WESTLAKE ACADEMY BOARD OF TRUSTEES MEETING AGENDA
1500 SOLANA BLVD, BUILDING 7, SUITE 7100, WESTLAKE, TX 76262

October 5, 2020 VIA VIRTUAL MEETING

5:00 p.m.

In accordance with Order of the Office of the Governor issued March 16, 2020 and March 19, 2020, the Board of Trustees of Westlake Academy will conduct this virtual meeting at 5:00 p.m. on Monday, October 5, 2020 by video and telephonic conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). There will be no public access to the physical location described above. A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act. Instructions for public participation in the meeting by video conference and telephonic conference are as follows:

By Video:
http://bit.ly/tcbot100520
Webinar ID: 873 2924 6273
Passcode: 963258

By Telephone:
Local: (346) 248-7799
Webinar ID: 873 2924 6273
Passcode: 963258

Vision Statement
Westlake Academy inspires college bound students to achieve their highest individual potential in a nurturing environment that fosters the traits found in the IB Learner Profile: Inquirers, Knowledgeable, Thinkers, Communicators, Principled, Open-Minded, Caring, Risk-takers, Balanced and Reflective

Regular Session

1. CALL TO ORDER

2. CITIZEN COMMENTS: This is an opportunity for citizens to address the Board on any matter whether or not it is posted on the agenda.

For those joining by videoconference: Any person desiring to make a public comment using a Windows computer must first press the "Raise Hand" button on the screen. Alternatively, the Alt+Y keyboard shortcut may be used to raise or lower their hand. Any person desiring to make a public comment using a Mac computer must first press the "Raise Hand" button on the screen. Alternatively, the Option+Y keyboard shortcut may be used to raise or lower their hand.

For those joining by teleconference: Any person desiring to make a public comment must first press star-nine (*9) on their telephone keypad to "Raise their hand" to speak. Persons joining the meeting by teleconference may mute and unmute their phones by pressing star-6 (*6).

Citizens will be placed in a queue based on the order the hands were raised. The presiding officer will recognize callers based on the order of the queue, where they will be asked to state their name and address. Individual citizen comments are normally limited to three (3) minutes; however, time limits can be adjusted by the presiding officer. The presiding officer may ask the citizen to hold their comment on an agenda item if the item is posted as a Public Hearing. The Board cannot by law take action nor have any discussion or deliberations on any presentation made to the Board at this time concerning an item not listed on the agenda. The Board will receive the information, ask staff to review the matter, or an item may be noticed on a future agenda for deliberation or action.

3. **ITEMS OF COMMUNITY INTEREST:** President and Trustee Reports on Items of Community Interest pursuant to Texas Government Code Section 551.041: The Board of Trustees may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming Board of Trustee events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.

4. **REPORTS:** Reports are prepared for informational purposes and will be accepted as presented, and there will no presentations associated with the report items. There will be no separate discussion unless a Trustee requests that report be removed and considered separately.

   a. TEA Required Asynchronous Plan Report.

5. **DISCUSSION AND CONSIDERATION OF A RESOLUTION 20-13, APPROVING UPDATES TO THE SPECIAL EDUCATION POLICY.**

6. **DISCUSSION REGARDING THE BACK-TO-SCHOOL PLAN FOR THE 2020-2021 ACADEMIC YEAR, INCLUDING UPDATES REGARDING VIRTUAL AND ON-CAMPUS STUDENT INSTRUCTION.**

7. **FUTURE AGENDA ITEMS:** Any Board member may request at a workshop and/or Board meeting, under "Future Agenda Item Requests", an agenda item for a future Board meeting. The Board Member making the request will contact the Superintendent with the requested item and the Superintendent will list it on the agenda. At the meeting, the requesting Board Member will explain the item, the need for Board discussion of the item, the item's relationship to the Board's strategic priorities, and the amount of estimated staff time necessary to prepare for Board discussion. If the requesting Board Member receives a second, the Superintendent will place the item on the Board agenda calendar allowing for adequate time for staff preparation on the agenda item.

8. **BOARD RECAP / STAFF DIRECTION**

9. **ADJOURNMENT**

ANY ITEM ON THIS POSTED AGENDA COULD BE DISCUSSED IN EXECUTIVE SESSION AS LONG AS IT IS WITHIN ONE OF THE PERMITTED CATEGORIES UNDER SECTIONS 551.071 THROUGH 551.076 AND SECTION 551.087 OF THE TEXAS GOVERNMENT CODE.

