



# TCSA Model Board Policy Series

Module 400: *Students 2015*  
Charter Board Policy for  
University of Texas-University Charter School

## INTRODUCTION

The Model Board Policies for Charter Schools is a series of publications by the Texas Charter Schools Association (TCSA). These publications are an educational tool for charter school leaders to aid in the operation and management of open-enrollment charter schools in Texas.

### Overall Policy Framework

Each module in the Board Policy Series provides a summary of federal and state statutes, regulations, and related materials applicable to open-enrollment charter schools. Citations to these materials are provided throughout the module and many contain a hyperlink so the actual statutory or regulatory provision can be accessed on the Internet. The summary is designated by the LEGAL AUTHORITY tab on the right edge of each page.

After the LEGAL AUTHORITY portion of the module are suggested model policies designed to comply with current statutory and regulatory requirements described in the summaries. These policies are designated by the red CHARTER BOARD POLICY tab on the right edge of each page.

These are suggested policies to address the requirements set forth in this Module. Prior to adoption of the model policies by the Board of a charter school, each policy should be customized by including the school's name and by tailoring the language, if appropriate, to fit the specific needs, culture and requirements of the school. TCSA recommends that the Board of a charter school consult with and obtain the advice of the school's legal counsel in connection with adopting policies to comply with laws governing charter schools.

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws and regulations. We encourage you to renew your subscription to the policy series after each update to ensure that your school has the most recent laws and regulations.

### Scope of Service & Copyright Notice

This policy module prepared by the TCSA is designed and intended as a resource of information for charter schools and is not to be construed as legal advice. It should be used in connection with consulting and obtaining the advice of the school's legal counsel to ensure compliance with applicable legal requirements.

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## Module 400: *Students 2015*

The Students Module 400 is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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## Legal Abbreviations Used In the TCSA Model Board Policy Series

Atty. Gen. Op	Attorney General Opinion
C.F.R	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Educ. Code	Texas Education Code
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

## 400.020. ADMISSIONS & ENROLLMENT

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of the Division of Diversity and Community Engagement, hereinafter referred to as the VP of UT-UCS.

### SECTION 1. Admissions

Section 1.1. Non-Discrimination Policy. UT-UCS’s admissions and enrollment shall be free from discrimination based on race, color, or national origin; sex, gender, or gender identity; disability, or relationship or association with an individual with a disability; religion; academic, artistic, or athletic ability; or the district the child would otherwise attend under state law.

Section 1.2. Admission Application Deadline. UT-UCS’s admission application period is from May 1<sup>st</sup> through June 1<sup>st</sup>.

Section 1.3. Exclusion from Admission. In accordance with a charter amendment approved by the commissioner of education, UT-UCS reserves the right to exclude from admission a student who is not in treatment with a facility and who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under the Education Code, Chapter 37, Subchapter A.

Section 1.4. Acceptance Procedure. The application period for student enrollment will be from May 1<sup>st</sup> to June 1<sup>st</sup> of each school year. As part of its admissions policy UT-UCS will conduct a lottery process. If there are more applications for admission than available positions in the school, names will be randomly selected using a lottery system. Student names that were not drawn will be placed in a “waiting pool”.

If a vacancy arises, a name will be randomly selected from this pool and that student will be offered the vacant position. This process will continue until a student accepts the slot. If no one accepts the vacant slot, then enrollments will be accepted on a first-come, first-served basis.

If the application deadline has passed, applications are accepted on a first-come, first-served basis if there is not a “waiting pool” and there is not a vacant slot in the appropriate grade level. If there is a vacancy in the appropriate grade level, the student may enroll.

A notice of the application deadline will be placed in a newspaper of general circulation in the community in which the school is located. The notice must be published no later than seven calendar days before the application deadline and must include the date of the application deadline.

Students admitted to or attending and siblings of those students are exempted from the lottery.

Section 1.5 Pre-Kindergarten. To be eligible for enrollment in the state-mandated pre-kindergarten program, a child must be four years of age on or before September 1<sup>st</sup> of the current school year, live in the approved geographic boundaries of UT-UCS, and MUST:

- Be unable to speak and/or comprehend the English language; or
- Be educationally disadvantaged (qualify for free/reduced lunch); or
- Be homeless, as defined by 42 U.S.C. Section 11302; or
- Be the child of an active duty member of the armed forces of the United States; or
- Be the child of a member of the armed forces of the United States who was injured or killed while serving on active duty; or
- Currently or ever have been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201.

## SECTION 2. Enrollment

Section 2.1. Eligibility. The Superintendent or designee shall establish procedures that ensure that appropriate measures are taken to verify, on enrollment, that a student is entitled to enroll in UT-UCS. Areas to be verified include, but are not limited to, a student's grade level and treatment status at a facility or residency.

Section 2.2. Enrollment Documentation. Upon a student's enrollment, the Superintendent or designee shall ensure that a bona fide effort is made to secure all records and required documentation pertaining to the student.

Section 2.3. Residency Qualifying for Enrollment. The Superintendent or Superintendent's designee shall ensure upon enrollment that:

- the student and either parent reside within the geographic boundary stated in the charter;
- the student does not reside within the geographic boundary stated in the charter but has a parent who does and that parent is a joint or the sole managing conservator or possessory conservator of the student;
- the student and the student's guardian or other person having lawful control of the person under a court order reside within the geographic boundary stated in the charter;
- the student has established a separate residence under the TEC, [§25.001\(d\)](#), the person's presence within the boundary is not for the primary purpose of participation in extracurricular activities, and the person has not engaged in conduct for which exclusion permitted and deemed warranted by the Superintendent, or Superintendent's designee;
- the student is homeless, regardless of the residence of the student, of either parent, or of the person's guardian or other person having lawful control of the person;
- the student is a foreign exchange student placed with a family that resides within the geographic boundary stated in the charter by a nationally recognized foreign exchange program<sup>1</sup>;
- the student resides at a residential facility that is located within the geographic boundary stated in the charter;
- the student resides within the geographic boundary stated in the charter and either is 18 years old or older or has had the disabilities of minority removed;
- the student does not reside within the geographic boundary stated in the charter but has a grandparent who does and who provides a substantial amount of after-school care for the student; or
- the student is placed in foster care by an agency of the state or a political subdivision, and person's foster parents reside within the geographic boundary stated in the charter.

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<sup>1</sup> Unless the governing board has applied for and been granted a waiver by the commissioner under the TEC, §25.001(e).

### SECTION 3. State Conservatorship Liaison

The PEIMS Coordinator is appointed the liaison with the Department of Family and Protective Services to facilitate the enrollment in the school, or the transfer to another public school, of a child who is in the conservatorship of the state. The [title of individual] shall cause for his or her name and contact information to be submitted to the Texas Education Agency in the time and manner and time required by agency rules.

Section 3.1. Continued Enrollment of Student in Conservatorship of State. A student who is placed in the conservatorship of the Department of Family and Protective Services and at a residence outside the geographic boundary served by UT-UCS shall be entitled to continue to attend UT-UCS.

### SECTION 4. Equal Educational Opportunity

The governing body ("Board") of UT-UCS adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 4.1. Policy of Equal Opportunity. No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination, harassment or retaliation in any UT-UCS program on the basis of age; race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law.

Section 4.2. Discrimination Prohibited. Each employee, officer and Board member of UT-UCS shall comply with the Age Discrimination Act of 1975, 42 U.S.C. [6101](#) et seq. ("Age Act"); title VI of the Civil Rights Act of 1964, 42 U.S.C. [2000d](#) et seq. ("Title VI"); title IX of the Education Amendments of 1972, 20 U.S.C. [1681](#) et seq. (Title IX"); section 504 of the Rehabilitation Act of 1973, 29 U.S.C. [794](#) ("Section 504"); and part B of the Individuals with Disabilities Education Act, 20 U.S.C. [1411](#) et seq. ("IDEA").

Section 4.3. Special Education and Section 504. UT-UCS shall not deny services to any individual eligible to participate in a special education or Section 504 program as provided by IDEA or Section 504. UT-UCS shall provide individuals with disabilities special education or Section 504 services as authorized by law.

Section 4.4. Dissemination of Policy. UT-UCS shall require the Superintendent to take specific and continuing steps to notify applicants for admission, students and parents, sources of referral of applicants for admission, and all professional organizations holding professional agreements with UT-UCS, that it does not discriminate and that it is required by the Age Act, Title IX, IDEA and Section 504 not to discriminate in such manner. Such notification shall contain such information as required by federal regulations implementing these laws.

a. UT-UCS shall require the Superintendent to prominently include a statement of the policy in each announcement, bulletin, catalog, or application form which made available to any person in connection with the recruitment of students.

b. UT-UCS shall require the Superintendent to distribute without discrimination each publication described in Section 4.4(a), and shall apprise each of its admission and recruitment representatives of the policy of nondiscrimination described in paragraph 4.1 of this section, and require such representatives to adhere to such policy.

**Section 4.5. Coordinator.** UT-UCS has designated a Title IX coordinator for students to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended. Contact information for the Title IX coordinator can be found in charter board policy 600.020.

