34 CFR 300.200-.201.

Sec. 3. PUBLIC EDUCATION INFORMATION MANAGEMENT SYSTEM (PEIMS)

“Most of the data TEA requests from school districts and charter schools are gathered using the Public Education Information Management System (“PEIMS”). PEIMS data are used for the Academic Excellence Indicator System (“AEIS”), Foundation School Program (“FSP”), statistical purposes, federal reporting, legislative requests, and audit purposes. Through PEIMS, schools report data including student demographic and academic performance, student attendance, personnel information, financial data, and organizational information.” *Texas Open-Enrollment Charter School Handbook* (TEA, Division of Charter School Administration, September 2011).

Sec. 4. APPLICABILITY OF TITLE RELATING TO THE PEIMS

An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code, relating to the PEIMS to the extent necessary to monitor compliance with Subchapter D (Open-Enrollment Charter School), Chapter 12, Texas Education Code.

Education Code 12.104(b)(2)(A).

- Appendix A of Part 36 of Title 28, Code of Federal Regulations (commonly known as the *Americans with Disabilities Accessibility Guidelines for Buildings and Facilities*); and
- Appendix A of Subpart 101-19.6 of Title 41, Code of Federal Regulations (commonly known as the *Uniform Federal Accessibility Standards*).

Sec. 7. ADMINISTRATION OF EQUIPMENT

The ARD committee must consider whether the student needs assistive technology devices (“ATDs”) as part of the student’s special education, related services, or supplementary aids and services. On a case-by-case basis, the use of school-purchased ATDs in the student’s home or in other settings is required if the student’s ARD committee determines that the student needs access to those devices in order to receive free appropriate public education. (34 CFR §§300.105; 300.324(a)(2)(v); 20 USC §1414(d)(3)(B)(v))

Assistive technology means any device or equipment used to improve or maintain the function capabilities of a student with a disability. Assistive technology does not include a medical device that is surgically implanted. (34 CFR §§300.5-300.6)

Texas School of the Arts may transfer an ATD in accordance with TEC, §30.0015. The transfer agreement must include the standards in TEC §30.0015, including the following:

- 1) The transferor and transferee must represent and agree that the terms of the transfer are based on the fair market value of the ATD, determined in accordance with generally accepted accounting principles.
- 2) The informed consent of the parent of the student with a disability, or the adult student, for whom the ATD is being transferred must be obtained before the transfer of an ATD pursuant to TEC, §30.0015. The procedures employed by Texas School of the Arts in obtaining informed consent shall be consistent with the procedures employed by the school to obtain parental consent under 34 CFR §300.300. Consistent with 34 CFR, §300.505(c), informed parental or adult student consent need not be obtained if the school can demonstrate that it has taken reasonable measures to obtain that consent, and the student’s parent or the adult student has failed to respond. To meet the reasonable measures requirement, the school must use procedures consistent with those described in 34 CFR, §300.322(d).
- 3) If the transfer is a sale, then the sale of the ATD shall be evidenced by a “Uniform Transfer Agreement” which includes the following:
 - a. the names of the transferor and the transferee (which may be any individual or entity identified in TEC, §30.0015(b));
 - b. the date of the transfer
 - c. a description of the ATD being transferred

Texas School of the Arts adopts as policy the provisions under State and Federal law concerning personnel, including:

Charter school teachers must only meet the requirements of the State's public charter school law, which differ from the requirements for Texas teacher certification. In Texas, State law does not require a teacher employed by an open-enrollment charter school to be certified unless the teacher is assigned to teach in special education or bilingual education programs, in which case the appropriate State certification is required. The minimum qualification under State law for a teacher at an open-enrollment charter school, other than a special education or bilingual education teacher, is a bachelor's degree. However, the governing body of Texas School of the Arts may set the qualifications for teachers at a standard above what State law requires.

The open-enrollment charter school shall not employ a person as a teacher unless that person holds a bachelor's degree.

Education Code 12.129(a).

In an open-enrollment charter school that serves youth referred to or placed in a residential trade center by a local or state agency, a person may be employed as a teacher for a noncore vocational course without holding a baccalaureate degree if the person has demonstrated subject matter expertise related to the subject taught, such as professional work experience, formal training and education, holding a relevant active professional industry license, certification, or registration, or any combination of work experience, training and education, and industry license, certification, or registration, and received as least 20 hours of classroom management training as determined by the governing body of the open-enrollment charter school.

Education Code 12.129(b).

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 300.156; Education Code Sections 21.002, 21.003, and 29.304; or appropriate state agency credentials.

19 TAC 89.1131(a).

Sec. 10. NOTICE TO PARENTS – QUALIFICATIONS

The Superintendent or designee shall provide to the parent or guardian of each student enrolled in Texas School of the Arts written notice of the qualifications of each teacher employed by Texas School of the Arts.

Sec. 1. ADMISSION, REVIEW AND DISMISSAL COMMITTEES

TEXAS CENTER FOR ARTS + ACADEMICS 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. The ARD committee shall be the individualized education program (“IEP”) team defined at 34 CFR 300.321.

Sec. 2. ARD COMMITTEE RESPONSIBILITIES

The ARD committee and Texas School of the Arts are responsible for:

1. Evaluating, reevaluating, and determining eligibility for special education and related services
2. Placement of students with disabilities, including disciplinary changes in placement
3. Development of student IEPs
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services
5. Compliance with the least restrictive environment standard
6. Compliance with state requirements for reading diagnosis and state assessments
7. Development of personal graduation plans
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

34 CFR 300.116(a), 300.321(a); 19 TAC 89.1050(a).

Sec. 3. COMMITTEE MEMBERS

Texas School of the Arts shall ensure that each ARD committee meeting includes:

1. The parents of a child with a disability
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student’s IEP
3. At least one special education teacher, or where appropriate, at least one special education provider of the child
4. A representative of Texas School of the Arts who:

20 U.S.C. 1414(d)(1)(C); 34 CFR 300.321(e).

a) *Transition Meeting Membership*

If the ARD committee is meeting to consider postsecondary goals and the transition services needed to assist the student in reaching those goals, Texas School of the Arts shall invite:

The student. If the student does not attend, Texas School of the Arts shall take other steps to ensure that the student's preferences and interests are considered.

1. To the extent appropriate, and with the consent of the parent or student who has reached the age of majority, a representative of any other agency that is likely to be responsible for providing or paying for transition services.

34 CFR 300.321(b).

Sec. 4. PARENTAL INVOLVEMENT

Texas School of the Arts shall take steps to ensure that one or both of the parents of a student with a disability are present at each ARD committee meeting or are afforded the opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include all information required by applicable regulation); and
2. Scheduling the meeting at a mutually agreed time and place.

34 CFR 300.322(a)-(b); 19 TAC 89.1050.

Sec. 5. ALTERNATIVE PARTICIPATION METHODS

If neither parent can attend an ARD committee meeting, Texas School of the Arts must use other methods to ensure parent participation, including individual or conference telephone calls.

20 U.S.C. 1414(f); 34 CFR 300.322(c).

An ARD committee meeting may be conducted without a parent in attendance if Texas School of the Arts is unable to convince the parents that they should attend. In such event, Texas School of the Arts must keep a record of its attempts to arrange a mutually agreed time and place, such as:

2. In the case of a student who had an IEP in effect in another state, Texas School of the Arts conducts an evaluation, if determined necessary by Texas School of the Arts and develops, adopts, and implements a new IEP, if appropriate.

20 U.S.C. 1414(d)(2)(C)(i); 34 CFR 300.323(e), (f).

e) *Transfer of Records*

Texas School of the Arts shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the child's previous district. *20 U.S.C. 1414(d)(2)(C)(ii); 34 CFR 300.323(g).*

d) *Military Dependents*

Texas School of the Arts shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude Texas School of the Arts from performing subsequent evaluations to ensure appropriate placement of the student. Education Code 162.002 art. V, § C.

Sec. 7. ELIGIBILITY DETERMINATIONS

The group of qualified professionals that determines whether a child is a child with a disability and the child's educational needs is the ARD committee.

19 TAC 89.1040(b), 89.1050(a)(5); 34 CFR 300.306(a)(1).

Texas School of the Arts shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4)(B); 34 CFR 300.306(a).

The ARD committee must make its decisions regarding a student's initial eligibility determination and, when appropriate, the student's IEP and placement within the timeframes prescribed by state and federal law.

19 TAC 89.1011(d), (e).

11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

20 U.S.C. 1414(d); 34 CFR 300.320; 19 TAC 89.1055.

Sec. 9. TRANSLATING IEPs

If the child's parent is unable to speak English, Texas School of the Arts shall:

1. Provide the parent with a written or audio-taped copy of the child's IEP translated into Spanish if Spanish is the parent's native language; or
2. If the parent's native language is a language other than Spanish, make a good faith effort to provide the parent with a written or audiotaped copy of the child's IEP translated into the parent's native language.

Education Code 29.005(d).

Sec. 10. AUTISM/PERVASIVE DEVELOPMENTAL DISORDERS

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills
4. Positive behavior support strategies based on relevant information
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments
6. Parent/family training and support, provided by qualified personnel with experience in autism spectrum disorders ("ASD")
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence

made by agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

a) Recess

When agreement about all required elements of the IEP is not achieved, the parent or adult student who disagrees shall be offered a single opportunity to have the ARD committee recess for a period not to exceed ten school days. This recess is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program.

These requirements do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than failure of the parents and Texas School of the Arts to reach agreement about all required elements of an IEP.

During the recess, the ARD committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the ARD committee to reach agreement.

The date, time, and place for continuing the ARD committee meeting shall be determined by agreement before the recess.

19 TAC 89.1050(g).

b) No Agreement Reached

If, after the ten-day recess, the ARD committee still cannot reach agreement, Texas School of the Arts shall implement the IEP that it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. The ARD committee members who disagree shall be offered the opportunity to write their own statements.

When Texas School of the Arts implements an IEP with which the parents, or an adult student disagree, it shall provide prior written notice in compliance with applicable regulations and Texas School of the Arts policy.

19 TAC 89.1050.

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

34 CFR 300.106; 19 TAC 89.1065.

Sec. 17. GRADUATION

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

19 TAC 101.3023(a).

Sec. 18. STATE ASSESSMENTS

The TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's ARD committee, including assessment instruments approved by the Commissioner that measures growth. The assessment instruments developed or adopted, including the assessment instruments approved by the Commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

The TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required end-of-course ("EOC") assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Sec. 19. TRANSPORTATION

Texas School of the Arts 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.

8. Independent living goals and objectives; and
9. Appropriate circumstances for referring a student or the student's parents to a governmental agency Texas School of the Arts approves for services.

In accordance with 34 C.F.R. 300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under paragraph (1) of this subsection.

20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.0111; 19 TAC 89.1055(h), (j).

Texas School of the Arts shall post the transition and employment guide on the Texas School of the Arts website if maintains a website; provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at: (A) the first meeting of the student's ARD committee at which transition is discussed; and (B) the first committee meeting at which transition is discussed that occurs after the date on which the guide is updated. Upon request, Texas School of the Arts shall provide a printed copy of the guide to a student or parent.

Education Code 29.0112.

c) Graduation

Graduation with a regular high school diploma under 19 TAC 89.1070(b)(1), (b)(2)(D), (f)(1), (f)(2), or (f)(3)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 TAC 89.1070(b)(2)(A), (B), or (C) or (f)(3)(A), (B), or (C), the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements.