CERTIFICATION

I certify that the above notice was posted at the Town Hall of the Town of Westlake, 1500 Solana Blvd., Building 7, Suite 7100, Westlake, TX 76262, on October 2, 2020, by 5:00 p.m. under the Open Meetings Act, Chapter 551 of the Texas Government Code.

_____

Todd Wood, Town Secretary

If you plan to attend this public meeting and have a disability that requires special needs or translation services, please advise the Town Secretary 48 hours in advance at 817-490-5711 and reasonable accommodations will be made to assist you.

Board of Trustees

Item # 2 – Citizen Comments

CITIZEN COMMENTS: This is an opportunity for citizens to address the Board on any matter whether or not it is posted on the agenda.

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ITEMS OF COMMUNITY INTEREST: Mayor/Board President and Council/Board of Trustees Reports on Items of Community Interest pursuant to Texas Government Code Section 551.0415 the Town Council/Board may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming Town Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.

Board of Trustees

Item # 3 – Items of Community Interest

Additional Items

- Final Census Numbers

Calendar of Meetings/Events:

Town Council and Board of Trustees Meeting
Monday, October 5, 2020; 5:00 pm*
Westlake Town Hall, Solana Terrace-Bldg.7, Suite 7100 - via Teleconferencing

Planning & Zoning Meeting
Monday, October 12, 2020; 5:00 pm*
Westlake Town Hall, Solana Terrace-Bldg.7, Suite 7100 - via Teleconferencing

CANCELLED: Westlake Classic Car Show
Saturday, October 17, 2020, 11am-4pm
2902 Sam School Rd. Westlake, TX 76262

Town Council Meeting
Monday, October 26, 2020; 5:00 pm*
Westlake Town Hall, Solana Terrace-Bldg.7, Suite 7100 - via Teleconferencing

Possible **Coffee & Conversation with the Mayor/School Board President**
Monday, November 2, 2020; 8:00 – 9:30 am
Westlake Fire-EMS Station OR via Facebook Live event

Board of Trustees Meeting
Monday, November 2, 2020; 5:00 pm*
Westlake Town Hall, Solana Terrace-Bldg.7, Suite 7100 - via Teleconferencing

Planning & Zoning Meeting
Monday, November 9, 2020; 5:00 pm*
Westlake Town Hall, Solana Terrace-Bldg.7, Suite 7100 - via Teleconferencing

Westlake Municipal Offices CLOSED for Thanksgiving Holiday
Thursday and Friday, November 26 & 27, 2020
Holiday impacts to your trash and recycling schedule will be displayed at least a week before each major holiday. Please call Republic Services Customer Response Team at 602-237-2078 with any additional questions you may have about your holiday schedule.

Town Council Meeting
Monday, November 30, 2020; 5:00 pm*
Westlake Town Hall, Solana Terrace-Bldg.7, Suite 7100 - via Teleconferencing

****Reminder:** *Agendas for all municipal/academic meetings are posted a* ***minimum*** *of 72 hours before the meeting begins and can be found on our Town's website under the tab "Government/Agendas & Minutes."*

***For meeting agendas and details on WA calendar events or Municipal calendar events, please visit the Westlake Academy website or the Town of Westlake website for further assistance.*

Board of Trustees

Item #4 – Reports

REPORTS: Reports are prepared for informational purposes and will be accepted as presented, and there will no presentations associated with the report items. There will be no separate discussion unless a Trustee requests that report be removed and considered separately.

a. TEA Required Asynchronous Plan Report

Westlake Academy Board of Trustees

TYPE OF ACTION

Workshop - Report

Westlake Board Meeting
Monday, October 05, 2020

TOPIC: TEA Required Asynchronous Plan Report

STAFF CONTACT: Dr. Mechelle Bryson

Strategic Alignment

Vision, Value, Mission	Perspective	Curriculum	Outcome Objective
Mission: Westlake Academy is an IB World School whose mission is to provide students with an internationally minded education of the highest quality, so they are well-balanced life-long learners.	**Academic Operations**	**PYP / MYP / DP**	**Optimize Student Potential**
Strategic Initiative			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: **August 24, 2020** **Completion Date:** **May 28, 2021**

Funding Amount: **$0** **Status - N/A** **Source - N/A**

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

The Texas Education Agency (TEA) has established guidelines and guidance on designing for remote learning. As such TEA has mandated that every public school district and charter school develop an asynchronous instructional plan to ensure the quality of instruction in a remote learning environment. Each districts and charter schools' asynchronous plan should contain the following four key components:

- Instructional Schedule;
- Material Design;
- Student Progress; and
- Implementation.