This coordinator shall also be responsible for coordinating efforts to comply with the ADA, Section 504, the Age Act, and this school's anti-discrimination and anti-bullying policy.

a. This coordinator, and any other counselors or staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and hearing board members, will receive appropriate training about working with LGBT and gender nonconforming students and same-sex sexual violence

**Section 4.6. Investigation of Complaints:**

a. **Complaints.** The Title IX Coordinator is responsible for the investigation of discrimination complaints filed by students or others. Complaints regarding any type of alleged discrimination shall be made in accordance with UT-UCS complaint policy in Section 300.120.

b. **Investigation and Discipline.** Any allegation of discrimination, harassment or retaliation of students in violation of the Age Act, Title VI, Title IX, Section 504 or IDEA by an employee, another student, or a third party shall be investigated and addressed. Acts of discrimination, bullying, harassment or retaliation may result in disciplinary action up to and including expulsion, termination or similar action.

c. **Conduct.** For more information regarding prohibited behavior, see UT-UCS's Student Code of Conduct.

## **SECTION 5. Sex Discrimination in Education Programs**

The governing body ("Board") of UT adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

It is the policy of UT-UCS that all students are treated equally. UT-UCS does not discriminate in its admission decisions on the basis of age; race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law in the educational program or activity which it operates.



### Section 5.1 Dissemination of Nondiscrimination Policy

UT-UCS will include the following nondiscrimination policy on the school's webpage; all application and recruitment materials, including newspaper ads and flyers; and in the student, and parent handbooks:

- a. Nondiscrimination Policy: UT-UCS does not discriminate in its admission decisions on the basis of age; race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law in the educational program or activity which it operates. UT-UCS's Title IX Coordinator can be contacted at (512) 471-0214.

### Section 5.2. Recruitment Training

All members of UT-UCS recruitment team, hiring staff, and Superintendent will be trained on the nondiscrimination policy.

Section 5.3. No Separate Education Programs. Except as expressly provided below, UT-UCS does not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

Section 5.4. Single-Sex Classes and Extracurricular Activities. UT-UCS does not, on the basis of sex, exclude any student from admission to a school or program unless it otherwise makes available to the student, pursuant to the same policies and criteria of admission, comparable courses, services, and facilities.

### Section 5.5. Specific Circumstances.

- a. UT-UCS will treat all students equally in all areas of education programming, including students that do not conform to stereotypes, treating transgender students consistent with their gender identity in all aspects of the student's education, not considering marital or pregnancy status of a student, as required by Title IX.
- b. Gender Specific Programs and Classes. UT-UCS may separate students by sex or gender for portions of classes that deal exclusively with human sexuality.

## 400.040. ATTENDANCE

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of the Division of Diversity and Community Engagement, hereinafter referred to as the VP of UT-UCS.

### SECTION 1. Compliance

The Superintendent or designee shall ensure UT-UCS’s student attendance accounting system is in compliance with all laws, regulations, and Texas Education Agency (“TEA”) rules governing attendance. The Superintendent or designee shall ensure that attendance policies are distributed to staff, students, and parents/guardians.

### SECTION 2. Alternate Recording Time

When appropriate, the Superintendent or designee shall establish written procedures permitting a campus to specify an alternate time for taking attendance other than the second or fifth instructional hour. Exceptions may be authorized for an entire campus or for a designated group of students at a campus. The alternate time for recording attendance shall be determined in accordance with TEA’s *Student Attendance Accounting Handbook*.

### SECTION 3. Documented Absences

Section 3.1. Leaving campus during school hours. If not in treatment at a facility, a student younger than 18 years old must have prior, written approval from a parent or guardian before that student may leave the school campus during school hours. Students in treatment who are younger than 18 years old must be signed out on the appropriate log by a legally authorized facility employee or may leave campus based on prior written approval from a parent or guardian.

Section 3.2. Absences. A student who is absent from school for any portion of the day, upon his or her return, must provide a written note to the school that explains the absence. The note must be signed by a parent, guardian, or the student if the student is 18 years old or emancipated. For students in treatment who are younger than 18 years old, the note may also be signed by a legally authorized facility employee.

Section 3.3. Absences for college visits. Students may be excused up to two absences in their junior year and two absences in their senior year when visiting an accredited institution of higher education for the purpose of determining their interest in attending that institution. Upon return to school, a student shall provide a note similar to the note provided in section 2.2 of this policy, along with documentation indicating that the student indeed visited the institution.

Section 3.4 Absences for Early Voting or Election Clerk. Student may be excused up to two absences per school year to serve as an early voting or election clerk. Upon return to school, a student shall provide a note similar to the note provided in Section 2.2 of this policy, along with documentation indicating that the student indeed served as an early voting or election clerk.

Section 3.5 Withdrawal for Nonattendance. The district shall initiate withdrawal of a student under the age of 18 for nonattendance if the student has been absent ten consecutive school days and repeated efforts by the school principal to locate the student has been unsuccessful.

#### **SECTION 4. Warning Notice**

The Superintendent or designee shall ensure that at the beginning of each school year the parents of students of UT-UCS receive notice that they and the student are each subject to prosecution for violation of attendance laws.

#### **SECTION 5. School Attendance Officer**

UT-UCS shall have a school attendance officer (“SAO”). The Superintendent or designee shall determine the duties and responsibilities of the SAO, all of which should be in line with the maintenance of student attendance.

## 400.060. FERPA

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of the Division of Diversity and Community Engagement, hereinafter referred to as the VP of UT-UCS. <http://registrar.utexas.edu/students/records/ferpa>

### SECTION 1. Compliance

In regards to student records, UT-UCS shall comply with the Family Educational Rights and Privacy Act (“FERPA”).

### SECTION 2. Custodian of Records

The Superintendent is designated the custodian of all student records. The District Registrar and each Campus Registrar are designated as agents of the Superintendent for the purposes of the receipt of requests concerning the disclosure of student records.

### SECTION 3. Annual Notice

The Superintendent shall ensure that all parents of students currently in attendance and current students who have reached 18 years of age annually receive a notice of their rights under FERPA.

### SECTION 4. Directory Information

Section 4.1. Definition. UT-UCS has designated the following as directory information: student’s name, degrees, honors and awards received.

Section 4.2. Disclosure. Directory information will be released to the public at the discretion of UT-UCS, in compliance with FERPA, unless a parent or student over 18 years old objects to part or all of its release in writing within 10 school days after receiving the annual notice described in Section 3 of this policy. Written objections shall be collected and maintained by the UT-UCS Registrar.

*SAMPLE*

## NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS

The Family Educational Rights and Privacy Act (“FERPA”) affords parents and students who are 18 years of age or older (“eligible students”) certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the UT-UCS receives a request for access.

Parents or eligible students should submit to the Campus Clerk a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent, or eligible student, believes are inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask UT-UCS to amend a record should write the school principal, clearly identify the part of the record they want changed and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the UT-UCS Advisory Board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer 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 education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school district or charter school in which a student seeks or intends to enroll,

or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by UT-UCS to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

By law, "directory information" includes categories of information that are generally not considered harmful or an invasion of privacy if released. UT-UCS has designated the following as directory information: student's name, degrees, honors and awards received.

If you do not want UT-UCS to disclose directory information from your education records without your prior written consent, you must notify UT-UCS in writing by [insert date 10 school days after date of letter].

FERPA permits the disclosure of personally identifiable information (PII) from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student in the following circumstances:

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance

with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))



## 400.070. GENERAL EDUCATION HOMEBOUND (GEH)

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of the Division of Diversity and Community Engagement, hereinafter referred to as the VP of UT-UCS.

### Section 1. General Education

Consistent with TEA’s Student Attendance Accounting Handbook (SAAH), a student to be confined for a minimum of four weeks (nonconsecutive) to a hospital or homebound for medical reasons specifically documented by a physician licensed to practice in the United States may be eligible for general education homebound services. The parent’s request for services shall be made through the principal in accordance with TEA’s SAAH and administrative procedures.

The principal or designee shall convene a placement committee composed of at least a campus administrator, a teacher of the student, and the parent or guardian of the student to consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type and amount of instruction to be provided and, when the student is able to return to the regular educational setting, the length of the transition period based on current medical information.

### Section 2. Documentation of Services

The District shall maintain, in accordance with administrative procedures, full documentation about students receiving homebound services.

Section 2.1. Point of Contact. The school principal and the GEH committee coordinates activities through the district office.

Section 2.2. Attendance Office Responsibilities. The attendance office at the school must be kept informed by the GEH committee of the status of all students receiving homebound services. The student will remain actively enrolled and the class-room teacher will post the student absent throughout the home-bound placement period. The attendance specialist will post the homebound absence code to the attendance software to designate the homebound status of the student. Other absence reasons may be used if the homebound teacher informs the attendance specialist the student was not able to receive services for specific school days. The attendance must be updated on a daily basis to ensure compulsory attendance warning letters are not generated for home-bound students unnecessarily.