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

Texas School of the Arts is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

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1. if applicable, whether the written report of the child's full individual and initial evaluation under Education Code 29.004 was completed during the 2019-2020 school year or the 2020-2021 school year and, if so, whether the report was completed by the date required under section 29.004
2. if applicable, whether the child's initial IEP was developed under Education Code 29.005(b) during the 2019-2020 school year or the 2020-2021 school year and, if so, whether the program was developed by the date required under 34 CFR 300.323(c)(1)
3. whether the provision of special services to the child under an IEP during the 2019-2020 school year or the 2020-2021 school year was interrupted, reduced, delayed, suspended, or discontinued and
4. whether compensatory educational services are appropriate for the child based on the information under (1)-(3) above or any other factors.

c) Exception

Education Code 29.0052 does not apply to a child if during the 2020-2021 school year the child's IEP documents the information described in Subsections (b)(1)-(4) above.

Education Code 29.0052.

Sec. 23. SUPPLEMENTAL SPECIAL EDUCATION SERVICES PROGRAM

The Texas Education Agency ("TEA") shall establish and administer a supplemental special education services program under Chapter 29, Education Code, Subchapter A-1 ("the SSES Program"). The SSES Program provides a grant of not more than \$1,500 to the parent of an eligible student for purchase certain supplemental special education services and supplemental special education instructional materials.

a) ARD Committee Duties

For a student who has been approved to participate in the SSES Program, the ARD committee shall meet and provide to the parent:

1. Information regarding the types of supplemental special education services available under the SSES Program and provided by TEA-approved providers for which an account maintained under Education Code 29.042(b) may be used; and
2. Instructions regarding accessing the SSES Program account.

Education Code 29.048(b).

Sec. 1. AGE OF MAJORITY – TRANSFER OF RIGHTS

Not later than one year before the 18th birthday of a student with a disability, Texas School of the Arts shall:

1. Provide to the student and the student’s parents:
 - a. Written notice regarding the transfer of rights; and
 - b. Information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code, Chapter 1357, and other supports and services that may enable the student to live independently; and
2. Ensure that the student’s individualized education program (“IEP”) includes a statement that Texas School of the Arts provided the required notice, information, and resources.

When a student reaches the age of majority (18 years of age), Texas School of the Arts shall provide written notice to the student and the student’s parents of the transfer of parental rights. The notice must include the information required above.

This notice is separate and distinct from the requirement that, beginning at least one year before the student reaches the age of 18, the student’s IEP include a statement regarding transfer of parental rights.

If a student with a disability or the student’s parent requests information regarding guardianship or alternatives to guardianship, Texas School of the Arts shall provide the student or parent information and resources on supported decision-making agreements under Estates Code, Chapter 1357.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student.

34 CFR 300.520; Education Code 29.017(a), (c), (c-1), (c-2); 19 TAC 89.1049(c).

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BOARD POLICY MANUAL**

**POLICY GROUP 6 - SPECIAL EDUCATION
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Sec. 1. PREKINDERGARTEN PROGRAMS

a) *Tuition-Free Program*

TEXAS CENTER FOR ARTS + ACADEMICS shall offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least four years of age. **TEXAS CENTER FOR ARTS + ACADEMICS** may offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least three years of age.

i. *Exemption*

TEXAS CENTER FOR ARTS + ACADEMICS may apply to the Commissioner of Education for an exemption from the requirement that it provide a free prekindergarten program if **TEXAS CENTER FOR ARTS + ACADEMICS** would be required to construct classroom facilities to provide the program.

ii. *Half-Day Basis*

A tuition-free prekindergarten class may be operated on a half-day basis for children under four years of age and shall be operated on a full-day basis for children who are at least four years of age.

iii. *Program Eligibility*

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged
3. Is homeless, as defined by federal law, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control
4. Is the child of an active-duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority?
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty or
6. Is or ever has been in:
 - a. the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201 or
 - b. foster care in another state or territory if the child resides in this state

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is not required to initiate preschool programs or to establish extensive contact programs with private schools which serve both students with disabilities and students without disabilities solely to satisfy the requirements regarding placement in the least restrictive environment.

OSEP Policy Memo 89-23; 34 C.F.R. 300.102(a).

TEXAS CENTER FOR ARTS + ACADEMICS shall develop a system to notify residents within **TEXAS CENTER FOR ARTS + ACADEMICS** 's boundaries with children who are at least three but younger than six and who are eligible for enrollment in a special education program of the availability of such programs.

Education Code 29.009.

Sec. 3. TRANSITION OF CHILDREN FROM PART C

By the third birthday of a child participating in early intervention programs the **TEXAS CENTER FOR ARTS + ACADEMICS** must ensure that an individualized education program ("IEP") or an individualized family service plan ("IFSP"), has been developed and is being implemented for the child.

In the case of a child with a disability aged three through five the ARD committee must consider an IFSP that contains the IFSP content (including the natural environments statement, educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures.

34 CFR 300.323(b).

Sec. 6.4.4 COMMUNICATION MODE OF DEAF OR HARD OF HEARING CHILD

The comprehensive statewide plan for the education of children with visual impairments must:

1. Adequately provide for comprehensive diagnosis and evaluation of each school-age child with a serious visual impairment;
2. Include the procedures, format, and content of the IEP for each child with a visual impairment;
3. Emphasize providing educational services to children with visual impairments in their home communities whenever possible;
4. Include methods to ensure that children with visual impairments receiving special education services in school districts receive, before being placed in a classroom setting or within a reasonable time after placement: (A) evaluation of the impairment; and

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4. Provides a detailed description of the arrangements made to provide the student with the evaluation and instruction; and
5. Sets forth the plans and arrangements made for contacts with and continuing services to the student beyond regular school hours to ensure the student learns the skills and receives the required instruction.

In the development of the IEP for a student with a visual impairment, proficiency in reading and writing is a significant indicator of the student's satisfactory educational progress.

The IEP for a student with a visual impairment must include instruction in braille and the use of braille unless the student's ARD committee determines and documents that braille is not an appropriate literacy medium for the student.

The ARD committee's determination must be based on an evaluation of the student's appropriate literacy media and literacy skills and the student's current and future instructional needs.

Braille instruction may be used in combination with other special education services appropriate to the student's educational needs and shall be provided by a teacher certified to teach students with visual impairments.

Education Code 30.002.

Sec. 1. CHILD FIND

TEXAS CENTER FOR ARTS + ACADEMICS shall ensure that all children residing within Texas School of the Arts boundaries who have disabilities, regardless of the severity of their disabilities, and who need special education and related services are identified, located, and evaluated. This requirement applies to all children with disabilities, including:

1. Homeless children
2. Children who are wards of the state
3. Children attending private schools
4. Highly mobile children (including migrant children) and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 CFR 300.111(a)(1)(i), (c).

Sec. 2. PRIVATE SCHOOL STUDENTS

Texas School of the Arts shall coordinate with home school districts, who are primarily responsible for consulting with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools within Texas School of the Arts boundaries.

Texas School of the Arts shall undertake activities like those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending the public schools within Texas School of the Arts boundaries.

20 U.S.C. 1412(a)(10)(A)(ii)–(iv).

Sec. 3. PRESCHOOL STUDENTS

Texas School of the Arts shall develop a system to notify residents within Texas School of the Arts boundaries with children who are at least three but younger than six and who are eligible for enrollment in a special education program of the availability of such programs.

Education Code 29.009.

Sec. 1. STUDENTS WHO TRANSFER WITH AN IEP DURING THE SAME SCHOOL YEAR

a. Texas Transfers

When a student transfers to TEXAS SCHOOL OF THE ARTS (TeSA) from another school within Texas, TEXAS SCHOOL OF THE ARTS (TeSA) shall provide a free appropriate public education (“FAPE”) to the student. TEXAS SCHOOL OF THE ARTS (TeSA) shall provide comparable services as those described in the individualized education program (“IEP”) the student transferred with until TEXAS SCHOOL OF THE ARTS (TeSA) adopts the student’s IEP from the previous school, or develops, adopts, and implements a new IEP.

34 CFR 300.323(e); 19 TAC 89.1050(j)(1).

b. Out-of-State Transfers

If the student with a disability transfer to TEXAS SCHOOL OF THE ARTS (TeSA) from a school outside of Texas, TEXAS SCHOOL OF THE ARTS (TeSA) shall provide the student with FAPE, including comparable services, until TEXAS SCHOOL OF THE ARTS (TeSA) conducts an evaluation and develops, adopts, and implements a new IEP.

A new IEP must be implemented within 20 school days from the date the student is verified as being a student eligible for special education services.

34 CFR 300.323(f); 19 TAC 89.1050(j)(2).

If a student transfers from TEXAS SCHOOL OF THE ARTS (TeSA), TEXAS SCHOOL OF THE ARTS (TeSA) will furnish the student’s special education records to the student’s new school not later than the 10th working day after the date a request for the information is received by TEXAS SCHOOL OF THE ARTS (TeSA).

19 TAC 89.1050(j)(3).

Sec. 2. STUDENTS WHO TRANSFER WITH AN IEP DURING THE SUMMER

A student with a disability who has an IEP in place from a previous in- or out-of-state LEA and who enrolls in a new LEA during the summer is not considered a transfer student for the purposes of 34 CFR 300.323(e) or (f) and corresponding state law and/or regulations.

The new LEA must; (1) implement the IEP from the previous LEA in full on the first day of class of the new school year; or (2) must convene an ARD committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the new school year.

19 TAC 89.1050(j)(4).

Sec. 1. PREKINDERGARTEN PROGRAMS

The education of students with disabilities can be made more effective by providing incentives for whole-school approaches, scientifically based early reading programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label students as disabled to address the learning and behavioral needs of such students.

20 U.S.C. 1400(c)(5)(F).

In implementing coordinated, early intervening services, Texas School of the Arts may carry out activities that include:

1. professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software and
2. providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

20 U.S.C. 1413(f)(2); 34 CFR 300.226(b).

An early intervention service (including a response-to-intervention or (RTI)) process cannot delay the initial evaluation for special education services of a student suspected of having a disability. A parent may request an evaluation at any time to determine whether the student is a student with a disability. If a parent requests an evaluation and Texas School of the Arts agrees that the student may be eligible for special education, Texas School of the Arts must evaluate the student. If Texas School of the Arts denies the parent's request for evaluation, the school shall provide notice to the parent explaining the basis for the refusal. The parent may challenge the refusal to evaluate through the impartial hearing process.

20 U.S.C. 1413(f)(3); 34 CFR 300.226(c).

Sec. 2. BILINGUAL EDUCATION PROGRAM

Texas School of the Arts shall identify emergent bilingual students based on state criteria. Texas School of the Arts shall provide an appropriate Bilingual Education (BE) or English as a Second Language (ESL) program conducted by teachers certified for such courses.

Education Code Chapter 29, Subchapter B; 19 TAC 89.1201-1265.

made on an individual student basis and in accordance with administrative procedures established by the TEA.

19 TAC 101.1005(a).

Sec. 7. PROGRAM CONTENT; METHOD OF INSTRUCTION

Texas School of the Arts bilingual education program's content and instruction shall comply with Education Code Section 29.055.

Sec. 8. ENROLLMENT OF STUDENTS IN PROGRAM

Texas School of the Arts shall comply with the TEA criteria for identification, assessment, and classification of emergent bilingual students eligible for entry into the program or exit from the program.