At the August 24, 2020 special Board of Trustees meeting, the Board voted to extend authority to the Superintendent to submit the Asynchronous Plan on behalf of Westlake Academy. More specifically, Board of Trustees authorizes the Westlake Academy Superintendent to file with TEA the remote asynchronous instruction plan developed for the 2020-2021 school year, and further authorizes the Westlake Academy Superintendent to file any additional attestations and/or revisions to remote instruction plans required by TEA or as may be necessary during the 2020-2021 school year to ensure Westlake Academy maintains funding for attendance by remote instruction.

Westlake Academy submitted the required Asynchronous Plan on September 30, 2020.

RECOMMENDATION

Support of Westlake Academy's Asynchronous Plan

ATTACHMENTS

Asynchronous Plan submitted to the TEA on September 30, 2020.

Westlake Academy International Baccalaureate World School Continuity of Learning Asynchronous Plan

In Response to COVID-19

Westlake Academy International Baccalaureate World School
Continuity of Learning Asynchronous Plan

The goal of this plan is to provide a vision and guidance for asynchronous learning in response to COVID-19. As an International Baccalaureate (IB) World School, our vision is to inspire college-bound students to achieve their highest individual potential in a nurturing environment that fosters the traits found in the IB learner profile. In doing so, we acknowledge that as a Texas public charter school offering an IB World Education, our goal is to align the IB Framework with the Texas Essential Knowledge and Skills (TEKS). In response to COVID-19, Westlake Academy will maintain the continuity of instruction while providing students an internationally minded education of the highest quality. Remote learning and face to face learning offered by Westlake Academy will consist of both synchronous and asynchronous learning activities, aligned with the Planning Guidance provided by TEA. We realize that classroom instruction will be reengineered due to the need to provide a remote and digital environment for students who elected remote learning as their instructional delivery choice and in the case of a school closure. As we balance face-to-face learners with remote learners, the Academy is committed to providing an equitable learning environment for remote learners. Westlake Academy will provide access, resources, and academic learning opportunities for all students in the remote setting through an asynchronous model.

Westlake Academy's Continuity of Learning Asynchronous Plan was predicated on the following Guiding Principles.

Every child, every day:

- Feels connected and cared for in our learning community;
- Is being challenged by engaging learning experiences; and
- Is navigating the world as an IB Learner.

In doing so, we will continue to foster assessment-capable learners who can excel in any chosen instructional delivery format. Westlake Academy firmly believes that it is the job of the staff not only to help student reach their potential, but also to help them surpass their potential. In essence, it is the job of the Academy to help students see potential in themselves that they cannot currently visualize.

The Academy is united in our efforts to ensure five key factors:

1. That our students and teachers feel safe and cared for;
2. That we provide an IB education of the highest quality;
3. That we foster assessment-capable learners who will excel in any chosen instructional delivery modality;
4. That we provide all students access to quality educational materials aligned to the TEKS and IB Framework along with access instructional materials; and
5. That educators are empowered to designed authentic learning experiences in order to continually assess and meet the individual learning needs of each students.

METHODS OF IMPLEMENTATION

Westlake Academy utilized a committee to organize and develop the academic systems for the 2020-2021 school year. The committee, led by the IB Coordinators, is composed of members from various departments and grade levels to build upon a diverse set of knowledge, perspectives and expertise. The committee met weekly throughout June and July in preparation for the 2020-2021 school year. Parent and teacher surveys were utilized to gain parent and teacher insight. In August, drafts of the plan were posted for parent review and Facebook Live events were held to garner parent feedback and to address parent concerns. In addition, parents and students were given an opportunity to select an instructional delivery option: face-to-face learning (K-8), hybrid learning (9-12), or remote learning (K-12).