Section 2.3. File Retention. Documentation of GEH attendance must be retained for a period of five years for audit purposes.



### **Section 3. Procedures for Implementing GEH**

A designated campus committee must make decisions regarding general education homebound (GEH) placement. Membership of the committee must include at least a campus administrator or designee, a teacher of the student, and a parent/guardian of the student.

### **Section 4. Student Eligibility**

Any student served by the GEH program must meet the following three criteria:

1. The student is expected to be confined at home or hospital bedside for a minimum of four weeks (nonconsecutive);
2. Medical condition is documented by a physician licensed to practice in the United States; and
3. Student participation is for medical reasons only.

Note: For guidance in determining GEH instruction for pregnant students who are or are not receiving pregnancy services, please refer to Section IX of the TEA Student Attendance Accounting Handbook.

### **Section 5. Role of the GEH Committee**

The role of the GEH committee is to review and consider the necessity of providing instruction to a general education student at home or hospital bedside. If instruction is provided at home or hospital bedside, the GEH committee will determine the type(s) and amount of instruction to be provided. The instructional services available include mathematics, science, ELA, social studies, and health. Instructional services for other courses are not available. In making these decisions, the GEH committee must consider the physician's information. However, the physician's note/information is not the sole determining factor in the committee's decision-making process.

### **Section 6. GEH Committee Responsibility**

In qualifying a student for and serving a student through GEH services, the following requirements must be met and documented:

1. The GEH committee's decision regarding the type(s) and amount of instruction to be provided to the student, which must include the designated amount of time per week that instruction will be provided.
2. A note from the physician stating the student has a medical condition that requires the student to be confined at home or hospital bedside for a minimum of four weeks.
3. Documentation of the day(s) homebound instruction started and stopped.
4. Teacher's homebound instruction log.

## Section 7. Required Instructor Certification

A certified general education teacher must serve students served through GEH at home or hospital bedside.

## Section 8. GEH Funding Chart

In order for funding to be generated for GEH placement, services must be provided as follows:

<u>Amount of Time Served Per Week</u>	<u>Eligible Days Present Earned Per Week</u>
One hour	One day present
Two hours	Two days present
Three hours	Three days present
Four or more hours	Four days present (four-day week)
	Five days present (five-day week)

## Section 9. Transitioning to GEH

Section 9.1. Procedures. The GEH committee must convene to review current student information, (including the physician's statement) to determine if a transition period is necessary and the date when homebound services are no longer appropriate. If the student requires a transition period up-on returning to the classroom, the GEH committee should document the following:

1. Length of time for the transition period;
2. The amount of time the student will be served in both settings (homebound and classroom) during the transition period; and
3. The effective date by when the student's return to the classroom full-time must be documented.

Section 9.2. Funding. Students transitioning back to a school-based setting may continue to generate funding based on the GEH funding chart during the transition period. On-campus classroom instruction during transition is not included in attendance accounting. The student must continue to receive the required homebound service hours per week to maintain eligibility.

Section 9.3. Documentation. The following documentation requirements must be met for students transitioning from GEH:

1. The District-developed form that documents GEH committee decisions regarding whether or not a student is to be served through GEH;
2. The GEH committee's documentation on the form of the committee's decision regarding the type(s) and amount of instruction to be provided to the student. This must include the designated amount of time per week that instruction will be provided.
3. A note from a physician stating the student has a medical condition that requires the student to be confined at home or hospital bedside for a minimum of four weeks (nonconsecutive).

4. Documentation of the day(s) homebound instruction started and stopped.
5. Teacher's homebound instruction log.

Section 9.4. Post-Transition Evaluation. If the student presents problems related to the medical condition after having completed the transition period, the GEH committee will refer the student to the campus Student Support Team for further evaluation and assistance.

## 400.080. REQUIRED INSTRUCTION AND GRADUATION

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of the Division of Diversity and Community Engagement, hereinafter referred to as the VP of UT-UCS.

### SECTION 1. Compliance

The Superintendent shall ensure that UT-UCS maintains compliance with all state laws and regulations governing curriculum and graduation requirements.

### SECTION 2. End-of-Course Assessments

Section 2.1. Percentage of Final Grade. Students shall take end-of-course (EOC) exams for courses in which they are enrolled as part of their graduation requirements.

Section 2.2. Retakes. If a student retakes an EOC assessment, UT-UCS will include the retake score as 15 percent of the final grade only if the retake score allows a student to gain credit for the course. After a student earns credit for the course, subsequent retakes will not be included in the calculation of the final course grade.

Section 2.3. Students with Disabilities. The admission, review and dismissal committee shall determine the type of assessment to be administered to a student receiving special education services.

### SECTION 3. Alternative Methods for Earning Credit; Credit by Examination without Prior Instruction; *Education Code 28.023; 19 TAC 74.24, 101.3021(c)*

Section 3.1. Grades 1-12: Examinations for Acceleration or Course Credit. If a student in grades 1–12 wishes to accelerate to the next grade level or earn course credit without having received prior instruction in the grade level or course, the District shall offer opportunities in accordance with state law and State Board rules for the student to take a Board-approved examination for this purpose.

The examination shall be available at least four times each year: between March 1 and March 31, between June 1 and June 30, between August 1 and August 31, and between October 1 and October 31. A student may take a specific examination only once during each window of time.

1. A student may not attempt to earn credit by examination for a specific high school course more than two times.
2. There is no charge to the parent for a student to take an examination for acceleration.
3. The University of Texas at Austin shall ensure that the assessments they provide for acceleration are aligned with and contain appropriate breadth of coverage of the Texas Essential Knowledge and Skills for the appropriate course.

4. A student in grades 6–12 must be given credit for an academic subject in which he or she has had no prior instruction if the student scores:
  - a. A three or higher on a College Board advanced placement (AP) examination that has been approved by the District Board for the applicable course;
  - b. A scaled score of 60 or higher on a College-Level Examination Program (CLEP) that has been approved by the District Board for the applicable course; or
  - c. 80 percent on any other criterion referenced test approved by the District Board for the applicable course. The examination score must be noted on the student's transcript. The student is not required to take an applicable end-of-course (EOC) assessment.

Section 3.2. Kindergarten Acceleration. The Board approves the following procedures, developed by the Superintendent or designee, to allow a child who is five years old at the beginning of the school year to be assigned initially to grade 1 rather than kindergarten. Criteria for acceleration shall include the following:

1. A parent request for testing for alternative placement must be submitted to the principal in writing. The written request must be submitted by the end of the school year (for students registering during the spring Kindergarten Round-Up), within the first two weeks of school (for students enrolling during summer months), or within two weeks of enrollment, but no later than October 1 (for students who enroll during the school year).
2. In order to be placed in first grade, the student must demonstrate academic achievement or proficiency in skills and abilities required in kindergarten. Achievement and proficiency shall be demonstrated through a combination of the following:
  - a. Composite achievement test scores at or above 90th per-centile in both reading and mathematics, using spring kindergarten norms;
  - b. Mastery of 90 percent of the Texas Essential Knowledge and Skills (TEKS) for kindergarten in reading, writing, and mathematics as demonstrated through the kindergarten report card, teacher observations, reading inventories, writing samples, and/or other student work samples from both prior schools and the current year;
  - c. Recommendations from a placement committee (principal, counselor, and teacher) concerning performance and social skills; and
  - d. Successful completion of a one-week trial placement in first grade, if recommended by the placement committee.
3. A placement committee shall determine the appropriate placement after reviewing all data collected.
4. The parent or guardian shall be contacted in writing by the campus principal after the placement decision has been made.

#### **SECTION 4. High School Diploma Awarded on Basis of Individual Graduation Committee Review**

Section 5.1. Individual Graduation Committee. The school district shall establish an Individual Graduation Committee (IGC) for each student who has successfully completed all the SBOE- identified curriculum requirements (or those of the commissioner's transition plan) to graduate in 2014-15 or 2015-16 (the law expires September 1, 2017) but who has failed up to two STAAR end-of-course exams. The committee, to be established at the end of or after the student's 11th grade year, will determine whether the student qualifies to graduate.

Section 5.2. Committee Members. The committee must include the student's:

- a. principal or principal's designee
- b. teacher of each course for which the student failed an EOC exam
- c. curriculum director or designee
- d. student's parent, person standing in parental relation, an advocate, or the student, if 18 years old or older or an emancipated minor

Section 5.3. Committee Responsibilities. The committee must recommend additional requirements the student must meet to be eligible to graduate, including additional remediation, as well as completion of a project related to the subject area of the course(s) for which the student failed the EOC exam(s), or preparation of portfolio work samples in the subject area of the course. The law allows students to submit previously completed coursework to satisfy a recommended requirement.

The committee must also consider the recommendation of the student's teacher for the course in which the student failed the EOC exam, the student's grade in the course, the student's score on the failed EOC exam, the student's performance on any additional requirements recommended by the committee, the number of hours of remediation the student has attended, the student's

Section 5.4. Effective Date. Effective with the 2014-2015 school year and expires September 1, 2017.