Education Code 29.056(a).

The student's parent must approve a student's entry into the program, exit from the program, or placement in the program. The open-enrollment charter school or parent may appeal the decision under Education Code Section 29.064.

Education Code §29.056(a).

Texas School of the Arts, through its LPAC, shall evaluate and consider reenrollment of students who have transferred out of a bilingual education or special language program under Education Code Section 29.056(h) as required by Education Code Section 29.0561.

Sec. 9. FACILITIES; CLASSES

Texas School of the Arts shall ensure that bilingual education and special language programs are in the regular public charter school rather than in separate facilities.

Education Code 29.057.

Sec. 10. ENROLLMENT OF STUDENTS WHO ARE NOT EMERGENT BILINGUAL STUDENTS.

Texas School of the Arts ensures that enrollment of students who do not have limited English proficiency may occur only if the requirements of Education Code Section 29.058 are met.

Education Code 29.060(e).

The legislature may appropriate money from the foundation school fund for support of a program under Education Code Section 29.060(a).

Education Code 29.060(f).

Sec. 13. BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAM TEACHERS

Texas School of the Arts shall ensure that bilingual education and special language program teachers are properly certified.

Education Code 29.061.

Sec. 14. APPEALS

A parent of a student enrolled in a bilingual education or special language program may appeal to the Commissioner of Education if Texas School of the Arts fails to comply with the requirements established by law or by the TEA. If the parent disagrees with the placement of the student in the program, the parent may appeal that decision to the Board. Appeals shall be conducted in accordance with procedures adopted by the Commissioner of Education under Chapter 157 of the Texas Administrative Code.

Education Code 29.064; 19 TAC 89.1240.

Sec. 15. PEIMS REPORTING REQUIREMENTS

Texas School of the Arts shall meet Public Education Information Management System Reporting Requirements with respect to its bilingual education or special language programs.

Education Code 29.066.

Sec. 1. CONSENT

Consent means that:

1. 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;
2. The parent understands and agrees in writing to 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
3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, Texas School of the Arts is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 CFR 300.9.

Sec. 2. LANGUAGE OF NOTICES

The procedural safeguards and prior notices described below must be written in a language understandable to the general public. The notice must be 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.

34 CFR 300.503(c), 300.504(d).

a) *Electronic Delivery of Notices*

A parent of a child with a disability may elect to receive required notices by electronic mail, if Texas School of the Arts makes that option available.

34 CFR 300.505.

Sec. 3. NOTICE OF PROCEDURAL SAFEGUARDS

Texas School of the Arts shall provide a copy of the procedural safeguards to parents only once per year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;

Sec. 4. PRIOR WRITTEN NOTICE AND CONSENT

Texas School of the Arts shall provide prior written notice to the parents within a reasonable time before the school proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of a FAPE to the child.

34 CFR 300.503(a).

Notice must be provided to the parent in the parent's native language or other mode of communication at least five school days before Texas School of the Arts proposes or refuses the action, unless the parent agrees to a shorter time frame.

19 TAC 89.1050(h).

a) *Contents of Notice*

The notice must include:

1. A description of the action proposed or refused by Texas School of the Arts
2. An explanation of why Texas School of the Arts proposes or refuses to take the action
3. A description of each evaluation procedure, assessment, record, or report Texas School of the Arts used as a basis for the proposed or refused action
4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the procedural safeguards can be obtained
5. Sources for parents to contact to obtain assistance in understanding the Individuals with Disabilities Education Act ("IDEA") rules
6. A description of other options the admission, review, and dismissal ("ARD") committee considered and the reasons why those options were rejected; and
7. A description of other factors relevant to Texas School of the Arts proposal or refusal.

34 CFR 300.503(b).

b) *Consent to Initial Evaluation*

Before Texas School of the Arts conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation Texas School of the Arts proposes to conduct, and obtain informed consent for the evaluation from the parents.

20 U.S.C. 1414(a)(1)(D), (E); 34 CFR 300.304(a).

Sec. 6. PARENTAL CONSENT TO ACCESS PUBLIC BENEFITS

Texas School of the Arts shall obtain informed consent from the parent each time that access to a parent's private insurance proceeds or to public benefits or an insurance program is sought.

34 CFR 300.154(d)(2)(iv)(A).

Sec. 7. PARENTAL CONSENT FOR TRANSFER OF ASSISTIVE TECHNOLOGY DEVICES

Texas School of the Arts shall obtain informed consent from the parent or the adult student if the adult student has the legal capacity to enter a contract before transferring an assistive technology device through a transfer agreement that incorporates the standards of the state.

Sec. 8. OTHER CONSENT REQUIREMENTS

Parental consent is not required before Texas School of the Arts may:

1. review existing data as part of the student's evaluation or a reevaluation; or
2. give the student a test or other evaluation that is given to all students unless, before that test or evaluation, consent is required from parents of all students.

34 CFR 300.300(d).

TEXAS CENTER FOR ARTS + ACADEMICS
BOARD POLICY MANUAL
POLICY GROUP 6 - SPECIAL EDUCATION
COORDINATION OF FUNDS TO PURCHASE INSTRUCTIONAL
MATERIALS

PG-6.10

Instructional materials adopted by Texas School of the Arts must be provided to students at no cost.

If Texas School of the Arts chooses to coordinate with the National Instructional Materials Access Center (NIMAC) when purchasing print instructional materials, it must acquire the print instructional materials in the same manner and subject to the same conditions as the Texas Education Agency acquires print instructional materials.

If Texas School of the Arts chooses not to coordinate with the NIMAC when purchasing print instructional materials, it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner and shall provide assurance of compliance with this policy to the Texas Education Agency.

PART I: DISCIPLINE OF STUDENTS WITH DISABILITIES UNDER SECTION 504

Sec. 1. STUDENTS WITH DISABILITIES UNDER SECTION 504

Texas School of the Arts shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 CFR 104.35(a)*.

Texas School of the Arts may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or alcohol to the same extent that Texas School of the Arts would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)*.

**PART II: DISCIPLINE OF STUDENTS RECEIVING
SPECIAL EDUCATION SERVICES**

Sec. 2. SPECIAL EDUCATION STUDENTS

Except as set forth below, 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 (“ARD”) committee. Any disciplinary action shall be determined in accordance with federal law and regulations, including those requiring the provision of:

1. functional behavioral assessments (“FBAs”)
2. positive behavioral interventions, strategies, and supports
3. behavioral intervention plans/behavior improvement plans (“BIPs”); and
4. the manifestation determination review (“MDR”).

Education Code 37.004(b).

Sec. 3. REMOVAL FOR TEN DAYS OR LESS

A student with a disability who violates the Texas School of the Arts Student Code of Conduct may be moved from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days, to the extent

- b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and
- c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

Texas School of the Arts determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. Texas School of the Arts determination is subject to review through due process and judicial proceedings. *34 C.F.R. 300.536*.

Texas School of the Arts personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates the Student Code of Conduct. *20 U.S.C. 1415(k)(1)(A)*.

Sec. 7. MANIFESTATION DETERMINATION

Within ten school days of any decision to change the placement of a student because of a violation of the Student Code of Conduct, Texas School of the Arts, parents, and relevant members of the ARD committee (as determined by the parent and Texas School of the Arts shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or
2. The direct result of Texas School of the Arts failure to implement the IEP.

If Texas School of the Arts, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e).

a) *Not a Manifestation*

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*.

i. Services During Removal

The student must:

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the TEA or Texas School of the Arts.

20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g).

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2).*

c) *Services During Removal*

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1).

Sec. 8. APPEALS

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. Additionally, Texas School of the Arts may request a hearing if it believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others.

20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151.

a) *Placement During Appeals*

When an appeal has been requested by a parent or Texas School of the Arts, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and Texas School of the Arts agree otherwise.

20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533.

b) *Exceptions*

Texas School of the Arts shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated and it was determined that the student did not have a disability.

20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c).

If Texas School of the Arts does not have knowledge, before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d).

It is the policy of Texas School of the Arts to annually conduct a comprehensive needs assessment and to conduct district and campus improvement plans, if required by state and federal funding requirements.

Sec. 1. DYSLEXIA AND RELATED DISORDERS

The Board shall ensure that procedures for identifying and providing appropriate instructional services to students for dyslexia and related disorders are implemented by Texas School of the Arts. These procedures shall be implemented in accordance with the most recently updated version of the State Board of Education's *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)*.

SEC. 2. PARENTAL NOTIFICATIONS AND CONSENT

Anytime a child is suspected to have dyslexia or a related disorder and may need dyslexia intervention services, the LEA must seek parental consent for a Full Individual Initial Evaluation (FIIE) under the IDEA. The process of seeking informed parental consent under the IDEA must include proper prior written notice and be accompanied by the notice of procedural safeguards.

Texas School of the Arts shall provide to parents of children suspected to have dyslexia or a related disorder a copy of or link to the electronic version of the most recently updated version of the State Board of Education's *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)*.

Parents and guardians of students with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support modules as required by Section 26.0081 of the Education Code.

Sec 3. IDENTIFICATION AND TESTING

A process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available, as outlined in the *Dyslexia Handbook*. The program must include a screening at the end of each school year for all kindergarten students and by January 31st for first grade students.

Texas School of the Arts may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

SEC 4. PERSONNEL QUALIFICATIONS

Highly trained individuals must deliver dyslexia instruction. Teachers who provide dyslexia intervention for students are not required to hold a specific license or certification. However, these educators must at a minimum have additional documented dyslexia training aligned to 19 TAC §74.28(c) and must deliver the instruction with fidelity. A provider of dyslexia instruction does not have to be certified as a special educator when serving a student who also receives special

Education Code 38.003; 19 TAC 74.28.

Sec. 7. REPORTING

Texas School of the Arts must report through the Public Education Information Management System to the Texas Education Agency the number of students enrolled who are identified as having dyslexia.

Sec. 1. ELIGIBILITY CRITERIA

A student that is at least three years old but not more than 21 years of age may be eligible for special education services if the student is found to have a disability in one of the following categories, and, by reason of the disability, has need for special education and related services:

1. Intellectual Disability
2. Hearing Impairment
3. Visual Impairment
4. Speech or Language Impairment
5. Emotional Disturbance
6. Orthopedic Impairment
7. Other health Impairment
8. Traumatic brain injury
9. Deaf blindness
10. Specific Learning Disability
11. Autism
12. Developmental delay or
13. Multiple Disabilities.

34 CFR 300.306(a)(1), 300.8; 19 TAC 89.1050(a).

Additionally, a student is eligible to participate in Texas School of the Arts special education program if the student is not more than 21 years of age and has a visual or auditory impairment that prevents the student from being adequately or safely educated in public school without the provision of special services. (TEC §29.003)

Sec. 2. DETERMINING ELIGIBILITY

Following the completion of the full and individual initial evaluation, the student's admission, review, and dismissal ("ARD") committee must make an eligibility determination. The ARD committee members reviewing evaluations and data to determine eligibility must include a licensed specialist in school psychology ("LSSP"), an educational diagnostician, or other appropriately certified or licensed practitioner with experience, and a licensed or certified professional for a specific eligibility category defined below.

19 TAC 89.1040.

When interpreting evaluation data for the purpose of determining if a student is a student with a disability under 34 CFR 300.8 and the educational needs of the student, Texas School of the Arts

Sec. 4. SPEECH OR LANGUAGE IMPAIRMENT

A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. The evaluation team shall include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech/language pathologist.

