

Excel Academy School Policy, 2022-2023

*****INTRODUCTION*****

The Excel Academy School Policy Handbook has been compiled to provide school personnel an easily accessible reference to policies, regulations, and laws regarding student services. The Excel Academy charter school is operated by the Harris County Juvenile Board which also acts as the charter's school board. Students who have been remanded in the Harris County Juvenile Probation Department's Chief Probation Officer's custody will attend an Excel Academy campus. In addition to this Handbook, the school board maintains other manuals: Excel Academy Special Education Policies and Procedures, Excel Academy Dyslexia Plan, Excel Academy Operational School Policy Manual for Section 504, Excel Academy Records Management Plan, and the Excel Academy local Student Attendance Accounting Handbook. These manuals are located in the Harris County Juvenile Probation (HCJPD) Education's Services Division and are maintained by the charter school. The Education Services Division oversees the Excel Academy's the daily operation. The terms Excel Academy and charter school are synonymous and will be used interchangeably.

All references to the *Texas Education Code* (TEC) refer to state law as documented in the most recent publication of the *Texas School Law Bulletin* at the time of printing. All references to the Texas Administrative Code (TAC) refer to State Advisory Committee rule as documented in the most recent publication of the TAC at the time of printing.

Each school district and charter is **required** to provide instruction in **all** essential knowledge and skills for each course in the core curriculum.

The Foundation Curriculum includes:

- English Language Arts and Reading
- Mathematics
- Science
- Social Studies

The implementation of TEKS during the 1998-1999 school year revised all existing curriculums and thus significantly impacted course offerings. Grade placement requirements, regarding subjects and courses, are much more specific with fewer options. As a result, in most required subject areas a "whole credit" concept will be in effect.

Under the whole credit concept, a student who entered the 9th grade for the first time in 1998-1999 or after **must** complete both semesters of a designated course in order to earn credit as a particular subject.

Some of the other more significant changes include:

- Beginning with the 1998-1999 school year, credit can be awarded only for courses for which TEKS have been approved or those approved as innovative

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- course, Independent Study, Special Topics in Social Studies, Social Studies Advanced Studies, etc.
- A school **may not** schedule courses that have not been approved for that campus.
 - A school **may not** adjust credit values of any course.
 - All grade changes **must** be initiated by the teacher assigning the grade and **must** be approved in writing by the school principal and the rationale for the change kept on file. A principal **may not** arbitrarily change a grade assigned by a teacher.
 - All appeals for restoration of credit **must** be addressed and resolved by the school in which the student was enrolled at the time the grade was issued. Another school **cannot** override or waive a grading decision made another school. Excel Academy will not give credit if the home school has noted the student had excessive absences.
 - A school **must** send progress reports to parents or guardians required by state law.
 - A school **may not** withhold records for a student because the student owes for textbooks or other school-related fees. A school may not prohibit such a student from graduating, participating in a graduation ceremony, or receiving a diploma for owing school-related fees.
 - All grades 3-8 **must** have a Grade Placement Committee to address the promotion status of those students who have not satisfied all promotion standards after the close of the spring semester and summer school.
 - High school students must complete all state curriculum and assessment requirements set by the state. <http://tea.texas.gov/graduation.aspx>. See graduation standards for students entering 9th grade during the 2012-2013 school year and years after at Chapter 74 Curriculum Requirements, Subchapter G, Graduation Requirements: <http://ritter.tea.state.tx.us/rules/tac/chapter074/ch074g.html>. See the Graduation Requirements in this manual for more information.
 - Every school must have a school day that is at least seven hours in length.
 - Students with disabilities must also have a 7-hour school day.
 - Passing time shall be set by each campus.

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- Official attendance-taking must be taken only at board designated time.
- The official instructional day begins with the first class period for which **all** students are scheduled.

Instructional Materials for Students

Each year in November, the Texas State Board of Education (SBOE) approves textbooks that make up the State Adoption List for use in the school districts the following year. The textbooks are evaluated and purchased at the state level for a multi-year adoption cycle. School Districts determine which books they will adopt for use from the State Adoption List placing special emphasis on state-mandated essential elements such as Texas Essential Knowledge and Skills (TEKS/TAKS), standardized tests, and end-of-course tests.

State Funding and Regulation: The Texas Education Agency (TEA) establishes rules and regulations for the selection process at the school districts level, and purchases and distributes the textbooks selected from the approved list. TEA establishes the maximum price the state will pay for each state-approved textbook.

Instructional Materials Evaluation Committee

While the Board of Education retains its authority to make final decisions on the selection of textbooks and materials, the board recognizes the expertise of the professional staff and the vital need of such staff to be primarily involved in the recommendation of textbooks and materials. Accordingly, the board delegates to the superintendent, the responsibility to direct the professional staff in formulating recommendations to the board on textbooks and other materials. The superintendent shall be responsible for keeping the school board informed of progress on the part of staff and others involved in the textbook and other materials review and selection process.

The Superintendent or designee may establish an instructional materials evaluation committee to evaluate and recommend instructional materials for Board approval. This committee shall consist of a majority of teachers and may also include administrators, other staff who have subject-matter expertise, parents/guardians, community members, and students as appropriate.

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The superintendent shall present a recommendation to the school board on the selection of textbooks and other materials after completion of the review process as outlined in this policy.

Parental Rights

It is the responsibility of each campus and the school principals to provide timely and accurate information to parents and/or guardians regarding student non-attendance days, early dismissal days, or any other adjustments in days or time of attendance due to school waivers or other circumstances. Each campus must provide parents a school information packet upon student enrollment at the charter.

Parents are entitled to:

- Access all written records concerning the including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, health and immunization information, teacher and counselor evaluations, and reports of behavioral patterns maintained by the school.
- Review all teaching materials, textbooks, and other teaching aids used in the classroom of the parent's child.

Teachers

TEC 21.057 Schools **must** notify the superintendent of students being taught by non-certified teachers. Not later than the 30th instructional day after the date of the assignment of an inappropriately certified or uncertified teacher to all classrooms, the district or charter is required to notify the parents or guardian of each student in that classroom. This notice is required for teachers who are serving on an emergency certificate or who do not hold any Texas certificate or permit or a school district or charter teaching permit. The notice is required for assignments of more than 30 consecutive instructional days.

Student Assessment Process

Generally, students are first enrolled at the Harris County Juvenile Detention Center (JDC). If students are detained by the court, the student will be placed at one of the charter's other campuses operated by Excel Academy. Once the student is enrolled at JDC, campus support staff request all student educational records from the student's previous schools. If the student is new to the charter, s/he is given a temporary grade place for grades 3-8 or a temporary class schedule for high school students, until academic records arrive. The state requires schools fill records requests within three days. Permanent placement and schedules should be made within five school days of enrollment.

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The assessments are key to the identification of strengths and skill set of individual students, and are essential prerequisites to determining appropriate education and related services during the time students are enrolled.

The purpose of a comprehensive student assessment is to:

1. identify a student's academic strengths (reading, writing, language arts, mathematics) that can launch new learning;
2. identify skill deficits that interfere with a student's educational achievement and social/emotional/behavioral adjustment;
3. identify vocational aptitude and career interests to determine student placement in vocational programming when appropriate, and to help students set goals that will guide them in future career decision-making;
4. ensure students are properly enrolled so they may progress toward a high school diploma or its equivalent.

Procedural Requirements:

(Assessment)

1. The program will have entry transition activities at the Harris County Juvenile Detention Center (JDC) that include:
A documented request for student education records, transcripts, exceptional student education (ESE) records, Language Proficiency Assessment Committee (LPAC) documentation, and individual education plans (IEP) within 48 hours of student enrollment into Excel Academy (excluding weekends and holidays).
2. A language proficiency assessment will be administered within 20 calendar days of student entry into Excel Academy (excluding weekends and holidays). Parents will be notified in writing whether their child qualifies in the charter's English as a Second Language (ESL) program.
3. When the student's home school district or the student's parent verifies in writing or by telephone that the student was receiving special education services, the Excel Academy will conduct an ARD meeting 30 school days from the date the student is verified as being eligible for special education services.

Student Planning

4. Education plans for all students will be developed within 30 days of student entry into any charter campus (excluding weekends and holidays) based upon each student's entry assessment and previous academic record. This assessment includes specific and individualized long-term goals and short-term instructional objectives,

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identified remedial strategies, and a schedule for determining progress toward meeting the goals and instructional objectives.

5. The ARD committee decides whether a student receiving special education services may graduate and be awarded a regular high school diploma if:
 - (1) the student has satisfactorily completed the state's or district's (whichever is greater) minimum curriculum and credit requirements for graduation (under the recommended or distinguished achievement high school programs in Chapter 74 of this title (relating to Curriculum Requirements)) applicable to students in general education, including satisfactory performance on the exit level assessment instrument;
 - (2) the student has satisfactorily completed the state's or district's (whichever is greater) minimum curriculum and credit requirements for graduation (under the minimum high school program in Chapter 74 of this title) applicable to students in general education, including participation in required state assessments. The student's admission, review, and dismissal (ARD) committee shall determine whether satisfactory performance on a required state assessment shall also be required for graduation.

Student Progress

6. The program will have on-site transition activities that include documentation of student progress and work products by instructional personnel through observations, continuing assessment, and student work folders.
7. A documented review and revision of student's education plans, academic progress, educational goals, and instructional objectives will be completed during the student's education team meetings that will occur each six-week period.

Exit Transition

8. The program will have exit transition activities at the post-adjudication campuses that include documentation of academic achievement and progress.
9. A transition exit plan will be developed that identifies, at a minimum, the anticipated next education placement, job or career plans, grade level, diploma option, behavioral goals, and any continuing education needs and goals.
10. A copy of the transition exit plan will be given to each student upon exit.

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11. Exit plans, student credits, grades and certificates earned, length of participation in the program, and an evaluation of the student's academic and behavioral performance will be placed in the cumulative folder after the student is released to his or her home school.
12. Transmission of student records to the receiving school shall be completed within 10 days of request.

*******ESL*******

BILINGUAL AND ESL DISTRICT POLICY

Every student of Excel Academy whose Home Language Survey identifies a language other than English spoken at home, or who is identified as an English Language Learner (ELL) at his or her home school, shall be provided a full opportunity to participate in a Bilingual Education or English as a Second Language (ESL) program.

Goal of the Bilingual Education Program

The goal of the Bilingual Education program is to enable English Language Learners (ELL) students to become competent in the comprehension, speaking, reading, and composition of the English language through the development of literacy and academic skills in the primary language and English.

The Bilingual Education program will emphasize the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable ELL students to participate equitably in school.

Goal of the English as a Second Language (ESL) Program

The goal of the ESL program is to enable ELL students to become competent in the comprehension, speaking, reading, and composition of the English language through the integrated use of second language methods.

The ESL program will emphasize the mastery of English language skills, as well as mathematics, science, social studies, as integral parts of the academic goals for all students to enable ELL students to participate equitably in school.

Program Content

An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences.

Program Design

The bilingual or ESL program shall be designed to consider the student's learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

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Participation

ELL students shall participate fully with English-speaking students in regular classes. The district shall provide students enrolled in the bilingual or ESL program a meaningful opportunity to participate fully with other students in all extracurricular activities.

The district teachers will modify the instruction, pacing, and materials to ensure that ELL students have a full opportunity to master the essential knowledge and skills of the required curriculum.

Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills required by the state in either their home language or in English.

Length of Enrollment

The bilingual education and/or the ESL program will be provided to every ELL student with parental permission until such time that the student meets exit criteria or leaves the school.

The amount of daily time in which a student is placed in a bilingual education or ESL class shall be determined by the LPAC and such recommendation shall be based on the individual student's level of English proficiency and academic achievement.

Identification and Assessment

The Home Language Survey (HLS) shall be provided to each student upon enrollment to Excel Academy. If the student's home school provides the original HLS, the HLS filled out at Excel Academy will be discarded. The survey shall be signed by the parent, guardian or county appointee for students. The original copy of the survey shall be retained in the student's permanent record. If the home language survey indicates a language other than English is used, the student shall be tested in accordance with 19 TAC 89.6).

Within four weeks of initial enrollment into the district, students shall be assessed to participate in bilingual education or ESL programs according to the criteria and procedures established by the state's administrative code. The student will be administered the appropriate tests to determine placement.

Student Counts

Within four weeks of the beginning of school, the LPAC shall report to the Excel Academy school board the number of ELL students on the campus and shall classify each student according to the language(s) in which the student possesses primary proficiency. The Board of Trustees shall report that information to the Texas Education Agency before November 1 each year.

Parental Notice and Approval

The LPAC shall give written notice to parents advising a student has been classified as ELL and requesting approval to place the student in the required bilingual or ESL program.

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The notice shall be in English and the primary language and shall include information about the benefits of the program for which the student is recommended and that it is an integral part of the school program. Pending parent approval, the district shall place the student in the recommended program, but may receive its bilingual allotment only for those students in the bilingual program with parent approval.

The entry or placement of a student in the bilingual or ESL program must be approved in writing by the student's parent. Approval shall be considered valid for the student's continued participation in the program until the student meets the established exit criteria, leaves the school, or the parents requests a change in program placement.

Program Exit

A student may not be exited from the bilingual or ESL program in the pre-kindergarten through grade one. The LPAC shall exit a student in grades 2-12 from the bilingual or ESL program if the student is able to participate equally in a regular all-English instructional program, as determined by:

1. Tests administered at the end of each school year to determine the extent to which the student has developed oral and written language skills in both the student primary language and English
2. An achievement score at or above 40th percentile in the reading and language arts sections of an English standardized test approved by TEA
3. Other indications of a student's overall progress, including criterion-referenced test scores, subjective teacher evaluation, and parental evaluation.

A student exited from the program may be re-enrolled if later evidence indicates that the student has inadequate English proficiency and achievement. The district shall notify parents of a student's reclassification as English proficient and his/her exit from bilingual or ESL program.

LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE (LPAC) (TEC 29.063)

The State Board of Education (SBOE) requires that every campus establish an LPAC. The LPAC allows professional education personnel and parents to be legally responsible for recommendations regarding the identification, program placement, and reclassification of ELL students.

The LPAC must be composed of, but not limited to, the following:

- a campus administrator, such as principal or assistant principal;
- one appropriately certified teacher assigned to an English as a Second Language program; and

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- one appropriately certified special education teacher if the student is receiving special education services.

All members of the LPAC, including parents, shall be acting for the school district and shall observe all laws and rules governing confidentiality of information concerning individual students.

LPAC Formation

The LPAC shall be formed by the first week of the academic calendar. LPACs must be conducted by the end of the second week of school.

LPAC Training

All LPAC members, including all school administrators who will participate in the LPAC, shall be trained annually by September 1 of that school year. Training must include committee functions, identification, placement, appropriate interventions, exit procedures, and documentation. Principals should contact the ESL Coordinator to conduct such training.

LPAC Meetings

The committee may meet, as necessary, throughout the school year ensuring that all new students are identified and placed within four (4) weeks of their initial enrollment. The number of meetings will vary from school to school depending on the number of new students who enroll, the number of ELL students in the school, the number of students who are eligible for exit, and the number of ELL students in the school whose progress must be monitored after having been exited formally from the program.

Convenient scheduling of LPAC meetings is essential to ensure participation by all the required members of the committee. Additionally, timely scheduling of LPAC meetings is crucial in placing ELL students within the required four weeks to determining eligibility for state funding.

LPAC Role

Upon the student's enrollment and at the end of each school year, the LPAC shall conduct specific meetings to review all pertinent data on all ELL students. It is imperative and required by local and state policy that the LPAC function and meet as a group when making decisions that impact ELL students. The committee will be responsible for the following:

reviewing all pertinent information on all students in grades PK-12 who have a language other than English for the purpose of initial identification, initial and continued program placement, and reclassification (or program exit)

identifying students as ELL using specific criteria;

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determining the level of language proficiency and level of academic achievement of each ELL student;

recommending program placement based on language and instructional needs;

obtaining written parent approval for students who have been identified as ELL and placed in a bilingual or ESL program;

in the late spring, reviewing pertinent information concerning each ELL student to determine appropriate placement for the next school year;

monitoring for two years the progress of students who have exited formally from bilingual or ESL programs;

documenting in the student's cumulative folder all actions impacting the students with a language other than English;

ensuring that all ELL students are assigned to appropriate English/ESL courses depending on their level of English proficiency;

review (and document) the progress of every ELL student to determine promotion eligibility in accordance with district promotion/retention policy for ELL students;

maintaining all LPAC meeting minutes and lists of students reviewed in an LPAC folder/binder which is easily accessible for audits; and

serving on ARD/IEP Committee for ELL students with disabilities. A school district is required to provide a written or audio taped copy of the child's IEP translated into Spanish if the parent's native language is Spanish. School districts will need to establish systems to translate other languages.

BILINGUAL/ESL PROGRAMS FOR ELL STUDENTS IN MIDDLE SCHOOL Program Requirements for grades 6-8

Schools shall offer bilingual education or English as a Second Language (ESL) program in post-elementary grades through grade eight (TEC 29.053). Descriptions of the middle school bilingual program options are included at the end of this section.

The middle school ESL program shall be a program of intensive instruction in English through the use of second language methodologies designed to develop proficiency in the comprehension, speaking, reading, and composition of the English language. Any of the courses or electives required for promotion may be taught using second language methodology or in a language other than English to assist the ELL student in mastering the essential knowledge and skills for the required subjects. The use of ESL strategies

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shall not impede the awarding of credits toward meeting promotion/graduation requirements. (Commissioner's Rule 89.1210 e,d).

The campus LPAC shall assign ELL students to one of several levels of English classes (i.e., Beginning, Intermediate) or Near-proficient English classes, depending on their level of English proficiency. The student's level of English proficiency and his/her level of academic achievement are designated by the LPAC (with teacher input) when students are initially identified as ELL and annually thereafter during end-of-year LPAC reviews. Progression through the various levels of English shall be based on mastery of the essential knowledge and skills. Exit from an ESL Program shall be based on criteria established by the TEA.

Waiver of ESL Certification

Schools that are unable to provide the required ESL instruction for all ELL students with ESL endorsed (or on valid ESL permit) teachers must request a "Waiver of ESL Certification" for the English/Language Arts teachers who will provide instruction. This waiver is processed in early fall through the HCJPD Education Services Division and is submitted to the TEA Commissioner of Education for approval. Waivers shall be made on an individual school basis and shall be valid for only the school year for which it was requested. TEA approval of certification waivers shall be based upon the efforts the school has made to provide certified staff for the required English/ESL courses, the degree of reduction in the number of certification waivers requested by the school over a two-year period, and upon the quality of the school's proposed ESL program. Schools requesting a certification waiver for any of its teachers must submit the following:

reasons the school is unable to offer the required courses program with properly endorsed teachers, with supporting documentation;

description of the proposed ESL program;

assurance that ESL certified teachers available in the school will be assigned beginning at the lowest grade levels to serve the students most in need;

description of the training which the school will provide to improve the skills of the staff assigned to the proposed ESL program;

description of the actions the school will take to ensure that the required ESL program will be provided to all ELL students the subsequent school year, including its plans for recruiting an adequate number of teachers to eliminate the need for subsequent waivers; and the names of the teachers for whom a waiver is requested and who is assigned to implement the proposed ESL: program and the estimated date for their completion of the ESL endorsement.

Schools shall make every effort to provide the required English/ESL courses for secondary ELL students to avoid, if at all possible, having to request a certification

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waiver. Any school that requests an ESL certification waiver will be required to include specific goals/objectives/activities in their school CIP. In addition, schools that show no significant decrease in the number of certification waivers requested for two consecutive years are subject to internal and TEA audits.

ELL students shall be enrolled in the appropriate courses for English and Reading that will facilitate their mastering the essential knowledge and skills and subsequent promotion.

For the English requirement, ELL students who are at the Beginning or Intermediate level of English should be assigned into ESL classes that are appropriate for their level of English. Classes with students of same language proficiency are preferred. Classes with combined levels of English proficiency (i.e., Preliterary/Beginning) may be formed in schools where there are small numbers of ELL students. In these cases, however, it is imperative that the class size remains as low as possible to ensure quality interaction with the teacher and maximum time for language development. All ESL classes must be taught by teachers who are ESL endorsed or on a valid ESL permit. These ESL courses cover corresponding English course objectives that are appropriate for second language learners and are taught using second language teaching strategies.

For the English requirement, ELL students who are at the Near-Proficient level of English should be assigned into a Near-Proficient level class at their grade level. Students at the transitional level of English are typically orally proficient (or near) in English, but have not yet mastered the necessary skills on the norm-referenced tests or criterion-referenced tests. These courses cover the corresponding English course objectives, but are modified using second language teaching strategies. Teachers certified in English who are also ESL endorsed or on a valid permit must teach all Near-Proficient English classes.

It is recommended that the campus LPAC assign ELL students who have been in US schools since the early primary grades to Near-Proficient English courses. Students who are not ready for the Near-Proficient English course should be reviewed and/or evaluated more in-depth and offered additional academic support, such as an ESL reading course, ESL content courses, or tutoring.

For the reading requirement, ELL students should be assigned into an ESL reading course. These courses use the corresponding reading course objectives, but are modified using second language teaching strategies.

Content Courses for ELL Students in Middle School (6-8)

ELL students should be enrolled in all the appropriate content courses (i.e., math, science, social studies) and other required courses (i.e., computer literacy, fine arts, and health/PE) that correspond to their grade level. Schools with large numbers of ELL students are encouraged to offer content course sections/periods specifically for their ELL students, i.e., ESL math, ESL science, and ESL social studies in order to facilitate

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their mastering the essential knowledge and skills and subsequent promotion. These courses cover the corresponding content course objectives but are modified. Teachers who are certified to teach the particular content must teach all content courses. Although ESL endorsement is not required for content teachers teaching ELL students, training on second language strategies is required, particularly for those who do not have ESL endorsement. The bilingual instructional supervisors shall provide and document participation in such training or recommend other sources of adequate training.

Following is a recommended list of courses for middle school students at each of the levels of English:

RECOMMENDED MIDDLE SCHOOL COURSE ASSIGNMENTS (BY LEVEL OF ENGLISH PROFICIENCY)

| Beginning | | Intermediate | |
|----------------|--------|------------------|--------|
| Subject | Class | Subject | Class |
| Beginning ESL | 1 | Intermediate ESL | 1 |
| ESL Reading | 1 | ESL Reading | 1 |
| Math | 1 | Math | 1 |
| Science | 1 | Science | 1 |
| Social Studies | 1 | Social Studies | 1 |
| Electives(s) | 1 or 2 | Elective(s) | 1 or 2 |

Classes for ELL Students in Middle School (6-8)

Bilingual programs beyond elementary grades are full-time instructional programs that allow ELL students who are recent arrivals and ELL students continuing from elementary to develop and/or maintain their first language while continuing to develop English proficiency. Schools should consider offering bilingual programs in grades 6, 7 and 8 if there are large numbers of ELL students who are either recent arrivals or who entered school in the late elementary grades. Instructing these students in their native language will expedite concept development as they acquire the English language, as well as provide a less stressful learning environment that emphasizes and builds on prior knowledge. ESL is a required part of every bilingual program. The campus LPAC assigns ELL students to the required ESL class depending upon their level of English proficiency.

Any content course or elective required for promotion may be taught in a language other than English to assist the ELL student in mastering the essential knowledge and skills for the required subjects. It is recommended that schools with large numbers of recent immigrants offer literacy courses in the students' native language to ensure that students are cognitively challenged and gain critical higher-level literacy development skills while they are learning English.

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*******SPECIAL EDUCATION*******

PUBLIC INFORMATION

It is the policy of this Excel Academy to provide parents of children with disabilities and the general public access to documents relating to the charter school's IDEA program eligibility.

The Excel Academy adopts as policy the provisions under State law concerning open meetings and public information, including:

FULL EDUCATIONAL OPPORTUNITY GOAL

It is the policy of the Excel Academy to provide full educational opportunity for all children with disabilities consistent with the state's goal of providing full educational opportunity for all Texas children with disabilities.

The Excel Academy ensures that it does not deny admission to a child with a disability solely because of that child's need for special education or related aids and services, regardless of cost.