## 400.090 ESL Education

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of the Division of Diversity and Community Engagement, hereinafter referred to as the VP of UT-UCS.

### SECTION 1. Program Principles

Section 1.1. Board Commitment. The Board of UT-UCS is committed to meeting the needs of non-English speaking students who are English Language Learners (ELL) or students of limited English proficiency (LEP) and to providing every ELL student with a full opportunity to participate in a bilingual education or English as a Second Language (ESL) program. Throughout this Policy, ELL students and LEP students shall have the same meaning.

Section 1.2. Compliance with State and Federal Requirements. The Superintendent, or designee, shall ensure that the bilingual and/or ESL programs of UT-UCS operate in compliance with federal and state law.

### SECTION 2. Program Responsibilities

The Superintendent will ensure that UT-UCS shall:

1. Identify ELL students based on criteria established by the state;
2. Provide bilingual education and/or ESL programs as integral parts of the UT-UCS regular program;
3. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for ELL students.

### SECTION 3. Establishment of Language Proficiency Assessment Committee (LPAC)

UT-UCS shall establish and operate Language Proficiency Assessment Committee(s) in accordance with this policy and the LPAC procedures established by the Superintendent. It is the policy of UT-UCS to follow the LPAC Legal Framework developed by the Region 20 Education Service Center for the UT-UCS LPAC procedures.

The Superintendent or designee shall ensure that a sufficient number of LPACs are established at UT-UCS to discharge LPAC duties within 20 school days of enrollment of an ELL student. The Superintendent shall ensure that this policy and all LPAC procedures are on file in the records of UT-UCS.

Section 3.1. Selection of LPAC Members. The Superintendent shall establish procedures for the selection, appointment and training of members of the LPAC for the special language program(s) operated by UT-UCS. Selection of parent members of LPAC(s) shall be made after soliciting volunteers and upon the recommendation of professionals involved in the bilingual/ESL programs. No parent serving on the LPAC

shall be an employee of UT-UCS. Professional staff members of the LPAC(s) shall be assigned those duties by the Superintendent or designee in accordance with the LPAC procedures.

Section 3.2. General Responsibilities of LPAC. The Superintendent shall establish procedures governing the UT-UCS LPAC for fulfilling LPAC responsibilities and duties. The UT-UCS LPAC shall accomplish the following general responsibilities:

1. Review of all pertinent information on ELL students upon initial enrollment and at the end of the school year;
2. Make recommendations concerning the most appropriate placement for the advancement of an ELL student;
3. Review each ELL student's progress at the end of the school year in order to determine future appropriate placement;
4. Monitor the progress of former ELL students who have transferred out of the special language program and designate the most appropriate placement for such student;
5. Determine the appropriateness of a program that extends beyond the school year based on the needs of each ELL student.

#### **SECTION 4. Training**

The UT-UCS shall provide orientation and training for all members of the LPAC, which shall include a discussion of the committee's duties and a thorough explanation and review of all laws and rules governing the confidentiality of information regarding individual students. In performing their duties, committee members shall be acting for UT-UCS and shall observe requirements regarding confidentiality of student records. The Superintendent or designee shall ensure that each LPAC member receives a Certificate of Training and that such certificates are retained on file by UT-UCS.

#### **SECTION 5. Home Language Survey**

Section 5.1 Administration of Survey. UT-UCS shall include a Home Language Survey as part of the student enrollment documentation to determine the language normally used in the home and the language normally used by the student. The home language survey shall be conducted in English and in the home language, and signed by the student's parents if the student is in pre-kindergarten through grade 8, or by the student if the student is in grades 9 through 12. The Superintendent or designee shall ensure that an original copy of the survey is retained in the student's permanent record.

Section 5.2 Language Classification. The UT-UCS LPAC shall use the home language survey to establish the student's language classification for determining whether the school is required to provide a bilingual education or ESL program. If a student is identified through the home language survey as normally speaking a language other than English, the LPAC will ensure that the student is tested in accordance with 19



Administrative Code §89.1225 and additionally for students with disabilities, 19 Administrative Code §89.1230, within 20 school days of the student's enrollment in UT-UCS.

## **SECTION 6. ELL Classification and Instructional Placement**

Section 6.1. ELL Classification. The UT-UCS LPAC may classify a student as an ELL student if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the Texas Education Agency (TEA)-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Section 6.2. Report to Board. Within the first four weeks of the first day of school, the UT-UCS LPAC shall determine and report to the UT-UCS Board of Directors the number of ELL students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The SUPERINTENDENT or designee shall report this information on behalf of the Board of Directors to TEA before November 1<sup>st</sup> of each year.

Section 6.3. Instructional Placement. Students shall be identified as ELL students and enrolled in the required bilingual or ESL program of UT-UCS within 20 days of their initial enrollment. Students enrolled in bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of education. The LPAC is responsible for ensuring that instruction given to each student is appropriate to the student's level of educational attainment.

Section 6.4 Program Evaluation. The UT-UCS LPAC shall conduct periodic assessments of the special language programs of UT-UCS to determine program impact and student outcomes in all subject areas. The LPAC shall make annual reports of the educational performance of ELL students that shall be retained in the records of UT-UCS addressing:

1. the academic progress in either language of the ELL students and the extent to which they are becoming English proficient;
2. the number of students who have been exited from the bilingual education and ESL program; and

3. the number of teachers and aides trained in the frequency, scope, and results of the training.

## **SECTION 7. Parental notice and consent**

Section 7.1. Parental Notice. Within ten days of the LPAC's classification of a student as ELL, the LPAC shall provide written notice to the student's parent or legal guardian. The notice must be in English and in the parent's primary language. The notice shall inform the parents/ legal guardian of the benefits of the program for which the student is recommended and that it is an integral part of the school program.

Section 7.2. Parental Consent of Entry or Placement. A student shall not be placed in the bilingual education or ESL program of UT-UCS without approval in writing by the student's parent or legal guardian. If the parent or guardian denies permission to enroll the student in the bilingual education or ESL program, the LPAC will ensure that a conference is held with an administrator, the parent or guardian, and another member of the LPAC. The conference will address, and strive to ensure that parents/guardians understand the purpose and content of the bilingual education or ESL program. If the parents/guardians continue to deny enrollment in the program, the Superintendent shall notify parents of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program.

Section 7.3. Parental Request for Exit. The LPAC shall facilitate the exit of the student from bilingual education or an ESL program if the student's parent or guardian makes such request in writing.

Section 7.4. Parental Notice of Exit. The UT-UCS LPAC is responsible for informing parents in writing when their student meets the exit criteria and exits from a bilingual education or ESL program. The notice shall be made in English and the home language of the student.

Section 7.5. Annual Progress Report. The UT-UCS LPAC is responsible for providing parents with an annual report on the progress of their ELL child in the bilingual or ESL program. The report shall be made in English and the home language of the student.

## **SECTION 8. Documentation**

The LPAC shall be responsible for ensuring that the ELL student's permanent record contains documentation of all actions impacting the ELL student, including adequate records of the educational level and progress of each ELL student enrolled in UT-UCS.

## **SECTION 9. Personnel**

The Superintendent of UT-UCS will ensure that teachers assigned to bilingual education and ESL programs are appropriately certified in bilingual education or ESL, respectively.

## **SECTION 10. ESL Program**

UT-UCS shall offer an ESL program if UT-UCS has an enrollment of 20 or more students classified as ELL students in any language classification in the same grade level. The SUPERINTENDENT shall ensure that the ESL program offered by UT-UCS complies with applicable regulations.

Section 10.1 ESL Program. UT-UCS shall offer an ESL program for students in Grades 9-12 using the ESL/content-based program model.

## **400.100. IDEA POLICIES & PROCEDURES**

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of the Division of Diversity and Community Engagement, hereinafter referred to as the VP of UT-UCS.

### **SECTION 1. Legal Framework**

It is the policy of UT-UCS to follow the Legal Framework for the Child-Centered Special Education Process developed through the Region 18 Education Service Center. Additional policies may be adopted by UT-UCS to evidence UT-UCS’s commitment to the framework and uploaded to Region 18 Education Service Center’s Legal Framework website.

### **SECTION 2. Regular Education Teacher IEP Review Request**

The Superintendent or designee shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

- (1) to request a review of the student’s individualized education program;
- (2) that provides for a timely response from UT-UCS to the teacher’s request; and
- (3) that provides for notification to the student’s parent or legal guardian of that response.

## 400.110. SECTION 504

### SECTION 1. Policy of Nondiscrimination

It is a policy of UT-UCS not to discriminate based on disability in its educational programs as required by Section 504 of the Rehabilitation Act of 1973 (Section 504).

### SECTION 2. Section 504 Coordinator

The following position is designated as Section 504 compliance coordinator:

Director of Curriculum or Designee  
UT-UCS  
2200 East 6<sup>th</sup> Street  
Austin, TX 78702  
(512) 471-4864

### SECTION 3. Section 504 Committee

The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

### SECTION 4. Training

The Section 504 coordinator and members of the Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities but who are not in need of special education in accordance with IDEA.