Using data from the Instructional Delivery Commitment form, the Academy reconfigured the Primary Years Programme campus staff to assign teachers as remote or face-to-face instructors for grades K-5. As students and families alter their commitment choice, teacher assignments may also change to accommodate shifting student and parent requests. In grades 6-12, teachers will balance teaching face-to-face learners with remote learners. As students and families alter their commitment choice, student schedules may change to maintain manageable class sizes for all learners. In order to maintain the movement of students between remote and face-to-face learning, it is paramount that the Academy maintains fidelity and equity in the delivery of classroom instruction. As students potentially flow from remote to face-to-face learning or face-to-face to remote learning, our goal is to continue to provide an IB education of the highest quality while fostering assessment-capable learners who excel in any chosen instructional delivery modality.

DEFINITION OF KEY TERMS

- Face-to-Face Learning is an instructional method where course content and learning material are taught in person to a group of students. This allows for a live interaction between a learner and an instructor. It is the most traditional type of learning instruction.
- Hybrid Learning is defined as students who have selected face-to-face learning being split into two cohorts, with one cohort spending two days on campus, while the other cohort learns remotely. The cohorts then switch for the next two days, then the cycle is repeated.
- Remote Learning is where the student and the educator, or information source, are not physically present in a traditional classroom environment. Information is relayed through technology, such as discussion boards, video conferencing, and online assessments.
- Synchronous learning is defined as two-way, real-time, live, instruction between teachers and students, through the computer or other electronic devices.
- Asynchronous learning is a curricular experience where students engage in the learning materials on their own time, interacting intermittently with the teacher via the computer or other electronic devices.

I. INSTRUCTIONAL SCHEDULE

As is traditional in an IB classroom, students will be expected to engage with their teacher and peers through inquiry, discussion and collaboration. Within an asynchronous approach, teaching and learning will foster the attributes of the IB Learner Profile such as critical thinking, inquiry, communication and knowledge. Best practices for teaching and learning will continue to be drawn from the IB Approaches to Learning (ATLs): the ATLs of social, thinking, research, self-management, and communications skills will be emphasized.

Students in remote settings will have schedules provided that match or exceed the following. While we understand this schedule is dependent upon the percentage of remote learners and the evolving confirmed cases in our county, the proposed schedules are a guide for planning purposes. The implementation model provided is subject to change. In the event that circumstances change in our community, all teachers will quickly pivot to remote learning. Teachers will design lessons in our Learning Management System for all learners.

<u>PRIMARY YEARS PROGRAMME (PYP) INSTRUCTIONAL SCHEDULE:</u>

	S. Butler In Person	Howerton In Person	Bruggemann Remote	Firsching In Person	Laherty In Person	Johnson Remote	Whitt In Person	Ormond In Person	Cardamone Remote	In Person Lokash	Remote Nelson	Remote Butler	In Person Thompson	In Person Titus	Remote Pulis	In Person Martin	In Person Fischer	Remote Burnett	Remote Febres
	MONDAY																		
TIME	K	K	K	1	1	1	2	2	2	3	3	3	4	4	4	5	5	5	5
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TUESDAY

TIME	S. Butler In Person	Howerton In Person	Bruggemann Remote	Firsching In Person	Laherty In Person	Johnson Remote	Whitt In Person	Ormond In Person	Cardamone Remote	In Person Lokash	Remote Nelson	Remote Butler	In Person Thompson	In Person Titus	Remote Pulis	In Person Martin	In Person Fischer	Remote Burnett	Remote Febres
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WEDNESDAY

TIME	S. Butler In Person	Howerton In Person	Bruggemann Remote	Firsching In Person	Laherty In Person	Johnson Remote	Whitt In Person	Ormond In Person	Cardamone Remote	In Person Lokash	Remote Nelson	Remote Butler	In Person Thompson	In Person Titus	Remote Pulis	In Person Martin	In Person Fischer	Remote Burnett	Remote Febres
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Thursday

	S. Butler In Person	Howerton In Person	Bruggemann Remote	Firsching In Person	Laherty In Person	Johnson Remote	Whitt In Person	Ormond In Person	Cardamone Remote	In Person Lokash	Remote Nelson	Remote Butler	In Person Thompson	In Person Titus	Remote Pulis	In Person Martin	In Person Fischer	Remote Burnett	Remote Febres
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Friday

	S. Butler In Person	Howerton In Person	Bruggemann Remote	Firsching In Person	Laherty In Person	Johnson Remote	Whitt In Person	Ormond In Person	Cardamone Remote	In Person Lokash	Remote Nelson	Remote Butler	In Person Thompson	In Person Titus	Remote Pulis	In Person Martin	In Person Fischer	Remote Burnett	Remote Febres
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PYP teachers will provide a detailed schedule for students to follow for their synchronous lessons. **Students will have both scheduled and flexible learning times daily.** Families can expect to spend the following average times per day:

- Kindergarten-2nd: 2 hours 30 minutes (synchronous) plus an additional 3 hours (asynchronous)
- 3rd-5th grade: 3 hours (synchronous) plus an additional 2 hours 45 minutes (asynchronous)
    - *These times are an average and these times will vary depending on a variety of factors such as student strengths, the type of assignment, and the work assigned by all the teachers cumulatively (including Art, Music, PE, and Spanish)*
- Flex time has been built into the daily schedule. This allows students to complete assignments independently, attend small group instruction, and conference with teachers as needed.

TEA Requirements	**Westlake Academy PYP Requirements**
Daily Progress in Learning Management System	• Seesaw will be used for grades K-5. • In addition, Showbie will be used for grades 2-5. Seesaw and Showbie will be the platforms used to track **daily** student engagement with self-paced, independent assignments (asynchronous learning). This time would be used for skill practice, reading, and creating products to showcase learning.
Daily Progress via student/teacher interaction	The homeroom teacher designs learning and teaching assignments/assessments to be delivered remotely via Google Meet sessions (synchronous instructional delivery). Daily interaction could take on many forms such as: • Whole group instruction at a scheduled time • Small group collaborative learning sessions with the teacher at a scheduled time • Individual learning sessions with the teacher, scheduled in coordination with the student's caregiver. In addition, we strive to strike a balance between academic instruction and social/emotional education during Google Meets. This will be especially important at the beginning of the school year as we create a community of learners. Relationships set the tone for a successful learning environment.

In order to foster and sustain equity in and flexibility for learning, remote and face-to-face learners will frequently and consistently use the LMS provided. The expectation will be a full day of instruction via asynchronous learning activities collected through teacher-assigned lessons while engaging with and supporting students through classroom discussions, online lessons, and the completion of assignments.

- Parents will support their students to encourage preparedness for the remote learning environment. This includes managing the device to ensure it is charged, creating an appropriate place to work at a table or desk, and engaging their child in remote learning activities.

- Students will be expected to be engaged and will be held accountable for their learning, including homework assignments, and both informal and formal assessments.
- Due to these rigorous demands of the Texas Essential Knowledge and Skills (TEKS), the requirements of the IB, and TEA attendance guidelines, students will be required to participate in learning activities Monday through Friday.
- Teaching and learning will embrace the mission and vision of the IB through a focus on Approaches to Learning, the Learner Profile, International Mindedness and an inquiry-based approach.
- Attendance will be taken synchronously at the beginning of each class during remote learning for all and for those students who have elected to remain in remote learning and will be followed up by synchronous attendance based upon work submitted. It is expected that students are logged in and ready to engage in learning activities on time. Students will be expected to complete and turn in daily work to receive credit for the day.

MIDDLE YEARS PROGRAMME (MYP) AND DIPOLMA PROGRAMME (DP) INSTRUCTIONAL SCHEDULE:

As is traditional in an IB classroom, students will be expected to engage with their teacher and peers through inquiry, discussion and collaboration. Within an asynchronous approach, teaching and learning will foster the attributes of the IB Learner Profile such as critical thinking, inquiry, communication and knowledge. Best practices for teaching and learning will continue to be drawn from the IB Approaches to Learning (ATLs) such as social, thinking, research, self-management, and communications.

REMOTE/FACE-TO-FACE/HYBRID LEARNING MYP/DP SCHEDULE

PERIOD	MYP: 6-8	MYP: 9-10	PERIOD	DP
1/5	7:55—9:25	7:55—9:25	1/5	7:55—9:25
2/6	9:30—11:00	9:30—11:00	2/6	9:30—11:00
3/7	11:05—1:05	11:05—1:05	3/7	11:05—1:05
4/8	1:10—2:35	1:10—2:35	4/8	1:10—2:35
Advisory	2:40—3:15	2:40—3:15	Advisory	2:40—3:15

- Each course will be synchronous and asynchronous each day, with a minimum threshold of 50% of class time each week taught synchronously or actively engaged with a teacher.