34 CFR 300.8(c)(11); 19 TAC 89.1040(c)(10).

Sec. 5. EMOTIONAL DISTURBANCE

A student may be eligible for services as a student with an emotional disturbance if they exhibit one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
3. Inappropriate types of behavior or feelings under normal circumstances
4. A general pervasive mood of unhappiness or depression or
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia, but does not include children who are socially maladjusted, unless it is determined that they have an emotional disturbance. A written evaluation must include recommendations for behavior intervention strategies.

34 CFR 300.8(c)(4); 19 TAC 89.1040(c)(4).

Sec. 6. ORTHOPEDIC IMPAIRMENT

A severe orthopedic impairment, including impairments caused by congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). If the impairment adversely impacts a student's educational performance, the student is eligible under this category.

34 CFR 300.8(c)(8); 19 TAC 89.1040(10).

The multidisciplinary team determining eligibility under the criteria for an orthopedic impairment

19 TAC 89.1040(11).

Sec. 9. HEARING OR AUDITORY IMPAIRMENT AND DEAFNESS

A student with an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but is not included under the definition of deafness.

The student's evaluation must include an otological examination performed by an otologist or by a licensed medical doctor, with documentation that an otologist is not reasonably available. Texas School of the Arts shall also conduct an audiological evaluation by a licensed audiologist. The evaluation must include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended amplification.

34 CFR 300.8(c)(5); 19 TAC 89.1040(c)(3).

Sec. 10. DEAFNESS

Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a student's educational performance. (34 CFR §300.8(c)(3))

Sec. 11. VISUAL IMPAIRMENT INCLUDING BLINDNESS

An impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

34 CFR 300.8(c)(13).

A student with a visual impairment is one who:

1. has been determined by a licensed ophthalmologist or optometrist to have no vision or to have a serious visual loss after correction; or to have a progressive medical condition that results in no vision or a serious visual loss after correction.
2. has been determined by the following evaluations to have a need for special services, including:
 - a. a functional vision evaluation by a professional certified in the education of students with visual impairments or a certified orientation and mobility instructor. The evaluation must include the performance of tasks in a variety of environments requiring the use of both near and distance vision and recommendations concerning the need for a clinical low vision evaluation and an orientation and mobility evaluation; or

3. have documented hearing and visual losses that, if considered individually, may not meet the requirements for auditory impairment or visual impairment, but the combination of such losses adversely affects the student's educational performance or
4. have a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without special education intervention, will adversely affect the student's educational performance.

19 TAC 89.1040(c).

Sec. 13. SPECIFIC LEARNING DISABILITY

Specific learning disability includes a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken, or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

34 CFR 300.8(c)(10).

In addition to being identified as having a disorder that impacts a basic psychological process, Texas School of the Arts shall also show that the student does not achieve adequately for the student's age or meet state-approved grade-level standards in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving when provided appropriate instruction, as indicated by performance on multiple measures such as in-class tests; grade average over time (e.g. six weeks, semester); norm- or criterion- referenced tests; statewide assessments; or a process based on the child's response to scientific, research-based intervention.

Texas School of the Arts evaluation must also show that the student:

1. does not make sufficient progress when provided a process based on the student's response to scientific, research-based intervention (as defined in 20 USC, §7801(37)), as indicated by the student's performance relative to the performance of the student's peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction; or
2. the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability, as indicated by significant variance among specific areas of cognitive function, such as working memory and verbal comprehension, or between specific areas of cognitive function and academic achievement.

19 TAC 89.1040(c)(1).

Sec. 15. MULTIPLE DISABILITIES

A student may qualify as a student with multiple disabilities if they are identified to have a combination of impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment) and the combination causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deaf blindness.

34 CFR 300.8(c)(7).

The impairments must be: (a) expected to continue indefinitely; and (b) severely limit performance in two or more of the following:

1. psychomotor skills
2. self-care skills
3. communication
4. social and emotional development, or
5. cognition.

A student who qualifies for more than one impairment but does not severely impair performance in one of the above categories, or is not expected to continue indefinitely, does not qualify as a student with multiple disabilities.

19 TAC 89.1040(c)(6).

Sec. 1. 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 Texas School of the Arts overall general education referral or screening system. Either a parent, the Texas Educational Agency (“TEA”), another state agency, or Texas School of the Arts may initiate a request for an initial evaluation.

a) *Obligation to Refer*

Before referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students. If a student continues to have trouble in the general classroom after the provision of interventions, Texas School of the Arts personnel must refer the student for a full and individual initial evaluation.

20 U.S.C. 1414(a)(1); 34 CFR 300.301; 19 TAC 89.1011.

b) *Parent Request*

If a parent submits a written request for a full individual and initial evaluation of a student, Texas School of the Arts shall, not later than the 15th school day after the date Texas School of the Arts receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 CFR 300.503, a copy of the procedural safeguards notice required by 34 CFR 300.504, and an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR 300.503, and a copy of the procedural safeguards notice required by 34 CFR 300.504.

20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301; 19 TAC 89.1011(a), (b); Education Code 29.004(c).

Sec. 2. NOTICE OF RIGHTS

Texas School of the Arts shall provide written notice to a student’s parent or guardian within a reasonable time before proposing or refusing to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (“FAPE”).

34 CFR §300.8(c) 10

20 U.S.C. 1414(a)(1)(D)(iii); 34 CFR 300.300(a)(2).

Sec. 4. PROVIDING ASSISTANCE TO STUDENTS WHO HAVE LEARNING DIFFICULTIES OR NEED SPECIAL EDUCATION SERVICES

If a student is experiencing learning difficulties, the parent may contact their child's campus principal to learn about Texas School of the Arts overall general education referral or screening system for support services. This system links students to a variety of support options, including referral for a special education evaluation. Students having difficulty in the regular classroom should be considered for tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention ("RtI") or Multi-Tiered Student Support (MTSS). The implementation of RtI has the potential to have a positive impact on Texas School of the Arts ability to meet the needs of all struggling students.

At any time, a parent is entitled to request an evaluation for special education services by presenting a written request to Coordinator/Diagnostician of Special Education Services or to a Texas School of the Arts administrative employee. Texas School of the Arts must, within 15 school days of receiving the request, either (1) give the parent an opportunity to give written consent for the evaluation or (2) refuse to provide the evaluation and provide the parent with written notice that explains why the child will not be evaluated. This written notice will include a statement that informs the parents of their rights if they disagree with Texas School of the Arts.

Additionally, the parent will receive a copy of the *Notice of Procedural Safeguards – Rights of Parents of Students with Disabilities*.

If consent for evaluation is obtained, Texas School of the Arts must generally complete the evaluation and report within 45 school days of the date Texas School of the Arts receives the written consent. Texas School of the Arts must give a copy of the evaluation report to the parent.

Sec. 5. NOTIFICATION TO PARENTS REGARDING INTERVENTION STRATEGIES

Each school year, Texas School of the Arts shall notify a parent of each child, other than a child enrolled in a special education program, who receives assistance from the Texas School of the Arts for learning difficulties, including using intervention strategies that Texas School of the Arts provides to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year
2. Be written in English or, to the extent practicable, the parent's native language and
3. Include:

Sec. 1. FULL AND INDIVIDUAL EVALUATION (FIE)

Texas School of the Arts shall ensure that upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the Individuals with Disabilities Education Act (“IDEA”), and preparation of the written report, the admission, review, and dismissal (“ARD”) committee determines if the student is a student with a disability under state and federal standards.

Texas School of the Arts shall conduct a full and individual initial evaluation (“FIE”) prior to providing special education and related services to any student. All students must be evaluated in accordance with the IDEA and the Texas Education Code.

Texas School of the Arts shall have procedures in place to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of students with disabilities are selected and administered to not be racially, culturally, or gender discriminatory. Assessment and procedures shall be provided and administered in the student’s native language or most proficient mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.

34 CFR 300.301; Education Code 29.310.

All implementing assessment procedures must differentiate between language proficiency and handicapping condition. Additionally, placement procedures must ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability.

19 TAC 89.1230.

No single procedure shall be the sole criterion for determining whether a student is a student with a disability or for determining an appropriate education program for a student with a disability. The evaluation must be sufficiently comprehensive to identify all of the student’s special education and related services’ needs. Each student must be evaluated in all suspected areas of disability.

34 CFR 300.301, 300.304; Education Code 29.310.

All assessments must be administered in accordance with the instructions provided and by a trained and knowledgeable person.

34 CFR 300.301, 300.304.

If the student is an English language learner, the language proficiency assessment committee (LPAC) must also attend the meeting to determine services. (19 TAC §89.1050(c)(J))

If Texas School of the Arts receives written consent for an FIE from a student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed, and the written report of the evaluation must be provided to the parent not later than June 30 of that year. The ARD committee must meet by the 15th school day of the following school year to consider the evaluation.

If Texas School of the Arts receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the school receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the FIE must be completed not later than the 45th school day after receiving consent.

School days do not include days following the last instructional day of the spring term and before the first day of the fall term.

Education Code 29.004.

Sec. 3. SPECIFIC LEARNING DISABILITY EVALUATION

The Texas Education Agency cannot require Texas School of the Arts to use the severe discrepancy between intellectual ability and achievement for determining whether a student has a specific learning disability. TEA must permit the use of a process based on the child's response to scientific, research-based intervention; and may permit the use of other alternative research-based procedures for determining whether a student has a specific learning disability.

34 CFR 300.307.

The evaluation process for specific learning disability includes an observation of the child in the learning environment, including the regular classroom setting, to document academic performance and behavior in the areas of difficulty.

34 CFR 300.310 (a).

- 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 education curriculum.

Texas School of the Arts shall administer any assessments or other evaluation measures needed to produce the data identified by the REED in accordance with applicable procedural requirements regarding notice and consent.

If additional data is not needed, the ARD committee must notify the parent of the determination decision and provide information about the parent's right to request additional assessments to determine student needs and eligibility.

34 CFR 300.305.

Texas School of the Arts shall conduct a reevaluation of the student if the school determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parent or teacher requests a reevaluation. A reevaluation may not occur more than once per year, unless agreed to by the school and the parent. A reevaluation must occur at least every three years, unless the school and parent agree the evaluation is unnecessary.

34 CFR 300.303.

Sec. 6. CHANGE IN ELIGIBILITY

Texas School of the Arts shall evaluate a student with a disability before determining a student is no longer eligible for special education and related services.

An evaluation is not required if a student is no longer eligible due to graduation or exceeding the age eligibility in Texas. Texas School of the Arts shall create a summary of performance and include recommendations on how to assist the student in meeting postsecondary goals.

34 CFR 300.305(e).

Sec. 7. CONSIDERATION OF SERVICES PROVIDED IN REGULAR EDUCATION SETTING

To ensure that underachievement in the student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group of qualified professionals, as part of a full and individual evaluation, must consider:

The time required for Texas School of the Arts to provide information and seek consent may not be counted toward the timeframe for completion of an evaluation.

Education Code 29.0041.

Sec. 10. EXTENSION OF TIMELINES

For a specific learning disability, the timelines for evaluation under this policy may be extended by mutual written agreement of the student's parents and the ARD committee.