### SECTION 5. Notice of Nondiscrimination Policy

Section 5.1. Notification of Nondiscrimination. UT-UCS shall take appropriate steps to notify the parents or guardian of students and students seeking enrollment, and employees of UT-UCS, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

Section 5.2. Contents of Notice. The notice shall state that the school does not discriminate in its educational programs and activities and the identity of the school's 504 Coordinator.

Section 5.3. Methods of Notification. Methods of initial and continuing notification shall include:

1. Posting of notices;
2. Publication in newspapers and magazines;

3. Placing notices in school publications; and
4. Distributing memoranda or other written communications.

If the school publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

## **SECTION 6. Identification of Students with Disabilities under Section 504 (Child Find)**

Section 6.1. School Responsibility. UT-UCS will undertake to annually identify every student with a disability qualifying under Section 504 who is enrolled in the school or has contacted the school about enrollment. Identification will occur through routine and periodic screening as well as other means. The school will take appropriate steps to notify the parents or guardians of such students of the school's duty under Section 504.

Section 6.2. Referrals. A student may be referred by parents, teachers, counselors, administrators, or any other school employee for evaluation to determine if the student has disabilities and is in need of special instruction or services. In accordance with section 10.1, parents shall be given written notice of the school's refusal to evaluate a student or to provide specific aids and services the parents have requested.

## **SECTION 7. Free and Appropriate Public Education**

Section 7.1. School Responsibility. UT-UCS shall provide a free appropriate public education to each student with a disability who enrolls in the school or program regardless of the nature or severity of the student's disability.

Section 7.2. Appropriate Education.

Section 7.2.1. For the purpose of compliance with this policy, the provision of an appropriate education is the provision of regular or special education and related aids and services that are:

- a) Designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met; and
- b) Based upon adherence to procedures that satisfy the requirements of Section 9.

Section 7.2.2. UT-UCS may implement an Individualized Education Program or Individualized Section 504 Plan developed in accordance with Section 504 as a means of meeting the standard established in SECTION 7.2(a).

Section 7.2.3. UT-UCS may place a student with a disability or refer such a student for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of Section 504.

Section 7.2.4. The Superintendent or designee shall facilitate accommodations for a

Section 504 student taking the state-mandated assessments when the accommodations have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA.

Section 7.3. Free Education. For the purpose of compliance with this policy, the provision of a free education means the provision of educational and related services without cost to the student with a disability or to his or her parents or guardian, except for those fees that are imposed on students without disabilities or their parents or guardians.

## **SECTION 8. Education Setting**

Section 8.1. Academic setting. UT-UCS shall provide for the education of each enrolled disabled student, within the meaning Section 504, in the same setting with students who are not disabled to the maximum extent appropriate to the needs of the disabled student. A disabled student shall be placed in the regular educational environment operated by the school unless it is demonstrated by the school that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever the school places a student in a setting other than the regular educational environment pursuant to this paragraph, the superintendent or designee shall take into account the proximity of the alternate setting to the student's home.

Section 8.2. Nonacademic settings. UT-UCS shall ensure that students with disabilities participate with students who are not disabled in nonacademic activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

Section 8.3. Comparable facilities. If UT-UCS, in compliance with section 8.1, operates a facility that is identifiable as being for handicapped persons, the school shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the school.

## **SECTION 9. Evaluation and placement**

Section 9.1. Preplacement evaluation. UT-UCS shall conduct an evaluation in accordance with the requirements of SECTION 9.2 and SECTION 9.3 of any student who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement.

Section 9.2. Parental consent. In accordance with section 10.1, the Section 504 committee chairperson shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.

Section 9.3. Evaluation procedures. The superintendent or designee shall establish standards and procedures for the evaluation and placement of students who, because of

disability need or are believed to need special education or related services that ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Section 9.4. Placement procedures. In interpreting evaluation data and in making placement decisions, the Section 504 committee shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision is made in conformity with specifications for educational settings in SECTION 8.

Section 9.5. Reevaluation. The superintendent or designee shall establish procedures, in accordance with SECTION 9.3, for periodic reevaluation of students who have been provided special education and related services. Periodic reevaluation for a student eligible for services under Section 504 may be conducted in accordance with the IDEA regulations.

## **SECTION 10. Procedural Safeguards**

Section 10.1. Notification Requirements.

1. **Prior to Evaluation.** The Section 504 Committee chairperson shall notify parents in writing prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student.



2. **Determination of Eligibility/Ineligibility.** The Section 504 Committee chairperson shall notify parents in writing when a student has been determined to be eligible or ineligible for services under Section 504.
3. **Significant Change in Services.** The Section 504 Committee chairperson shall notify parents in writing prior to a significant change in a student's status or services.
4. **Refusal of Parental Request.** The Section 504 Committee chairperson shall notify parents in writing if the school has determined that it will not evaluate a student or to provide specific aids and services the parents have requested.
5. **Right to Impartial Hearing.** The Section 504 Committee chairperson shall notify in writing parents of all students with disabilities of their right to an impartial hearing under SECTION 10.3.

Section 10.2. Parental review of records. The Section 504 Coordinator or designee shall ensure that a parent or guardian is able to examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement upon request.

Section 10.3. Impartial hearing.

1. **Right to a hearing.** The superintendent or designee shall establish a process that ensures that a parent or guardian has the opportunity for an impartial hearing if they have a concern or complaint about the school's actions regarding the identification, evaluation, or educational placement of a student with disabilities.
2. **Impartial Hearing Officer.** The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the school or related to a member of the Board in a degree that would be prohibited under state laws and rules relating to nepotism. The impartial hearing officer is not required to be an attorney.
3. **Timeline.** UT-UCS shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.
4. **Appeal.** If a parent or guardian is dissatisfied with the outcome of the hearing and requests an appeal, the parent or guardian must specify the objections in writing and file them with the Superintendent and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The Superintendent shall appoint an independent appeals officer to conduct a review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.

Section 10.4. Complaint to Office of Civil Rights. Nothing in this policy shall be construed

to deny the right of a parent or guardian to file a formal complaint with the Office of Civil Rights at the U.S. Department of Education.

## 400.120. HEALTH

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of the Division of Diversity and Community Engagement, hereinafter referred to as the VP of UT-UCS.

### SECTION 1. Immunizations & Reportable Diseases

The Superintendent or designee of UT-UCS shall ensure compliance with immunization laws and regulations and that UT-UCS complies with laws and regulations regarding reportable diseases.

#### Section 1.2. HIV/AIDS STATUS.

- a. Equitable Treatment. Students with HIV/AIDS have the right to attend school and expect equitable treatment. HIV/AIDS is not a communicable condition for which a child must be excluded from school. A student may not be excluded child from attendance at school or school-related activities solely because of the child’s known or suspected HIV status.
- b. Confidentiality. Disclosure of a student’s HIV status is a violation of federal and state law. Knowledge of the HIV status of a child shall be kept confidential by school personnel and shall not be released without the consent of the parent or legal guardian of the child except where release is required or authorized by law. A school teacher does not have a right to know the HIV/AIDS status of a student and may not ask the HIV/AIDS status of a student. Administrators and nurses should help teachers to understand the district’s policy regarding students with HIV/AIDS.
- c. Reporting. The school superintendent or school’s designee shall determine if the school has an obligation to report a student’s HIV status. The school Superintendent or school’s designee must make a report to the Department of State Health Services or other local health authority if he or she determines that the school has an obligation to report a student’s HIV status.

### SECTION 2. Care for Students At-Risk for Anaphylaxis

#### Section 2.1. Food Allergy Management in the School Setting.

- a. Point of Contact. Each campus principal shall serve as the point of contact to work with parents and healthcare providers to support students with food allergies that occur at school. Principals shall receive ongoing training in the management of food allergies in the school setting, including the provision of administration of epinephrine. Principals shall ensure that moderate to severe allergic reactions known to UT-UCS that occur at school shall be documented and submitted in an annual report to the Superintendent; the Superintendent shall present this report to the Board during the annual review of the policies and procedures concerning

food allergies and anaphylaxis.

- b. Storage of Medications. The campus principal shall develop procedures, in accordance with applicable laws, for the storage of medications that are relevant to food allergies and anaphylaxis.

#### Section 2.2. Identification of Students with Food Allergy At-Risk for Anaphylaxis.

- a. Food Allergy Information Upon Enrollment & After Diagnosis. The Superintendent or designee shall develop, implement, and monitor standardized procedures that will be utilized in obtaining information from a parent/legal guardian, as well as the child's healthcare provider, upon registration and as soon as possible after a child is diagnosed with a food allergy that places him or her at risk for anaphylaxis.

Enrollment procedures shall include a request that a parent, or legal guardian, disclose to UT-UCS and the campus facility whether his or her child has a food allergy or a severe food allergy that, in the judgment of the parent or legal guardian should be disclosed to UT-UCS to enable the UT-UCS to take any necessary precautions regarding the child's safety. Such information shall be kept confidential according to law and maintained in accordance with law.