The Excel Academy adopts as policy the provisions under state law ensuring educational opportunities for all children including children with disabilities through its admission practices, enforcement of compulsory attendance, and delivery of services, including:

CHILD FIND 3.00.111(a)(1)(i) 3.00.111(a)(1)(i) (c)

Excel Academy will ensure that all children residing within Excel Academy Charter who have disabilities, regardless of the severity of their disabilities, including children with disabilities who are (a) homeless, (b) wards of the state who are in need of special education and related services are identified, located, and evaluated. Excel Academy will have a practical method for determining which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services. This requirement applies to highly mobile children (including migrant children) and children who are suspected of being in need of special education but who are advancing from grade to grade. Children who have previously received special education and related services and whose parents subsequently revoke consent should not be treated any differently in the child find process than any other child, including a child who was determined eligible and whose parents refused to provide initial consent for services.

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Child Find legal framework of the Legal Framework for the Child-Centered Special Education Process, located at: <http://framework.esc18.net/>.

Referral of students for a full and individual initial evaluation for possible special education services shall be a part of the district's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial, remedial, compensatory, and other services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full and individual initial evaluation. This referral for a full and individual initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. (19 T.A.C. §89.1011).

The Excel Academy will collaborate with the Regional IV Education Service Center (ESC), the local Early Childhood Intervention (ECI) program, and the following agencies in its Child Find efforts:

| PARTICIPATING AGENCIES (in the Child Find Process) | | | | |
|---|-----------------|-------------------|--------------------------------------|-------------------|
| To indicate the extent of participation insert an X in the appropriate box(es) below | | | | |
| | Makes Referrals | Accepts Referrals | Conducts Evaluations/Makes Diagnosis | Provides Services |
| College and University Clinics | X | X | X | |
| • University Hospital Child Evaluation Center | X | X | X | |
| • Speech and Hearing Clinics | X | X | X | |
| • Child Evaluation Clinics; Rehabilitation Centers | | | | |
| Private Care Providers | X | X | X | |
| • Physicians | X | X | X | |
| • Audiologists | X | X | X | |
| • Speech and Hearing Clinics | X | X | X | |
| • Optometrists | X | X | X | |
| • Psychiatrists/Psychologists | X | X | X | X |
| • Child Care Centers | | | | |
| • Other: | | | | |
| State Agencies/Programs | | | | |
| • Department of Assistive and Rehabilitative Services (DARS) | | | | |
| • Department of Health and Human Services | | | | |

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|--|---|---|---|---|
| • Youth Correctional Centers/Juvenile Detention Centers | X | X | X | X |
| • Mental Health and Mental Retardation (MHMR) Centers | X | X | X | X |
| • Texas School for the Blind and Visually Impaired (TSBVI) | | | | |
| • Texas School for the Deaf (TSD) | | | | |
| • Public Child Care Centers | | | | |
| • Other: | | | | |
| Federal Programs | | | | |
| • Head Start Programs | | | | |
| • Title I | X | X | X | X |
| • Other: | | | | |

SPP Indicator 11: Child Find

The Individuals with Disabilities Education Act of 2004 (IDEA 2004), Section 616(b)(2)(B), requires states to collect data from LEAs for State Performance Plan (SPP) indicators 1-14 in order to report data for the State Performance Plan / Annual Performance Report. Excel Academy is responsible for assuring that the data is accurate and therefore, must be knowledgeable of the process. Once entered and complete, Excel Academy certifier will certify the data. Excel Academy shall a complete and certified status regardless of whether the charter has no data to enter. If the Charter has no data to enter a zero should be entered into the application before the data collection is certified.

NONDISCRIMINATION

It is the policy of the Excel Academy to not discriminate on the basis of race, color, national origin, sex, or disability in any of their programs or activities. The charter school ensures that its programs and activities, when viewed in their entirety, are readily accessible to individuals with disabilities. Excel Academy selects facilities that do not have the effect of excluding or limiting enrollment or participation of children with disabilities from any school program or activity.

The Excel Academy complies with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin.

The Excel Academy complies with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs.

The Excel Academy complies with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibit discrimination on the

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basis of disability. The charter school does not deny services to students with disabilities due to lack of funds.

THE REFERRAL PROCESS FOR DYSLEXIA AND RELATED DISORDERS

The determination to refer a student for an evaluation must always be made on a case-by-case basis and must be driven by databased decisions. The referral process itself can be distilled into a basic data-driven meeting of knowledgeable persons; a team of persons with knowledge of the student, instructional practices, and instructional options meets to discuss data collected. These individuals include, but are not limited to, the classroom teacher, administrator, dyslexia specialist, and/or interventionist. This team may also include the parents and/or a diagnostician familiar with testing and interpreting evaluation results. This team may have different names in different districts and/or campuses.

Procedures for Evaluation

Child Find is a provision in the federal Individuals with Disabilities Education Act (IDEA), a federal law that requires the state to have policies and procedures in place to ensure that every student in the state who needs special education and related services is located, identified, and evaluated. The purpose of the IDEA is to ensure that students with disabilities are offered a free and appropriate public education (20 U.S.C. §1400(d); 34 C.F.R. §300.1). Because a student suspected of having dyslexia may be a student with a disability under the IDEA, the Child Find mandate includes these students. Therefore, when referring and evaluating students suspected of having dyslexia, LEAs must follow procedures for conducting a full individual and initial evaluation (FIIIE) under the IDEA.

While schools must follow federal and state guidelines, they must also develop local procedures that address the needs of their student populations. Schools must recommend evaluation for dyslexia if the student demonstrates the following:

- Poor performance in one or more areas of reading and spelling that is unexpected for the student's age/grade
- Characteristics and risk factors of dyslexia.

When the Data Does Not Lead to Suspicion of a Disability, Including Dyslexia or a Related Disorder

If the team determines that the data does not give the members reason to suspect that a student has dyslexia, a related disorder, or other disability, the team may decide to provide the student with additional support in the classroom or through the RTI process. The student should continue to receive grade level, evidence-based core reading instruction. (Tier 1) and any other appropriate tiered interventions. However, the student is not referred for an evaluation at this time. When the Data Lead to a Suspicion of a Disability, Including Dyslexia or a Related Disorder If the team suspects that the student has dyslexia, a related disorder, or another disability included within the IDEA, the team

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must refer the student for a full individual and initial evaluation (FIIE). In most cases, an FIIE under the IDEA must be completed within 45-school days from the time a district or charter school receives parental consent. The student should continue to receive grade level, evidence-based core reading instruction (Tier 1) and any other appropriate tiered interventions while the school conducts the FIIE.

Language Proficiency

Much diversity exists among ELs. A student's language proficiency may be impacted by any of the following: native language, English exposure, parent education, socioeconomic status of the family, amount of time in the United States, experience with formal schooling, immigration status, community demographics, and ethnic heritage (Bailey, Heritage, Butler, & Walqui, 2000). ELs may be students served in bilingual and English as a second language (ESL) programs as well as students designated Limited English Proficient (LEP) whose parents have denied services. In addition to the information discussed in the previous section of this chapter, the Language Proficiency Assessment Committee (LPAC) maintains documentation (TAC §89.1220(g)-(i)) that is necessary to consider when identifying ELs with dyslexia. The LPAC is required to meet annually to review student placement and progress and consider instructional accommodations and interventions to address the student's linguistic needs. Since the identification and service delivery process for dyslexia must be aligned to the student's linguistic environment and educational background, involvement of the LPAC is required.

Parents/guardians always have the right to request a referral for a dyslexia evaluation at any time.

Once a parent request for dyslexia evaluation has been made, the school district is obligated to review the student's data history (both formal and informal data) to determine whether there is reason to suspect the student has a disability. If a disability is suspected, the student needs to be evaluated following the guidelines outlined in this chapter. Under the IDEA, if the school refuses the request to evaluate, it must give parents prior written notice of refusal to evaluate, including an explanation of why the school refuses to conduct an FIIE, the information that was used as the basis for the decision, and a copy of the Notice of Procedural Safeguards. Should the parent disagree with the school's refusal to conduct an evaluation, the parent has the right to initiate dispute resolution options including mediation, state complaints, and due process hearings. Additionally, the parent may request an Independent Educational Evaluation (IEE) at public expense. Should the parent believe that their child is eligible for Section 504 aids, accommodations, and services the parent may request an evaluation under Section 504.

Specially Designed Instruction

For students with dyslexia who have been determined eligible for and who are receiving special education services, specially designed instruction must also address the critical, evidence-based components described in this chapter. Specially designed instruction differs from standard protocol dyslexia instruction in that it offers a more individualized

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program specifically designed to meet a student's unique needs. Note that participation in standard protocol dyslexia instruction must be considered for all students, including those receiving dyslexia instruction under the IDEA. Standard protocol dyslexia instruction could be part of the specially designed instruction and services provided to meet the student's needs.

PROCEDURAL SAFEGUARDS NOTICE [20 USC 1415(d); 34 CFR §300.504; 34 CFR §300.530 (h)]

It is the policy of the Excel Academy to afford the IDEA's procedural safeguards to children with disabilities and their parents including by providing an explanation of procedural safeguards to the parent or adult student one time a year, and upon: initial referral or request for evaluation; the first occurrence of the filing of a due process hearing complaint; and parental request.

It is the policy of the Excel Academy to ensure the rights of parents of children with disabilities are protected including by complying with its procedures as reflected in the PARENT legal framework of the Legal Framework for the Child-Centered Special Education Process located at: <http://framework.esc18.net/>.

It is the policy of the Excel Academy to ensure the rights of adult students with disabilities are protected including by complying with its procedures as reflected in the ADULT STUDENT legal framework of the Legal Framework for the Child-Centered Special Education Process located at: <http://framework.esc18.net/>.

It is the policy of the Excel Academy to afford parents and adult students with disabilities prior written notice by complying with its procedures as reflected in the PRIOR WRITTEN NOTICE legal framework of the Legal Framework for the Child-Centered Special Education Process located at: <http://framework.esc18.net/>.

It is the policy of the Excel Academy to afford parents and adult students with disabilities the consent protections of the IDEA by complying with its procedures as reflected in the CONSENT legal framework of the Legal Framework for the Child-Centered Special Education Process located at: <http://framework.esc18.net/>.

PROCEDURAL SAFEGUARDS

A copy of the procedural safeguards must be given to the parents one time a school year. A copy of the procedural safeguards must also be provided.

1. Upon initial referral for evaluation;
2. Upon receipt of the first State complaint in a school year;
3. Upon receipt of the first due process complaint in a school year;

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4. On the date a decision is made to make a removal that constitutes a change in placement due to a violation of a code of student conduct and

4. Upon request by a parent

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The procedural safeguards notice will include a full explanation of the procedural safeguards, written in the native language of the parents, unless it clearly is not feasible to do so, and written in an easily understandable manner.

The notice will include information relating to:

1. Independent educational evaluation;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;
5. Opportunity to present and resolve complaints through the due process and state complaint processes;
6. The availability of mediation;
7. The child's placement during pendency of due process proceedings;
8. Procedures for students who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file those actions; and
12. Attorneys' fees

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

If a parent or legal guardian makes a written request to a school charter's director of special population or to a charter administrative employee for a full individual and

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initial evaluation of a student, the charter shall, not later than the 15th school day after the date the charter receives the request:

1. Provide an opportunity for the parent or legal guardian to give written consent for the evaluation; or
2. Refuse to provide the evaluation and provide the parent or legal guardian with notice of procedural safeguards under 20 USC Section 1415 (b).
5. A statement that the parents of a child with a disability have protection under the procedural safeguards of IDEA and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained. 20 USC 1415(c); 34 CFR §300.503(b)]

It is the policy of the Excel Academy to comply with the IDEA requirements affecting incarcerated students in accordance with its procedures as reflected in the INCARCERATED STUDENTS legal framework of the Legal Framework for the Child-Centered Special Education Process located at: <http://framework.esc18.net/>.

EVALUATION AND DETERMINATION OF ELIGIBILITY

It is the policy of this Excel Academy to ensure that procedures are in place for evaluating children and determining eligibility for special education and related services in accordance with the FULL AND INDIVIDUAL EVALUATION frameworks of the Legal Framework for the Child-Centered Special Education Process, located at: <http://framework.esc18.net/>.

Evaluation procedures and materials will be selected and administered so as not to be racially or culturally discriminatory. Such procedures or materials shall be provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to do so. No single procedure shall be the sole criterion for determining an appropriate educational program for a child.

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It is the policy of the Excel Academy to use qualified and /or licensed personnel to conduct special education assessments (including for related services) and participate as multidisciplinary assessment team members for children who may have disabilities.

FULL AND INITIAL EVALUATION -§89.1011. 20 U.S. Code § 1414 TEC 29.004(a) 300.301 [20 USC 1412(a) education code 29.004;19 CFR, §300.301(d)(2) and (e) and §300.304(c)(5) (c) and (e) 34 CFR, §300.504. 20 USC 1414(a)(1)(D); 20 USC 1414 (b) & (c); 34 CFR §300.503, §300.300 & §300.9] [34 CFR §300.15

Referral of students for a full individual and initial evaluation for possible special education services shall be a part of the Excel Academy’s overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, Excel Academy personnel shall refer the student for a full individual and initial evaluation. The referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.

If a parent submits a written request to a school Excel Academy’s director of special education services or to Excel Academy administrative employee for a full individual and initial evaluation of a student, the school Excel Academy shall, not later than the 15th school day after the date the Excel Academy receives the request:

Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503; a copy of the procedural safeguards notice required by 34 CFR, §300.504; and an opportunity to give written consent for the evaluation; or

Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR, §300.503, and a copy of the procedural safeguards notice. Except as otherwise provided in this section, a written report of a full individual and initial evaluation of a student shall be completed as follows:

Not later than the 45th school day following the date on which the school Excel Academy receives written consent for the evaluation from the student's parent, except that if a student has been absent from school during that period on three or more school days, that period shall be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day

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following the date on which the school Excel Academy receives written consent for the evaluation from the student's parent.

The admission, review, and dismissal (ARD) committee shall make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement; unless the full individual and initial evaluation indicates that, the student will need extended school year services during that summer.

Before initially providing special education and related services to a child with a disability, Excel Academy will conduct a full and individual initial evaluation. Before Excel Academy conducts an initial assessment, it will:

Give the child's parent prior written notice, which includes a full explanation of all procedural safeguards and describes any evaluation procedures Excel Academy proposes to conduct; and

Obtain parental consent for the evaluation. Parental consent will not be construed as consent for placement. If the parents refuse consent for the evaluation, Excel Academy may continue to pursue an evaluation by utilizing mediation and due process procedures. If a parent revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked. If a student was in the process of being evaluated for special education eligibility by a district/charter and enrolls in Excel Academy before the previous school district/charter completed the full individual and initial evaluation, Excel Academy shall coordinate with the previous district/charter as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 CFR, §300.301(d)(2) and (e) and §300.304(c)(5). The timelines in subsections (c) and (e) of this section do not apply in such a situation if:

Excel Academy ensures a prompt completion of the evaluation; and the parent and Excel Academy agree to a specific time when the evaluation will be completed.

For purposes of this section, school day does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of Excel Academy, or an adjunct staff member who has a

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minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

NOTICE OF RIGHTS. [20 USC 1415(b) (3) & (4); 34 CFR §300.503(a)]

Before Excel Academy proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate education to a student, Excel Academy will provide written notice to the student's parent or guardian.

Parent are entitled at any time to request an evaluation of the parent's child for special education services under Section 29.004 or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). Excel Academy shall provide the written explanation to a parent of each charter student by including the explanation in the student handbook or by another means.

FREE APPROPRIATE PUBLIC EDUCATION 29.003 (a) 20 U.S.C 1401(9); 34 C.F.R. 300.13, .17, .36 USC 1401(9); 34 CFR §300.17 & §300.320]

The Excel Academy complies with the IDEA, which guarantees the provision of a free appropriate public education (FAPE) to all children with disabilities.

Eligible students with disabilities has the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction will be supplemented by the provision of related services when appropriate.

"Free appropriate public education" means special education and related services that are provided at public expense, under public supervision and direction, and without charge and that must meet standards set out by TEA and include an appropriate preschool, elementary, or secondary school education, and be provided in conformity with the student's individualized education program (IEP).

Four factors indicate whether an individualized education program is reasonably calculated to provide a meaningful educational benefit:

1. It is individualized on the basis of the student's assessment and performance;
2. It is administered in the least restrictive environment;
3. The services are provided in a coordinated and collaborative manner by the key "stakeholders"; and
4. Positive academic and nonacademic benefits are demonstrated.

It is the policy of the Excel Academy to ensure that all eligible children with disabilities who are within the charter school's jurisdiction have a FAPE available in accordance with

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its procedures as reflected in the Legal Framework for the Child-Centered Special Education Process located at: <http://framework.esc18.net/>.

It is the policy of the Excel Academy to ensure that an individualized education program (IEP) is developed, reviewed, and revised for each child with a disability in accordance with its procedures as reflected in the ARD MEETING legal frameworks of the Legal Framework for the Child-Centered Special Education Process, located at: <http://framework.esc18.net/>. The charter school ensures that each of its children with disabilities receives all of the special education, related services, and supplementary aids and services identified in the child's IEP.

It is the policy of the Excel Academy to ensure that the need for extended school year (ESY) services for children with disabilities will be considered on an individual basis by the child's ARD committee, in accordance with its procedures as reflected in the EXTENDED SCHOOL YEAR SERVICES legal framework of the Legal Framework for the Child-Centered Special Education Process, located at: <http://framework.esc18.net/>. ESY will be provided to children with disabilities as determined by their ARD committee according to their IEP.

It is the policy of the Excel Academy to provide a FAPE to children with disabilities who transfer from within and outside the State in accordance with its procedures as reflected in TRANSFER STUDENTS legal framework of the Legal Framework for the Child-Centered Special Education Process, located at: <http://framework.esc18.net/>.

It is the policy of the Excel Academy to provide a FAPE to expelled students who are eligible for special education services under the IDEA in accordance with its procedures as reflected in the DISCIPLINE legal framework of the Legal Framework for the Child-Centered Special Education Process, located at: <http://framework.esc18.net/>.

LEAST RESTRICTIVE ENVIRONMENT [20 USC 1412(5)(A); 20 USC 1413(a)(1); 34 CFR §300.114(a)(2)]

It is the policy of the Excel Academy to ensure that each eligible child with a disability is placed in the least restrictive environment (LRE) that is appropriate to the child's educational needs, in accordance with its procedures as reflected in the ARD MEETING and LEAST RESTRICTIVE ENVIRONMENT legal frameworks of the Legal Framework for the Child-Centered Special Education Process, located at: <http://framework.esc18.net/>.

It is the policy of the Excel Academy to have a continuum of alternative placements available to meet the unique needs of children who are eligible for special education services. To the maximum extent appropriate, children with disabilities will be educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only

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when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Excel Academy will ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, will be educated with children who are nondisabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment will occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily

| Least Restrictive Environment: Continuum of Alternative Educational Placements | Available at the Excel Academy | Available within the Excel Academy | Available through a Contract with Another Charter School, District or Facility |
|--|---------------------------------------|---|---|
| To indicate how the charter school makes the continuum available, please insert an X in the appropriate column on each row below. | | | |
| Mainstream | X | X | |
| Homebound | X | | |
| Hospital Class | | | |
| Speech Therapy | X | X | |
| Resource Room/Services | X | X | |
| Self-Contained (mild, moderate, or severe) | | | |
| Off Home Campus | | | |
| Nonpublic Day School | | | |
| Vocational adjustment class/program | | | |
| State school for persons with mental retardation | | | |
| Residential care and treatment facility (not school district resident) | X | X | |

Inclusion /In-Class Support Services

What's Required

Each school district/charter shall provide services to students with disabilities in order to meet the needs of those students in accordance with 34 CFR § 300.26. Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible receiving special education services.

What We Do

Inclusion /In-Class Support Services

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Date Adopted by Governing Body: August 24, 2022

Date Revised: July 19, 2022

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Special education services are frequently provided through in-class support services in the general education classroom. This allows Excel Academy to provide specially designed instruction to students with disabilities that (a) addresses the unique needs of the student that result from his/her disability and (b) ensure the student's access to the general curriculum.

Monitoring student progress in and of itself does not constitute a special education service. A student with a disability served solely in the general education classroom (inclusion) must have:

- An IEP specifying the special education and related services that enable the student to access the general curriculum and to make progress toward his/her individual goals and objectives; and
- Qualified special education personnel involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services (a) to the student in the general education classroom and/or (b) in collaboration with the student's general education teacher.

PARENTAL CONSENT-PARENTAL CONSENT FOR INTIAL EVALUATION § 300.300 20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b) 20 U.S.C. 1414(a)(1)(D)(i)(I0)

Before initially providing special education and related services to a child with a disability,

Excel Academy will conduct a full and individual initial evaluation. Before a charter conducts an initial assessment, it will:

1. Give the child's parent prior written notice, which includes a full explanation of all procedural safeguards and describes any evaluation procedures a district proposes to conduct; and
2. Obtain parental consent for the evaluation.

Parental consent will not be construed as consent for placement. If the parents refuse consent for the evaluation, a charter may continue to pursue an evaluation by utilizing mediation and due process procedures. If a parent revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked).

Excel Academy shall promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in §§300.301 and 300.303, unless extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in §300.306(a)(1)—

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If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction and whenever a child is referred for an evaluation Excel Academy proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under §300.8 shall, after providing notice consistent, obtain informed consent, consistent from the parent of the child before conducting the evaluation.

Parental consent for initial evaluation shall not be construed as consent for initial provision of special education and related services.

Excel Academy shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability. For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, Excel Academy is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if— Despite reasonable efforts to do so, Excel Academy cannot discover the whereabouts of the parent of the child.

The rights of the parents of the child have been terminated in accordance with State law; or

The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, Excel Academy may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards in subpart E of this part (including the mediation procedures under §300.506 or the due process procedures under §§300.507 through 300.516), if appropriate, except to the extent inconsistent with State law relating to such parental consent.

Excel Academy does not violate its obligation under §300.111 and §§300.301 through 300.311 if it declines to pursue the evaluation parental consent for services.

Excel Academy is responsible for making FAPE available to a child with a disability shall obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.

Excel Academy shall make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.

If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, Excel Academy—May not use the procedures (including the mediation procedures under or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child; Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent; and is not required to convene an IEP Team meeting or develop an IEP for the child.

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of

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special education and related services, Excel Academy—May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;

Excel Academy shall obtain informed parental consent, in accordance with prior to conducting any reevaluation of a child with a disability. If the parent refuses to consent to the reevaluation, Excel Academy may, but is not required to, pursue the reevaluation by using the consent override procedures.

Excel Academy shall made reasonable efforts to obtain such consent; and the child's parent has failed to respond. Other consent requirements. Excel Academy shall document its attempts to obtain parental consent using the procedures in §300.322(d).

Parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation; or administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

Excel Academy shall work with Harris County Juvenile Probation Department to obtain parental consents. A parent's refusal to consent does not result in a failure to provide the child with FAPE.

PARENTAL CONSENT FOR REEVALUATIONS §300.322(d) Sec. 300.309 Sec. 300.309 (c)

Excel Academy shall obtain informed parental consent, in accordance with prior to conducting any reevaluation of a child with a disability. If the parent refuses to consent to the reevaluation, Excel Academy may, but is not required to, pursue the reevaluation by using the consent override procedures.

Excel Academy shall made reasonable efforts to obtain such consent; and the child's parent has failed to respond. Other consent requirements. Excel Academy shall document its attempts to obtain parental consent.

Parental consent is not required before—reviewing existing data as part of an evaluation or a reevaluation; or administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

Excel Academy shall work with Harris County Juvenile Probation Department to obtain parental consents. A parent's refusal to consent does not result in a failure to provide the child with FAPE.

To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, Excel Academy shall consider data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and data -based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

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Excel Academy shall promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes and unless extended by mutual written agreement of the child's parents and a group of qualified professionals.