- Teachers have the flexibility to provide more than 50% synchronous learning depending on the content, place and order of the learning, or to provide additional support or enrichment.
- Synchronous learning, conducted via Google Meet, will fully embrace the IB philosophy, promoting discussion, inquiry and reflection.
- Assignments undertaken during asynchronous learning will allow for individualized feedback from teachers.
- Asynchronous learning may also take the form of students watching their teacher's pre-recorded lecture, which will be followed by synchronous discussion. (This is often referred to as a "flipped classroom".)
- Additional student support is available each day during teachers' office hours, which are communicated in advance to students via ManageBac.

To foster and sustain equity in and flexibility for learning, remote and face to face learner will frequently and consistently use the LMS provided. The expectation will be a full day of instruction via asynchronous learning activities collected through teacher assigned lessons while engaging with and supporting students through classroom discussions, online lessons, and the completion of assignments.

- Parents will support their students to encourage preparedness for the remote learning environment. This includes managing the device to ensure it is charged, creating an appropriate place to work at a table or desk, and engaging their child in remote learning activities.
- Students will be expected to be engaged and will be held accountable for their learning, including homework assignments, and both informal and formal assessments.
- Due to these rigorous demands of the Texas Essential Knowledge and Skills (TEKS), the requirements of the IB, and TEA attendance guidelines, students will be required to participate in learning activities Monday through Friday.
- Teaching and learning will embrace the mission and vision of the IB through a focus on Approaches to Learning, the Learner Profile, International Mindedness and an inquiry-based approach.
- Attendance will be taken synchronously at the beginning of each class during remote learning for all and for those students who have elected to remain in remote learning and will be followed up by synchronous attendance based upon work submitted. It is expected that students are logged in and ready to engage in learning activities on time. Students will be expected to complete and turn in daily work to receive credit for the day.

Instructional delivery options starting on September 21, 2020

Westlake Academy families with students in grades K-8 will be asked to choose either in-person or fully remote learning. Families with students in grade 9-12 will be offered either a hybrid option or fully remote learning. This selection must be made prior to August 10, 2020. It will come into effect on September 21, 2020 and remain in place for the first nine-week grading period. The exception to this is if a student is participating in on-campus education and develops symptoms of COVID-19 or must quarantine.

II. MATERIAL DESIGN

The Academy staff will implement the IB Framework, including the units of inquiry, and various TEK aligned resources and instructional materials specified by the Academy. These resources will work to ensure vertical and horizontal alignment is maintained and that teachers are addressing the state adopted standards in alignment with the IB Framework. Student's understanding of the content will be monitored in accordance with the campus assessment protocols to check for mastery of the standards. Specifically, to ensure coherence and continuity.

Resource	Primary Use in Material Design
ManageBac	For grades K-5, ManageBac will serve as Learning Management System for both in-person and remote learning instructional planning. The Academy will leverage ManageBac in order to provide a curriculum warehouse for each grade level unit of inquiry and to communicate weekly learning plans and student progress to the parents. For grades 6-12, ManageBac will serve as the primary Learning Management System for both in-person and remote learning. The Academy will leverage ManageBac in order to provide a curriculum warehouse for each grade level and course content, post units of inquiry, post assignments and tasks, to communicate with parents and students regarding student progress (for example posting feedback on assignments and tasks), post resources to assist students in meeting the criteria of each assignment and task, and to proctor summative assessments.
Google Classroom	In the DP, Google Classroom will also be used to post assignments, tasks and resources.
SeeSaw	The Seesaw platform allows students to digitally demonstrate their learning interact with remote learning lessons. Student learning is documented over time in the learning journal, allowing individuals to gain insight into their growth and future learning needs. Parents connect to their child's learning through the Seesaw for Families app which fosters communication and remote lessons management.
Showbie	The Showbie App promotes a paperless classroom which works ideally for the delivery of remote learning. Teachers are able to digitize and assign resources for students to complete. With each assignment, teachers provide timely and effective feedback through commenting features managed by the student.
Units of Inquiry	The leading pedagogical approach of an IB education is guided concept-based inquiry. The units of inquiry designed by the Westlake Academy teachers will continue to be the vehicle used to deliver and IB education.
IB Standards and Practices	The IB Standards and Practices outline the practices, requirements, and specifications that all IB World Schools must adhere to with regards to planning, implementation, development, and evaluation of the IB programmes.
IB ATLs	The five IBApproaches to Learning skills engage all K-12 students in "learning how to learn." The five categories of interrelated skills support students to become self-regulated learners. Westlake Academy teachers collaboratively plan for implicit and explicit opportunities to develop the ATLs, both inside and outside the units of inquiry and course content.
IB Learner Profile	The IB learner profile is a set of ten attributes that represent a range of human capacities and responsibilities. These attributes encompass intellectual, personal, emotional, and social growth. Developing and demonstrating the IB Learner Profile is the foundation for international-mindedness and taking action for positive change.