34 CFR 300.309(c).

Sec. 11. EVALUATION CONDUCTED PURSUANT TO A SPECIAL EDUCATION DUE PROCESS HEARING

A special education hearing officer in an impartial due process hearing brought under 20 U.S.C. §1415 may issue an order or decision that authorizes one or more evaluations of a student who is eligible for, or who is suspected as being eligible for, special education services. Such an order or decision authorizes the evaluation of the student without parental consent as if it were a court order for purposes of any State or federal law providing for consent by order of a court.

Education Code 29.016.

Sec. 12. INDEPENDENT EDUCATIONAL EVALUATIONS

The parent of a student with a disability has the right to obtain an independent educational evaluation ("IEE") of the parent's child if the parent disagrees with the evaluation of the student that was obtained by Texas School of the Arts.

If the parent requests an IEE, Texas School of the Arts must provide the parent with information about where the parent may obtain an IEE and about Texas School of the Arts criteria that apply to IEE.

Sec. 13. DEFINITIONS

An IEE means an evaluation conducted by a qualified examiner who is not employed by the school responsible for the education of a student.

Public expense means that Texas School of the Arts either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the

1. Texas School of the Arts must consider the results of the evaluation of the student, if it meets the school's criteria for IEE, in any decision made with respect to the provision of a free appropriate public education to the student; and
2. the parent or Texas School of the Arts may present the evaluation as evidence at a due process hearing regarding the student.

34 CFR 300.502.

b) *Requests for Evaluations by Hearing Officers*

If a hearing officer requests an IEE of the student as part of a due process hearing, the cost of the evaluation must be at public expense.

Sec. 15. CRITERIA FOR OBTAINING IEE AT PUBLIC EXPENSE

The criteria under which the IEE is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE.

a) *Location*

The evaluator conducting an IEE of a child with a disability at public expense must be located within a 100-mile radius of Texas School of the Arts. This will allow the evaluator access to Texas School of the Arts for observation of the student and access to the student's cumulative and special education eligibility folders.

b) *Cost*

Parents are free to select whomever they choose to perform the IEE, so long as the examiner meets Texas School of the Arts criteria. Texas School of the Arts will pay a fee for an IEE that allows a parent to choose from among qualified professionals in the area.

Texas School of the Arts will not pay unreasonably excessive fees. An unreasonably excessive fee is one which is 20% above the prevailing fees in the area as established by the Medicaid/Medicare Service Provider Manual for the specific test being considered.

Parents will be offered the opportunity to demonstrate to their child's ARD committee that unique circumstances exist which justify an IEE that does not meet Texas School of the Arts criteria outlined in this document.

The evaluator will have access to the student's cumulative folder and special education folders in gathering information about the student.

The evaluator will have the ability to interview teachers and observe the student in the educational setting.

Prior to conducting the assessment, the evaluator agrees to submit to a national criminal history review and to provide any and all information necessary to secure the national criminal history review, including fingerprints and photographs, or other information required by Texas Education Code § 22.0834 concerning Contractor or Contractor's Subcontractors.

The evaluator agrees to conduct a thorough evaluation in the area(s) performed by Texas School of the Arts with which the parent disagrees.

Copies of protocols must be provided to Texas School of the Arts.

The report must comply with all federal and state requirements, including addressing the presence or absence of a disability condition as defined under the IDEA and the Texas Education Code.

The evaluation must be provided to Texas School of the Arts upon completion.

Except for the criteria described above, Texas School of the Arts may not impose conditions or timelines related to obtaining an IEE at public expense.

34 CFR 300.502(e).

Sec. 1. COMPLIANCE

Texas School of the Arts shall use Individuals with Disabilities Education Act (“IDEA”) Part B funds received to:

1. comply with the federal maintenance of effort (“MOE”) requirements
2. supplement State, local and other Federal funds and not supplant such funds and
3. pay the excess costs of providing special education and related services to children with disabilities and must be used to supplement State, local, and other Federal funds.

34 CFR 300.202, 20 U.S.C. 1413(a)(2).

Sec. 2. REDUCING LEVEL OF EXPENDITURES

Funds provided to Texas School of the Arts will not be used to reduce the level of expenditures for the education of students with disabilities made by Texas School of the Arts below the level of those funds for the preceding year.

20 U.S.C. 1423(a)(2)(A)(iii), Appendix E to Part 300.

Texas School of the Arts may reduce the level of expenditures if the reduction is attributable to:

1. Voluntary departure, retirement, or departure for just cause of special education personnel;
2. A decrease in enrollment of students with disabilities
3. The termination of the obligation of Texas School of the Arts to provide a special education program to a particular student with a disability that is an exceptionally costly program because the child left Texas School of the Arts, aged out of services, or no longer needs special education
4. The termination of costly expenditures for long-term purchases or
5. The assumption of cost by the high cost fund operated by the Texas Education Agency.

34 CFR 300.204.

Sec. 3. EXCESS EXPENDITURES

Having complied with MOE and excess costs requirements, IDEA Part B funds provided to the school will be used for the following activities:

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- the number of students with disabilities participating in the school wide program.

34 CFR 300.206; 20 U.S.C. 1413.

Sec. 6. COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS: TITLE 1

To the extent required under Title 1 of the ESEA, Texas School of the Arts shall ensure equity among school programs in staff/student ratios and in expenditures of money for curriculum materials and instructional supplies. “Staff” shall include teachers, administrators, and auxiliary personnel. In special programs, such as special education and bilingual education, a lower ratio may be maintained and more money may be spent as necessary to fulfill other legal requirements.

The parental involvement program shall be set up in accordance with requirements of Title 1 of the ESEA, as applicable. Parental involvement is encouraged and required in the planning and decision-making process for the school and for the campus.

Sec. 1. NONEDUCATIONAL COMMUNITY BASED SUPPORT SERVICES

Students with disabilities and their families may be eligible to receive noneducational community based support services paid for by public funds.

The Texas Education Agency (“TEA”) is responsible for establishing procedures and criteria for the allocation of noneducational funds to open-enrollment charter schools for the provision of noneducational community-based support services to certain students with disabilities and their families so that those students may receive a free appropriate public education (“FAPE”) in the least restrictive environment.

Education Code 29.013(a).

Texas School of the Arts shall use any funds allocated under Education Code Section 29.013 only for eligible students with disabilities who would remain or would have to be placed in residential facilities primarily for educational reasons without the provision of noneducational community-based support services.

Education Code 29.013(b).

The support services may include in-home family support, respite care, and case management for families with a student who otherwise would have been placed by an open-enrollment charter school in a private residential facility.

Education Code 29.013(c).

The provision of services under Education Code Section 29.013 does not supersede or limit the responsibility of other agencies to provide or pay for costs of noneducational community-based support services to enable any student with disabilities to receive a FAPE in the least restrictive environment. Specifically, services provided under Education Code Section 29.013 may not be used for a student with disabilities who is currently placed or who needs to be placed in a residential facility primarily for noneducational reasons. Funds cannot be used to cover services already required through the student’s individual education program or for long-term care.

Education Code 29.013(d).

Sec. 1. SHARED SERVICES ARRANGEMENT

TEXAS CENTER FOR ARTS + ACADEMICS may enter a written contract to jointly operate its special education programs. Funds to which the cooperating schools/charter schools are entitled may be allocated to the schools/charter schools jointly as shared services arrangement units or shared services arrangement funds in accordance with the shared services arrangement schools/charters' agreement, Texas Education Agency Guidance and Texas Government. Code Chapter 791 (interlocal agreements).

Sec. 1. STATE FUNDING: SPECIAL ALLOTMENTS

Texas School of the Arts shall maintain records of students participating in special programs in accordance with the Commissioner of Education’s rules.

19 TAC 129.21.

Sec. 2. SPECIAL EDUCATION ALLOTMENT

Each open-enrollment charter school will receive an annual allotment equal to the adjusted basic allotment multiplied by 1.1 for each student receiving special education and related services in a mainstream instructional arrangement. For each full-time equivalent student receiving special education and related services in average daily attendance in an instructional arrangement other than a mainstream instructional arrangement, the open-enrollment charter school is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to instructional arrangement as set forth in Section 48.102, Texas Education Code.

Funds allocated under this section, other than an indirect cost allotment established under State Board of Education (“SBOE”) rule, must be used in the special education program under Subchapter A, Chapter 29 of the Texas Education Code.

Education Code 48.102(h).

Sec. 3. COMPENSATORY EDUCATION ALLOTMENT

Texas School of the Arts must use funds allocated under TEC §48.104 for a purpose authorized in Section 48.104(j-1), (k) of the Texas Education Code

Education Code 48.104.

Funds allocated under Education Code Section 48.104 shall be used to fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B (School-Based Health Centers), Chapter 39, Texas Education Code, or disparity in the rates of high school completion between students at risk of dropping out of school, as defined by Section 29.081 of the Education Code (Compensatory, Intensive, and Accelerated Instruction) and all other students. Specifically, the funds, other than an indirect cost allotment established under SBOE rule, which may not exceed 45 percent, may be used to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Education Code Section 29.081 or an alternative education program established under Education Code Section 37.008 (Disciplinary Alternative Education Programs) or to support a program eligible under Title I of the Elementary and Secondary Education Act of 1965,

For purposes of this allotment, “full-time equivalent student” means 30 hours of contact a week between a student and career and technology education program personnel.

At least 55% of the funds allocated under this section must be used in providing career and technology education programs in grades 7 through 12.

Education Code 48.106.

Sec. 1. COMPLIANCE WITH GENERAL AND FISCAL GUIDELINES

TEXAS CENTER FOR ARTS + ACADEMICS must comply with the Texas Education Agency General and Fiscal Guidelines.

Sec. 2. CHARGING COSTS TO SPECIAL EDUCATION GRANT

TEXAS CENTER FOR ARTS + ACADEMICS may charge costs to a special education grant when those costs follow the **TEXAS CENTER FOR ARTS + ACADEMICS** local written procedures for allowability of costs and meet the following criteria:

- Are reasonable for the performance of the special education grant and are allocable under the applicable cost principles;
- Conform to limitations or exclusions set forth in applicable cost principles or the special education grant agreement as to types or amount of costs;
- Are consistent with policies and procedures that apply uniformly to federally or state-funded activities funded from other sources;
- Are accorded consistent treatment among all grant programs, regardless of funding source;
- Are not included as a cost or used to meet cost-sharing or matching requirements of any other federally or state-funded program in the current or a prior period; and
- Are adequately documented.

Sec. 3. REASONABLE COSTS

A cost can be considered reasonable if it meets the following standards:

- The cost is of a type generally recognized as ordinary and necessary for the operation of **TEXAS CENTER FOR ARTS + ACADEMICS** or grant performance
- Restrictions or requirements are imposed for generally accepted sound business practices, arms-length bargaining, federal or state laws and regulations, and grant award terms and conditions
- Consideration is given to market prices for comparable goods or services for the geographical area
- Individuals are acting with prudence in the circumstances of responsibility to **TEXAS CENTER FOR ARTS + ACADEMICS**
- and federal and state government; and
- There are no significant deviations from established practices of **TEXAS CENTER FOR ARTS + ACADEMICS** that may unjustifiably increase grant costs.

Sec. 1. APPLICABILITY OF TITLE RELATING TO HIGH SCHOOL GRADUATION

Texas School of the Arts is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code (“TEC”), or a rule adopted under Title 2 (Public Education) of the TEC, relating to high school graduation under TEC Section 28.025.

Education Code 12.104(b)(2)(E).