- b. Parent Consent. The Superintendent's designee shall ensure UT-UCS documents and keep current parent consent for medication administration (e.g. epinephrine).

#### Section 2.3. Food Allergy Action Plan, Emergency Care Plans, and Individualized Health Care Plans.

- a. Food Allergy Action Plan (FAAP)/Emergency Action Plan (EAP): The FAAP/EAP, developed by the healthcare provider in collaboration with the parents or legal guardians, provides information about the child's food allergy, outlines the care that the child will need in managing the food allergy, and outlines actions to be taken in case of an allergic reaction. The Superintendent or designee shall ensure that the parents and the student (when age appropriate) meet with the campus principal to review the FAAP/EAP. This meeting should occur prior to the child attending school, after returning to school after an absence related to the diagnosis, and anytime there are changes to the student's FAAP/EAP.
- b. Individualized Healthcare Plan ("IHP") & 504 Plans. The campus principal will utilize the FAAP/EAP to develop and monitor an IHP that outlines day-to-day care for managing the student's food allergy. The principal may facilitate the process of implementing the FAAP/EAP in coordination with the residential facility, if the student is in treatment, and the student's parent or guardian. Where legally required, the school will also develop a 504 Plan to address the health and learning needs of the student. The Superintendent or designee shall ensure compliance with relevant disability laws.

#### Section 2.4. Reducing the Risk of Exposure in the School Setting.

- a. Procedures. The campus principal shall develop procedures that outline campus-wide, classroom-wide and individual strategies that are to be utilized for managing students with food allergies at-risk for anaphylaxis. In developing these procedures, consideration shall be given in promoting safety in the following areas, including, but not limited to: all classrooms, hallways, common areas in the school building, and during all school-sponsored activities, including field trips, athletic events, on-campus, off-campus, and before and after school activities.
- b. Environmental Controls. The campus principal shall develop and implement appropriate environmental controls to help minimize the risk of exposure to a food allergen. Environmental controls include, but are not limited to, consideration of the following:
  - i. Identifying high-risk areas in the school and implementing strategies to limit exposure to food allergens and implementing general risk reduction strategies throughout the school and at school-sponsored activities. Students at-risk for anaphylaxis should not be excluded from the classroom activities based on their food allergies.
  - ii. Limiting, reducing, and/or eliminating food from the classroom(s) and other learning environments used by children with food allergies at-risk for anaphylaxis.
  - iii. Notifying and educating school staff, facility staff and parents, as appropriate, of the need to limit foods as needed on the campus, in the classroom or at school sponsored activities.
  - iv. Developing procedures for the management of parent-provided classroom snacks as allowed by Texas statute, with consideration given to students with food allergies at-risk of anaphylaxis.
  - v. Implementing appropriate cleaning protocols in the school with special attention to identified high-risk areas.
  - vi. Providing training on food allergy awareness to teachers, staff and parents.
  - vii. Posting of visual reminders promoting food allergy awareness.
  - viii. Educating children about not trading or sharing food, snacks, drinks, or utensils.
  - ix. Implementing hand-washing protocols before and after meals. Hand washing should be done with soap and water, as hand sanitizers are not sufficient for removing allergens.
  - x. Provide ready access to epinephrine in an accessible, secure but unlocked area.

- xi. Consider risk reduction strategies during extracurricular activities, on field trips, during before- and after-school activities, and at sporting events.
- xii. Reinforce rules and expectations about bullying, including bullying of students with food allergies.

Section 2.5. Training for School Staff on Anaphylaxis and Emergency Response.

- a. Training Schedule. The Superintendent shall establish a training schedule that ensures that, at a minimum annually, all school staff are trained to recognize and manage a life threatening anaphylactic reaction. The training schedule may implement a tiered approach including an “awareness training” for all staff and a more “comprehensive training” for the campus principals and school staff members that will be responsible for the care of individual students.
- b. Awareness training. Awareness training is intended to give an overview of food allergies and anaphylaxis including the signs and symptoms of an allergic reaction, as well as treatment of anaphylaxis. At a minimum, the training must include information about the most common food allergens, the hazards related to the use of food for instructional purposes and the importance of environmental controls in protecting the health of students at risk for food allergy related to anaphylaxis. Additionally, the training must provide information about how to respond when a child exhibits the signs and symptoms of an allergic reaction to food, provide information on implementing the FAAP/EAP, including the skills needed in administration of epinephrine, and notifying the local EMS utilizing the school’s emergency response policy and procedures.
- c. Comprehensive training. Comprehensive training, at a minimum, should include training on: identifying students at-risk for anaphylaxis and planning for students that do not have epinephrine at school; the signs and symptoms of anaphylaxis; implementing FAAPs/EAPs; the administration and storage of epinephrine; development and implementation of IHPs/504 Plans; communication procedures for initiating emergency protocols, including substitute staff; environmental control measures, to reduce the risk of exposure to a food allergen, including safe food handling, hand washing, and cleaning procedures; working with local EMS; and post-anaphylaxis debriefing and monitoring of the food allergy management plans on the campus.

Section 2.6. Post-Anaphylaxis Reaction Review. In the event that a student has a moderate to severe reaction, to prepare for the child’s return to school, the campus principal shall collaborate with the student’s parents and appropriate facility staff in collecting and reviewing information and implementing the following activities in order to prepare for the child’s return to the classroom:

- a. Identify, if possible, the source of allergen exposure and take steps to prevent future reactions.
- b. Review accurate and updated information on the allergic reaction including any new medication(s) that would require new consent forms to be signed by the parents.

- c. Identify and interview those who were involved in the emergency care of the student and those that witnessed the event.
- d. Meet with school staff to review the implementation of procedures.
- e. Review of the FAAP/EAP, IHP, and/or 504 Plan and amend to address any changes that were made by the student's healthcare provider.
- f. If an epinephrine auto-injector was utilized during the reaction, ensure that the parent/guardian replaces it with a new one.

Section 2.7. Review of Policies & Procedures. Policies and procedures associated with food allergies and anaphylaxis shall be reviewed and updated, when necessary, at least annually. The review shall include, but is not limited to, looking at the following information: the current science on management of food allergies in the school setting; a review of UT-UCS's annual incident report summaries; a review of current policies and procedures; and recommendations brought forth by the campus principals.

### SECTION 3. Administration of Prescription Medication

Section 3.1. Written Request Required. This policy applies only to students who are not in treatment at a facility. Unless otherwise authorized by this policy, employees, agents and volunteers are prohibited from administering any medication to students, including vitamins and food supplements.

The principal of each UT-UCS campus shall ensure that a written request to administer prescription medication to a student is received from the student's parent, legal guardian or person having legal control of the student before a UT-UCS employee may administer prescription medication.

Section 3.2. Authorized Employees. Employees authorized by UT-UCS to administer prescription medication to a student include individuals designated by the principal and approved by the Superintendent.

Section 3.3. Prescription Medication Dispenser. Employees authorized to administer prescription medication to a student shall ensure that the medication is administered from either:

- a. a container that appears to be in the original container and properly labeled; or
- b. from a properly labeled unit dosage container filled by an authorized employee from a container described by Section 3.3(a).

Section 3.4. Self-Administration of Prescription Asthma or Anaphylaxis Medicine. The principal of each campus shall ensure that a student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine in accordance with legal requirements and the UT-UCS Student Information Guide.

### SECTION 4. Psychotropic Medication

Section 4.1. Employee Prohibition: An employee may not:

- a. Recommend that a student use a psychotropic drug;
- b. Suggest any particular diagnosis; or



- c. Preclude a student from attending class or participating in a school related activity if the parent refuses to consent to the administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of the student.

Section 4.2. Exceptions to Prohibition: Section 4.1 does not prevent an employee from:

- a. Making an appropriate referral under the Individuals with Disabilities in Education Act;
- b. Recommending that a child be evaluated by an appropriate medical practitioner if the employee is a registered nurse, advance nurse practitioner, physician or certified/credentialed mental health professional; or
- c. Discussing any aspect of a student's behavior or academic progress with the student's parent/guardian or another charter school employee.

### **SECTION 5. Prohibition of Tobacco and Alcohol**

Smoking, using tobacco products, and the use of alcoholic beverages at school-related or school-sanctioned activities, on or off school property, including within 30 feet of a school building, is strictly prohibited.

UT-UCS students are also prohibited from possessing tobacco products at a school-related or school-sanctioned activity, on or off school property. The Superintendent shall ensure that this prohibition is enforced by school personnel.

### **SECTION 6. Posting of Steroid Notice**

The Superintendent shall ensure that the legally required steroid notice shall be posted in a conspicuous location in the school gym or in another place in a building where physical education classes are conducted.



## 400.140. STUDENT SAFETY

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of the Division of Diversity and Community Engagement, hereinafter referred to as the VP of UT-UCS.

### SECTION 1. Discipline

Section 1.1. Student Code of Conduct. The Board shall adopt a student code of conduct in accordance with law. Annually, the Board shall review the student code of conduct and make changes as necessary.