If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, whenever a child is referred for an evaluation

REVOCAION OF CONSENT [20 USC 1414(a)(1)(D); 34 CFR §300.300(b)(4); 34 CFR Part 300]

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the charter

1. May not continue to provide special education and related services to the child and must provide prior written notice that informs parents of the educational services and supports that they are declining before ceasing the provision of special education and related services
2. May not use mediation or due process procedures in order to obtain agreement or a ruling that services may be provided to the child
3. Will not be considered in violation of the requirement to make FAPE available to the child because of failure to provide the child with further special education and related services and
4. Is not required to convene an ARD committee meeting to develop an IEP for the child for further provision of special education services.
5. If a child experiences academic or behavioral difficulties after a parent revokes consent, the parent may request an evaluation to determine if the child is eligible, at that time, for special education and related services.

GRADUATION-[20 USC 1412(a)(1)(B) & (C) & 1413(a); 34 CFR §300.102; 19 TAC §89.1070]

Graduation with a regular high school diploma terminates a student's eligibility for special education services. In addition, as provided in TEC §42.003(a), graduation with a regular high school diploma terminates a student's entitlement to the benefits of the Foundation School Program. For students who receive a diploma according to 19 TAC §89.1070(c), the ARD committee will determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements.

Special Education Students: Identification, Evaluation and Eligibility.

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

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TESTS AND EVALUATION MATERIALS [20 USC 1414(b)(3); 34 CFR §300.304 (c)(1)]

Excel Academy will ensure that tests and other evaluation materials used to assess a child are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so. Any standardized tests given to the child will have been validated for the specific purpose for which they are used, administered by trained and knowledgeable personnel, and administered in accordance with any instructions provided by the producer of the tests. In addition, Excel Academy will ensure that the child is assessed in all areas of suspected disability and that assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

Federal and State Requirements -20 U.S.C. § 1414; 34 C.F.R. Part 300; Texas Education Code; 19 TAC Chapter 89

Excel Academy shall comply with the Review of Existing Evaluation Data section.

Excel Academy shall comply with the Prior Written Notice section.

Excel Academy shall comply with the Consent section.

Group of Qualified Professionals-20 USC §1414(b)(4)(A); 34 CFR part 300.306(a)(1); 19 TAC §89.1040(b), 89.1040(b)(1), 89.1040(b)(2)

The group that collects or reviews evaluation data shall include, but is not limited to the following members:

- A licensed specialist in school psychology;
- An educational diagnostician;
- Other appropriately certified or licensed practitioner with experience and training in the area of the disability; or
- A licensed or certified professional for a specific eligibility category as specified in the applicable specific eligibility category framework(s) of Full and Individual Evaluation.

TESTING PROCEDURES- §300.304(b) & §300.304(c)(6)]

The initial evaluation will consist of procedures to determine whether a child is a child with a disability, as defined below at ELIGIBILITY, and to determine the educational needs of the child. In conducting the evaluation, Excel Academy will:

Use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent that may assist in determining whether the child is a child with a disability, and the content of the child's individualized education program (IEP), including information related to enabling the child to be involved in and progress in the general education curriculum.

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Not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

Assessment tools and strategies provide relevant information that directly assists persons in determining the educational needs of the child.

REEVALUATIONS- 20 USC §1414(a)(2)(A), 1414(a)(2)(B), 1414(c)(5)(A), 1414(c)(5)(B)(i); 34 CFR part 300.303(a), 34 CFR §300.303 & §300.300(c)]300.303(a)(1), 300.303(a)(2), 300.303(b), 300.303(b)(1), 300.303(b)(2), 34 CFR §300.303 & §300.300(c)] 300.305(e), 300.305(e)(2)

Excel Academy shall ensure that each child with a disability is reevaluated if conditions warrant or if the child's parent or teacher requests a reevaluation, but at least once every three years. Before conducting a reevaluation, Excel Academy will give the parent notice that describes any evaluation procedures a charter proposes to conduct and will obtain written parental consent, except that such informed parental consent need not be obtained if Excel Academy can demonstrate that it had taken reasonable measures to obtain consent and the parent has failed to respond.

Excel Academy shall ensure that a reevaluation of each child with a disability is conducted:

- If Excel Academy determines the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- If a reevaluation is requested by the child's parents or teacher; and
- Before determining that the child is no longer a child with a disability.

A reevaluation is not required (but a Summary of Performance is required) before the termination of a child's eligibility due to:

- Graduation from secondary school with a regular diploma, or
- Exceeding the age eligibility for a FAPE under state law.

CHANGE IN ELIGIBILITY[20 USC 1414(c)(5); 34 CFR §300.305(e)]

Excel Academy will evaluate a child with a disability before determining that the child is no longer a child with a disability.

SUMMARY OF PERFORMANCE 20 U.S.C. §1414; 34 C.F.R. Part 300; 19 T.A.C. Chapter 89

Federal and State Requirements

A summary of performance is required for:

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- A child who meets the criteria for graduation is graduating; or
- A child whose eligibility for special education and related services terminates due to exceeding age eligibility.

Considerations

19 TAC §89.1070(e)

The summary of performance shall consider, as appropriate:

- The views of the parent;
- The views of the child; and
- Written recommendations from adult service agencies on how to assist the child in meeting postsecondary goals.

Elements of Summary of Performance

20 USC §1414(c)(5)(B)(ii) , 34 CFR part 300.305(e)(3)

Excel Academy shall provide the child with a summary of performance that contains:

- A summary of the child's academic achievement;
- A summary of the child's functional performance; and
- Recommendations on how to assist the child in meeting the child's postsecondary goals.

A full and individual evaluation shall be provided and included as part of the summary of performance for children who meet the criteria for graduation due to successful completion of the IEP.

The Summary of Performance and the most recent Full and Individual Evaluation is mailed to the student no later than four weeks after termination of services due to graduation or exceeding age eligibility.

INDEPENDENT EDUCATION EVALUATION-34 CFR 300.502

The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.

Excel Academy shall provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained.

An evaluation conducted by a qualified examiner who is not employed by the Excel Academy responsible for the education of the child in question; and means that the Excel Academy either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

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A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by Excel Academy.

If a parent requests an independent educational evaluation at public expense, Excel Academy agency must, without unnecessary delay, either— File a due process complaint to request a hearing to show that its evaluation is appropriate; or Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to that the evaluation obtained by the parent did not meet agency criteria

If Excel Academy files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

If a parent requests an independent educational evaluation, Excel Academy may ask for the parent's reason why he or she objects to the public evaluation. However, Excel Academy may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

A parent is entitled to only one independent educational evaluation at public expense each time the Excel Academy conducts an evaluation with which the parent disagrees. If the parent obtains an independent educational evaluation at public expense or shares with the Excel Academy, an evaluation obtained at private expense, the results of the evaluation.

Must be considered by the Excel Academy, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and May be presented by any party as evidence at a hearing on a due process complaint under subpart E of this part regarding that child. If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the Excel Academy uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation

Except for the criteria described in this section, Excel Academy may not impose conditions or timelines related to obtaining an independent education.

PRIOR WRITTEN NOTICE 34 CFR §300.503 (34 CFR §300.503(c).

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If Excel Academy proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student, Excel Academy shall provide prior written notice as required in 34 CFR, §300.503, including providing the notice in the parent's native language or other mode of communication. This notice must be provided to the parent at least five school days before the school charter proposes or refuses the action unless the parent agrees to a shorter timeframe.

PARENTAL CONSENT FOR SERVICES 89.1050(h) 300.300(b)(4)(i)

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, Excel Academy may not continue to provide special education and related services to the child,. However, must provide prior written notice in accordance with §300.503 before ceasing the provision of special education and related services;

DISCIPLINE 89.1053(a) (j) TEC 37.0021(a)

It is the policy of the Excel Academy to ensure the rights of children with disabilities are protected in the context of discipline including by complying with its procedures as reflected in the DISCIPLINE legal framework of the Legal Framework for the Child-Centered Special Education Process located at: <http://framework.esc18.net/>.

It is the policy of Excel Academy to treat all children with dignity and respect. Any behavior management technique and/or discipline management practice shall be implemented in such a way as to protect the health and safety of a child and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive a child of basic human necessities.

The governing body of an open-enrollment charter school shall adopt a code of conduct for its charter or for each campus. In addition to establishing standards for behavior, the code of conduct shall outline generally the types of prohibited behaviors and their possible consequences. The code of conduct shall also outline the school's due process procedures with respect to expulsion. Notwithstanding any other provision of law, a final decision of the governing body of an open-enrollment charter school with respect to actions taken under the code of conduct may not be appealed. (TEC §12.131)

An open-enrollment charter school may not elect to expel a student for a reason that is not authorized by TEC §37.007 (expulsion for serious offenses) or specified in the school's code of conduct as conduct that may result in expulsion (TEC §12.131).

It is the policy of the Excel Academy to provide a FAPE to expelled students who are eligible for special education services under the IDEA.

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The Excel Academy will report data to the TEA to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities (20 U.S.C. §1412(a)(22)).

The Excel Academy adopts as policy the provisions under state and federal law concerning disciplining students attending open-enrollment charter schools.

SPECIAL EDUCATION GRADING POLICY

Students receiving special education services who participate in general education classes will follow the Excel Academy's grading/retention policy.

Students participating in general education classes may have the following modifications assigned by the ARD committee if appropriate:

- Reduced level of mastery (below 70%)
- Reduction in some of the grade level TEKS covered by the class

If the content or objectives of the course are modified extensively, then the student should have an I.E.P. for the course. This could be done by selecting specific grade level TEKS and an appropriate level of mastery for the student and using these to develop an I.E.P. These students will be graded on the individual goals and objectives rather than the entire list of TEKS for the course.

The decision to promote/place/retain any special education student is an ARD committee decision. Consideration of retention for any special education student should be addressed by the ARD committee. Documentation of efforts made to help the child must be discussed along with any other information that is pertinent to making an appropriate decision.

The Excel Academy expects that every student receiving special education services will make progress in the general education curriculum and/or their individual goals and objectives.

GRADUATION TEC §42.003(a), [20 USC 1412(a)(1)(B) & (C) & 1413(a); 34 CFR §300.102; 19 TAC §89.1070] TEC §39.025; 19 TAC §74.11(a) & §74.41(a)] [19 TAC §89.1070(f)]

Graduation with a regular high school diploma terminates a student's eligibility for special education services. In addition, as provided in graduation with a regular high school diploma terminates a student's entitlement to the benefits of the Foundation School Program. For students who receive a diploma according to 19 TAC §89.1070(c), the ARD committee will determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements. Special Education Students: Identification, Evaluation and Eligibility.

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

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ACADEMIC ACHIEVEMENT: GRADUATION

A student may graduate and receive a diploma only if the student:

1. Successfully completes the curriculum requirements identified by the State Board of Education and has performed satisfactorily on the exit-level assessment instruments identified in or
2. Completes an individualized education program.

DIPLOMA/TRANSCRIPT/CERTIFICATE OF COURSEWORK COMPLETION EXIT-LEVEL ASSESSMENT

Graduates of each high school are awarded the same type of diploma. The academic achievement record (transcript), rather than the diploma, records individual accomplishments, achievements, and courses completed and displays appropriate graduation seals.

GRADUATION OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

The student has satisfactorily completed the state's or charter's (whichever is greater) minimum curriculum and credit requirements for graduation (under the recommended or distinguished achievement high school programs) applicable to students in general education, including satisfactory performance on the exit-level assessment instrument; or b. The student has satisfactorily completed the state's or charter's (whichever is greater) minimum curriculum and credit requirements for graduation (under the minimum high school program) applicable to students in general education, including participation in required state assessments. The student's admission, review and dismissal (ARD) committee shall determine whether satisfactory performance on a required state assessment shall also be required for graduation.

COMPLETION OF IEP

A student receiving special education services may also graduate and receive a regular high school diploma when the student's ARD committee has determined that the student has successfully completed:

The student no longer meets age eligibility requirements and has completed the requirements specified in the individualized education program (IEP); b. One of the following conditions, consistent with the student's IEP: 1. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school charter;

Demonstrated mastery of specific employability skills and self-help skills which do not require direct ongoing educational support of the local school charter; or 3. Access to

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services, which are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program; When considering a student's graduation under this provision, the student shall be provided with a summary of academic achievement and functional performance (SOP) as described in CFR §300.305(e)(3) This summary shall consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 CFR §300.305 (3) (1), shall be included as part of the summary. [19 TAC §1070(c)] Students who participate in graduation ceremonies but who are not graduating and who will remain in school to complete their education do not have to be evaluated. [19 TAC §89.1070(d)]

In addition, the ARD committee will determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (CFR 300 300.101(b) 19 TAC 89.1035(a) (19 TAC 89.63(c)(2)(B)). (34 CFR 300.320(a)); (34 CFR 300.320(b)); (34 CFR 300.320 (a)); (34 CFR 300.324):

Excel Academy shall ensure that an IEP be in effect for eligible children with disabilities on their third birthday in compliance with the ARD Committee frameworks If a child's third birthday occurs during the summer, the child's ARD committee must determine the date when services will begin. The ARD committee must comply with the Least Restrictive Environment (LRE) framework. Home instruction may be used for young children (ages three through five) when determined appropriate by the ARD committee (19 TAC 89.63(c) (2) (B).

Excel Academy shall ensure that each teacher involved in a student's instruction has the opportunity to provide input and request assistance regarding the implementation of the student's IEP. These procedures will include a method for a student's regular or special education teachers to submit requests for further consideration of the student's IEP or its implementation. In response to this request, Excel Academy's procedures will include a method for the Excel Academy to determine whether further consideration is necessary and whether this consideration will be informal or will require an ARD committee meeting. If Excel Academy determines that, an ARD committee meeting is necessary, the student's current regular and special education teachers will have an opportunity to provide input.

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Excel Academy will also ensure that each teacher who provides instruction to a student with disabilities receive relevant sections of the student's current IEP and that each teacher be informed of specific responsibilities related to implementing the IEP, such as goals and objectives, and of needed accommodations, modifications, and supports for the child.

The IEP is a written statement for each child with a disability that includes the following information:

A statement of the child's present levels of academic achievement and functional performance

- How the child's disability affects involvement and progress in the general education curriculum
- Measurable annual goals, including academic and functional goals designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum;
- A description of how the child's progress will be measured and when the progress will be provided;
- A statement of the special education and related services and supplementary aids and services, program modifications or supports that will be provided to the child
- An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class;
 - A statement of accommodations that are necessary to measure the academic achievement and functional performance of the child on State and charter wide assessments;
- If the child must take an alternate assessment instead of a regular State or charter wide assessment of student achievement, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate;

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- The projected date for the beginning of the services and the anticipated frequency, location, and duration of the services;
- For students age 14 and older, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services needed to assist the child in reaching those goals;

When developing the IEP, the ARD committee must consider

- The strengths of the child;
- The concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the child;
- The academic, developmental, and functional needs of the child.
- The IEP must explain the extent (if any) to which the child will not participate with nondisabled children in the regular class and other school activities.
- The must state when services will begin, how often they will be provided, where they will be provided, and how long they will last.
- Transition -beginning when the child is age 14 (or younger, if appropriate), the IEP must address the courses he or she needs to take to reach his or her post-school goals. A statement of transition services needs must also be included in each of the child's subsequent IEPs. Beginning when the child is age 16 (or younger, if appropriate), the IEP must state what transition services are needed to help the child prepare for leaving school
- At least one year before the child reaches the age of majority; the IEP must include a statement that the student has been told of any rights that will transfer to him or her at the age of majority.
- The IEP must state how the child's progress will be measured and how parents will be informed of that progress. A description of how a student's progress toward meeting the

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annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other intermittent reports, concurrent with the issuance of report cards) will be provided.

INSTRUCTIONAL DAY. [19 TAC 89.1075(d)]

- An instructional day commensurate with that of students who do not have disabilities will be available to students with disabilities. The ARD committee will determine the appropriate instructional setting and length of day for each student and specify these requirements in the student's IEP

COMMENSURATE SCHOOL DAY §89.1075.

- Students with disabilities shall have available an instructional day commensurate with that of students without disabilities. The ARD committee shall determine the appropriate instructional setting and length of day for each student, and these shall be specified in the student's IEP.
- Students with disabilities must receive a commensurate school day. This means students with disabilities and their non-disabled peers:
 - (a) have a school day with same beginning and end time, and
 - (b) attend school for the same number of hours.
- The school day for students with disabilities cannot be shortened due to administrative convenience such as the schedule of bus routes, or parents' convenience such as their work location or schedule.

An Admission, Review, and Dismissal/Individualized Education Program (ARD/IEP) committee may consider, review, and document a shorter school day based on the individual needs of the student.

This requirement applies to all students with disabilities ages 3-21 regardless of their disability, type of class, or program.

ADMISSION REVIEW DISMISSAL (ARD) COMMITTEE MEMBERSHIP 34 CFR, §300.321(a),

Excel Academy shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined at 34 C.F.R. 300.321.

The responsibilities of the ARD committee and the charter wide include:

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1. Evaluation, reevaluation, and determination of eligibility for special education and related services;
2. Placement of students with disabilities including disciplinary changes in placement;
3. Development of the student's IEP;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of junior high or middle school personal graduation plans;
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213 [see EHBC];
9. Evaluation, placement, and coordination of

Excel Academy shall ensure that each ARD committee meeting includes all of the following:

1. The parents/legal guardian of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student; Admission, Review, and Dismissal
4. A representative of the charter wide who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of resources of the;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;

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6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student with an auditory impairment, including deaf blindness, a teacher who is certified in the education of students with auditory impairments;
9. For a student with a visual impairment, including deaf blindness, a teacher who is certified in the education of students with visual impairments;
10. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
11. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student’s parents or a student who has reached the age of majority; and
12. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

Educational surrogate parent

An Educational Surrogate Parent is an individual who has been appointed to represent the educational interests of a child with disabilities when: No parent (as defined under 34 CFR 300.30) can be identified; The parent cannot be located; The child is a youth in care.

300.519 Surrogate parents.

- (a) Excel Academy shall ensure that the rights of a child are protected when—
- (1) No parent (as defined in §300.30) can be identified;
 - (2) The public agency, after reasonable efforts, cannot locate a parent;
 - (3) The child is a ward of the State under the laws of that State; or
 - (4) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)).

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(b) Duties of public agency. The duties of a public agency under paragraph (a) of this section include the assignment of an individual to act as a surrogate for the parents. This must include a method—

- (1) For determining whether a child needs a surrogate parent; and
- (2) For assigning a surrogate parent to the child.

(c) Wards of the State. In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements in paragraphs (d)(2)(i) and (e) of this section.

(d) Criteria for selection of surrogate parents.

(1) The public agency may select a surrogate parent in any way permitted under State law.

(2) Public agencies must ensure that a person selected as a surrogate parent—

(i) Is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child;

(ii) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and

(iii) Has knowledge and skills that ensure adequate representation of the child.

(e) Non-employee requirement; compensation. A person otherwise qualified to be a surrogate parent under paragraph (d) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

(f) Unaccompanied homeless youth. In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to paragraph (d)(2)(i) of this section, until a surrogate parent can be appointed that meets all of the requirements of paragraph (d) of this section.

(g) Surrogate parent responsibilities. The surrogate parent may represent the child in all matters relating to—

- (1) The identification, evaluation, and educational placement of the child; and

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(2) The provision of FAPE to the child.

(h) SEA responsibility. The SEA must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.

THE ROLE OF SURROGATE PARENTS IN THE EDUCATION OF CHILDREN WITH DISABILITIES

Federal law mandates that schools involve parents in the education planning process for a child with a disability. If a child is in DFPS conservatorship is or may be eligible for special education services, the school (or, more rarely, the court) appoints a “surrogate parent” to represent the child’s rights relating to special education services.

Surrogate Parents for Children with Disabilities. Under state law, the surrogate parent must:

- Complete surrogate parent training within 90 days of appointment;
- Meet with the child; • visit the child’s school;
- Consult with the persons involved in the child’s education, including teachers, caseworkers, court appointed volunteers, guardians ad litem, attorneys ad litem, foster parents, and caregivers;
- Review the child’s educational records;
- Participate in the educational planning process by attending meetings of the child’s Admission, Review, and Dismissal (ARD) committee;
- Exercise independent judgment in pursuing the child’s interests; and
- Exercise the child’s due process rights under state and federal law. Eligibility to Serve as a Surrogate Parent State employees (including DFPS caseworkers or TEA employees) or employees of a school district or other agency that is involved in the education or care of a child are prohibited from serving as a surrogate parent for a child. Foster parents are not prohibited from being a child’s surrogate parent; in fact, foster parents are often in the best position to advocate for a child in their care.

Excel Academy must give preference to the foster parent when selecting a surrogate parent if DFPS is the managing conservator. A foster parent may request to be the child’s surrogate, if:

- The child has lived in the foster parent’s home for at least 60 days; and

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- The foster parent:
- Does not have a conflict of interest;
- Agrees to participate in the education decisions; and
- Completes the mandatory training. Texas Education Code §§29.001(10); 29.01

20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321; 19 TAC 75.1023(d)(1), 89.1050(c)

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

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

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. Education Code 29.005(a)
Excel Academy shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and

2. Scheduling the meeting at a mutually agreed on time and place. If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)–(b); 19 TAC 89.1050(d)

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. 20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of

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telephone calls, correspondence, or visits made or attempted and the results of any of those actions. 34 C.F.R. 300.322(d)

RELATED SERVICES [20 USC 1401(26); 34 CFR §300.34; 19 TAC §89.1060]

“Related services” means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services will be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education

The term also includes school health services, social work services in schools, and parent counseling and training. It includes the early identification and assessment of disabling conditions in children. In addition to the specific related services defined in federal regulations, related services include interpreting services for students who are deaf. Interpreting services include interpreting/transliterating receptively and expressively for persons who are deaf or hard of hearing

LEAST RESTRICTIVE ENVIRONMENT (LRE) 300.114 LRE requirements.

Excel Academy shall ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

In providing or arranging for the provision of nonacademic and extracurricular services and activities, the LEA must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of the child

Participation in District Programs and Activities

The federal law, Individuals with Disabilities Education Act, 1997 (IDEA), mandates that the primary location of instructional and related services is in the general education classroom. When the general education student needs modified instruction, consideration for special education services occurs. Such services are provided to the student on a continuum as indicated:

general education classes with consultation services from special education,

general education classes with instruction modification and/or accommodation from special education,

general education classes with supplementary aids and services from special education,

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special education classes/services less than 50 percent of the school day, or
special education classes/services more than 50 percent of the school day.

TRANSITION PLANNING REQUIREMENT - [20 USC 1414(d)(1)(B)-(D); 34 CFR §300.344; 19 TAC §89.1050]

The 1997 IDEA defines transition as a coordinated set of activities for a student with a disability that: is designed within an outcome-oriented process, which promotes movement from school to post-secondary education; vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; is based upon the individual student's needs, taking into account the student's preferences and interests; and includes instruction, related services, community experiences, the development of employment, and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.

According to the law, any student identified as having a disability who is 14 years of age must be included in the transition planning process. Transition needs must be addressed prior to the 14th birthday by completion of the ARD/IEP Transition Services Supplement as part of the manual ARD process. In addition, the ARD/IEP committee must conduct an annual review of the Transition Services Supplement. Since placement here is short term, it will be preferable to allow the home campus to be involved in the development of this document.

The ITP must be completed for each student enrolled in special education prior to the student's 16th birthday and reviewed annually. The ITP document is a document that focuses on effective factors needed to assist the student with disabilities to become successfully independent within the community. Outcomes are addressed in the following four areas:

Employment

Education

Independent Living

Recreation, Social and Leisure Activities

Adult service providers should be included, as needed.

If the purpose of the meeting is to consider transition services including post-secondary goals for a student, a district will invite:

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1. The student. If the student does not attend, a district will take steps to ensure that the student's preferences and interests are considered.
2. A representative of any other agency that is likely to be responsible for providing or paying for transition services. If such a representative is invited but does not attend, a district will take other steps to obtain the participation of the other agency in the planning of any transition services.

RESPONSE TO INTERVENTION COMMITTEE

RTI: RESPONSE TO INTERVENTION

Response to Intervention (RtI) is an approach that schools use to help all students, including struggling learners. The RtI approach gives Excel Academy's students opportunities to learn and work at their grade level. The idea is to help all students be successful.

Students who may have a disability should be referred for a full and individual evaluation for special education services. States and LEAs have an obligation and requirement under federal law (34 CFR § 300.111 Child Find) to see that evaluations of children suspected of having a disability are not delayed or denied because of schools using an RtI strategy.