Sec. 2. ARD COMMITTEE AND IEP

For each student who is at least 14 years of age and qualifies for special education, the admission, review, and dismissal (“ARD”) committee must begin transition planning. The ARD committee must also consider the student’s graduation plan and what state assessments are required for graduation.

Education Code 29.0111; 19 TAC 89.1070.

Sec. 3. SPECIAL EDUCATION ELIGIBILITY UPON GRADUATION

Graduation with a regular high school diploma terminates a student’s eligibility for special education and related services. Termination of eligibility based on graduation requires Texas School of the Arts to complete a summary of performance in accordance with 34 CFR 300.305(e)(3), and prior written notice must be provided to the parent.

34 CFR 300.102.

A student who receives a diploma, but took one or more classes with a modified curriculum, may request the ARD committee determine needed educational services as long as the student meets the age eligibility requirements. Modified curriculum is defined as curriculum or content that is reduced in amount or complexity of the required Texas Essential Knowledge and Skills (“TEKS”).

19 TAC 89.1070.

Sec. 4. GRADUATION REQUIREMENTS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

A student with a disability that receives special education services and who enters 9th grade in or after the 2014-2015 school year, may receive a regular high school diploma if the student:

1. Demonstrates mastery of the required states standards
2. Completes the credit requirements under the Foundation High School Program or

Sec. 6. TRANSITIONING TO THE FOUNDATION HIGH SCHOOL PROGRAM

For students who entered 9th grade prior to the 2014-2015 school year, a student may receive a diploma under the Foundation High School Program if the student's ARD committee determines the student should take courses under the Foundations program and the student completes the requirements.

A student transitioning may also receive an endorsement if he or she meets the requirements.

A student who is in 11th or 12th grade in the 2014-2015, 2015-2016, or 2016-2017 school years and transitioning to the Foundation High School Program, who took each of the required assessments, but failed to achieve satisfactorily on no more than two assessments may graduate if the student met the other graduation requirements.

19 TAC 89.1070; Education Code 28.025.

Sec. 7. SUBSTITUTIONS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

a) *Language other than English*

If the ARD committee determines that a student with a disability is unable to complete two credits in the same language other than English, the ARD committee may determine to:

1. substitute a combination of two credits from ELA, math, science, or social studies; or
2. substitute two credits of CTE, technology applications, or other academic electives.

Education Code 74.12(b)(5)(D)(i), 28.025(b-14)(1).

b) *Physical Education*

In accordance with State Board of Education ("SBOE") rules, a student who is unable to participate in physical activity due to disability or illness is allowed to substitute one credit in English language arts, mathematics, science, or social studies or one academic elective credit for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

- The student's ARD committee, if the student receives special education services under the IDEA and Texas Education Code Chapter 29;

1. Demonstrates mastery of the state standards through courses, one or more of which contained modified content and is aligned with the requirements under the minimum high school program;
2. Completes credit requirements for graduation under the minimum program;
3. Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee; and
4. Successfully completes the IEP and meets one of the following conditions:
 - a. consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable the student to maintain employment without direct or ongoing educational support
 - b. consistent with the IEP, demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support
 - c. has access to services that are not within the legal responsibility of Texas School of the Arts or educational options for which the student has been prepared for by the academic program or
 - d. no longer meets eligibility requirements.

19 TAC 89.1070.

Sec. 9. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD

Texas School of the Arts does issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the SBOE under Education Code Section 28.025(a) but who fails to comply with Section 39.025 (Secondary-Level Performance Required) relating to exit-level assessment requirements. Texas School of the Arts does allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.

Education Code 28.025(d).

Sec. 10. CERTIFICATE OF ATTENDANCE

Texas School of the Arts does issue a Certificate of Attendance to a student who receives special education services under the Individuals with Disabilities Education Act (“IDEA”), and who has completed four years of high school but has not completed the student's IEP. Texas School of the Arts shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony. Receiving a Certificate of Attendance does not preclude a student from receiving a diploma.

Sec. 1. FOSTER PARENT

A foster parent may act as a parent of a child with a disability, as authorized under 20 U.S.C. 1415(b) and its subsequent amendments, if:

1. the Department of Family and Protective Services (“DFPS”) is appointed as the temporary or permanent managing conservator of the child;
2. the rights and duties of the department to make decisions regarding education provided to the child under Section 153.371, Family Code, have not been limited by court order; and
3. the foster parent agrees to:
 - a. participate in making special education decisions on the child’s behalf; and
 - b. complete a training program that complies with minimum standards established by the Texas Education Agency (“TEA”) rule.

Education Code 29.015(a).

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled admission, review, and dismissal (“ARD”) committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

Education Code 29.015(b).

Texas School of the Arts may not require a foster parent to retake a training program to continue serving as a child’s parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

1. the DFPS;
2. a school district;
3. an education service center; or
4. any other entity that receives federal funds to provide special education training to parents.

A foster parent who is denied the right to act as a parent under Education Code Section 29.015 by an open-enrollment charter school may file a complaint with the TEA in accordance with federal law and regulations.

Education Code 29.015(c).

Texas School of the Arts shall provide notice to the student’s educational decision-maker and caseworker regarding events that may significantly impact the education of a student, including:

A surrogate parent appointed by Texas School of the Arts may not:

1. be an employee of the state, Texas School of the Arts, or any other agency involved in the education or care of the child; or
2. have any interest that conflicts with the interests of the child.

A surrogate parent must:

1. be willing to serve in that capacity;
2. exercise independent judgement in pursuing the child's interests;
3. ensure that the child's due process rights under applicable state and federal laws are not violated;
4. complete a training program that complies with minimum standards established by agency rule before the next scheduled admission, review, and dismissal committee meeting for the child but not later than the 90th day after the date the surrogate parent is appointed;
5. visit the child and the school where the child is enrolled;
6. review the child's educational records;
7. consult with any person involved in the child's education, including the child's teachers, caseworkers, court-appointed volunteers, guardian ad litem, attorney ad litem, foster parent, and caregiver; and
8. attend meetings of the child's admission, review, and dismissal committee.

Texas School of the Arts may appoint a person who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer advocate as the child's surrogate parent. As soon as practicable after appointing a surrogate parent Texas School of the Arts shall provide written notice of the appointment to the child's educational decision-maker and caseworker.

If a court appoints a surrogate parent for a child with a disability and the Texas School of the Arts determines that the surrogate parent is failing to perform or is not properly performing the duties listed in this policy, Texas School of the Arts shall consult with the DFPS regarding whether another person should be appointed to serve as the surrogate parent for the child.

Sec. 1. CHILD FIND PRIVATE SCHOOL STUDENTS

Texas School of the Arts shall coordinate with home school districts, who are primarily responsible for consulting with private school representatives, regarding the child find process and the provision of special education and related services to children enrolled in private schools within Texas School of the Arts boundaries.

Texas School of the Arts shall undertake activities like those undertaken for children enrolled in public schools and shall complete the child find process for children enrolled in private schools in a time comparable to that for other students attending the public schools within Texas School of the Arts boundaries.

20 U.S.C. 1412(a)(10)(A)(ii)-(iv).

Sec. 2. SPECIAL EDUCATION STUDENTS PLACED IN PRIVATE SCHOOL

a) Placement by Texas School of the Arts

If Texas School of the Arts places a child with a disability in a private school or facility or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, Texas School of the Arts shall ensure that the child is provided special education and related services, in accordance with an individualized education program (“IEP”), at no cost to the parents.

20 U.S.C. 1412(a)(10)(B)(i).

b) Placement by the Parent

When a student with a disability who has been placed by his or her parent directly in a private school is referred to Texas School of the Arts, Texas School of the Arts shall convene an admission, review, and dismissal (“ARD”) committee to determine whether Texas School of the Arts can offer the child a free appropriate public education (“FAPE”). If Texas School of the Arts determines that it can offer a FAPE to the student, Texas School of the Arts is not responsible for providing educational services to the student, except as provided in 34 CFR 300.130–300.144 or 19 TAC 89.1096(e), until such time as the parents choose to enroll the student in Texas School of the Arts full time.

19 TAC 89.1096(b).

Sec. 1. PROCEDURAL SAFEGUARDS

The Superintendent or designee shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (“FAPE”).

20 U.S.C. 1415(a)–(b).

These procedures shall include:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 CFR 300.501.*
2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 CFR 300.502.*
3. Assignment of an individual to act as a surrogate for the parent when no parent can be identified, Texas School of the Arts cannot locate the parents, or the child is a ward of the state. *34 CFR 300.519.*
4. Prior written notice to the parents whenever Texas School of the Arts proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 CFR 300.503.*
5. Procedures to allow parties to resolve disputes through a mediation process. *34 CFR 300.506.*
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 CFR 300.507.*
7. Procedures that require either party, or the attorney representing a party, to provide the other party a due process complaint (which shall remain confidential). *34 CFR 300.508.*

Sec. 2. LANGUAGE OF NOTICES

The procedural safeguards and prior written notices described below must be written in a language understandable to the general public. The notice must be 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. *34 CFR 300.503(c), 300.504(d).*

a) *Electronic Delivery of Notices*

A parent who has a child with a disability may elect to receive required notices required by *34 CFR 300.503, 300.504 and 300.508* by electronic mail, if Texas School of the Arts makes that option available.

34 CFR 300.505.

Sec. 3. DISPUTE RESOLUTION

The possible options for resolving disputes that arise between a parent and Texas School of the Arts relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by Texas School of the Arts, under 19 TAC 89.1196
2. Meetings or conferences with the student’s teachers
3. Meetings or conferences, subject to Texas School of the Arts policies, with the principal, special education director, Superintendent, or Board
4. Requesting state IEP facilitation in accordance with 19 TAC 89.1197 (relating to State Individualized Education Program Facilitation)
5. Requesting mediation through the Texas Education Agency (“TEA”) in accordance with 34 CFR 300.506
6. Filing a complaint with TEA in accordance with 34 CFR 300.153 or
7. Requesting a due process hearing through TEA in accordance with 34 CFR 300.507-300.514.

19 TAC 89.1150.

Sec. 4. DUE PROCESS COMPLAINT

Whenever a due process complaint has been received by Texas School of the Arts, the parent shall have an opportunity for an impartial due process hearing, which shall be conducted by TEA.

a) *Time Limits*

1. *Due Process Complaints Filed Before September 1, 2022:*

A due process complaint filed before September 1, 2022, must set forth an alleged violation that occurred not more than one year before the date the parent or Texas School of the Arts knew or should have known about the alleged action that forms the basis of the complaint.

20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(c).

2. *Due Process Complaints Filed On or After September 1, 2022:*

A due process complaint filed on or after September 1, 2022, must set forth an alleged violation that occurred not more than two years before the date the parent or Texas School of the Arts knew or should have known about the alleged action that forms the basis of the complaint. *20 U.S.C. 1415(f)(1)(A); Education Code 29.0164.*

Texas School of the Arts is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, Texas School of the Arts may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint.

34 CFR 300.510.

Sec. 5. TRANSFER OF RIGHTS TO ADULT STUDENTS

When a student reaches the age of 18, Texas School of the Arts shall notify the student and the parents of the transfer of parental rights. This notice is separate and distinct from the requirement that, beginning at least one year before the student reaches the age of 18, the student's IEP include a statement regarding transfer of parental rights.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student.