Section 1.2. Distribution of Code of Conduct. The principal of each UT-UCS campus shall ensure that the student code of conduct is distributed to each student at the beginning of the school year. Transfer students shall receive a student code of conduct upon enrollment.

Section 1.3. Students with Disabilities. The change in placement and/or any disciplinary action regarding a student with a disability, who needs or is believed to need special education and related services under the Individuals with Disabilities and Education Act, shall be in compliance with applicable federal and state laws and regulations.

### SECTION 2. Transfer Option for Victims of Violent Acts

The Superintendent or designee shall develop local procedures allowing for the transfer of a student to attend a safe school if the student becomes a victim of a violent criminal offense while on a school campus or on any school property, or while attending a school-sponsored or school-related activity.

### SECTION 3. Child Abuse

Section 3.1. Sexual Abuse of Children and Maltreatment of Children.

- a. The Superintendent or designee shall develop and implement procedures detailing methods to increase staff, student and parent awareness of the sexual abuse and other maltreatment of children, including prevention techniques and knowledge of likely warning signs.
- b. The Superintendent or designee shall be responsible for having a safety plan developed that details action that a child who is a victim of sexual abuse or other maltreatment should take to obtain assistance and intervention. This plan shall also provide for available counseling options.

Section 3.2. Required Training.

- a. As part of new employee orientation, educators, counselors, coaches and other professional staff members shall receive training concerning prevention techniques for, and recognition of, sexual abuse and all other maltreatment of

children. At the discretion of the Superintendent or designee, any charter school staff member may annually receive training in these areas.

- b. The Superintendent or designee shall ensure that training under this section shall comport with legally mandated criteria.

### Section 3.3. Reporting Child Abuse.

A UT-UCS employee, volunteer or agent who believes a child has been adversely affected by physical or mental abuse or neglect shall make a report within 48 hours of first suspecting such abuse or neglect. The report shall be made to law enforcement or the Department of Family and Protective Services, Child Protective Services.

The Superintendent or designee shall ensure notice of this requirement is disseminated to all employees, volunteers, and agents.

## SECTION 4. School Visitors

Section 4.1. Visitors. In conjunction with the campus facilities, the Superintendent or designee shall ensure that each campus facility adopts a procedure requiring visitors to UT-UCS school buildings to sign in at an appropriate office. All visitors may be required to present a form of identification or, at a minimum, their name and date of birth. UT-UCS or facility staff may process a visitor through the Texas Department of Public Safety's Sex Offender Registry Search or other database system that checks for sex offender status. All visitors will be issued a badge that is to be worn at all times while visiting the school campus. Upon departure, the visitor must sign out and return the visitor's badge.

Visitors who do not submit a form of identification or their name and date of birth for the purpose of checking sex offender status may not be allowed to visit a UT-UCS school building or campus area, defined as the portion of the residential facility leased and occupied by UT-UCS. However, a parent/legal guardian of a student enrolled at UT-UCS, who has previously established with the school that he or she is the parent/guardian of the student, but does not provide identification or their name and date of birth at the time of the school visit, shall follow the policy outlined in Section 4.2(a) and (b).

Section 4.2. Registered Sex Offenders. Registered sex offenders are prohibited from entering school grounds.

- a. Exception.
  - A parent/guardian registered sex offender may enter school grounds for the following limited purposes:
    - i. To attend a conference at the school with school personnel to discuss the academic and/or social progress of the parent/guardian's child;
    - ii. When the principal has requested the parent/guardian's presence for any other reason concerning the parent/guardian's child; or
    - iii. To bring the parent/guardian's child to, or pick up the child up from, school.

- b. Requirements for the Exception to Apply:
- i. The parent/guardian must notify the principal of the purpose of the visit and when the visit will occur, including date and time, before the parent/guardian enters the school grounds.
  - ii. The principal shall notify the administrative offices of UT-UCS and the campus facility (if the facility has not arranged the visit) of the parent/guardian's intent to visit.
  - iii. The parent/guardian must check in at the campus administrative office upon arrival and departure from the school.
  - iv. The parent/guardian must remain under the direct supervision of UT-UCS staff at all times.

Section 4.3. Protective Orders. UT-UCS personnel shall comply with all legal restraining and protective orders pertaining to students enrolled in UT-UCS.

## **SECTION 5. Weapon and Concealed Handgun Prohibition**

Section 5.1. Weapons Prohibited. UT-UCS prohibits the use or possession of any firearm, illegal knife, club or other weapon while on the premises of the school or any school grounds or building in which a school activity is being conducted.

Section 5.2. Concealed Handgun Prohibition. UT-UCS prohibits the use or possession of a concealed handgun on all UT-UCS campuses, even if the handgun is carried by a licensed handgun holder. The Superintendent shall ensure signs containing the following language are conspicuously placed at all campus facilities: "Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun."

## **SECTION 6. Protective eye devices**

Industrial-quality eye-protective devices meeting the recommended guidelines adopted by the Texas Department of Health shall be worn by all employees, students and visitors participating in activities and programs that involve:

- a. the use of hazardous chemicals;
- b. the use of hot liquids or solids;
- c. the use of molten materials;
- d. performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
- e. milling, sawing, turning, shaping, cutting or stamping of any solid materials;
- f. heat treatment, tempering or kiln firing of any metal or other materials;
- g. cutting, welding or brazing operations;
- h. the use of hazardous radiation, including the use of infrared and ultraviolet light or

- lasers;
- i. repair or servicing of any vehicle; or
- j. any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

## **SECTION 7. Internet use**

### **Section 7.1. Computer system access**

Access to all of UT-UCS's computers, computer networks, electronic mail, and the internet is for educational and administrative purposes. The superintendent or designee shall require all users to agree in writing to comply with UT-UCS's policies and procedures in regards to such access, including, but not limited to, the acceptable use policies of the University of Texas. Failure to comply may result in disciplinary action.

<https://www.utexas.edu/cio/policies/>

### **Section 7.2. Protection measure**

The superintendent or designee shall ensure that UT-UCS utilizes a filtering device or software that prevents any UT-UCS computer, and prevents UT-UCS's internet service, from accessing material that is obscene, child pornography or harmful to minors.

### **Section 7.3. Internet safety**

The superintendent or designee shall implement a safety plan that ensures:

- A. Online activities of minors are monitored at the discretion of the superintendent or designee;
- B. Students' internet access to inappropriate material is controlled;
- C. Students' safety is ensured when using electronic communication, including, but not limited to electronic mail, social networking sites and chat rooms;
- D. The prevention of unauthorized access, including hacking and other unlawful activities;
- E. The prevention of the unauthorized disclosure, use and dissemination of personal information regarding minors; and
- F. Students are educated about appropriate online behavior including interacting with other individuals on social networking websites and chat rooms, and cyber-bullying awareness and response.

### **Section 7.4. Monitored computer use**

The use of UT-UCS's computers and/or internet system is not confidential and may be monitored by designated UT-UCS personnel to ensure appropriate use.

## **SECTION 8. Prohibition against Harassment, Intimidation, or Bullying**

UT-UCS strives to provide students and staff with a school environment free from harassment, intimidation and bullying.

Section 8.1. Prohibition. UT-UCS explicitly prohibits harassment, intimidation, and/or bullying on the basis of race, color, national origin, sex, disability, age, sexual orientation, and/or religion. UT-UCS prohibits harassment, intimidation, or bullying in any form at school, school-related events, including off-campus events, school-sponsored activities, or any event related to school business.

Section 8.2. Definition. Harassment, intimidation, or bullying means engaging in written or verbal expression, expression through electronic means, through the use of cell phones or physical conduct that occurs on school property, at a school-sponsored or school-related activity and that:

- a. has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
- b. is sufficiently severe, pervasive, or persistent enough that the action or threat creates an intimidating, threatening or abusive educational environment for a student.

Section 8.3. Reporting. UT-UCS encourages students who believe they are being subjected to harassment, intimidation, or bullying and students who have first-hand knowledge of such harassment, to report the matter promptly to any UT-UCS employee, adult volunteer, contractor or agent who is not involved in the alleged harassment, intimidation or bullying. Any UT-UCS employee, adult volunteer, contractor or agent who witnesses, overhears or receives a report, formal or informal, written or oral, of harassment, intimidation or bullying shall report it in accordance with procedures developed under this policy.

Section 8.4. Superintendent Responsibilities. The Superintendent shall take appropriate actions to ensure UT-UCS's Harassment, Intimidation and Bullying policy and procedures are enforced.

The Superintendent or designee shall develop procedures to implement this policy that include:

- a. An absolute prohibition against harassment, intimidation, or bullying;
- b. A method to ensure initial and annual dissemination of this policy and associated procedures to all students, parents, teachers, administrators and all other UT-UCS employees, volunteers, contractors and agents;
- c. Annually disseminating age-appropriate information to students on the recognition and prevention of harassment, intimidation, or bullying;

- d. Annual staff development training in harassment, intimidation, and bullying prevention, awareness, and reporting.
- e. Identification of school officials responsible for investigating reports and making decisions based on the outcome of the investigation;
- f. Procedures for reporting incidents and the immediate, appropriate and impartial investigation of incidents which includes:
  - i. conducting interviews of all students involved;
  - ii. conducting interviews of witnesses; and
  - iii. Investigating the circumstances of the incident, including events or incidents that preceded the incident;
- g. Prompt notification of the parents of all students involved;
- h. Procedures for resolving complaints that include proper application of consequences consistent with UT-UCS policy and with consideration for state and federal IDEA requirements;
- i. Procedures for parties to appeal the determination of the investigation;
- j. Available counseling options for a student who is a victim of harassment, intimidation and/or bullying; and
- k. Available counseling options for a student who engaged in conduct that was harassing, intimidating and/or bullying.