WHAT IS RTI?

Response to intervention is a support process to students and teachers. The instruction/interventions are matched to student needs and the monitoring of progress is continuous. Furthermore, RTI is designed as an early intervention to prevent long-term academic failure. RTI is considered a general education service.

KEY FEATURES OF RTI

- RTI is primarily a general education initiative designed to address the needs of struggling learners early in their educational experience.
- RTI is based on a problem-solving model that uses data to inform decision-making.
- RTI interventions are systematically applied and derived from research-based practices.
- RTI is highly dependent on progress monitoring and data collection.
- RTI intervention plans are designed, implemented, and monitored by a multi-disciplinary team of professionals.
- RTI is not a disciplinary tool for misbehavior.

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- RTI does take into account when the classroom learning is being affected by disciplinary conduct and a behavioral contract could be implemented by the interventionist.

RTI: TYPES OF ASSESSMENT

RTT teams analyze a wide range of data in order to develop an effective intervention plan. Examples of the data include but are not limited to:

- Report Cards - provide teacher ratings of student progress toward learning standards, as well as a measure of effort.
- Standardized Test Results - provide valuable comparative data on either a state-wide or national level.
- Informal Assessments - provide information that can have a diagnostic value. These assessments can be teacher-made.
- Classroom Work Samples - are actual samples of students work such as writing assignments, projects, homework, etc.
- Classroom Observation - provides valuable information, not only on how the student responds to instruction, but also on the effectiveness of the match between the curriculum/instruction and student learning style.
- Behavior Logs - data collected on specific targeted behaviors over time.
- Discipline Referrals - another important means of determining the extent to which classroom learning is being affected by disciplinary conduct.
- Attendance Data - is an important component of a comprehensive assessment. Data on both excused and unexcused absences as well as tardiness are critical.

To ensure that appropriate instruction directly addresses students' academic and behavioral difficulties in the general education setting, a multi-tiered service delivery model is used. Included are layers of increasingly intense intervention responding to student specific needs.

Tier 1

Tier 1 is the foundation of the RtI instructional model. In this tier, all students receive high-quality, research-based instruction in the general education setting. Teachers deliver high-quality differentiated core class instruction that is aligned with state standards.

Tier 2

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Tier 2 is for students who are not making progress at Tier 1, Students are identified for small-group instruction delivered by teachers and/or interventionists, in addition to Tier 1 instruction. This intensified level of intervention includes research-based programs, strategies, and procedures designed to supplement and enhance Tier 1 activities.

Tier 3

Tier 3 is for student that have not responded adequately to Tiers 1 and 2. This level of intervention is aimed at approximately 5 –10% of the students. Tier 3 instruction includes small-group instruction delivered by interventionists. The intervention is based on scientific research based programs, strategies, and procedures designed to remediate identified deficits.

Each school year Excel Academy shall, shall notify a parent of each child who receives assistance from the school district for learning difficulties, including intervention strategies that the school district provides to the child. This notice does not apply to parents of children enrolled in the district’s special education program. The notice shall be provided when the child begins to receive the assistance for that school year. The notice must be written in English or, to the extent practicable, the parent’s native language. The notice must include: (1) a reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used; (2) information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child; (3) an estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided; (4) the estimated time frames within which a report on the child’s progress with the assistance, including any intervention strategies used, will be provided to the parent; and (5) a copy of the Student Handbook Statement.

Dyslexia Defined

As defined in TEC §38.003 (The Dyslexia Law):

- “Dyslexia” means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and socio-cultural opportunity.
- “Related disorders” includes disorders similar to or related to dyslexia such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Dyslexia

Texas Administrative Code §74.28 (State Board of Education Rule) §74.28. Students with Dyslexia and Related Disorders.

1. The board of trustees of a school district must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate instructional services to the student are implemented in the district.

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- These procedures will be monitored by the Texas Education Agency (TEA) with on-site visits conducted as appropriate.
2. Excel Academy procedures shall be implemented according to the State Board of Education (SBOE) approved strategies for screening, and techniques for treating, dyslexia and related disorders. The strategies and techniques are described in "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders," a set of flexible guidelines for local districts that may be modified by SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state. Screening should be done only by individuals/professionals who are trained to assess students for dyslexia and related disorders.
 3. Excel Academy shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders that is aligned with the descriptors found in "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." The professional development activities specified by each district and/or campus planning and decision making committee shall include these instructional strategies.
 4. Before an identification or assessment procedure is used selectively with an individual student, the school district must notify the student's parent or guardian or another person standing in parental relation to the student.
 5. Parents/guardians of students eligible under the Rehabilitation Act of 1973, §504, must be informed of all services and options available to the student under that federal statute.
 6. Excel Academy provide each identified student access at his or her campus to instructional programs required in subsection (c) of this section and to the services of a teacher trained in dyslexia and related disorders.
 7. Because early intervention is critical, a process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available in each district as outlined in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders."
 8. Excel Academy shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program should include: awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modification, especially modifications allowed on standardized testing.

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If the Section 504 committee recommends placement in the dyslexia program, written parent permission is required and will be obtained prior to placement.

Special Population Referral

Referral for Evaluation- Teachers Documentation

Suspicion of a Disability

The evaluation and eligibility process begins at the point the student is suspected of having a disability that requires Specially Designed Instruction, Related Services, and/or accommodations to be successful to the general education curriculum. This suspicion of a disability requires documentation-Special Population Referral form.

If a teacher, parent or staff suspects a disability, submit the Special Population Referral form to contact the Special Population Department.

When requesting to have a student evaluated, shall include why the student may need services and all of the areas of suspected disability. Outside referrals will be due to the Special Pops department three school days after the referral has been made.

The RtI case manager shall be notified to begin the referral process. A parent can make a referral in writing, orally, or using electronic communication. All other referrals shall be in writing. The referral must be included in the student's education record.

Documentation must include the name of the referring source, date, a description of the concerns and information about any strategies attempted.

The timeline begins when the Special Population Department receives the referral for evaluation. The Director of Special Population and Section 504 Manager shall staff student referral within ten school days of receipt.

The Special Population Department or designee may:

- Begin the initial evaluation procedures,
- Refer the child to the RtI team to review and respond to the request, or
- Deny the request, and provide prior written notice.

Excel Academy does not reject a referral and delay provision of an initial evaluation on the basis that a child has not participated in a Response to Intervention (RtI) Excel Academy uses "a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures.

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Determining existence of a Learning Disability– The child does not achieve adequately for the child’s age or to meet State-approved grade-level standards(TEKS) in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age.

Excel Academy shall promptly request parental consent to evaluate the child to determine if the child needs Section 504 services or Special Education and Related Services, and must adhere to the timeframes described in §§300.301 and 300.303.

Components of Comprehensive Evaluation – RTI does not replace a comprehensive evaluation – Must use a variety of data-gathering tools and strategies even if RTI is used.

Results of RTI may be one component of the information reviewed.

Variety of assessment tools/strategies – Cannot rely on single procedure as the sole criterion for determining eligibility.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

(20 U.S.C. §1232g)

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions:

- (1) School officials with legitimate educational interest;
- (2) Other schools to which a student is transferring;

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- (3) Specified officials for audit or evaluation purposes;
- (4) Appropriate parties in connection with financial aid to a student;
- (5) Organizations conducting certain studies for or on behalf of the school;
- (6) Accrediting organizations;
- (7) To comply with a judicial order or lawfully issued subpoena;
- (8) Appropriate officials in cases of health and safety emergencies; and
- (9) State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

PERSONNEL STANDARDS

It is the policy of this Excel Academy to ensure that personnel standards for all individuals serving children with disabilities are met in accordance with the IDEA and its procedures as reflected in the ADMINISTRATION OF PERSONNEL legal framework of the Legal Framework for the Child-Centered Special Education Process, located at: <http://framework.esc18.net/>.

The Excel Academy recognizes that both the No Child Left Behind Act and the IDEA provide that charter school teachers must meet the requirements set forth in the State's public charter school law. 20 U.S.C. §7801(23) (A) (i); 20 U.S.C. §1401(10) (B) (i). In Texas, that means that the charter school special education teacher must be certified and highly qualified.

It is the policy of the Excel Academy to make an ongoing good-faith effort to recruit and hire appropriately and adequately certified and/or licensed personnel to provide a wide range of special education and related services to children with disabilities who are eligible for special education services. Special education staffing needs come from the individualized decisions made by the ARD committee.

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It is the policy of the Excel Academy to ensure that all personnel necessary to carry out the requirements of the IDEA 2004 are appropriately and adequately certified and/or licensed and prepared.

Excel Academy uses the following strategies for accessing adequately certified and/or licensed personnel:

| Strategy | Check with an X if applicable |
|--|--------------------------------------|
| Hiring faculty with dual certification and/or licensure | |
| Hiring consultants to provide special education services | |
| Hiring retired teachers to work part-time to deliver special education services | |
| Developing collaborative agreements with other local educational agencies (LEAs), including with other charter schools to share special education teachers and related service providers | |
| Forming partnerships with institutions and/or agencies that employ related services professionals | |

Excel Academy adopts as policy the provisions under State and Federal law concerning personnel, including:

**SPECIAL EDUCATION TEACHER DEFINED
(20 U.S.C. §1401(10) (B) (i))**

When used with respect to any public elementary school or secondary school special education teacher teaching in a state, such term means that--(i) the teacher has obtained full state certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the state special education teacher licensing examination, and holds a license to teach in the state as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the state's public charter school law.

*******Section 504*******

The Excel Academy does not discriminate on the basis of disability with regard to admission, access to services, treatment, or employment in its programs or activities.

Section 504 of the Rehabilitation Act of 1973 (now known as the ADA Amendments Act of 2008) prohibits discrimination against individuals with disabilities in any programs

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receiving federal financial assistance. The Americans with Disabilities Act (ADA) applies to employers who have over 14 employees regardless of federal financial assistance. Under both acts, the definition of an “individual with a disability” is a person who:

1. Has a mental or physical impairment which substantially limits one or more major life activities, such as seeing, hearing, speaking, breathing, learning, or working; in addition to eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, or communicating; or
“The determination of whether impairment substantially limits a major life activity shall be made without regard to the ameliorative effect of mitigating measures...” or
2. “An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.”
3. Has a record of such impairment; or
4. Is regarded as having such impairment.

The district will evaluate, identify, and provide a free and appropriate education to all students who are individuals with disabilities under Section 504 or the ADA. Parents of these students are entitled to procedural safeguards, which includes individual notice and an impartial hearing.

Each of the programs in the district will be readily accessible to individuals with disabilities when viewed in its entirety.

Knowledgeable Committees and 504 Plans

Knowledgeable Committee Membership: If the student qualifies as a student with a disability under Section 504, a committee of knowledgeable people shall develop a 504 plan within 30 calendar days following the initial qualification. Typically, the knowledgeable committee is made up of staff members who work directly with, the student in the educational setting. The 504 plan is a statement of the required accommodations, and/or services that the Excel Academy will provide to a student. The knowledgeable committee must include the following people:

- Principal or designee
- Teacher(s) who are, or will be, working with the student

Other committee members such as appropriate to the needs of the student. Parents and/or guardians must be invited to the Section 504 meeting.

Transfers

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When a student transfers into a school and is qualified as disabled under Section 504, a knowledgeable committee in the receiving school shall review the existing 504 plan to determine the plan's appropriateness to the current educational setting. The Excel Academy is required to implement the current 504 plan, as written, until the knowledgeable committee convenes to review the student's needs and recommend any required changes.

Section 504 Committee Meeting.

The committee shall:

- Draw upon information from a variety of sources in the evaluation process so that the possibility of error is minimized.
- Document and consider all such sources of information and significant factors related to the student's impairment and its effects on the major life activities.
- Not consider the ameliorating effects of any mitigating measures in determining whether the student has a disability under Section 504, The only exception to consideration of mitigating measures is ordinary eyeglasses or contact lenses.
- If the student has an impairment that is episodic or in remission, consider the impact of the impairment when it is active.
- If the student is identified for Section 504, decide whether a Service/Accommodation plan is needed. A Service/Accommodation plan, however, shall not be developed unless needed, at the time, in order for the student to have his/her needs met as adequately as those of nondisabled students. Mitigating measures will be considered when developing a Service/Accommodation plan.

Annual Review Meeting. A Section 504 review meeting shall be held on an annual basis, on or before the month of the previous year's annual review meeting.

Service/Accommodation Plan. The RtI case manager or designee shall be responsible for providing a copy of the student's Accommodation Plan to each teacher.

Parental Rights to Refuse Consent & Revoke Consent to Section 504

Services/Accommodations. Parents have the right to refuse consent for initial Section 504 Services/Accommodations as well as to revoke consent for continued Section 504 Services/Accommodations at any time. A parent may exercise the right to refuse consent or revoke consent by completing, signing and returning the Section 504 Parent Consent for Services form to the Section 504 Coordinator.

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Reevaluation. Every three years (or sooner if necessary) or prior to a significant change of placement, a Section 504 reevaluation shall be conducted by the 504 Committee. Reevaluation consists of a review of the previous Section 504 evaluation data pertaining to the diagnosis of the impairment, in addition to any new data that may be available at the time of reevaluation. The Section 504 Committee will determine what, if any, additional evaluation information is needed, as well as whether the student will continue to be identified as Section 504. If additional evaluation information has been requested by the Section 504 Committee, another Section 504 meeting will be conducted to review the additional evaluation information

Discipline. Should the Charter initiate a disciplinary removal of the eligible 504 student from his/her educational placement for a term of more than 10 consecutive school days, the Section 504 Committee will hold a meeting. Removals of less than ten school days can be effected without the Section 504 Committee approval, subject to the "pattern of exclusion" rule. A series of short removals over the course of the school year that exceeds ten total days may constitute a pattern of exclusion that triggers the Section 504 Committee to hold a meeting.

The Section 504 Committee must have available to it evaluation data that is recent enough to afford an understanding of the student's current behavior and disability. Relevant educational data shall be reviewed at this meeting. The Manifestation Determination form shall be completed at this meeting. After the manifestation determination meeting, the Section 504 campus coordinator will send the parent, within three school days, with Notice to Parents of Section 504 Meeting Results form and a copy of the Manifestation Determination form.

Referrals to Special Education. If at any time the Section 504 Committee determines that the student may need special education in order to receive educational benefit, the campus should consider seeking parental consent for a special education evaluation. The Section 504 campus coordinator will notify the campus special education diagnostician of

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the 504 Committee's decision.

The Excel Academy adopts as policy the provisions under federal law concerning education records, including:

DYSLEXIA

Texas Administrative Code §74.28 (State Board of Education Rule) §74.28. Students with Dyslexia and Related Disorders.

1. Excel Academy shall ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate instructional services to the student are implemented in the district.
2. Excel Academy's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, and techniques for treating, dyslexia and related disorders. The strategies and techniques are described in "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders," a set of flexible guidelines for local districts that may be modified by SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state. Screening should be done only by individuals/professionals who are trained to assess students for dyslexia and related disorders.
3. Excel Academy shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders that is aligned with the descriptors found in "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." The professional development activities specified by each district and/or campus planning and decision making committee shall include these instructional strategies.
4. Before an identification or assessment procedure is used selectively with an individual student, the school district must notify the student's parent or guardian or another person standing in parental relation to the student.

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5. Parents/guardians of students eligible under the Rehabilitation Act of 1973, §504, must be informed of all services and options available to the student under that federal statute.
6. Excel Academy shall provide each identified student access at his or her campus to instructional programs required in subsection (c) of this section and to the services of a teacher trained in dyslexia and related disorders. The school district may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.
7. Excel Academy shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program should include awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modification, especially modifications allowed on standardized testing.

CONFIDENTIALITY OF STUDENT RECORDS

The Excel Academy complies with the Family Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records. The charter school further complies with the provisions of the Individuals with Disabilities Education Act pertaining to the education records of children with disabilities.

Education records of children with disabilities are safeguarded in accordance with the Excel Academy procedures as reflected in the ADMINISTRATION OF RECORDS legal framework of the Legal Framework for the Child-Centered Special Education Process, located at: <http://framework.esc18.net/>.

Excel Academy personnel are responsible for timely closing, preparing student records for transfer, and transferring student records to another school, school system, where the student seeks or intends to enroll pursuant to the TRANSFER STUDENTS legal framework of the Legal Framework for the Child-Centered Special Education Process, located at: <http://framework.esc18.net/>.

It is the policy of the Excel Academy to safeguard the confidentiality of any personally identifiable information collected, used, or maintained regarding all students, including children with disabilities.

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*******PRINCIPAL'S ROLE & RESPONSIBILITIES *******

The principal will develop and implement all processes and procedures necessary for the efficient and effective operation of the school. The principal must provide effective leadership by adhering to state and local rules governing public schools.

Principals are directly responsible for all records in their school and must ensure that all school-related data is correct and accurate. Effective and frequent communication between principals, data specialists, and special population directors is essential to accurate record keeping. Immediate distribution of test scores, correspondence, credit by exam, distance learning and summer school grades, and any other data impacting grades or credit is critical.

It is the responsibility of the principal to ensure all students are appropriately scheduled into valid credit courses that satisfy graduation requirements and comply with all state rules and regulations. The principals are directly responsible for the validity and accuracy of the AAR, the determination of rank in class, and the certification of graduation. The AAR is the official permanent record of a student's academic achievement. All schedule revisions or adjustments must be approved and completed by principals.

Refer to the [Excel Academy Records Management Plan](#) for additional information.

RESPONSIBILITIES OF PRINCIPALS TO ADDRESS COMPLIANCE ISSUES

The principal will review the school's master schedule to identify potential problems related to valid course assignments and the accommodation of student requests.

The principal should participate in ARD Committee meetings to ensure that student schedules comply with IEPs established by the ARD Committee.

The principal is responsible for the enrollment and scheduling of new students, for individual schedule changes with emphasis on signed verification that student has enrolled or checked out of designated classes, and that all schedule adjustments have been distributed to appropriate classes and entered in the grade reporting software.

The principal will review academic rosters and report cards to identify and address missing classes and missing grades.

The principal, with assistance from the, will create and maintain four-year plans for all high school students.

The principal will check the Permanent Record for grades 3-8 and the Academic Achievement Records for high school students to determine that:

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Each student has an academic achievement record;

Courses and grades are posted and up-to-date;

STAAR results are recorded;

All posted courses are valid with appropriate credit values;

All grade change approval forms have been signed by the principal, and student schedules re-issued;

Grades are submitted within acceptable time frames;

Procedures are in place for requesting and retrieving class schedules and grades for transfer students, and the distribution of class schedules and grades to all appropriate school personnel involved in the data flow process;

Ensure teacher gradebooks are filed and available for review and that they contain appropriate absentee documentation and grade legends and codes and

Ensure the security of the academic achievement records while providing access to these records by teachers, counselors, or other school personnel.

SITE-BASED DECISION-MAKING COMMITTEES

Principals are responsible for establishing Site-Based Decision-Making Committees (SBDMC). Each committee will establish academic and other performance objectives for its instructional programs. These objectives shall address the performance of special needs and ELL students as well. The SBDMC shall be comprised of the principal, at least one general education teacher, one special education teacher, and the.

SCHOOL IMPROVEMENT PLAN

The SDMC will create and implement a Campus Improvement Plan (CIP). The CIP must:

- set the campus performance objectives, including objectives for special needs populations;
- identify how the campus goals will be met for each student;
- determine the resources needed to implement the plan;
- identify staff needed to implement the plan;
- set timelines for reaching the goals;

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- measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.
- The SBDMC must approve campus staff development.
- Staff development must include training in discipline strategies.

GRADE PLACEMENT COMMITTEE

In order to comply with the provisions of Senate Bill 4 and promotion standards, each middle school campus will be required to have a Grade Placement Committee (GPC).

Committee membership must include the principal, teacher familiar with student's work, a teacher of a subject on STAAR on which the student failed to perform satisfactorily and a special population teacher who is familiar with the student's modifications and accommodations.

Grade Placement Committee and Graduation 20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), 305(e)(2); TAC 89.1070(a), (k) TEC 28.025

Excel Academy shall ensure that students who receive special education services but who have not yet completed the requirements of their IEPs have the opportunity to participate in a graduation ceremony upon completion of four years of high school. Upon completion of IEP graduation requirements, a student may participate in a second ceremony if the district's local graduation policy allows a student to participate in two graduation ceremonies.

Graduation requirements vary depending upon the year that the student entered ninth grade.

A student who is dismissed from special education services must perform satisfactorily on the required state assessment, as only students receiving special education are eligible to participate in the Accommodated or Alternate versions of the assessment instruments.

ARD/IEP Committees should carefully consider whether a student is capable of passing the statewide exit-level assessment before dismissing the student from special education services.

An ARD/IEP Committee should have confidence that a student who is dismissed from special education will be able to successfully complete all of the requirements for high school graduation, including satisfactory performance on the statewide exit-level assessment.

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The state's goal is that all Texas children finish high school with the skills designed to meet their unique needs and prepare them for further education, employment, and independent living. Because graduation is a change of placement, the ARD/IEP Committee decides whether a student has met graduation criteria.

Graduation ends the school's obligation to provide services to the student with the exception of graduation under Option (b)(3) (Option C).

When a student graduates under Option (b)(3)(Option C), the ARD committee will determine needed educational services upon the request of the student or parent(s) to resume services, as long as the student meets the age eligibility requirements.

Under this option an evaluation is not required, but the school must give the student a summary of performance to include an evaluation or Review of Existing Evaluation Data (REED).

A student receiving special education services who is 21 on September 1 of a school year will be eligible for services through the end of that school year or until graduation, whichever comes first. The student who graduates due to aging out and meeting his or her IEP requirements must be given a summary of performance.

The function of the GPC is to address the promotion status of those students in grades 3-8. The GPC will meet before summer school begins and immediately after summer school ends. Parents shall be notified if the student was promoted or retained at the end of the school year prior to the beginning of summer school. Students who did not satisfy all promotion standards are required to attend summer school. Students only attend summer school for the promotion standard they do not pass. Principals will notify parents of retained students of the GPC's final decision regarding promotion or retention at the close of summer school.

Students in grades 3 through 8 must have an average of 70 or above in three of the four core courses: language arts (average of reading and English/ELA), mathematics, and science or social studies and

A student who fails to meet grade average requirement will be retained unless the student attends summer school and successfully makes up the course or grade deficiencies which resulted in retention. The method and procedure for determining whether a student has satisfied the grade standard for promotion is an overall yearly average of 70 or above in three of the four core courses: language arts (average of reading and English/ELA), mathematics, science or social studies.

The student is allowed meet standards he needs for promotion either at the end of summer or upon his release, whichever comes first.

It is the principal's responsibility to ensure students are enrolled in the appropriate coursework as determined by the GPC. The summer promotion program is provided to

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give students who did not meet promotion standards an opportunity to avoid retention. Additionally, the principal is responsible for following the GPC's decision of a student transferring from one Excel campus to another during the summer session. The principal of the campus the student last attends must notify the parent of the GPC's final promotion or retention decision.

The principal must provide the Assistant Deputy Director a copy of the GPC's promotion and retention decisions before and after the close of summer school.

STANDARDIZED TESTING

The principal is required to attend annual district testing coordinator training at the Region IV Educational Service Center. The principal acts as the campus test administrator for his/her campus and reports any testing anomalies and Incident Reports to the charter's District Testing Coordinator. The principal is responsible for maintaining security of state test materials and the quality of the data submitted to the Texas Education Agency.

STAAR

In spring 2012, the State of Texas Assessments of Academic Readiness (STAAR) replaced the Texas Assessment of Knowledge and Skills (TAKS). The STAAR program includes annual assessments for grades 3–8 in reading and mathematics;; science in grades 5 and 8; social studies in grade 8; and end-of-course assessments for English I, English II, Algebra I, biology and U.S History.

EXCEL ACADEMY SCHOOL POLICY MANUAL FOR REMEDIAL COURSE PLACEMENT

Remediation must be provided for all students who fail any section of the STAAR, including students with disabilities. This remediation may consist of any appropriate remedial class, including state credit courses, local credit courses, and tutorials.