34 CFR 300.520; Education Code 29.017(a)–(b); 19 TAC 89.1049(c).

Student records shall be maintained for each student from the time the student attends Texas School of the Arts until withdrawal or graduation from Texas School of the Arts. These records shall move with the respective student from campus to campus. Records for students not in attendance and/or withdrawn students and graduates shall be retained for the period of time required by law. No permanent records may be destroyed without explicit written permission from the Superintendent.

Sec. 1. EDUCATION RECORDS

a) *“Education Records” Defined*

For the purposes of this policy, the term “education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by Texas School of the Arts or by a person acting for Texas School of the Arts.

The term “education records” does not include:

1. Records that are created or received by Texas School of the Arts after an individual is no longer a student in attendance, and that are not directly related to the individual’s attendance as a student.
2. Records made by Texas School of the Arts personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of Texas School of the Arts that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is eighteen years of age or older, or who is attending an institution of postsecondary education, that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity
 - b. Made, maintained, or used only in connection with treatment of the student; and
 - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

State and federal law safeguard educational records from unauthorized inspection or use. All information relating to student performance, including grades, test results, and disciplinary records are considered confidential educational records. Release of those records are restricted to parents; school staff members with a legitimate educational interest; various governmental agencies or in response to a subpoena or court order; or a school to which the student transfers or subsequently

f) *Food Allergy Information*

Information regarding a child's food allergy, regardless of how it is received by Texas School of the Arts, shall be retained in the child's student records, but may not be placed in the health record maintained for the child by Texas School of the Arts.

i. Exceptions

If Texas School of the Arts receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by Texas School of the Arts. A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by Texas School of the Arts, including a notation that the child's student records indicate that a parent has notified Texas School of the Arts of the child's possible food allergy.

g) *Assessment Instruments*

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by Texas School of the Arts are confidential and may be made available only to the student, the student's parent, and to Texas School of the Arts personnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and school system, and made available to the public, with appropriate interpretations, at regularly scheduled Board meetings. The information may not contain the names of individual students or teachers.

h) *Academic Achievement Records (Grades 9–12)*

Texas School of the Arts shall use the academic achievement record (transcript) form adopted by the State Board of Education ("SBOE"). This form shall serve as the academic record for each student and shall be maintained permanently by Texas School of the Arts. Copies of the record shall be made available to students transferring to another district. The information may be provided to the student or to the receiving district or to both. Texas School of the Arts shall respond promptly to all requests for student records from receiving districts.

i) *Enrollment Records*

If a parent or other person with legal control of a child enrolls the child in Texas School of the Arts, the parent or other person, or the school district in which the child most recently attended school, shall furnish to Texas School of the Arts all the following:

“Personally identifiable information” includes, but is not limited to:

1. The student’s name
2. The name of the student’s parent or other family members
3. The address of the student or student’s family
4. A personal identifier, such as the student’s biometric record, defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); social security number; or student number
5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty or
7. Information requested by a person who Texas School of the Arts reasonably believes knows the identity of the student to whom the education record relates.

v. “Record”

“Record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche.

vi. “Authorized Representative”

“Authorized representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

vii. “Education Program”

“Education program” means any program that is principally engaged in the provision of education, including but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by Texas School of the Arts.

i. School Officials

Texas School of the Arts may disclose personally identifiable information without parent consent when disclosure is made to school officials with legitimate educational interest in the information. A school official is:

1. A person employed by Texas School of the Arts as an administrator, instructor, or support staff member (including health or medical staff and law enforcement unit personnel).
2. A person serving on the Board.
3. A person or company with whom Texas School of the Arts has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist).
4. A consultant, contractor, volunteer, or other party to whom Texas School of the Arts has outsourced institutional services or functions, provided that the outside party:
 - a. Performs an institutional service or function for which Texas School of the Arts would otherwise use employees
 - b. Is under the direct control of Texas School of the Arts with respect to the use and maintenance of education records and
 - c. Is subject to the requirements of 34 CFR 99.33(a) governing the use and redisclosure of personally identifiable information from education records.
5. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.

Texas School of the Arts must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

ii. Officials of Other Schools

Officials of other schools or school systems in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that Texas School of the Arts either:

1. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
2. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

Texas School of the Arts must enter into a written agreement with the organization that:

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
4. Requires the organization to destroy or return to Texas School of the Arts all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time in which the information must be returned or destroyed.

If Texas School of the Arts enters into an agreement with an organization conducting a study, it may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to Texas School of the Arts in accordance with the requirements of 34 C.F.R. 99.33(b).

Texas School of the Arts is not required to initiate a study or agree with or endorse the conclusions or results of the study.

vii. Accrediting Organizations

Accrediting organizations that require the information for purposes of accreditation.

viii. Health & Safety Emergency

Appropriate persons, including the student's parents, who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

In deciding, Texas School of the Arts may consider the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If Texas School of the Arts determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

ii. Information Collection Funded by Other Sources

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the DOE, Texas School of the Arts shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1) and provide for parent notification in accordance with 20 U.S.C. 1232(c)(2).

iii. Subpoenaed Records

Texas School of the Arts shall release student records to an entity or persons designated in a subpoena. Texas School of the Arts shall not disclose to any person the existence or contents of the subpoena if a court order Texas School of the Arts to refrain from such disclosure. Unless the court or other issuing agency orders Texas School of the Arts to refrain from such disclosure or the order is an *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331, Texas School of the Arts shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance.

iv. Sex Offenders

Texas School of the Arts may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to Texas School of the Arts under 42 U.S.C. 14071 and applicable federal guidelines.

The Superintendent shall ensure that parents are provided reasonable notice of the adoption or continued use of these policies. Such notice shall be provided directly to the parents of the students in attendance at Texas School of the Arts. At a minimum, Texas School of the Arts shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described above.

i) *Request Procedure*

Texas School of the Arts must permit parents to inspect and review education records related to their children that are collected, maintained, or used by the Texas School of the Arts under the IDEA. Texas School of the Arts must comply with the request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session, and in no case more than 45 days after the request has been made.

j) *Destruction of Records*

Texas School of the Arts shall not destroy any education records if there is an outstanding request to inspect and review the records.

k) *De-Identified Records*

Texas School of the Arts, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that Texas School of the Arts or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

l) *Education Research*

Texas School of the Arts, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. Texas School of the Arts or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code

officials and agencies listed in 34 CFR 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. Texas School of the Arts must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 CFR 99.32(b)(2) and make it available in response to a parent's request to review the record.

Texas School of the Arts must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception (see Section 2-d-viii above):

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom Texas School of the Arts disclosed the information.

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained if Texas School of the Arts maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system.

The record shall not include requests for access by, or access granted to, parents of the student or officials of Texas School of the Arts, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order.

p) *Right to Amend Records*

The parent of a student whose records are covered by this policy may ask Texas School of the Arts to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If Texas School of the Arts decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records.

If Texas School of the Arts decides to amend the records because of the hearing, it shall inform the parent in writing. If, because of the hearing, Texas School of the Arts decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of Texas School of the Arts. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

iv. Confidentiality

Texas School of the Arts shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in Texas School of the Arts shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. Texas School of the Arts shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information.

v. Destruction of Information

Texas School of the Arts shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

s) *Annual Notification of Rights*

Texas School of the Arts shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 CFR 99.31 authorize disclosure without consent; and
4. File with the DOE a complaint under 34 CFR 99.63 and 99.64 concerning alleged failures by Texas School of the Arts to comply with the requirements of the Act and 34 CFR part 99.

7. Major field of study;
8. Dates of attendance;
9. Grade level;
10. Participation in officially recognized activities and sports;
11. Weight and height of members of athletic teams;
12. Degrees, honors, and awards received; and
13. The most recent educational agency or institution attended.

“Directory information” does not include a student’s:

1. Social security number; or
2. Student identification number, unless the student identification number, user identification number, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user.

School-sponsored/school-affiliated purposes are those events/activities that Texas School of the Arts conducts and/or sponsors to support Texas School of the Arts educational mission. Examples include, but are not limited to:

1. Extracurricular programs or events (e.g., school plays, concerts, athletic events, graduation ceremonies).
2. Publications (e.g., newsletters, yearbook, etc.).
3. Honor roll and other student recognition lists.
4. Marketing materials of the School (e.g., print media, website, videos, newspaper, etc.).

Texas School of the Arts has designated the following categories of information for the purpose of disclosure to military recruiters and institutions of higher education, but only for secondary students:

1. Student’s name;
2. Address;
3. Telephone listing; and
4. E-mail address.

b) *Disclosure of Directory Information*

Texas School of the Arts shall not release directory information except for the purposes indicated above, namely:

Notwithstanding the provisions of Section 3 (Directory Information) above, upon receipt of assistance under the Elementary and Secondary Education Act of 1965 (ESEA), Texas School of the Arts shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing described above not be released without prior written parental consent. Texas School of the Arts shall notify parents of the option to make a request and shall comply with any request.

Sec. 4. INFORMATION FROM LAW ENFORCEMENT

a) *Oral Notice of Arrest or Referral*

Upon receipt of oral notice from a law enforcement agency that it has arrested a student or referred a student to the juvenile board for a specified offense, the Superintendent shall promptly notify all instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.

b) *Written Notice of Arrest or Referral*

Upon subsequent receipt of confidential, written notice of the arrest or referral, the Superintendent or designee may send the information in the confidential notice to a School employee having direct supervisory responsibility over the student if the Superintendent or designee determines that the employee needs the information for educational purposes or for the protection of the person informed or others.

c) *Oral Notice of Conviction or Adjudication*

Upon receipt of oral notice from a prosecuting attorney of a student's conviction, deferred prosecution, or adjudication of a specified offense, including a statement as to whether the student is required to register as a sex offender, the Superintendent shall, within 24 hours of receiving the notice, notify all instructional and support personnel who have regular contact with the student.

d) *Notice of Transfer or Reenrollment*

Upon receipt of notice from a parole, probation, or community supervision office having jurisdiction over a student that a student has transferred or reenrolled, the Superintendent shall, within 24 hours of receiving the notice, notify all instructional and support personnel who have regular contact with the student.

provide to the law enforcement agency a copy of the written request. After providing the notification, Texas School of the Arts shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

iii. Removal of Flag

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, Texas School of the Arts shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearing-house. If a response is not received after the 45th day after the date of the request for confirmation, Texas School of the Arts may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearing house that the flag has been removed.

Sec. 5. ACCESS TO RECORDS UNDER THE IDEA

The IDEA grants parents the right to inspect and review all educational records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child. 34 CFR § 300.501(a). Texas School of the Arts must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the district under the IDEA. Texas School of the Arts must comply with the request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session, and in no case more than 45 days after the request has been made. 34 CFR § 300.613(a).

Sec. 1. DEFINITIONS

a) “Records”

The term “records” means all documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other recording media, regardless of physical form or characteristic, and regardless of whether public access to it is open or restricted under the laws of the state, created or received by Texas School of the Arts or any of its officers or employees pursuant to law or in the transaction of public business, are hereby declared to be the records of Texas School of the Arts and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

The term “records” does not include:

1. Convenience copies: “Extra identical copies of documents created only for convenience of reference or research;”
2. Copies of documents furnished to the public (to fulfill a Public Information Act request).
3. Blank forms/stocks of publications; or
4. Library or museum materials.

b) “Essential Record”

The term “essential record” means any record of Texas School of the Arts necessary to the resumption or continuation of operations of Texas School of the Arts in an emergency or disaster, to the recreation of the legal and financial status of Texas School of the Arts, or to the protection and fulfillment of obligations to the people of the state.

c) “Records Management”

The term “records management” means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographic and electronic and other records storage systems.

d) “Records Liaison Officers”

The term “records liaison officers” means the persons designated under Section 9 of this policy.