If an investigation reveals that harassment, intimidation or bullying has occurred, the Superintendent or designee must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent harassment from recurring. Any steps taken to remediate the situation should not penalize the student who was harassed, intimidated and/or bullied.

Section 8.5. Consequences. Any person found to have engaged in harassment, intimidation, and/or bullying in violation of this policy may be subject to disciplinary action up to and including expulsion, in accordance with the UT-UCS Student Code of Conduct. Any staff member who permits harassment, intimidation or bullying of a student may be subject to disciplinary action up to and including termination of employment. Any staff member who receives complaints of harassment, intimidation and/or bullying and does not act promptly or does not forward the complaint to the staff member's supervisor shall be subject to disciplinary action up to and including termination of employment.

Section 8.6. Retaliation Prohibited. UT-UCS prohibits retaliation against any person who in good faith reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in

accordance with UT-UCS policies and procedures. Individuals who intentionally fabricate allegations of harassment, intimidation or bullying may be subject to disciplinary action in accordance with UT-UCS policies and procedures.



## 400.160. MISCELLANEOUS PROVISIONS RELATING TO STUDENTS

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of the Division of Diversity and Community Engagement, hereinafter referred to as the VP of UT-UCS.

### SECTION 1. Religious Discrimination Prohibited

<http://policies.utexas.edu/policies/nondiscrimination-policy>

UT-UCS prohibits discrimination, harassment or retaliation on the basis of religion. A student enrolled at UT-UCS has the right to silently pray or meditate at UT-UCS so long as it does not disrupt the instructional or other activities of the school. UT-UCS shall not require, encourage or coerce any student to engage in or to refrain from prayer or meditation during any school activity.

### SECTION 2. Homeless Children

Section 2.1. Homeless Liaison. The Director of Curriculum and Instruction is appointed the homeless liaison of UT-UCS.

Section 2.2. Compliance. The Superintendent shall ensure legal compliance with applicable federal and state laws and regulations regarding homeless children.

### SECTION 3. Parental Involvement

#### PART I. GENERAL EXPECTATIONS

UT-UCS agrees to implement the following statutory requirements:

- UT-UCS will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title I, Part A programs, consistent with section 1118 of the Elementary and Secondary Education Act (“ESEA”). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.
- Consistent with section 1118, UT-UCS will work with its schools to ensure that the required school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA, and each include, as a component, a school-parent compact consistent with section 1118(d) of the ESEA.
- UT-UCS will incorporate this district wide parental involvement policy into its Local Education Agency (“LEA”) plan developed under section 1112 of the ESEA.
- In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, UT-UCS and its schools will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format, including



alternative formats upon request, and, to the extent practicable, in a language parents understand.

- If the UT-UCS plan for Title I, Part A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, UT-UCS will submit any parent comments with the plan when UT-UCS submits the plan to the Texas Education Agency (“TEA”).
- UT-UCS will involve the parents of children served in Title I, Part A schools in decisions about how the 1 percent of Title I, Part A funds reserved for parental involvement is spent, and will ensure that not less than 95 percent of the one percent reserved goes directly to the schools.
- UT-UCS will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities and procedures in accordance with this definition:

Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

- i. that parents play an integral role in assisting their child's learning;
- ii. that parents are encouraged to be actively involved in their child's education at school;
- iii. that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;
- iv. the carrying out of other activities, such as those described in section 1118 of the ESEA.

## **PART II. DESCRIPTION OF HOW UT-UCS WILL IMPLEMENT REQUIRED DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS**

Parents/guardians/caregivers/parental surrogate/house parents are an integral part of the education of their child. The more elements of good parenting, good teaching and good schooling that children experience, the greater the likelihood that children will achieve their potential.

To work with parents in accomplishing this goal, UT-UCS shall:

- **Train staff** with parental assistance, in the value and contributions of parents and in how to involve and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school.

- **Hold an annual meeting** with parents, teachers, paraprofessionals and facility representatives to discuss:
  - Campus Instructional Plan, which includes the Parental Involvement Policy and frequency of parental involvement meetings
  - Federal programs and requirements, including eligibility and participation in the Title I, Part D program, Adequate Yearly Progress (“AYP”), and the Title I school improvement process
  - State standards and assessments
  - School Parent Compact, which is designed by parents and school staff and outlines how parents, staff and students share the responsibility for improvement in student academic achievement
  - Evaluation of Parental Involvement Program and Policy
  
- **Disseminate information** to parents in a timely manner, in a uniform format, and in the language the parents can understand, including, but not limited to:
  - Parent Handbook
  - Campus Parental Involvement Policy
  - Qualifications of teachers
  - Timely information about Title I, Part D programs
  - The options and requirements for providing assistance to students who have learning difficulties or who need, or may need, special education
  - Information regarding how parents of limited English proficient students can be actively involved in their children’s education and attainment of English proficiency
  - Annual notice of confidentiality of records and parental rights under the Family Educational Rights and Privacy Act (“FERPA”)
  - Annual notice of parental rights under the Protection of Pupil Rights Amendment (“PPRA”)
  - Student Code of Conduct
  - Student Information Guide
  - School-Parent Compact
  - Complaint procedures for resolving issues of violation of a Federal statute or regulation that applies to Title I, Part D programs
  - Information about school curriculum, standards and assessments, and proficiency levels that students are expected to meet
  - School and LEA Report Cards, including AYP status
  - Individual student assessment results and progress reports
  - Information regarding child’s participation in state supplemental programs, as appropriate, including, but not limited to: Texas Primary Reading Inventory (“TPRI”) and Accelerated Reading Instruction (“ARI”); Dyslexia services; and English as a Second Language (“ESL”)/Bilingual Program

- **Arrange for parent conferences** held at different times during the day to accommodate the needs of the parents to discuss:
  - student progress
  - School-Parent Compact and how the Compact relates to the individual child's achievement
  - Measures of Academic Progress ("MAP") testing results
- **Provide parent training/information** on how to:
  - coordinate literacy efforts that will help parents work with their children to improve their children's achievement
  - provide opportunities as appropriate and feasible for parents to learn about child development and child-rearing issues designed to help parents
  - monitor a child's progress and work with educators to improve the achievement of their children and
  - build bridges between home and school
- **Ensure coordination** by coordinating and integrating parental involvement programs and activities with other grant programs, as appropriate.
- **Offer a flexible number** of meetings, such as morning, evening or weekend times, in order for parents to have more opportunities to participate in various workshops and meetings pertaining to various topics concerning parenting and academics
- **Provide parental involvement opportunities** through collaboration with the facility in the following ways:
  - Providing informational sessions for parents, surrogate parents, and facility staff on subjects of interest, such as Attention Deficit Hyperactivity Disorder ("ADHD"), brain research, study skills and communications skills.
  - Encouraging parent visits to the school whenever they are visiting the facility.
  - Weekly Progress Reports that communicate concerns with academics and behavior.
  - Team meetings to discuss progress and/or educational needs and solutions for student success.
  - Parental participation in Admissions, Review and Dismissal ("ARD") committee meetings.
  - Parental participation in Language Proficiency Assessment Committee ("LPAC") meetings.

- Training for surrogate parent(s) to assure that students are participating in the least restrictive environment and are receiving all appropriate educational services.
- Parental participation in awards programs held by the school.
- **Include the community** through collaboration with the facility and as appropriate by developing partnerships with community-based organizations and businesses in parental involvement activities.
- **Conduct an annual evaluation/survey** with the involvement of parents, on the parental involvement policy and the parental involvement program to determine their effectiveness, to identify barriers to greater participation, and their impact on improving student academic performance. These findings are used to design strategies for program improvement.

This District-wide Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A programs as evidenced by the following components of the UT-UCS Parental Involvement Policy, which are described in more detail above:

- **Annual meeting** with parents, teachers, paraprofessionals, and facility representatives where parents learn about the requirements of the school's Title I program and are given an opportunity to help review, plan and make suggestions to improve the Title I program, the Parental Involvement Policy and the School Parent Compact.
- **Annual evaluation/survey** with the involvement of parents, on the content and effectiveness of the UT-UCS District-Wide Parental Involvement Policy. The findings of the annual evaluation/survey are used to design strategies for program improvement.

This District wide Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A programs.

This policy was adopted by UT-UCS on October 7, 2015 and will be in effect pending the annual evaluation in the following school year. UT-UCS will distribute this policy to all parents of participating Title I, Part A children on or before September 1<sup>st</sup>.