STAAR review courses may not be substituted for, nor incorporated into, the state-required courses in mathematics and/or English needed for graduation.

The ARD/IEP Committee Report must indicate the schedule of STAAR remediation for students with disabilities who take STAAR and fail to pass.

Credit-By-Exam

Mandate

The Credit by Exam (CBE) is administered in compliance with state mandates and

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implemented with local board policy. Because the state does not mandate specific assessments or procedures for the program, it is classified here as a district-funded program.

- CBE Study Guides - [Texas Tech University](#)
- University of Texas at Austin, Independent and Distance Learning, P.O. Box 7700, Austin, TX, 78713-7700, 800-353-4561.

Population Tested

The CBE is administered to currently enrolled students in grades 9-12.

Materials Used

The charter material that thoroughly test the TEKS and are approved by the State Board of Education in compliance with state mandates.

Program Description

The CBE is a testing program that offers students without prior instruction the opportunity to advance to the next grade level or test out of a high school course. Also, CBE helps students with prior instruction to be placed in their appropriate grade level.

Parents interested in this program should direct their questions to their guidance specialist or principal. A school representative will contact student assessment to make arrangements for testing.

Purpose

The CBE helps to determine if the student is adequately prepared for placement to a more advanced level of instruction and insures proper grade placement for students entering the charter from home schools, unaccredited private schools or foreign schools, and for whom no records are available. The CBE also allows students the opportunity to pass a failed course.

If a student does take CBE courses with prior approval and credit is accepted, all courses and grades must be recorded on the transcript and the grades used in determining the student's GPA and class rank.

Application

All CBE testing is coordinated through the principal. Parents and students interested in CBE should contact the school principal to arrange a conference to discuss the CBE process and complete the application form. The application form must be completed, signed by the student's parent or legal guardian and returned to the school. The principal or principal's designee must also sign the application form and submit it with the exam order form to the University.

Eligibility

Students who are currently enrolled in the charter in grades 9-12 may apply to receive credit for a subject(s) (except for PE) through CBE with or without prior instruction.

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Prior instruction includes previous formal instruction in the subject(s) in a public, private, foreign, or home school. There is no limit to the number of credits (except for PE) a student may earn through CBE with or without prior instruction.

Credit by Exam will apply **only** to general education courses. No “Honors” or quality point designation will be granted on CBE. Middle or high school students may take the CBE tests to advance in a grade or subject(s) (except for PE). The criteria for grade acceleration must meet the promotion standard requirement as outlined in the section on *Student Classification*.

With Prior Instruction

A student will be awarded credit for a subject(s) (except for PE) if the student scores a minimum of 70 percent on the CBE. All scores of 70 and above will be recorded on the AAR. No score below 70 will be recorded.

Without Prior Instruction

A student will be awarded credit for a subject(s) (except for PE) if the following conditions are met. The student scores a minimum of 90 percent on the CBE. No score below 90 will be posted on the AAR.

Study Guides

It is the responsibility of the school staff to provide the teacher and student with a copy of the study guide for the subject(s) requested. Study guides for grades 9-12 subjects are online at the Texas Tech website: <http://www.depts.ttu.edu/distancelearning/>. Study guides for grades 9-12 subjects are available from the University of Texas at Austin by dialing their toll-free number (1-800-252-3461).

- ◆ Scoring of an approved CBE is conducted **exclusively** by the vendor and returned to the campus where the exam was proctored.
- ◆ The University forwards the score reports to the school.
- ◆ The designated school staff member must inform the parent and student of the score.

Recording of CBE Grade on Permanent Record

Principals will receive notification of CBE results upon receipt from the vendor. The principal must notify the parent or legal guardian of the student’s grade by phone and/or in writing.

- ◆ The principal or assistant principal is responsible for adjusting the student’s schedule and or grade placement if necessary upon receipt of the CBE scores.
- ◆ The student’s passing grade will be recorded on the student’s permanent record.

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*****SCHOOL RECORDS*****

The Academic Achievement Record (AAR) is an official and permanent record of a student's academic performance during high school (grades 9-12) and, in some cases, high school courses completed in middle school or junior high school. (TEC 28.025(c)). Entries on the AAR of actual courses taken, grades earned, credit awarded, and codes denoting special explanations must be consistent with teachers' records and the student's individual education plan (IEP), when applicable. Entries may not be altered or removed except to correct errors. Error corrections must be fully explained on the AAR. Failure to maintain the AAR accurately, or any attempt to alter the document with intent to use it for fraudulent purposes is a misdemeanor (TEC 25.001(h)). The AAR must be completed for all students enrolled in a high school program. Students in grades 3-8 will continue to have their grades recorded on the middle school Permanent Record Card. These student's academic history will be converted to the AAR when they reach grade 9.

All courses and grades completed in grades 9-12 must be recorded on the AAR. If a student completed a credit course designated for grades 9-12 which either served as a prerequisite to more advanced courses in that subject sequence or satisfied graduation course requirements (algebra, geometry, foreign language) in grade 7 or 8, that course must be recorded on the AAR. Courses that satisfy graduation course requirements will show "0.50" credit and the credit does apply to the 24 required for graduation.

The AAR was revised for the 1998-99 school year and provides much more flexibility for local districts. There are no requirements concerning the format, medium, or method of delivery; however, the standard content must be completed and unaltered.

Rights of Access to the Academic Achievement Record

The federal Family Educational Rights and Privacy Act of 1974, Section 1232g; Family Educational Privacy Rights; and the Texas Attorney General Open Records Decision Number 152, Obligation to Make Available Copies of Student Education Records, January 28, 1977, mandate that students and their parents have an undeniable right to the AAR. It is illegal to withhold the transcript because the student or the family owes money to the school or for any other reason. The student/family has a right to an exact, unaltered replica of the original file document including any signatures, embossed stamps, school seals, or other certifying documentation already affixed to the AAR. A school must not alter the AAR in any way when providing a copy to a student/family. Do not stamp "Unofficial Copy" on the AAR when providing a copy to the student/family.

Universities or other entities that request official copies of the AAR directly from school districts are responsible for obtaining authority from students for release of such records. Students may also request direct mailings of official copies to colleges or to prospective employers. An official AAR provided by the school district may be differentiated from the copy given to the student or family. The words "Official Copy" imply that the AAR is transmitted directly from the school to the authorized requesting institution without the possibility of alteration. A transcript copy should be marked or stamped "Official Copy"

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only at the time of its authorized release to another institution or student-approved recipient, excluding parents. This stamp or manual entry is never put on the original file document and is not placed on the copy provided to the student or family. The principal, principal, or their designee may also print or type his or her name and title and sign and date the AAR. An embossed school seal may also be used on official copies of the AAR along with the “Official Copy” entry. The TEA also has adopted common course titles that must appear on the AAR (PEIMS Code Table C022).

Academic Achievement Historical File

Since the Ascender grade reporting system has the capability to update grades for previous years and summer school, it is extremely important that principals begin building an academic achievement historical file of student grades. If accurate grades for all students were on file, the computer could generate GPAs, rank seniors, provide credit check, generate electronic transcripts, and numerous other tasks now performed manually.

ELL RECORDS

Information on all students who enter school with a home language other than English is kept in the student’s cumulative folder. All required language proficiency assessment and subsequent LPAC decisions must be documented in the folder for all students.

For those students who are tested and classified as non-ELL by the LPAC, the only information required in the cumulative folder is the home language survey, results of language proficiency assessment, and LPAC decision.

For those students who are tested and identified as ELL by the LPAC, the folder must be maintained to include ESL services (or bilingual, if applicable) as well as the implementation of such services. The information is required by the TEA and is a vital part of the student’s school record.

The following information must be included in the cumulative folder:

- ◆ Home Language Survey
- ◆ Achievement test results
 - For end-of-year LPAC review
 - Notification of Enrollment in a Bilingual/ESL Program
 - Bilingual Program (when applicable)
 - ESL Program
- ◆ Criterion-Referenced Test Results
 - Spanish STAAR
 - English STAAR

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- ◆ Notification of Exit from Bilingual/ESL Program (when applicable)
- ◆ Documentation of progress related to the four-year monitoring period after program exit

The following Language Proficiency Assessment Committee (LPAC) records must be kept at the school and be easily accessible for audits.

- ◆ LPAC Committee Minutes
- ◆ LPAC Master List

SPECIAL EDUCATION RECORDS

Special education information is kept in the Special Education eligibility folder. The folder contains information that documents student eligibility and need for special education services as well as the implementation of such services. The information is required by the TEA and is a vital part of the student's school record.

Special Education eligibility folders should be kept in a locked file accessible to authorized personnel on a 12-month basis. Parents or adult students must be provided with a copy of the "Procedural Safeguards" for students with disabilities.

The Special Education eligibility folder must be transferred at the same time as the student's cumulative folder to ensure continuation of special education services. When transferring the Special Education State Audit Folder, the district procedure for transferring student records is follows.

The following information must be included in the eligibility folder:

- ◆ A copy of the RTI referral (for initial referrals only)
- ◆ Record of Communication with Parent(s) or Guardian(s)
- ◆ Notice of referral for Full Individual Evaluation (signed by parent/guardian) (new referrals only)
- ◆ Signed Consent– signed by parent, guardian (new referrals only)
- ◆ Parent's signature of receipt for rights booklet Procedural Safeguards
- ◆ Notice of Admission, Review and Dismissal (ARD) committee meeting
- ◆ ARD/IEP committee report
- ◆ Medical Reports (if applicable)
- ◆ Psycho/Educational Testing and Speech Therapy Reports

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- ◆ Written Report of Full Individual Evaluation and Related Services Assessments
- ◆ Speech Therapy Assessment (if applicable)
- ◆ Sociological data/parent information (if applicable)
- ◆ Special Education ARD/IEP (Graduation Supplement Plan) – where applicable
- ◆ Significant correspondence from parent, parent’s representative
- ◆ Access to confidential information form
- ◆ Statement of needed Transition Series, age 14 years and older
- ◆ Notice of Transition Meeting (if applicable)
- ◆ Individual Transition Plan (Students age 16 years and older)
- ◆ Home Language Survey (copy)
- ◆ Multidisciplinary Team Report (if applicable)
- ◆ Surrogate Parent information (if applicable)
- ◆ Related Service Documentation Log
- ◆ Notice of Refusal to Provide Special Education Services (if appropriate)

Family Educational Rights and Privacy Act of 1974

FERPA provides that a school may not release personally identifiable student records, files, or personal information contained therein without the written consent of the student’s parent, legal guardian, or the student if he or she is 18 years of age to any individual, agency, or organization other than the following:

- ◆ Other school officials, including teachers and counselors who are requesting records for legitimate educational reasons. School officials do not have a right of access to student records for other, non-educational reasons (e.g., to utilize in connection with an employment dispute);
- ◆ Officials of other schools or school systems in which the student intends to enroll;
- ◆ Authorized representatives of local, state, or federal governmental agencies; or
- ◆ In connection with the student’s application for, or receipt of, financial aid.

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Personal identifiable records include any records, files, documents, and other materials that contain information directly related to a student or personally identify a student and are maintained by the district or an agency, institution, or person acting on behalf of the district.

Where such records or data include information on more than one student, the parent/guardian of any student shall be entitled to receive, or be informed of, that part of such record or data as pertains to their child only.

All parents, including non-custodial parents, possess a right of access to their child's records unless a court order specifically revokes their rights. Therefore, a school must honor any parental request for access to student records so long as there is no court order preventing such access. Similarly, a request for records from a lawyer accompanied by a signed release statement from either parent must be honored if there is no court order that prohibits such action.

A student under 18 years old cannot consent to the release of his records to their parties. Only a parent or legal guardian may consent to a third-party having access to a student's records if the student is less than 18 years old. If the student is over 18 years old, only the student can consent. A student less than 18 years old who has had his disabilities of minority removed by legal action may consent to the release of his records to a third party.

Texas Public Information Act

The Texas Public Information Act is the state law counterpart to the federal Freedom of Information Act. It provides, in general, that records maintained by governmental bodies (such as school districts) must be made available to the public upon written request. However, the Texas Public Information Act contains specific exceptions to the release of student records maintained by educational institutions. The Act expressly states that "information is accepted from (required public disclosure) if it is information in a student record at an educational institution." Under the Public Information Act, student records shall be made available only on the request of (1) educational institution personnel having a legitimate educational interest in the records; (2) the student (if the student is 18 years old or older) or the student's parent, legal guardian, or spouse; and/or, (3) a person conducting a child abuse investigation as required by the Texas Family Code.

Release of Student Records to Authorized Agencies

Requests for information about students made by the courts legally constituted governmental agencies, or community will honor agencies working with school personnel and having legitimate educational interests. Such agencies include the Probation Department, the Department of Corrections, the FBI, etc. The types of records typically sent to such agencies are copies of the permanent record card including grades, credits, attendance, and other similar information deemed necessary by the requesting agency in pursuance of their designated function.

In accordance with this manual, before student records can be furnished in compliance with a subpoena, the district must give written and/or verbal notice to the parents or the student,

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if such student is over 18 years of age. This notice may be given in person, over the telephone, or in writing, so long as any written notice is deposited in the US mail before complying with the subpoena. Use Form, "Required Notice of Subpoena of Student Records." This written notice should be sent by certified mail, return receipt requested, and a copy of the all documentation provided pursuant to a subpoena. The individual whose records are being subpoenaed has ten days to respond. If there is no response, the records will be sent.

Records or information about students requested by other persons, agencies, or institutions will be released only by written request of the student and/or his parent or guardian and with approval of the principal.

Record of Disclosures

No disclosure record is maintained for requests for records by the parent/guardian, eligible student, those who have consent, school officials, or for directory information. A record of all other disclosure, such as disclosure made pursuant to subpoena and court order, must be maintained.

A record of disclosure must be maintained with the educational records showing the party who made the request and the legitimate interest of the same in the records. This record of disclosure is open for inspection by the parent/guardian, eligible student, school officials who have custody of the records, and for audit purposes.

Request for Records

According to the Final Regulations-Family Educational Rights and Privacy Act (Buckley Amendment) dated June 17, 1976, it is no longer necessary to obtain written consent to release records between schools. School officials, including teachers within the educational institution, and officials of other schools in school systems in which the student may intend to enroll may receive a student's record without a written consent for such release. As the enrollment of a student in another school constitutes parent approval, parent signature is not required on a request for records from that school. This applies to schools outside this district or even out-of-state districts.

Parent/guardian signatures are required for release of records to private schools.

Enrollment of Students Who Are Delinquent in School-Related Fees at a Sending School

The Texas Education Code 25.001 provides:

"A person who is at least five years of age and under 21 years of age on the first day of September of any school year is entitled to the benefits of the available school fund for that year. Any other person enrolled in a pre-kindergarten class under Section 29.153 is entitled to the benefits of the available school fund."

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Therefore, a school cannot refuse to enroll a student because he owes for textbooks or other school-related fees. The student must be enrolled, and the school must allow a student to use textbooks at school during each day, but textbooks do not have to be issued to such a student.

Procedures to Challenge Content of Records

A parent/guardian or eligible student may request that records be amended if it is believed that the records are inaccurate, misleading, or violate either privacy of the student. The district has a reasonable period of time to consider the request. If the district decides to amend the records, that ends the process.

If the district decides not to amend the records, it must inform the parent/guardian or eligible student of his or her right to a hearing. If a hearing is requested, the district must give reasonable notice to the parent/guardian of the time and place of the hearing. It must be held within a reasonable time after the request is received. The hearing may be conducted by anyone who does not have a direct interest in its outcome, including an employee of the school. The parent/guardian or eligible student may present evidence and be represented by counsel.

After the hearing, a decision in writing must be made within a reasonable time. The decision is to be based solely on the evidence from the hearing and should include a summary of the evidence and the reason for the decision. If the district decides to amend the records, it should inform the parent/guardian or eligible student. It is the eligible student's right to place a statement in the record of the reasons for the disagreement. Such a statement must be maintained as long as the disputed records are maintained and must be disclosed if the records are disclosed.

If a serious challenge to the contents of a student's records occurs at a school and a hearing is requested, the principal should contact the Director Deputy of Education Services. He has been appointed to chair the committee on special appeals.

RECORDS MAINTAINED

STUDENT RECORDS

Records concerning the student's achievement, progress, health, referrals, language, etc. are accumulated during the course of a student's schooling. These records are required to be kept as indicated below. The Texas State Library and Archives Commission have released retention schedules for all school records. Please refer to the Records Management Plan for Schools before destroying any records.

| Type of Record | Who Keeps | Length of Retention |
|----------------|-----------|---------------------|
|----------------|-----------|---------------------|

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| | | |
|---|---|--|
| Academic Achievement Record Card – A cumulative record of a high school student’s grades by school year and subject; test information | Principal/data specialist | Permanently or until electronically archived |
| Middle School Permanent Record Card- A cumulative record of a student’s grades by school year and subject; test information | Principal/data specialist | Permanently or until electronically archived |
| Survey of Home Language- Required for TEA auditing purposes | Principal/data specialist | Date of withdrawal + 7 years |
| Progress Reports | Data Clerk/Principal – In student’s cumulative folder | Current school year + 1 year |
| Last Cycle Copy of Student’s Report Card, plus the latest cycle copy for a withdrawn student – provides longitudinal information relating to class performance, attendance, and conduct | Principal/data specialist | 1 year after entry of grades in the AAR or Permanent Record Card |
| Middle School Classification Committee Report – Provides information concerning type of movement from one grade to the next or retention in the same grade | Principal/data specialist | Date of withdrawal + 7 years |
| ESL Data (when applicable) – Provides LPAC authorization for exiting ELL students or for continued program placement | ESL Coordinator | Date of withdrawal + 7 years |
| Computer “stubs” of grade sheets | Principal/data specialist | Current school year + 1 year |
| Middle School Teachers’ Grade Books | Principal | 3 years after entry of grades on Permanent Record Card |
| High School Teachers’ Grade Books | Principal | 3 years after entry of grades on AAR |
| Special Education State Audit Folder Special education campus records | Special education case manager | 7 years after student’s withdrawal |
| Students’ Cumulative Folders | Principal/data specialist | Date of withdrawal + 7 years |

*****ADMISSION/WITHDRAWAL*****

Whenever a student enrolls, the principal will create the student’s class schedule.

The student may be required to make up all work missed during the time the student was not enrolled.

The student may choose to audit the course for the remainder of the semester and take the Credit-by-Exam (CBE) test to obtain credit.

The student’s absences at the school s/he last attended will not affect the student’s opportunity to be promoted at the end of the school year or earn high school credit at the end of each semester.

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Transfer of Credits from a non-accredited School

A middle school student entering Excel Academy from a non-accredited private school shall be placed in the appropriate grade level according to the records from the school. However, the student's parent/guardian should be informed when the student enrolls that the placement decision is contingent on the student's being able to score at least seventy percent on a CBE test for the last grade for which the student received credit or a passing grade on a released STAAR exam. The parent/guardian should be informed that it is the principal's prerogative to adjust grade/course placements based on recommendations from teachers after the student has demonstrated his/her ability to perform.

Excel Academy shall not give credit or accept transfer credit for tutoring or instruction provided by an individual acting privately. If a student in grades 3-8 enters Excel Academy from a home schooling situation, the student shall be placed initially in a specific grade level after the principal evaluates the student's academic records. However, the student's parent/guardian should be informed when the student enrolls that the placement decision is contingent on the student being able to score at least 70 percent on a CBE test for the last grade for which the student received credit. Any student entering Excel Academy after grade 8 from a home school situation can only be awarded credit for a course if he scores at least 70 on the corresponding CBE test.

A student in grades 9-12 with courses from a non-accredited private school or institution may be awarded credit by Excel Academy if the student shows evidence of mastery in each semester of the course(s) by taking the corresponding CBE test. All CBE rules will be followed.

Students with transcripts from Foreign Countries

A student in middle school entering Excel Academy from a foreign country will be placed in the appropriate grade level according to the records the student brings from the student's school. However, the student's parent/guardian should be informed when the student enrolls that the placement decision is contingent upon the student's being able to score at least seventy percent on a CBE for the last grade which the student has completed.

A student entering high school from a foreign country may be awarded credit by Excel Academy if the student shows evidence of mastery in each semester of the course(s) by taking the corresponding CBE. The student must complete all Excel Academy graduation requirements before obtaining a diploma.

Every effort will be made to translate foreign transcripts as accurately as possible. If the student questions the evaluation, it will be the student's responsibility to provide the school with more detailed information.

Complete records from a foreign country must be presented to Excel Academy within a reasonable amount of time. If records are presented to the principal at the time of

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enrollment, a student's status will be evaluated accordingly; and if any more records are to be forthcoming, the student should declare so at the time of enrollment. If the student does not indicate this information at the time of enrollment, records that are subsequently presented will not be accepted for the purpose of reclassification unless approved by the principal.

Students for whom no Records can be Obtained

A student without records at the time of enrollment may be enrolled. No credits will be awarded to any student without verification by a school record. If a student for whom no records can be obtained enters Excel Academy, the student shall be placed initially in a specific grade level as indicated by the parent/guardian with the final grade placement decision contingent on the student being able to score at least 70 percent on Credit-by-Exam tests for the last grade for which the student is receiving credit. The permanent record card must show, in the comments section that no records for previous grades were available and the basis for the grade level assigned. Any student for who records cannot be obtained who enters Excel Academy after grade 8 shall be placed in the 9th grade and must complete Excel Academy graduation requirements.

The student may remain in the classes into which the student was placed until records arrive from the student's previous school. At that time, adjustments may have to be made in the student's schedule. If all channels for requesting records have been exhausted and no records are available, the "No Record" policy would be in effect, and the student's schedule would be adjusted accordingly. For example: If a student is enrolled in grade 10, 11, or 12 based on the student's own evaluation of previous credits and no official records can be obtained, the student must be reassigned to the 9th grade.

Provision for Grade Placement of ELL Students for whom no Records can be Obtained from Foreign Countries

All admission procedures and transfer described in this handbook apply to ELL students. In addition, procedures for the following types of students are outlined below:

ELL students 13 to 15 years of age who enter Excel Academy from another country and for whom no records can be obtained should be placed in their age-grade cohort. All prerequisites are waived. If the students successfully complete the courses in which the student is enrolled, the student can continue from that point toward promotion from middle school.

The Permanent Record Card or Academic Achievement Record (AAR) must show that the student was placed by a GPC and that records for the previous courses were not available.

ELL students 16 years of age or older who enter Excel Academy from another country and for whom no records can be obtained should be placed in the ninth grade. All prerequisites are waived. If the student successfully completes the courses in which the

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student is enrolled the student can continue from that point toward graduation. All credit and course requirements for graduation must be completed.

The AAR must show that the student was placed in the ninth grade and that records for the previous courses were not available.

Students with little or no educational background will be placed according to the above procedures.

Enrollment of Students from Another Excel Academy Campus

It is essential all students who transfer within the charter must have a completed withdrawal form. This is important because the withdrawal will provide the receiving school with a record of completed courses as well as courses in progress as listed on the withdrawal form.

The following procedures should be followed when enrolling a student transferring from another Excel Academy campus:

The student should present a completed withdrawal sheet with the latest report card attached from the previous school showing current cycle grades if enrolled in school for at least five days.

The student must be enrolled with the student's legal name. Anyone requesting the school to use a name other than the name on the previous school records must provide legal documents (birth certificate or court order) to determine the legal name. Anyone requesting to enroll the student with a name other than the legal name should be asked to institute legal proceedings to change the legal name.

A local student ID number should be verified, and the social security number or state-assigned alternative (PEIMS) number or Unique ID should appear on the withdrawal sheet.

ENROLLMENT OF STUDENTS ENTERING FROM ANOTHER SCHOOL DISTRICT

The standard enrollment procedures should be followed in enrolling a student from another school district.

If the student is enrolling after the first day of school, the student should have an official withdrawal form from the previous district.

Each public school shall cooperate in transferring student's immunization records to other schools.

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The sending school district should furnish records upon written request including immunization records. The parent's or guardian's signature is not required on a request for records from the student's previous school.

Senate Bill 1 requires a school district to obtain certain identifying information from students within 30 days of their enrollment in the district. Districts failing to provide the required information within 30 calendar days of a request by the receiving school district should be reported to the Parental Rights and School Services Division of the TEA at (512) 463-9290. TEC 25.002(a).