Sec. 5. ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES

The Records Management Officer, in consultation with the Human Resource Director, shall appoint a Records Management Committee consisting of:

1. A Human Resource Department Supervisor; and
2. A financial officer for Texas School of the Arts; and
3. An executive or administrative officer for Texas School of the Arts

The committee shall:

1. Assist the Records Management Officer in the development of policies and procedures governing the records management program;
2. Review the performance of the program on a regular basis and propose changes and improvements if needed;
3. Review and approve records control schedules submitted by the Records Management Officer;
4. Give final approval to the destruction of records in accordance with approved records control schedules; and
5. Actively support and promote the records management program throughout Texas School of the Arts.

Sec. 6. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN

The Records Management Officer and the Records Management Committee shall develop a records management plan for Texas School of the Arts to be submitted to the Board. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, to adequately protect the essential records of Texas School of the Arts, and to properly preserve those records of Texas School of the Arts that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this policy effectively.

Once approved by the Board, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of Texas School of the Arts, and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

Sec. 8. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS AND PRINCIPALS

In addition to other duties assigned in this policy, department heads and Principals shall:

1. Cooperate with the Records Management Officer in carrying out the policies and procedures established by Texas School of the Arts for the efficient and economical management of records and in carrying out the requirements of this policy
2. Adequately document the transaction of government business and the services, programs, and duties for which the department head, principal, and his or her staff are responsible and
3. Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of Texas School of the Arts and the requirements of this policy.

Sec. 9. DESIGNATION OF RECORDS LIAISON OFFICERS

Each department head and Principal shall designate a member of his or her staff to serve as a Records Liaison Officer for the implementation of the records management program in the department.

If the Records Management Officer determines that in the best interests of the records management program more than one Records Liaison Officer should be designated for a department, the department head or Principal shall designate the number of Records Liaison Officers specified by the Records Management Officer.

Persons designated as Records Liaison Officers shall be thoroughly familiar with all records created and maintained by the department.

In the event of the resignation, retirement, dismissal, or removal by action of the department head or Principal of a person designated as a Records Liaison Officer, the department head or Principal shall promptly designate another person to fill the vacancy.

A department head or Principal may serve as Records Liaison Officer for his or her department.

Sec. 10. DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS

In addition to other duties assigned in this policy, Records Liaison Officers shall:

1. Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.

Sec. 14. CONTRACT SERVICES

With approval of the Board, the Records Management Officer and Committee may assign and delegate duties under this Policy to contracted services. The engagement of contract services will not relieve persons assigned and responsible under this policy from such assignment and responsibilities.

Sec. 15. RECORD OF ACCESS

Texas School of the Arts shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The record of access shall be maintained with the education records of the student as long as the records are maintained.

Sec. 1. BEHAVIOR MANAGEMENT TECHNIQUES

It is Texas School of the Arts policy to treat all students with dignity and respect, including students with disabilities who receive special education services. 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.

Education Code 37.0021(a); 19 TAC 89.1053(a), (j).

Exceptions. Education Code 37.0021 (regarding use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided by Education Code 37.0021(i); and
2. An educational services provider with whom a student is placed by a judicial authority unless the services are provided in a Texas School of the Arts educational program.

Education Code 37.0021(g).

Sec. 2. CONFINEMENT

A student with a disability who receives special education services 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. *Education Code 37.0021(a).*

Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency 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.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1).

Education Code 37.0021(f), 37.007(a)(1); Penal Code 46.01(1), (3), (6), 46.05.

3. Limited physical contact or appropriately prescribed adaptive equipment to prevent a child from engaging in ongoing, repetitive self-injurious behaviors or
4. Seat belts and other safety equipment used to secure children during transportation.

19 TAC 89.1053(f).

“Emergency” means a situation in which a student’s behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

19 TAC 89.1053(b)(1).

b) *Training*

Training for Texas School of the Arts employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 TAC 89.1053(d).

c) *Data Reporting*

Cumulative data regarding the use of restraint must be electronically reported through the Public Education Information Management System in accordance with reporting standards specified by the Texas Education Agency.

Education Code 37.0021(i); 19 TAC 89.1053(f)(k).

d) *Documentation*

In a case in which restraint is used by Texas School of the Arts employees, volunteers, or independent contractors, Texas School of the Arts shall comply with the documentation requirements set forth at 19 TAC 89.1053(e).

Sec. 5. TIME-OUT

A Texas School of the Arts employee, volunteer, or independent contractor may use time-out 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 must 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

“Aversive technique” means a technique or intervention that is intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain. The term includes a technique or intervention that:

1. is designed to or likely to cause physical pain, other than an intervention or technique permitted under Section 37.0011
2. notwithstanding Section 37.0011, is designed to or likely to cause physical pain using electric shock or any procedure that involves the use of pressure points or joint locks
3. involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face
4. denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility
5. ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse
6. employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint
7. impairs the student's breathing, including any procedure that involves:
 - a. applying pressure to the student's torso or neck; or
 - b. obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face
8. restricts the student's circulation
9. secures the student to a stationary object while the student is in a sitting or standing position
10. inhibits, reduces, or hinders the student's ability to communicate
11. involves the use of a chemical restraint
12. constitutes a use of time-out that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's individualized education program, including isolating the student by the use of physical barriers; or
13. except as provided by Section 37.0023 (c), deprives the student of the use of one or more of the student's senses.

Education Code 37.0023(a).

Sec. 1. DEFINITIONS

For purposes of this policy, the following terms will have the meanings set forth below:

“Parent” means a person standing in parental relation to a child, including a guardian, and whose child receives special education and related services and assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.

“Staff member” means a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a self-contained classroom or other special education setting.

“Board” means a majority of the Texas School of the Arts Board of Directors.

“School business day” means a day that campus or Texas School of the Arts administrative offices are open.

“Time-Out” has the meaning assigned by Education Code 37.0021.

“Self-contained classroom” means a classroom on a regular Texas School of the Arts campus (*i.e.*, a campus that serves students in general education and students in special education) in which a majority of the students in regular attendance are provided special education and related services and have one of the following instructional arrangements/settings described in the Student Attendance Accounting Handbook adopted by the Texas Education Agency (“TEA”):

1. self-contained (mild/moderate/severe) regular campus;
2. full-time early childhood (preschool program for children with disabilities) special education setting;
3. residential care and treatment facility--self-contained (mild/moderate/severe) regular campus;
4. residential care and treatment facility--full-time early childhood special education setting;
5. off home campus--self-contained (mild/moderate/severe) regular campus; or
6. off home campus--full-time early childhood special education setting.

“Other special education setting” means a classroom on a separate Texas School of the Arts campus (*i.e.*, a campus that serves only students who receive special education and related services) in which most of the students in regular attendance are provided special education and related services and have one of the following instructional arrangements/settings described in the Student Attendance Accounting Handbook adopted by the TEA:

The Board may request in writing that equipment be provided to one or more specified schools or campuses at which one or more children receive special education services in self-contained classrooms or other special education settings.

c) *Principal or Assistant Principal Request*

The Principal or Assistant Principal of a school or campus at which one or more children receive special education services in self-contained classrooms or other special education settings may request in writing that equipment be provided to the Principal's or Assistant Principal's school or campus.

d) *Staff Member Request*

A staff member assigned to work with one or more children receiving special education services in a self-contained classroom or other special education settings may request in writing that equipment be provided to the school or campus at which the staff member works.

e) *Additional Procedures*

A school or campus that receives equipment as a result of the request of a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable.

A school or campus that receives equipment as a result of the request by the Board, Principal, or Assistant Principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings.

Texas School of the Arts shall designate an administrator (the "Administrator") at the Texas School of the Arts Central Office with responsibility for coordinating the provision of equipment to schools and campuses in compliance with this policy.

A written request must be submitted and acted on as follows:

1. A parent, staff member, or Assistant Principal must submit a request to the Principal or designee of the school or campus addressed in the request, and the Principal or designee must provide a copy of the request to the Administrator.
2. A Principal must submit a request by the Principal to the Administrator.
3. The Board must submit a request to the Administrator, and the Administrator must provide a copy of the request to the Principal or designee of the school or campus addressed in the request.

A school or campus that places a video camera in a classroom or other special education setting shall operate and maintain the video camera in the classroom or setting, as long as the classroom or setting continues to satisfy the requirements under this policy, for the remainder of the school year in which the school or campus received the request, unless the requestor withdraws the request in writing.

If for any reason a school or campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request.

Not later than the 10th school day before the end of each school year, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following school year unless a person eligible to make a request for the next school year submits a new request.

This policy applies to placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services.

Sec. 7. RESTRICTIONS ON VIDEO RECORDING

Video cameras must be capable of covering all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out. Video cameras must also be capable of recording audio from all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out.

The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of classroom or setting.

Sec. 8. RETENTION OF RECORDINGS

Texas School of the Arts shall retain video recordings from a video camera placed under this policy for at least three months after the date the video was recorded.

If a person described in Section 8-a (Requests to View a Video Recording) as eligible to receive a copy of a video requests to view a video recording from a video camera placed under this policy, Texas School of the Arts must retain the recording from the date of receipt of the request

If any person described by subsections (3), (4), or (5) above who views the recording believes that the recording documents a possible violation of Texas School of the Arts policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of Texas School of the Arts policy relating to the neglect or abuse of a student may be used as part of a disciplinary actions against Texas School of the Arts personnel and shall be released at the request of the student's parent in a legal proceeding.

If Texas School of the Arts determines that the recording is an "education record," Texas School of the Arts shall release the recording in accordance with FERPA. State law does not limit the access of a student's parent to a record regarding the student under FERPA or other law.

In order to review recordings for potential release, and operation and maintenance of the equipment, the following individuals shall have access to the video equipment: list out titles/departments that may have access to video equipment.

Sec. 10. PROCEDURES FOR REPORTING A COMPLAINT AND/OR REQUESTING TO VIEW RECORDING

Video and audio recording equipment shall be used for safety purposes to access documented, specific incidents. To report a complaint of alleged abuse or neglect to Texas School of the Arts and/or to request to view a recording allowed by Section 8 above, a written "Incident Report Form," as adopted by the Superintendent or designee, shall be used by the requestor. This form will be completed to the extent of known information, and returned to the Superintendent or designee for validation.

Sec. 11. GRIEVANCE PROCEDURES

The special education dispute resolution procedures in 34 C.F.R. 300.151-300.153 and 300.504-300.515, do not apply to complaints alleging that Texas School of the Arts has failed to comply with Education Code Section 29.022. Complaints alleging violations of Texas School of the Arts video surveillance obligations for special education settings under Education Code Section 29.022 must be addressed through Texas School of the Arts Student and Parent Grievance Process (see PG-3.), as adopted by the Board.

Texas School of the Arts a parent, staff member, or an administrator may request an expedited review by the TEA of Texas School of the Arts (1) denial of a request, (2) request for an extension of time to begin operation of a video camera, or (3) determination to not release a video recording to an individual. If Texas School of the Arts, a parent, staff member or administrator requests an expedited review, the TEA shall notify all other interested parties of the request.