Since all children ages 5 and 21 years have a right to free public education, a school cannot refuse to enroll a student because of nonpayment of school-related fees. The student must be enrolled. Textbooks do not have to be issued; however, textbooks should be provided for use in the classroom.

A copy of the student's records from the school that the student attended most recently. If the student is enrolled under a name other than the child's name as it appears on the identifying documents, the school district must notify the Missing Children and Missing Person's Information Clearinghouse of both the student's name as shown on the identifying document or records and the name under which the student is enrolled. The Clearinghouse is part of the Crime Records Division of the Texas Department of Public Safety, 1-800-346-3243.

If the identifying information is not provided within 30 days, (or 90th day if the student was born outside the U.S.), the school district must notify the police department of the city or the sheriff's department of the county in which the school is located. The school should request an investigation to determine whether the student has been reported as missing.

WITHDRAWAL/ENROLLMENT OF STUDENTS TO/FROM HOME SCHOOLING

Home schooling is legal. Schools should withdraw students in the usual manner when the parent or guardian indicates the child will be taught at home, using Withdrawal Code.

The only requirements for home schooling to be legal are that 1) the instruction be *bona fide*; 2) the curriculum must be in visual form (e.g., books, workbooks, video monitor); 3) the curriculum includes the basic subjects of reading, spelling, grammar, mathematics, and good citizenship; and 4) parents must reasonably cooperate with any reasonable inquiry from an attendance officer. Parents may obtain curriculum materials from outside sources or develop their own. Parents may purchase a Textbook Current Adoption Catalogue. Orders should be directed to:

TEA Publications Distribution Sales
P.O. Box 13817
Austin, Texas 78711-3817

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(512) 463-9744

State-adopted textbooks can be purchased from the publishers.

Parents may wish to contact one of the Regional Home Education Organizations. The closest to Houston is the Southeast Texas Home School Association (SETHSA) (281) 370-8787; FAX (281) 370-6577, or WWW.SETHSA.ORG.

The division of instruction for a student between two different instructional entities would significantly impact the determination of grades, overall yearly averages, and promotion standards. Students in Excel Academy (elementary and/or middle school) must complete all courses required to determine promotion status within the school they are officially enrolled. This concept also applies to private/parochial schools.

A middle school student who returns to Excel Academy from a home-schooling situation will be placed in the appropriate grade level based on his/her record of achievement evaluated by the principal. The evaluation will be based on the educational materials used and the student's performance through written evidence of achievement. Such written evidence shall be in the form of test results. However, the student's parent/guardian should be informed when the student enrolls that the placement decision is contingent on the student's being able to score at least 70 percent on a CBE test for the last grade in which the student received credit.

Any high school student requesting graduation credit for a course studied in a home school must show evidence of mastery of the course by taking the corresponding CBE test. All CBE rules will be followed.

Temporary placement can be based on available information pending completion of testing. If a student does not exhibit a successful transition, the student may be moved back to another grade level.

ENROLLMENT OF UNDOCUMENTED STUDENTS

The U.S. Supreme Court has ruled in *Plyler vs. Doe* [457 U.S. 202 (1982)] that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other children, undocumented students are obliged under state law to attend school until they reach a mandated age.

As a result of the Plyer ruling, public schools may not:

Deny admission to a student during initial enrollment or at any other time on the basis of undocumented status.

Treat a student differently to determine residency.

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Require students or parents to disclose or document their immigration status.

Make inquiries of students or parents that may expose their undocumented status.

Require Social Security numbers from all students, as this may expose undocumented status.

If a child's school file should contain information exposing the student's undocumented status, the Family Educational Rights and Privacy Act (FERPA) and various state privacy acts prohibit schools from providing any outside agency—including the Immigration and Naturalization Service—with such information without first acquiring permission from the student's parents.

If the student has never been enrolled in a Texas public school and has no Social Security number, a PEIMS number and Unique ID will be assigned.

Finally, school personnel—especially principals and those involved with student intake activities—should be aware that they have no legal obligation to enforce U.S. immigration laws.

ESTABLISHING AN ATTENDANCE RECORD AND COMPUTER FILE FOR NEWLY ENROLLED STUDENTS

After all verification has been completed and the student is enrolled, steps should be performed to get the student on the computer files and into the correct classes.

The student's entry date is the first day the student is physically present in class during the official attendance accounting period on a particular campus.

A student's re-entry date is the first day the student is physically present in class during the official attendance accounting period after having been withdrawn from the same campus.

A student is in membership on both the entry date and the re-entry date.

A student scheduled to attend at least two hours, but less than four hours, a day is coded as a half-day student.

A student scheduled to attend at least four hours a day is coded as a full-day student.

A student cannot be absent on either the entry or re-entry date.

Attendance and contact hour eligibility begins the first day of school and continues the entire year provided all required documentation is in order.

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In no case should attendance personnel determine the special program code of a student. Designated staff or teachers should provide this information to attendance personnel.

| Procedure_____ | Person Responsible_____ |
|--|----------------------------------|
| Evaluation of credits | Principal |
| Grade placement | Principal |
| Determine special education status and Complete special education input documents | Special Education Representative |
| Determine ESL program status and complete ELL input documents | LPAC |
| Request student records from sending school | Principal/Data Specialist |
| Class scheduling | Principal |
| Establish attendance record Assign official entry Enter on Transaction Log and Daily Membership Summary | Data Specialist |
| Computer Input | Data Specialist |
| Course/grade information | Teacher |
| Special education information | Special Education representative |
| Bilingual information | ESL assistant |

WITHDRAWALS

The official date of withdrawal depends on the time of day the student withdraws. If a student withdraws from school before the time that ADA is checked at the student's school, the effective date of withdrawal is that same day. If a student completes the withdrawal process after ADA is checked, the effective date of withdrawal must be posted to the student's computer file the next school day.

Note the effective date of withdrawal and the withdrawal code on the type of the student's enrollment card and on the Permanent Record Card/Academic Achievement Record.

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It is critical that withdrawals be posted to the computer files on a daily basis to avoid conflicts with other schools or within the statewide PEIMS database.

*****GRADE CLASSIFICATION*****

| Classification | Credits Earned |
|----------------|----------------|
| Grade 9 | 0 - 5-1/2 |
| Grade 10 | 6 - 11-1/2 |
| Grade 11 | 12 - 17-1/2 |
| Grade 12 | 18 - and over |

All student grade levels must be assessed annually according to the above grade classification schedule. Local credit courses may be used for classification purposes; however, a student should not be classified as grade 12 unless s/he can complete all state course testing requirements during that school year.

At mid-term, all high schools must reclassify juniors who will be able to complete graduation requirements at the end of the spring or summer terms. Numerous graduate reports, including PEIMS, which must be submitted to the state, require that a student be classified as grade 12 before Excel Academy can produce these computer-generated reports.

This situation presents several problems related to the transfer of students between schools. Once a student is classified at one school and then transfers to another school, that student's classification should not be *lowered* because of different classification criteria at the new school.

As stated above, any student that can complete all graduation requirements during the school year *must* be classified as grade 12.

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Texas education code requires the Excel Academy to establish an accelerated learning committee for each students who does not perform satisfactorily on 3rd, 5th, or 8th grade math and reading assessments. The Accelerated Learning Committee must be comprised of 1) the principal or the principal's designee, 2) the student's parent or guardian, and 3) the teacher of the subject of an assessment on which the student failed to pass. If the student fails an assessment in the same subject in the subsequent school year, the superintendent or a designee must meet with the student's Accelerated Learning Committee. A Language Proficiency Assessment Committee (LPAC) representative is required for emergent bilingual learners. A 504 representative is required for students designated at 504.

For students receiving special education, the Admission, Review and Dismissal (ARD) committee will serve as the Accelerated Learning Committee.

Education plans should address accelerated instruction to enable the students to perform at appropriate grade level by conclusion of the school year.

Accelerated learning must be provided to any student in grades 3rd through 8th who does not perform satisfactorily on a state assessment.

- A GPC will decide the most effective way to support a student's academic achievement on grade level
- an AIP for every student who does not meet the passing standard on the required grade advancement assessment, whether he or she is retained or promoted upon parent appeal to the GPC and, if promoted, the completion of required accelerated instruction prior to promotion

Grade-Advancement Requirements for Special Populations

Students participating in STAAR Alternate 2 are not subject to grade-advancement requirements.

Students receiving special education services who take STAAR are subject to grade-advancement requirements. In the case where a student who receives special education services does not meet the passing standard on a state assessment, the ARD committee, however, will make all decisions involving accelerated instruction and promotion.

In the case where a student's IEP states that the student is to take these assessments and the student does not meet the passing standard on the assessment, the ARD committee

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will determine accelerated instruction and whether the student should be promoted. The role of the ARD committee in making decisions about students subject to SSI grade-advancement requirements is described in 19 TAC §101.2003. A student receiving special education services enrolled in grade 5 or grade 8 who is receiving instruction in the TEKS curriculum in mathematics and reading is subject to SSI grade-advancement requirements. In accordance with 19 TAC §101.5(b) (relating to Student Testing Requirements) and TEC §28.0211(i), the student's ARD committee shall determine appropriate assessment and accelerated instruction for each eligible student. Assessment decisions must be made on an individual basis and in accordance with administrative procedures established by TEA. These decisions must be documented in the student's IEP. Districts are encouraged to carefully weigh the individual needs of students with disabilities as they consider decisions pertaining to the procedures outlined in this manual. For the students described above, an ARD committee must make decisions regarding appropriate (1) assessment, (2) accelerated instruction, and (3) grade placement based on a student's individual educational needs.

Accelerated Instruction and Intensive Programs of Instruction for Students in Special Education Programs

Students receiving special education services, including those who take alternate state assessments and those who are not required to pass state assessments in order to graduate, are not excluded from the laws requiring accelerated instruction and intensive programs of instruction. With regard to these students, however, the admission, review, and dismissal (ARD) committee is responsible for determining the instructional interventions needed to assist the student in achieving the state academic standards and/or the standards set forth in the student's individualized education program (IEP). The ARD committee may address accelerated instruction and intensive programs of instruction in an ARD committee meeting. Alternatively, Excel Academy and the student's parent may agree to amend or modify the student's IEP without an ARD committee meeting in accordance with the procedures in 34 Code of Federal Regulations (CFR) §300.324(a)(4). In either case, the instructional decisions should be informed by current data, such as the student's state assessment results, and should be tailored to meet the student's individual needs.

Intensive Programs of Instruction Under TEC §28.0213, a school district must also offer an intensive program of instruction to a student who does not perform satisfactorily on any state assessment instrument administered under TEC Subchapter B, Chapter 39. In addition, a recent amendment to the statute now requires that intensive instruction be provided to a student who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the school district.

In the case of a student in special education who does not pass a state assessment, the statute requires that the student's ARD committee design an intensive program of instruction to: (1) enable the student to attain a standard of annual growth on the basis of

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the student's IEP; and (2) if applicable, carry out the purposes of TEC §28.0211 (i.e., the SSI).

Middle School Promotion Standards

To be promoted from one grade level to the next, students grades 3 through 8 must attain:

An overall yearly average of 70 three of the following subjects: Language Arts (an average of the English and Reading courses may be required if appropriate), mathematics, social studies, OR science. All of the subjects must be on grade level.

As specified by these requirements, a student may advance to the next grade level by unanimous decision of his or her grade placement committee that the student is likely to perform at grade level after additional instruction.

A number of materials have been developed to help schools implement the grade advancement requirements. These materials are available at Texas Education Agency's Student Assessment website in a format that facilitates downloading and editing for local use.

Additionally, in order to comply with standards, each elementary and middle school campus will be required to have a Grade Placement Committee (GPC).

The function of the GPC is before and after the close of summer school, to address the promotion status of those students who still have not satisfied all promotion standards.

Committee membership must include at least the principal, teacher, or a teacher representative of the subject that the student failed to perform satisfactorily and a special programs teacher if the student is receiving ESL or special education services.

The Admission, Review, and Dismissal (ARD) Committee will make promotion decisions for students receiving special education services. As is the case with the GPC, these bodies have the authority to "promote" rather than "place" a student who has not satisfied a 70 average on three of the four core curriculum classes (Standard A) or who has not satisfied the state assessment for grades 5 and 8.

Procedures

The one standard that is mandatory for promotion is the state grade average requirement.

It is the principal's responsibility to ensure students are enrolled in the appropriate coursework as determined by the GPC. The summer promotion program is provided to give students who did not meet promotion standards the opportunity to avoid retention. It is the GPC's responsibility to inform the students' caseworker and parent of the GPC's decision.

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Promotion/Retention in Middle School

Students who do not satisfy promotion standards are retained in their current grade level and will be required to repeat all courses, other than electives, taken at that grade level whether passed or failed. However, additional interventions should be provided.

Schools may *not* grant social promotions. Students may be promoted only on the basis of academic achievement.

Criteria for At-Risk Students

Students in grades 7-12 who are below the age of 21 years and who meet one or more of the following conditions shall be identified as “at-risk”:

Have not been promoted one or more times in grades 1-6 based on academic criteria and continue to be unable to master essential elements in the seventh or higher grade level;

Are two or more years below grade level in reading or mathematics based on the district’s standardized academic achievement test;

Have failed at least two courses in one or more semesters and are not expected to graduate within four years of the time they entered the 9th grade;

Have failed one or more of the reading, writing, or mathematics sections of the most recent STAAR test beginning with the 7th grade;

In addition, the district may consider the environmental, familial, economic, social, developmental and other psycho-social factors in determining services where such factors contribute to the student’s inability to progress academically;

A student who is adjudicated, or

A student who is pregnant or is a parent.

ADDITIONAL INTERVENTIONS

Academic progress is determined by achievement of essential knowledge and skills. Consistent advancement is the goal and expectation for all students. Periodic review of student progress is essential to ensure that students are achieving appropriately, particularly those students who are retained or were promoted by committee decision without satisfying all three designated promotion standards.

Each school shall develop a plan for periodic assessment of the documented progress of all students for the purpose of making improvements, if needed, in a student’s instructional program. Schools will establish criteria for evaluating student progress based on the essential knowledge and skills. Such criteria may consider factors such as the following:

Report cards

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District or teacher developed checklists
Portfolios of student works
Results of alternative assessments
Performance on state assessments of the essential knowledge and skills
Teacher evaluation of student performance through anecdotal records or narrative descriptions

Options may include school-based interventions such as:

Instructional assignment based on a continuous progress model;
Instructional assignment involving multiage/cross-age grouping;
Instructional modifications that accelerate progress;
Participation in a tutoring program (specialized, peer, and/or cross-age);
Special program assignment; and/or
Other interventions designed by the school that provides for maximum instructional progress by the student.

Since students' progress at different rates, assignment for the next school year should be based on the best educational interests of the student. The above instructional options must also be considered in cases where a student's annual progress is less than what might be expected for traditional promotion to the next grade level.

Whether a student is retained or promoted by decision, provision must be made to modify the student's instructional program and accelerate progress. Using information on the student's performance during the year and encouraging parental participation, the school's GPC will document the planned alternative. A decision to retain or promote a student may only be made by a school's GPC or ARD Committee.

Credit Structure

The following explanation of credit structure is true in conventional scheduling situations.

Credit Value of Courses:

One-half (0.5) unit of credit is the equivalent of one class period per day for one semester. This is true for the 55-minute classes taught in schools following a conventional 18-week semester system, or an alternate day block system. Under either semester system, the "credit" is the standard unit of measurement for achievement.

- ◆ All courses for which state or local credit is awarded shall receive one-half (0.5) credit per class period taught.
- ◆ A student will complete a one-year course by earning credit in that course.

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- ◆ Schools may not divide classes in such a manner that credit is awarded in 0.25 or 0.75 units.

Correspondence Courses

There is no longer any limit on the number of courses that may be taken by correspondence which are accepted as a part of high school graduation requirements for accredited schools in Texas. The courses must be taken from one of the two centers that offer secondary level correspondence courses that have been approved by the Texas Education Agency (TEA). The sources of acceptable correspondence courses are (1) the Extension Division of the University of Texas at Austin and (2) the Extension Division of Texas Tech University.

- ◆ A staff member should be provided to supervise correspondence courses.
- ◆ Courses must be completed within a reasonable time, usually within six months from the date of registration. Extension may be considered on the basis of individual merit.

Approved University Programs

The Texas Tech University Independent Study by Correspondence High School Program and the University of Texas High School Diploma Program, approved by the State Advisory Committee (SBOE), provide opportunities for students to continue their formal education at their own pace in order to obtain a high school diploma. These programs permit a student to satisfy all graduation requirements through correspondence courses.

THE TEXAS TECH UNIVERSITY INDEPENDENT STUDY BY CORRESPONDENCE HIGH SCHOOL PROGRAM

The Texas Tech University Independent Study by Correspondence High School Program will report the academic excellence indicators to the TEA using the Public Education Information Management System (PEIMS). An annual performance report will be published and made available. Other conditions include the following:

- ◆ No state funds will be used to support the program.
- ◆ Transcripts awarded to students enrolled in the program shall be consistent with the Academic Achievement Record (AAR) "transcript" required by the state.
- ◆ Requirements for a high school diploma shall be consistent with the state graduation requirements and with the exit-level assessment requirements.
- ◆ State-required testing will be implemented in accordance with existing rules and schedules.

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- ◆ The program will submit data to the Public Education Information Management System (PEIMS) in accordance with current roles.
- ◆ Other SBOE rules for curriculum shall be applicable as appropriate.

The address and toll-free number are as follows:

Texas Tech University
Independent Study by Correspondence
Division of Continuing Education
P.O. Box 42191
Lubbock, Texas 79409-2191
1-800-692-6877
<http://www.dce.ttu.edu>
THE UNIVERSITY OF TEXAS AT AUSTIN
HIGH SCHOOL DIPLOMA PROGRAM

Credit-by-Exam

According to Section 28.023 of Senate Bill 1, the school district shall publicize the availability of Credit-by-Exam (CBE) testing and develop CBE procedures for each elementary grade and specific secondary school academic subject.

With Prior Instruction

Excel Academy provides testing to award credit for students who have had prior instruction free of charge. Prior instruction includes: independent study, classroom work, tutorial experience, and course work from an unaccredited school, home schooling, or migrant students. The principal coordinates all CBE testing.

- ◆ To be eligible for CBE with Prior Instruction, a student must be currently enrolled in Excel Academy. A student not currently enrolled but whose last school attended was in Excel Academy may arrange to take a CBE test to complete graduation requirements.
- ◆ Students cannot take a CBE for a course they are currently enrolled. Students enrolled in a course may not take CBE with Prior Instruction until the semester is over.
- ◆ A student shall be given credit for a grade or subject if the following conditions are met:
 - the student's parent or guardian gives written approval for the acceleration;

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- high school student scores 70 percent on a CBE test for academic course acceleration.'
- ◆ Successful attainment of minimum requirement on exams shall be recorded for credit on the student's AAR.
- ◆ CBE will apply only towards general education courses. No "Honors" designation will be granted on CBE.
- ◆ CBE with Prior Instruction may earn a limit of three credits toward graduation.
- ◆ Parents interested in CBE should contact the school principal to arrange a conference to discuss the CBE process. At the time of the request, the school staff will give the student a copy of the study guide for the course(s) required to provide an indication of the level of difficulty of the exams. At such time, the parent and student can decide if they still want to pursue CBE. If so, an application should be completed.
- ◆ Study guides for CBE can be obtained from <http://www.dce.ttu.edu>.
- ◆ The school submits completed applications for the CBE to the principal or principal.
- ◆ Middle school students may use the CBE option to makeup a course to meet promotion standards.

Credit Conversion

- ◆ There may be instances where a student attending a quarter-system school from out of the state transfers into school with quarter units on his transcript. In this situation, quarter units must be converted to credits. All credit conversions shall be based on the total number of quarter units accumulated by the end of the semester or quarter immediately preceding the one in which the student transfers into Excel Academy.

Intensive Program of Instruction TEC §28.0213

Intensive Programs of Instruction are instructional practices adapted to respond to the complex needs of students not meeting standard on state assessments in grades 3-12.

Difficulties meeting state assessment standards in any academic subject area may or may not be related to the student's area of disability.

Purpose:

- Enables the student to maintain a standard of annual growth on the basis of the student's Individualized Education Plan.

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- Provides opportunities for accelerated instruction each time the student fails to meet standard in grades 3-12.
- Ensures collaboration between the Grade Placement Committee (GPC) and ARDC in grades 5 and 8 to determine additional interventions and accelerated instruction needed for progression to the following grade level.

Development:

- Professionals determine appropriate interventions, which may include drafting appropriate IEP goals and objectives that will be provided to help the student make annual academic growth in the area of need. An appropriate plan can consist of services provided through general education or special education based on the student's individual needs.
- Teachers review and discuss appropriateness of current accommodations/modifications/ supplemental aids, if appropriate, and make suggestions for changes as needed.
- The final determination of the Intensive Program of Instruction will be made by the collaborative efforts of the ARDC.

Documentation:

A Review ARD must be convened to discuss the Intensive Program of Instruction within 30 days of the campus receiving Confidential Student Report. For students in Grades 5 & 8 that don't meet expectation on State Assessments in Reading & Math (SSI), the ARDC acts as the GPC (Grade Placement Committee) and must meet prior to Summer School to address the student's needs. For all other grade levels and courses, a Review ARD must be convened to discuss the Intensive Program of Instruction within 30 school days of the campus receiving Confidential Student Report. The Intensive Program of Instruction must be addressed in the Deliberations. It may also be addressed through:

- PLAAFP
- IEP Goals & Objectives specific to academic area in which standard was not met
- Accommodations and/or Modifications
- Schedule of Services

ACCELERATED INSTRUCTION - TEC §28.0211 EC §39.025 TEC §28.0217 TEC §29.081(d)

- ARD Committee members must determine the manner in which the students will participate in accelerated instruction, and determine the instructional interventions to assist students in achieving the state academic standards and/or the standards established in the IEP. IPI focuses on enabling student to attain a standard of annual growth based on the IEP.
- ARD must document frequency and duration of services regardless of whether general education or special education services.

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- AI and IPI are applicable to all special education students, including students taking alternate state assessments, and to students NOT required to meet the state assessment standards in order to graduate.

- The same interventions may apply for AI and IPI.

SPED Grades 5, 8 & EOC ARD must determine AI to be provided on expedited schedule prior to any retest; justify non-participation in any administration; and whether to promote or retain according to SSI guidelines/flowcharts.

Due to the design of STAAR Alternate 2, students participating in STAAR Alternate 2 are not subject to grade advancement requirements but are subject to AI requirements.

- Accelerated instruction may require participation outside of normal school hours or year. SPED ELL ARD/LPAC Collaboration addresses disability and language proficiency needs.

*****GRADE REPORTING*****

Grades on Report Cards, Academic Achievement Records, and elementary and middle school Permanent Record Cards are reported as numeric scores, not letter grades. The terms cycle grades and six-weeks grades are used interchangeably.

Cycle grades will be reported on a range of **50-100**. Grades recorded in teacher grade books over a grading period may range from **0-100** based on the actual score earned by the student. However, when the final cycle average is determined, if that average is less than 50, a 50 will be recorded on the grade sheet as the cycle grade.

Students who refuse to attend class or chose not to do class work should be assigned a 0 for any missed assignments. If a student is not able to attend class because of unit closure or any reasons due to the institution or absences recognized by the state, SAAH 3.6.3 *Requirements for a Student to Be Considered Present for FSP (Funding) Purposes*, the student will be allowed to make up any missed work. Adequate documentation must be retained to verify the whereabouts of these students.

Final exams will be reported on a range on **0-100** based on the actual score achieved on the test.

Grade averaging routines are as follows:

Cycle

Exam

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| | | |
|---|--------------|----|
| Conventional High School (6 weeks) | 25 – 25 – 25 | 25 |
| Grades 3 rd -8 th Grade (6 weeks) | 25 – 25 – 25 | |

Minimum Requirements for Computing Yearly Average Grades

In order to award credit for high school courses, a student must have at least three grades (from either cycle grades or an exam grade) per semester. If the student was not enrolled for at least two cycles, and therefore does not meet the three-fourth grade requirement, the student can be given an incomplete or “I” for the course or take a local or university credit by exam (CBE). If an “I” or CBE is not given, then the grade average is No Credit or “NC.” Home-school cycle and exam grades must be integrated into the student’s report card. Home-school is the school the student last attended.

Students in grades 3-8 must have at least two grades per semester in order to compute a grade average. If the student only has one grade in a semester, the student will be given an opportunity to make-up the work or s/he can attend an accelerated summer program.

Non-academic considerations such as attendance or participation in extracurricular activities **should not** be used in determining grades. STAAR results may not be used in any way when determining any student’s course grade.

Under no circumstance may conduct infractions be used to affect the student’s academic grade.

All grade averages with a remainder of .5 or above will be rounded off to the next highest number, including 69.5-69.9. In order to receive credit for a course, a student must earn an average of 70.0 or better.

If a student exceeds the absence limit for a semester, an asterisk (*) will appear next to the grade on the transcript even if the grade is a passing grade. The asterisk (*) will continue to appear at each succeeding grading cycle. The student has one semester to appeal the absences to the Attendance Committee. If the Attendance Committee decides to award credit for a passing average with an asterisk (*), credit will be restored. The Attendance Committee is comprised of the principal and three teachers.

Even though all grades will be reported as numeric scores, these scores will still represent various levels of achievement that can be compared to letter grades. The following grading scale will be used in Excel Academy:

| NUMERIC AVERAGE | LETTER GRADE EQUIVALENT | GRADE POINTS CREDIT COURSES |
|------------------------|------------------------------------|--|
|------------------------|------------------------------------|--|

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| | | Regular |
|-------------------|----------|----------------|
| 90 – 100 = | A | 4 |
| 80 – 89 = | B | 3 |
| 75 – 79 = | C | 2 |
| 70 – 74 = | D | 1 |
| Below 70 = | F | 0 |

This scale will appear as a legend on the report cards, so the parents can determine the student's level of achievement compared to letter grades.

This scale will also be used to determine the grade points for each credit course. Grade points are significant in that they are used to determine a student's grade point average and subsequently his or her rank in class. Grade point averages are determined by adding the total number of grade points accumulated by a student in grades 9 through 12 and credit courses taken in grades 7 and 8 and dividing by the total number of credit courses that the student has taken.

Grades must be recorded in teacher's grade books only as numeric scores. Letter grades may be marked on individual student assignments, but the teacher must also indicate the numeric value assigned to that letter grade (B/82). The following conversion table should be used to convert the letter grades to numeric equivalents:

| | |
|----------------|----------------|
| A+ = 98 | D+ = 74 |
| A = 95 | D = 72 |
| A- = 92 | D- = 70 |
| B+ = 88 | F = 60 |
| B = 85 | 0 = 0 |
| B- = 82 | |
| C+ = 79 | |
| C = 77 | |
| C- = 75 | |

On transcripts of students who transfer into Excel Academy from another district, the principal/records clerk may use either the above Excel Academy conversion table or the conversion table on the transcript of the student's previous school. Consideration should be given as to which system is fairer to the student.

If a student enters Excel Academy from a private school or a district outside of Texas, he may have grades based on a different grading scale. For example, at Excel Academy a grade of 90-100 equates to a letter grade of **A**. Another district outside of the state may use a range of 93-100 to represent an **A** and 86-92 to represent a **B**. If a student's report card shows a **B** as the grade in a particular subject but a numeric grade of 91 is also indicated, the numeric grade should be recorded as the student's transfer grade.

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Also, if a student's transfer grade is below 70, but the sending school's grading scale indicates it to be a passing average, the student should be given credit for the course. The principal should record both the numeric and the letter grades from the other district. Grade points should be based on the letter grade.

EXAMPLE:

65/D = Credit for the course and one (1) grade points assigned

91/D = Credit for the course and four (4) grade points assigned

Final Examinations

- ◆ No final examination will be required in any course in which credit is not awarded. The final average in such courses will be computed from the cycle grades.
- ◆ A final examination will be required in all state and local credit courses, including electives, unless a school has a waiver approved by the State Board of Education.
- ◆ Schools may adopt stricter standards than those approved by the State Board of Education, but extra care must be taken to notify both students and parents of the school's policy.
- ◆ Under no circumstance will a student be allowed to re-take a final examination to improve his grade.
- ◆ The Excel Academy Code of Student Conduct indicates that it is a disciplinary infraction to cheat or copy another student's work in class. Therefore, students who are found to be cheating on their final exams should be given a zero on the exam. This rule on cheating applies to all schoolwork.

Language Arts Average in Grades 3-8

Report cards in grades 3-8 show an average for Language Arts. To determine the average for Language Arts, add the final average for the English course to the final average for the reading course. Divide the total by 2. A remainder of .5 will be rounded off to the next highest number, including 69.5-69.9.

EXAMPLE:

$$\begin{array}{r} \text{Eng 7} \quad 73 \quad 73 \quad \underline{78.5} \\ \text{Read 7} \quad 84 \quad \underline{+84} \quad \underline{2)157} \\ \quad \quad \quad 157 \end{array}$$

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Annual Average is 79

If a language other than English is substituted for reading, then the annual averages for English and language other than English are figured separately. In this case, the final average in English becomes the Language Arts final average. Language Arts counts as one of the core courses.

Conversion of 3rd-8th Grades from 9 Weeks to Six Weeks

If a student transfers from a school operating on a 9-week cycle grade reporting to Excel Academy, his/her grades must be converted to the 6-week format using the following formula:

- ◆ Move reading, math, science, and social studies for cycles 1 and 2 to the corresponding course section for these subjects. Add the two cycle grades and divide by 2 to get an average, and post that average as the cycle 3 grade in these courses.
- ◆ If a student has Other Language Arts, ESL, or ESL/Second Language, then move that grade as the English grade for cycles 1 and 2. Average the two cycle grades to get a cycle 3 grade.

Enrichment Courses: Sixth grade students in elementary schools may take fine arts and physical education and may be graded with the letter grades of E, S, N, and U. The following conversion table should be used for sixth grade students who transfer from elementary to middle schools:

| | | |
|--------------------------|---|-----------|
| Excellent | = | 95 |
| Satisfactory | = | 85 |
| Needs improvement | = | 75 |
| Unsatisfactory | = | 65 |

Promotion Standards in Middle School

At the end of the year, final averages will be printed on the student's report card for each course. The grade-reporting system will compute the grade average promotion standards, but not the actual promotion status. To satisfy the grade average promotion standards, a middle school student must earn at least a passing grade of 70 in three of the four core courses: 1) language arts, 2) mathematics *and* 3) science *or* 4) social studies.

Incomplete Grades

District policy states that a student who makes an incomplete grade has until the end of the next grading period to make up the I. For students in grades 3-8, if the student has an I for the semester i.e., only has one cycle for the semester, the student has until the end of the next semester to make up the I. Students in all grade levels who make an I on the last grading cycle or semester grade average has until the end of the summer session to remove his incomplete grade.

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If an Incomplete cycle grade is not made up within the prescribed time frame, a grade of zero (0) should be given for each missing assignment and then all grades should be averaged to determine that cycle grade. If an “Incomplete” final exam grade is not made up within the prescribed time frame, the grade reverts to a “0” and is averaged as such along with the cycle grades to determine the semester average.

Teacher Grade Changes

The **only** reasons for changing a student’s grade after it has been recorded are:

- ◆ If there were an error in the computation of the student’s grade; or
- ◆ If an error was made entering the score within the grade book.

All such changes must be initiated by the teacher assigning the grade and must be approved in writing by the principal and the rationale for the change kept on file. All changes must be made before the end of the next grading period.

After a cycle grade has been recorded, no additional class work may be accepted to improve a student’s grade. If work assigned during the cycle was not complete, the student should receive an “I” and the grade changed when the work is completed within the required time frame.

Teachers E-Grade Books

The following grade book requirements must be maintained:

- ◆ Teachers E-Grade Book should be checked for compliance with Excel Academy School Policy manual.
- ◆ Must enter assignments in the correct categories, at least 2 assignments per week per district policy.
- ◆ Must enter grades daily, as once the student is withdrawn from the class, grades cannot be entered for that youth.
- ◆ If it is indicated a new student has a transfer grade, the teacher must accept the transfer grade and assign it a weight. The weight is dependent on which week of the cycle we are in.
- ◆ Entry and withdrawal dates should be posted within the gradebook.
- ◆ All students enrolled should be recorded, even if enrolled for one day only.

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Grading Regulations

Under no circumstance shall student's grade test papers or record grades of other students. Students should not be allowed to handle any documents on which another student's grades are recorded. This includes grade books, report cards, notice of progress forms, permanent record cards, academic achievement records, etc. The computation of a student's grade average or grade point average by another student is also prohibited.

The above policies on incomplete grades, teacher grade changes, grade books, and grading regulations apply to middle school grade reporting as well as high school grade reporting.

PREVIOUS CYCLE – is the space provided where a teacher may change an “Incomplete” (“I”) given the previous cycle to a numeric grade. A correction (grade change) may also be made with approval of the principal.

CONDUCT AVERAGING

◆ Conduct Average:

Teachers issue a conduct grade to each student. The conduct grades are:

| | |
|---------------------------|-----------------|
| E = Excellent | 3 points |
| S = Satisfactory | 2 points |
| P = Poor | 1 point |
| U = Unsatisfactory | 0 points |

- ◆ Any teacher who plans to issue a U in conduct must have the principal review. A student who receives a U in conduct must have a detailed discipline report signed by the principal and the teacher stating specific incidents and dates why the conduct grade was assigned.

Under no circumstance may a student's conduct be used to determine a course grade.

HONOR ROLL

The charter recommends that the honor roll be based on the following criteria. However, each school has the option to set different standards for its own Honor Roll Report. The Honor Roll Report lists students who meet the numeric grade, conduct, and course requirements listed as follows:

Numeric Grade Requirements:

- ◆ Grades in the 90-100 range in all scheduled courses

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or

- ◆ One grade in the 80-89 range; the remainder of the grades in the 90-100 range
- ◆ Two grades in the 80-89 range; the remainder of the grades in the 90-100 range.

Conduct Grade Requirement:

A student must maintain at least an S average in conduct to qualify for honor roll and to be eligible for other recognition, awards, or offices.

NOTICE TO PARENTS OF UNSATISFACTORY GRADES

Senate Bill 858 requires that the parent or a legal guardian must be notified at least once every three weeks or during the fourth week of a nine-week grading period, in writing, if a student's progress in any one of the foundation areas is unsatisfactory. The parent or a legal guardian must be notified if a student's grade is below 70 in any course.

- ◆ Current grades contained in the notice should be based on the student's academic achievement on the first three weeks of the six-week grading period.
- ◆ For each subject that a student is failing, the notice must provide an opportunity for a conference between the teacher and the parent.
- ◆ Notice of progress reports must be sent to parents of students with disabilities on the same schedule as general education students.
- ◆ Notice of progress reports shall be distributed to parents/legal guardians during the third week of each six-week grading period.
- ◆ If a student's average falls below 70 after the scheduled notice of progress reports have been sent home, the principal should send a report home immediately. It is imperative that extra effort be made to give parents advance notice of a pending failing grade or of excessive absences in a class before the report card is sent home.

Summer School

Summer school programs are designed for students to take advanced courses, repeat courses, or courses for enrichment.

When students in grades 3-8 have successfully completed a course in summer school for the purpose of advancement, the course should be counted as fulfilling one of the next year's promotion requirements. However, the average earned in this summer school course will not be included in the next year's overall yearly average. A student who completes the

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8th grade at the end of the spring semester is considered to be a 9th grader for the summer session and would, therefore, be eligible to take courses approved for graduation credit.

Alpha grades transferred from non-Excel Academy summer schools must be converted to numeric grades according to the conversion table found in the section on Grade Reporting before the grade is recorded on the Permanent Record Card or Academic Achievement Record.

Summer School Grade Reporting

The high school summer program shall meet the same standards as those in effect during the regular school year. During the summer term there will be **only two grading periods** and a final exam. Grade averaging will be calculated with a cycle weight of 40 percent each and the final exam weight of 20 percent. In order to earn credit for a course, the student must complete the entire course. **Students must be given this information at the time they enroll in the summer school program.**

A middle school student who enrolls for remediation in a summer school course and completes the course will have that grade recorded in the summer school area of the Permanent Record Card. If the student's grade average in the summer school course is 70 or above, the summer school grade will simply **replace the annual average** in that course. However, passing a course in summer school does not necessarily mean that promotion standards have been met. Each student's record should be re-evaluated.

If one of the reasons that the student did not meet promotion standards during the regular school year was because his overall yearly average was below 70, then the new final average from any course he takes in summer school must be used when his overall yearly average is re-figured.

EXAMPLE:

Regular School

| Math 8 | 1 | 2 | 3 | 4 | 5 | 6 | Annual Average |
|--------|----|----|----|----|----|----|----------------|
| | 65 | 70 | 62 | 69 | 60 | 70 | 66 |

Summer School

| Math 8 | 1 | 2 | Summer School Average |
|--------|----|----|-----------------------|
| | 75 | 70 | 72.5 = 73 |

Summer school average of 73 would be recorded in the Summer School area of the Permanent Record Card and then used as a math grade in the recalculation of the overall yearly average.

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A student who does not satisfy promotion standards in summer school will have to retake the entire course during the following school year if he is retained.

A student may not take a summer school course in which he has already made a passing final average merely to improve his grade. For example:

If the student's grades for the year in History 8 were **72-76-69, 72-72-72**, his average would be **72** in this subject. This final average of 72 would be recorded as the student's permanent grade in History 8 and would be used to determine his promotion status.

If the student then chose to take History 8 in summer school and his grades for History 8 in summer school were 95-80 (overall average: 88), **no adjustment would be made to the original final average of 72 in History 8 or the overall yearly average, which is calculated from the final averages in each academic subject.** The summer school average of 88 would be recorded in the summer school area of the student's permanent record card but **would have no effect on the previously earned average.**

If grades earned in the middle school summer centers change the RETAINED status to that of PROMOTION status, the appropriate designation should be recorded on all applicable student records. In the case of eighth graders moving to high school, the home school should notify the receiving school.

All credit courses for 7th, 8th, 9th and 10th grade students must be entered on the PEIMS file. High school credit must be posted on the student's transcript.

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*****GRADUATION REQUIREMENTS*****

The graduation requirements for a particular student are those which are in effect when the student first enters the ninth grade.

A student must complete the academic course requirements and must pass the state-developed exit-level STAAR or appropriate end-of-course tests before the student can graduate.

Under no circumstance may graduation requirements be waived.

All graduates including special education students are awarded the same type of diploma. The Academic Achievement Record (transcript), rather than the diploma, records individual accomplishments and courses completed.

The new Foundation High School Program became the default graduation program for all students entering ninth grade beginning with the 2014-2015 school year. Additional information about the Foundation High School Program is provided on the House Bill 5: Foundation High School Program webpage.

<http://www.tea.state.tx.us/graduation.aspx>.

High School Equivalency Program

A 17-year old is eligible with parental or guardian consent. Seventeen-year-olds must preset written permission signed by their parent or guardian. Any applicant who is a least 16 years old may test if recommended by a public agency having supervision or custody under a court order. Recommendations must include the applicant's name and date of birth and must be signed by an official of the public agency having supervision or custody of the person under a court order.

Students with disabilities may participate in GED programs. The ARD/IEP Committee must meet to identify special education instructional modifications, instructional support, and instructional hours.

The GED Testing Service shall accept test scores as official only when reported directly by official testing centers.

Following review for eligibility and approval, certificates are issued directly to clients. A permanent file is maintained for all issued certificates.

Reports of scores on the GED test and certificate must indicate whether the version of the test administered was audiotape, large print, Braille, English, French, or Spanish.

GED/High School Diplomas

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Students who have been awarded a GED certificate but wish to enroll in Excel Academy to obtain a regular high school diploma may do so free of charge.

ESL PROGRAMS IN HIGH SCHOOL Program Requirements for grades 9-12

With the implementation of the new curriculum, the SBOE has used some new language regarding courses for students who are Speakers of Other Languages (SOL). In high school, grade 9 English I and grade 10 English II, there is an added label “SOL” to designate courses appropriate for speakers of other languages who have been identified as ELL and also immigrants (students who were born outside the US and have less than three complete academic school years in US schools).

Schools shall offer ESL programs in grades 9-12 (TEC 29.053). The ESL program shall be a program of intensive instruction in English through the use of second language methodologies designed to develop proficiency in the comprehension, speaking, reading, and composition of the English language. Any of the courses or electives required for promotion or graduation may be taught using second language methodology or in a language other than English to assist the ELL student in mastering the essential knowledge and skills for the required subjects. The use of ESL strategies shall not impede the awarding of credits toward meeting promotion/graduation requirements. (Commissioner’s Rule 89.1210)/

The student’s level of English proficiency and his/her level of academic achievement are designated by the LPAC (with teacher input) when students are initially identified as ELL and annually thereafter during end-of-year LPAC reviews. Progression through the various levels of English shall be based on master of the essential knowledge and skills. Exit from an ESL program shall be based on criteria established by the TEA.

English/ESL Courses for ELL Students in High School (9-12)

ELL students shall be enrolled in the appropriate courses for English that will facilitate their mastering the essential knowledge and skills and subsequent graduation requirements.

For students who are recent immigrants in grades 9 and 10, they shall be assigned to the English I SOL or English II SOL courses. (Refer to the Course Substitution chart later in this section). The student’s level of English proficiency and his/her level of academic achievement are designated by the LPAC (with teacher input) when students are initially identified as ELL and annually thereafter during end-of-year LPAC reviews. Progression through the various levels of English shall be based on mastery of the essential knowledge and skills. English classes with students of same language proficiency are preferred. Teachers who are certified in English and ESL must teach these English courses for ELL students. These English courses cover corresponding English course objectives/TEKS that are appropriate for second language learners and are taught using second language teaching strategies.

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Content subjects must use ESL methods and strategies.

Credits for Students in High School

ELL students shall be enrolled in the appropriate courses for English, content subjects, and other courses, so they may accrue sufficient credits required for graduation.

English I and II Requirement – In accordance with the TEKS for English I and II, all course expectations apply to the second language learner at that student’s level of proficiency. Beginning in the fall of 1998, ELL students who are immigrants may substitute English I and II with English I SOL and English II SOL (Beginning, Intermediate, or Advanced). Nonimmigrant ELL students may substitute English I with English (Advanced or Transitional) and English II with English II (Advanced or Transitional). All English I and II courses (for second language learners) should be taught by a teacher certified in English, who is also ESL endorsed or must qualify to teach based on state requirements.

English III and IV Requirement – ELL students who are immigrants may substitute English III with English III (Intermediate, Advanced, or Transitional). English IV may be substituted with English IV (Intermediate, Advanced, or Transitional) or other substitutions as allowed for regular students. Nonimmigrant ELL students may substitute English III and English IV with English III (Advanced, or Transitional) or English IV (Advanced or Transitional) or other substitutions as allowed for regular students. Any Transitional course must be taught by a teacher certified in English, who is also ESL endorsed. The reading section of the English III course (American Literature) and the English IV course (British Literature) may be offered in the student’s native language.

An ELL student in grade 11, who perhaps entered with a beginning level of English in grade 9 or 10, may take additional English language support courses (if needed) for state elective credit, such as ESL Reading I, II, or III.

Students who have met exit criteria do not need to continue in modified English courses or ESL elective courses. They should be placed in regular English courses and monitored for a four-year period by the campus LPAC.

ELL students require the same number of credits for graduation as mainstream students. If they enter high school after their freshman year, they may attend summer school or take extra courses during the year to complete these requirements. ELL students who enter Excel Academy from foreign countries must have their transcript evaluated carefully to give credit to courses they may have taken that are equivalent to state required courses.

See the state’s graduation requirements at <http://www.tea.state.tx.us/graduation.aspx>.

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SPECIAL EDUCATION

The Special Education developmental course sequence has different course titles than the general education sequence.

The ARD/IEP Committee will continue to make recommendations for each student's participation in general education classes.

The ARD Committee identifies the course/curriculum area for students with disabilities. Course/curriculum may be developed for state and/or local credit. If the ARD Committee determines that a state-approved course is not appropriate for a student's educational program, the ARD Committee may recommend a locally developed course to substitute for the state-approved course. Local credit is not counted toward state graduation requirements unless an ARD Committee requires the course.

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SUGGESTED GRADE PLACEMENTS FOR REQUIRED COURSES

Middle School

Grade 6

| Subjects | Units |
|-------------------------|-------|
| ELA, Grade 6 | 1 |
| Mathematics, Grade 6 | 1 |
| Social Studies, Grade 6 | 1 |
| Science, Grade 6 | 1 |

Grade 7

| Subjects | Units |
|-------------------------|-------|
| ELA, Grade 7 | 1 |
| Mathematics, Grade 7 | 1 |
| Social Studies, Grade 7 | 1 |
| Science, Grade 7 | 1 |

Grade 8

| Subjects | Units |
|-------------------------|-------|
| ELA, Grade 8 | 1 |
| Mathematics, Grade 8 | 1 |
| Social Studies, Grade 8 | 1 |
| Science, Grade 8 | 1 |
| Reading | 1 |

There will be no accepted substitute for reading at the 4th, 5th, 6th, 7th or 8th grade level.

The Texas Administrative Code provides that students in grade 7 or grade 8 who score either below the 40th percentile or one year or more below grade-level (one year or more below grade equivalency) on a standardized achievement test shall be assigned to a reading course for one unit.

It is strongly recommended that any student who failed STAAR reading be scheduled for the appropriate reading course.

~SUGGESTED GRADE PLACEMENTS FOR CORE COURSES

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HIGH SCHOOL---Foundation High School Program 22 Credits*

Four Credits

English

English I
English II
English III
English IV

Three Credits

Mathematics

Algebra I *or*
Geometry
(if Algebra I credit was earned in middle school)
Algebra II
Pre-Calculus

Three Credits

Social Studies

World Geography Studies *or*
World History

US History Studies Since 1877 (REQUIRED)

United States Government (.5 credit) (REQUIRED)
Economics (.5 credit) (REQUIRED)

Three Credits

Science

Biology
Chemistry
Physics
Environment Systems

(Students are allowed to earn credit in Integrated Physics and Chemistry towards their diploma).

*See TAC Subchapter G, specifically §74.72.

******* PEIMS & ATTENDANCE*******

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The PEIMS (Public Education Information Management System) is a statewide database supervised by the Texas Education Agency (TEA) and is composed of data from all school districts in Texas. This database includes:

- Organizational Data
- Staff Data
- Finance Data
- Student Identification and Demographics
- Student Enrollment and Special Program Participation Data
- Attendance Data
- Course Completion Data
- School Leaver Data
 - ❑ *Graduates*
 - ❑ *Dropout*
- Disciplinary Action Data

The campus data specialist and campus principal are responsible for the data sent to PEIMS coordinator. TEA will not accept data with Fatal Errors; however, **Fatal Free does not mean error free**. The data specialist, principal, and the PEIMS coordinator must review student data for accuracy.

All the data will be input at the campus and uploaded to the central server after the PEIMS extracts are processed and the TEA Editor produces error reports. These reports identify several levels of error messages. Most warnings are an indication that something maybe is wrong with the data. Excessive numbers of certain warnings are cause for an on-site investigation. The only warning that does not require correction is one where the data is absolutely correct. All corrections to PEIMS data must be made at the campus, and the PEIMS extracts must be rerun and uploaded to the central server by the PEIMS coordinator.

ON-SITE INVESTIGATIONS

The Commissioner may direct the TEA to conduct on-site investigations at any time and raise or lower the performance rating as a result of the investigation. (TEC 39.974).

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PERSON IDENTIFICATION DATABASE (PID) AUDITS

PID will be completely migrated in 2017-2018 to the Texas Student Data System (TSDS) Unique ID version. Student searches will be performed from the Unique ID.

The information used in the accountability system, such as district and campus of enrollment, ethnicity, economically disadvantaged codes, STAAR results, college admission results, attendance, and dropout information is reported at the student level. The PID number, a unique student identifier, links all of this information. When a significant level of PID no matches occurs, an inquiry into the cause is initiated with that district.

Correcting PID errors requires training. The TEA requires specific procedures to be followed in the maintenance of the PID. It is the responsibility of the principal and PEIMS coordinator to assure that the data specialists attend the training and correct the PID errors in order to meet scheduled deadlines.

- ADA attendance must be taken at the specific time designated by the school board. The official attendance taking time at, The Juvenile Detention Center's (JDC), Harris County Youth Village (HCYV-004) and Harris County Leadership Academy (HCLA-006) and Education Transition Center (ETC-008) is at the beginning of second period. Student signatures are for internal checks and balances and the student signature alone cannot be used to determine membership or for attendance accounting. Official daily attendance will only count toward funding when it is certified by the teacher of record. Only the school board has the authority to change the official attendance taking time at any charter campus or campus program.
- Contact minutes kept on the state provided HSEP attendance registers are maintained at the ETC campus. Contact minutes can only be claimed for time the student receives instruction.
- A school may not claim full day ADA funding for any student not scheduled for a full four hours of instruction in credit courses each day of the week.
- A school may not alter its campus instructional calendar or attendance-taking time without official authorization from the Excel Academy school board.

Attendance Accounting

See local and state Student Attendance Accounting Handbook for procedural and administrative responsibilities and guidelines.

Student Eligibility

Texas Education Code (TEC) 42.003:

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- ◆ A student is entitled to the benefits of the Foundation School Program if he is 6 years of age or older, and *under 21 years of age* on September 1 of the scholastic year and has not graduated from high school.
- ◆ Per the school board's agreement with the State Board of Education (SBOE) and the Texas Commissioner of Education, Excel Academy only serves students 10-17 years of age.

TYPES OF ABSENCES FOR WHICH RECORDS MUST BE KEPT

TEC 42.006 (b):

All school districts are required to adopt an attendance accounting system that includes the accurate taking, recording, and reporting of attendance.

Absences for ADA Accounting

- ◆ In ADA accounting, there is no distinction between excused or unexcused absences. For official attendance accounting purposes, "tardies" do not exist. A student is either present for the day or absent for the day depending on whether or not he is in class at the time the roll is checked unless the absence meets the exemption criteria listed later in this section. Absences recorded during the official attendance accounting process are used only to determine ADA for state reporting purposes.
- ◆ Students who are on campus at the time attendance is taken but who are not in their assigned classroom are considered in attendance for FSP purposes provided they were with a campus official (e.g., nurse, counselor, principal, etc.). Class-admit slips or other documentation supporting that a student was with a campus official must be retained for audit purposes.

Note: These attendance provisions do not apply to the OFSDP, the HSEP, or homebound programs (general education homebound, special education homebound, or Compensatory Education Home Instruction). For special attendance provisions that apply to these programs, please refer to the applicable sections of the state's Student Attendance Accounting Handbook.

A student not actually on campus at the time attendance is taken may be considered in attendance for FSP purposes if the student:

- is enrolled in and attending off-campus dual credit program courses and is not scheduled to be on campus during any part of the school day.

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- is participating in an activity that is approved by the local school board and is under the direction of a professional staff member of your school district or an adjunct staff member.

Students participating in any activity that is not approved by the local school board or without certified district personnel supervision must be counted absent. For attendance to qualify for funding purposes, the certified district staff member or adjunct staff member must be accompanying the students as an official of the charter for the specific purpose of supervising the students and must be approved by the school board to supervise the activity. Examples include:

- misses school for the purpose of attending a required court appearance, including traveling for that purpose.¹ Travel days for which the student is considered in attendance are limited to not more than 1 day for travel to and 1 day for travel from the site where the student is required to appear in court. The charter may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.

A court appearance is considered to be required if the law (federal or state) or the court mandates an appearance by the student in a criminal, civil, or traffic matter. Examples of required court appearances would be appearances in response to a jury summons in the name of the student, a subpoena in the name of the student, or a traffic ticket marked “You Must Appear” or “Court Appearance Required.” Additional examples would be a student's appearance in court as a plaintiff or defendant or as the subject of a court proceeding, such as an adoption or custody proceeding. Acceptable forms of documentation may be a copy of a pleading or other document filed with the court, a notice from the court clerk regarding a hearing or trial date, a jury summons, a subpoena, etc.

Important: Absences to meet with probation officers and other absences related to court-ordered activities *outside* the courtroom do not qualify as required court appearances. However, see the next bullet, related to court-ordered activities for students in the conservatorship of the Department of Family and Protective Services.

- is in the conservatorship of the Department of Family and Protective Services and misses school:
 - to participate in an activity ordered by a court under the Texas Family Code, Chapter 262 or 263, provided that scheduling the participation outside of school hours is not practicable² or

¹ TEC, §25.087(b)(1)(B)

² TEC, §25.087(b)(1)(F), as added by SB 1404, 83rd Texas Legislature, 2013

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- to attend a mental health or therapy appointment or family visitation as ordered by a court under the Texas Family Code, Chapter 262 or 263³.

The student may be considered in attendance for travel days for this purpose. Travel days for which the student is considered in attendance are limited to not more than 1 day for travel to and 1 day for travel from the site where the student is participating in the activity, appointment, or visitation.

- is temporarily absent because of a documented appointment for the student or the student's child that is with a health care professional licensed⁴ to practice in the United States.⁵ A documented appointment with a health care professional includes an appointment of a student diagnosed with autism spectrum disorder with a health care practitioner⁶ to receive a generally recognized service⁷ for persons with that disorder.⁸ To be considered temporarily absent, the student must begin classes or return to school on the same day of the appointment. The appointment should be supported by a document, such as a note from the health care professional.⁹

The appointment must be a face-to-face consultation with a health care professional. A consultation over the phone or via video (telemedicine) is not considered an appointment with a health care professional.

If your school district excuses a student's absence for any of the previously listed purposes (counts the student as present for FSP purposes), the district must keep documentation related to the absence on file for audit purposes. Your school district should establish a local policy describing what constitutes acceptable documentation for each of the listed absences.

SUMMARY OF RULES AND REGULATIONS

A student is considered enrolled in membership after 48 hours (excluding weekends and holidays) of being detained at JDC. The student is enrolled in membership on his/her first day of attendance. A student must be enrolled for at least two hours to be considered in

³ TEC, §25.087(b)(1)(F), as added by HB 2619, 83rd Texas Legislature, 2013

⁴ You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp.

⁵ TEC, §25.087(b)(2), as amended by HB 455, 83rd Texas Legislature, 2013

⁶ See the Texas Insurance Code, §1355.015(b), as amended by HB 3276, 83rd Texas Legislature, 2013, for a description of the term *health care practitioner*.

⁷ Generally recognized services include, but are not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

⁸ TEC, §25.087(b-3)

⁹ 19 TAC §129.21(j)(3)

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membership for one-half day and for at least four hours to be considered in membership for one full day.

Teachers must check attendance each class period. The teacher is responsible for checking the attendance of students, recording all absences, and following through with appropriate procedures.

The counting absences begin the day after a student is enrolled in an Excel Academy school for the first time for that school year. If a student transfers from one school to another during the school year, all absences should be transferred and applied to that class or subject at the new campus.

Students must be given the opportunity to make up work missed due to absences. Reasonable time frames for the completion of assignments must be established.

Excel Academy's school policy clearly defines the role of the teachers and administrators. Supervision of student attendance will be the responsibility of teachers and school administrators. The role of the principal is to:

- ◆ Ensure the campus follows all policies and procedures of the state and local Student Attendance Accounting Handbook.
- ◆ Design and implement a process for identifying and counseling students with attendance problems.
- ◆ Identify special population students who may be missing instructional time due to behavioral problems or problems stemming from facility staffing or circumstances outside the control of the school.

The role of the teacher is to:

- ◆ Take attendance at the official time designated and for each class period.
- ◆ Maintain accurate attendance records.
- ◆ Communicate absences to the office in a timely manner.
- ◆ Ensure that opportunities are provided for all students to make up work for absences.

AVERAGE DAILY ATTENDANCE

Average Daily Attendance (ADA) will be the average attendance for 180 days of instruction (or as approved for the district by TEA).

The final report will be based on membership throughout the school year, and each school must maintain an accurate audit trail to validate the data contained in this report.

Special program directors and/or staff are responsible for reviewing special program data and totals for accuracy and completeness.

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ADA Absence Exemptions

A student is absent if he is not actually in school at the time attendance is taken. There are a few exceptions that apply. See the state's SAAH 3.6.3 *Requirements for a Student to Be Considered Present for FSP (Funding) Purposes* for exceptions. Adequate documentation must be retained to verify the whereabouts of these students.

AUDITABLE RECORDS FOR ADA

19 Texas Administrative Code (TAC) 129.21(a):

All public schools in Texas shall maintain records to reflect the ADA for the allocation of Foundation School Program (FSP) funds and other funds allocated by the TEA. Staff is responsible to the school board and to the state for maintaining accurate and current attendance records, regardless of the attendance accounting system in use.

Excel Academy School Policy Regarding Audit Requirements for Attendance Records

Excel Academy receives funds based on data that is reported from or about the students who attend each campus. One of the requirements for the receipt of funds is the burden of proof. Excel Academy must be able to verify the data submitted in reports in the event of an audit. Most auditable records are to be kept for a period of five years. In the case of an audit, if records are not available to support the data reported, funds will be reclaimed from the current year's budget.

- ◆ All manual attendance records must be collected and reviewed to verify that they are complete with the required signatures.
- ◆ After all entries, withdrawals, and absences have been posted into Ascender for the school year, the procedures in the state and local SAAH Handbook must be followed to create the required PEIMS records which includes the following report selections:
 - Individual Student
 - Attendance Errors
 - PEIMS Record Summary
 - ADA Transaction List
 - Absence/Membership Table
 - Age/Grade Distribution and
 - Percent of Attendance
- ◆ All errors must be corrected or documented. For example, if a student appears on the error report because of his age and the age is correct, the only action necessary is to write a note on the report indicating that the student's age has been verified.
- ◆ The final report together with the manual records listed below must be delivered to the respective district office for storage in a central location in the case of an audit, where

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the ADA specialist will document receipt of all the required records, verify that the records are complete and signed, boxed, and leveled for storage.

- Daily Membership log; and
 - Academic Roster for the entire year (both semesters).
- ◆ All the manual records listed below must be boxed, labeled, and stored at the school and remain readily available to state auditors upon request.
- Grade books
 - Class admit slips, permits
 - Schedule changes
 - School calendar
 - Official school personnel lists
 - Withdrawal sheets, and any other documentation to indicate student is not a dropout
 - Copies of any waiver that affects funding
 - Copies of schedule change forms
 - Any other data that supports claims for funds
- ◆ Refer to Excel Academy's Records Management Plan to determine how long records must be kept.

Please refer to the Student Attendance Accounting Handbook for the current school year published by the TEA for additional information concerning the official rules and regulations for attendance accounting.

ELIGIBILITY FOR PROGRAM FUNDING

Many types of funds allocated to Excel Academy are computed on annual ADA figures; therefore, it is very important that schools maintain meticulously accurate records on student enrollment and attendance. Effective dates must indicate a student's movement in and out of special programs

- ◆ Special program staff and/or teachers should provide attendance personnel with the names and coding information of students who are eligible, whose documentation is in order, and who is being served. They are also responsible for ensuring that attendance personnel are aware of changes in a student's services and the effective dates of the changes.
- ◆ Attendance personnel are then responsible for entering the data in the attendance accounting system. ***In no case should attendance personnel be responsible for determining a student's special program indicator codes.***

Each program has different eligibility requirements. Excel Academy personnel should understand the following categories or programs.

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Special Education

In order to claim special education contact hours for funding, documentation must be complete and students must be properly identified in the attendance accounting system. The documentation required establishing eligibility is as follows:

- ◆ The Admission, Review and Dismissal (ARD) Committee must determine the special education needs of the student annually. However, if a student with disabilities fails a course(s) for two consecutive grading periods, the ARD Committee must reconvene to reconsider the needs of the student and to adjust his Individual Education Plan (IEP) accordingly.
- ◆ Documentation to support the ARD Committee findings and a copy of the IEP must be retained in the student's eligibility folder.
- ◆ The IEP must identify all services to be provided for students on a regularly scheduled basis.
- ◆ For students in special education, the Contact Hour Report must show a handicapping condition (HC).
- ◆ Students with disabilities may not be assigned a special educational instructional setting for the purpose of contact hours prior to the date of the ARD Committee decision.
- ◆ As soon as the ARD Committee has dismissed the student from special education, the student should be withdrawn from special education in the attendance accounting system.
- ◆ The IEP and assessment must be current, i.e., ARD/IEP meeting held annually and a reevaluation conducted every three years.
- ◆ PEIMS Coordinator must monitor PEIMS information monthly to ensure compliance for state and federal funding.

◆ ESL Funding Eligibility

Funding for ELL students is calculated daily beginning on or after their first day of enrollment (not sooner) provided they meet all the criteria listed below.

- ◆ Student must be identified as ELL by the LPAC.

Note: Home Language Survey, Oral/Written Proficiency test scores must be on file. Although identification for the ESL program is done only once, proof of LPAC End-of-Year reviews showing a student remains ELL is critical to document at the end of the spring semester.

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Note: Evidence of bilingual or ESL instruction must appear on lesson plans and class schedules. The teacher's major duty code must reflect such assignment.

- ◆ Student must have current LPAC authorization for placement in an ESL program.
- ◆ Student must have parental approval on file (i.e. signed Notification of Enrollment) for the authorized instructional program.

Note: A notification of enrollment is valid as long as student remains an ELL student and parent approval is obtained.

Students who enroll for the first time in Excel Academy must be assessed **prior to funding eligibility**. For students who transfer from charter campus to another, LPAC information may already be on the student's file and may be accessed through Ascender.

At the beginning of each school year (and prior to budget adjustments in late September and PEIMS Snapshot dates), schools must update computer information on ELL students who are eligible for program funding. Any changes in funding eligibility or additions that may occur during the school year must be updated as well.

Immigrants:

- ◆ An eligible immigrant student is one born outside the United States or any of its territories and who has attended schools in the United States for fewer than three complete years. A complete year is 60 days or more of membership (the number of days from date of enrollment to date of withdrawal within any given school year).

Compensatory and Accelerated Instruction

- ◆ Each campus shall use the student performance data resulting from the basic skills assessment instruments and achievement tests designated in the TEC to design and implement appropriate compensatory or accelerated instructional services for students in the district's schools.
- ◆ Each campus shall provide accelerated instruction to a student enrolled in the district who has taken the secondary exit-level assessment instrument and has not performed satisfactorily on each section or who is at risk of dropping out of school.
- ◆ Each school district shall evaluate and comment on the effectiveness of the accelerated instruction in reducing the dropout rate and in increasing achievement.
- ◆ The definition of a "student at risk of dropping out of school" includes students who:
 1. Was not advanced from one grade level to the next for two or more school years
 2. Has mathematics or reading skills that are two or more years below grade level
 3. Did not maintain an average equivalent to 70 on a scale of 100 in two or more courses during a semester, or is not maintaining such an average in two or more

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- courses in the current semester, and is not expected to graduate within four years of the date the student begins ninth grade
4. Did not perform satisfactorily on an assessment instrument designated by the SBOE
 5. Is pregnant or is a parent
 6. Has been adjudicated
 7. Did not perform satisfactorily on a readiness test or assessment instrument administered at the beginning of the school year
 8. Did not perform satisfactorily on an assessment instrument designated by the SBOE
 9. Is a student of limited English proficiency
 10. Is sexually, physically, or psychologically abused
 11. Engages in conduct described in the Family Code

For additional information regarding PEIMS and attendance accounting refer to the PEIMS Data Standards and the local and state SAAH manuals.

*******Federal and State Funds *******

I. Bilingual Education/English as a Second Language (ESL)

Has the district adopted policies and procedures for this program?

Yes. Please refer to the sections in this manual that refer to Bilingual/ESL.

Does the district evaluate the program on an annual basis?

Yes. Please refer to the Annual Report.

II. Career and Technology Education (CATE)

Has the district adopted policies and procedures for this program?

Does the district evaluate the program on an annual basis?

The district does not currently have a CATE program.

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III. **Dyslexia**

Has the district adopted policies and procedures for this program?

Yes. Please refer to the Excel Academy's Dyslexia Plan.

Does the district evaluate the program on an annual basis?

Yes. Please refer to the Annual Report.

IV. **Title I, Part A, Improving Basic Programs Operated by Districts**

Has the district adopted policies and procedures for this program?

Yes.

VI. **Title I, D, Subpart 2, District Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out**

Has the district adopted policies and procedures for this program?

Yes.

V. **Title II, Part A, Teacher and Principal Training and Recruiting Fund**

Has the district adopted policies and procedures for this program?

Yes.

IX. **Funding Transferability for State and Local Education Agencies**

Has the district adopted policies and procedures for this program?

Does the district evaluate the program on an annual basis?

The district does not currently exercise Funding Transferability.

XI. **Optional Extended Year (OEY)**

Has the district adopted policies and procedures for this program?

Does the district evaluate the program on an annual basis?

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The district does not currently have an OEY program.

XIII. State Compensatory Education

Has the district adopted policies and procedures for this program?

Yes.

XIV. Special Education

Has the district adopted policies and procedures for this program?

Yes. Please refer to the Excel Academy's Special Education Policy Handbook and this manual.

Does the district evaluate the program on an annual basis?

Yes. Please refer to the Annual Report.

Title Programs

Excel Academy

District Policy on Annual Submission of Standard Application System (SAS)

Submission of the Standard Application System (SAS) for Federal Funding requires an extensive check-and-balance procedure in order to ensure appropriate input from all levels of school campus and administration.

1. Needs Assessment:

- ❖ Hold meetings/discussions with teacher/staff representatives and school administrators to discuss current academic, technological, and professional development needs and/or initiatives necessary to advance student achievement.
- ❖ Utilize school-generated comprehensive review data to identify focus areas.

2. Plan Development:

- ❖ Juxtapose identified needs with current Title parameters, including, but not limited to:
 - Tentative Entitlement Amounts
 - State/Federal Legislative Changes
 - Resource Allocation Timelines
- ❖ Review of draft action plan by financial staff to determine fiscal viability.

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- ❖ Review of draft action plan by HCJPD Education Services Division administration to determine reasonableness and collaboration with other administrative directives/initiatives.
3. Additional Input from School Administration and Staff:
 - ❖ Review of draft action plan by school administration and additional discussion of resource allocation to Excel Academy campuses.
 - ❖ Data collection for SAS Submission.
 4. Submission of Plan to the school board (or authorized designee):
 - ❖ Place finalized SAS activities/resource allocation on school board agenda for submission to the school board.
 - ❖ File minutes of board meeting documenting approval of SAS
 5. Submission of Plan to the Texas Education Agency:
 - ❖ The Board-approved SAS is then submitted to TEA for final approval and/or edits.
 6. Follow-Up Activities:
 - ❖ Upon receipt of a NOGA, the official SAS is distributed to school administrators to ensure equitable staff access to the finalized application.

Title Programs

District Policy on Distributing State and Local Funds to Campuses

7. Planning:
 - ❖ Hold meetings/discussions with County staff and school administrators to discuss current academic, technological, and professional development needs and/or initiatives necessary to advance student achievement.
 - ❖ Utilize school-generated comprehensive review data to identify focus areas.
8. Budget Development:
 - ❖ Juxtapose identified needs with anticipated state and local revenue sources, including, but not limited to:
 - State Special Education Block Grant
 - Compensatory Education Funds
 - Bilingual/ESL State Funds
 - Regular Block Grant Funds
 - Instructional Materials Allotment

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- ❖ Juxtapose identified needs with anticipated federal revenue sources, including, but not limited to:
 - Title I, Part A
 - Title I, Part D, Subpart II
 - Title II, Part A
 - IDEA Formula
 - Federal Competitive Grants
 - ❖ Review of draft budget by financial staff to determine fiscal viability.
 - ❖ Review of draft budget by HCJPD Education Services Division administration to determine reasonableness and collaboration with other administrative directives/initiatives.
9. Additional Input from School Administration and Staff:
- ❖ Review of draft budget by school administration and additional discussion of resource allocation to Excel Academy campuses.
10. Submission of Budget to school board:
- ❖ Place finalized budget allocation on school board agenda for approval at regular Juvenile Board meeting.
 - ❖ File minutes of board meeting documenting approval of Excel Academy budget
11. Follow-Up Activities:
- ❖ Re-allocation of resources during the school year, if reasonable and necessary (with appropriate approval from school board or board's designee).

Title Programs

District Policy on Resource Allocation of Staff Development Activities

Staff development initiatives are to be driven by local/campus leadership, with significant input from district administration.

12. Planning:
- ❖ Hold meetings/discussions with County staff and school administrators to discuss necessary staff development initiatives/activities.
 - ❖ Evaluate needs of campus instructors to determine the level and scope of necessary staff development activities.
 - ❖ Utilize needs assessment to develop a 3-Year Professional Development Plan.
 - ❖ Ensure that Professional Development Plan integrates activities of all required funding sources.

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13. Budget Development:

- ❖ Juxtapose identified needs with anticipated state and federal revenue sources, including, but not limited to:
 - Title I, Part A
 - Title I, Part D, Subpart 2
 - Title II, Part A
 - Foundation School Program Funds
 - State/Federal Competitive Grants
 - IDEA

- ❖ Ensure that some Title I, Part A and Title II, Part A funds are budgeted for staff development activities.

- ❖ Review of draft budget by HCJPD Education Services administration to determine reasonableness and collaboration with other administrative directives/initiatives.

14. Specific Budget Allocation of Instructional Staff Development Activities:

- ❖ Funds for Excel Academy staff development should be spent in the following order:
 - Title II, Part A (most additional staff development activities should be charged to this source).
 - All additional funding sources

- ❖ Monthly activity reports should be reviewed and expenditures should be allocated to the appropriate funding source.

- ❖ Re-allocation of resources during the school year, if reasonable and necessary (with appropriate approval from Juvenile Board or Board's designee).

Title Programs **District Policy on Student Transition Services**

15. Planning:

- ❖ Hold meetings/discussions with County staff and school administrators to discuss necessary transition services

- ❖ Utilize school-generated transition data to identify focus areas.

16. Budget Development:

- ❖ Juxtapose identified needs with anticipated state and federal revenue sources, including, but not limited to:
 - Foundation School Program Funds
 - Compensatory Education Funds
 - Title I, Part A
 - Title I, Part D, Subpart II
 - State/Federal Competitive Grants

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➤ High School Allotment

- ❖ Review of draft budget by financial staff to determine fiscal viability.
- ❖ Review of draft budget by HCJPD Education Services Division administration to determine reasonableness and collaboration with other administrative directives/initiatives.

17. Follow-Up Activities:

- ❖ Communication with Excel Academy transition staff on program implementation and maintenance.
- ❖ Monthly activity reports of transitioning students and transition-related activities.
- ❖ Re-allocation of resources during the school year, if reasonable and necessary (with appropriate approval from Juvenile Board or Board's designee).
- ❖ Identification and submission of state and federal competitive grants to supplement current transition activities.

Title Programs

Excel Academy

District Policy on Summer School Services

18. Planning:

- ❖ Utilize school-generated needs assessments to identify focus areas.
- ❖ Hold meetings/discussions with County staff and school administrators to discuss summer school program services, as well as school-related activities to be conducted by facility staff during school holidays.
- ❖ Negotiate contractual services and per diem price levels with management services company.
- ❖ Create summer school calendar.

19. Budget Development:

- ❖ Juxtapose identified needs with anticipated state and federal revenue sources, including, but not limited to:
 - Title I, Part D, Subpart 2
 - Title I, Part A
 - State/Federal Competitive Grants
 - Foundation School Program Funds
 - Compensatory Education Funds
- ❖ Review of draft budget by financial staff to determine fiscal viability.

Excel Academy School Policy, 2022-2023

- ❖ Review of draft budget by HCJPD Excel Academy administration to determine reasonableness and collaboration with other administrative directives/initiatives.
- ❖ Obtain Juvenile Board approval for summer school budget.

20. Follow-Up Activities:

- ❖ Communication with facility and school staff on progress of summer school activities.
- ❖ Monthly activity reports of students participating in summer school services.
- ❖ Re-allocation of resources during the summer school period, if reasonable and necessary (with appropriate approval from school board or board's designee).