Digital Resources for Designing Teaching and Learning:

In order to assist teachers in providing an IB World Education of the highest quality, the Academy vets resources that are in alignment with the IB Framework and TEKS. The following are the main digital resources utilized to design authentic learning experiences:

Resource	Description
iStation Reading and Math	This resource provides computer-based assessment and instruction in reading and writing for our K-8 students. Students complete game-based lessons and activities led by animated characters while the program generates reports on their progress for teachers, parents and administrators.
Newsela (Grades 2-5 only)	This resource is an instructional content tool that allows teachers to find articles with appropriate reading levels for their students. **Newsela** articles also feature questions and writing prompts that teachers can align to their IB Units of Inquiry.
Imagine Math (Think Through Math)	This resource teaches math skills from basic math to Algebra I and Geometry to Grade 3 to 8 students through personalized learning paths driven by the Quantile® Framework. In doing so, it provides teachers, parents and administrators progress reports to guide next steps in learning.
Epic!	This resource is a digital library for remote and face to face learners. It promotes literacy and provides students with literature at their fingertips.
Discovery Education Experience	This resource provides engaging high-quality content, ready-to-use digital lessons, creative collaboration tools, and practical professional learning resources to educators. It is everything they need to facilitate instruction and create a lasting educational impact in any learning environment.
BrainPop and BrainPop Jr.	This resource is an engagement tool that allows both students and teachers to be involved in the learning process. It engages student in quizzes that require critical thinking and a depth of knowledge. It also generates assessments that allow students to explain their reasoning while playing a game.
Stemscopes	Stemscopes is a a researched-based resource for STEM education. It provides digital learning activities, print materials, and hands-on learning experiments to drive student engagement in Math and Science.

FEEDBACK TIMELINES

Descriptive feedback is essential for learner success. It informs the next steps in instruction for the teacher and assist students in becoming assessment capable learners. Effective feedback that is accurate, fair, specific and timely facilitates a reciprocal learning process. Feedback must be:

- Descriptive in nature and not evaluative;
- An accurate representation of what learners have and have not learned;
- Free of bias or judgment;
- A reflection of how the work compares with the targeted standard or model;
- Given with sufficient timeliness to influence performance; and
- Provided in a manner that brings clarity to identified skills and gaps in learning.

The Academy will provide feedback through ManageBac (the Academy's LMS), Seesaw, and Showbie to students and parents regarding student work, assignment completion and student academic progress. Since the Academy's calendar is divided into four nine-week marking periods, progress reports will be provided at the four-week mark of each nine weeks. At the end of every grading period, feedback and grade reports will be provided. Additional feedback will be provided to students as needs arise. Documentation of feedback will be housed in ManageBac.

LESSON DESIGN AND PREPARATIONS

The Academy believes in the power of the teacher as a designer of authentic learning experiences. We believe that educators design authentic learning experiences that bridge learners' prior understandings with new ideas. These designed learning experiences allow learners to collaborate, communicate, model, inquire, and reflect as they develop a deep understanding of concepts and explore guiding questions surrounding central ideas within content areas. To support this constructivist approach to learning, educators are expected to:

- Deconstruct content standards to identify the big ideas learners should know, understand and be able to do;
- Use essential or driving questions to connect the content to broader disciplinary and transdisciplinary concepts and ideas;
- Plan performance-based assessments of understanding prior to planning the scaffolded learning experiences;
- Analyze learner data to identify individual needs of learners; and
- Model appropriate strategies for learning.

Within the IB Framework, teachers will work with horizontal and vertical teams to adapt lessons and assignments to meet the needs of remote learners. Lessons will be posted in Seesaw (grades K-5), Showbie (grades 2-5), or ManageBac (grades 6-12). In addition, grades 11-12 are also using Google Classroom to post lessons Teachers will adapt lessons and resources to support our remote learners. Resources will be posted in ManageBac, SeeSaw, and Showbie for equity in access. Live teacher assistance will take place through Google Meets between the hours of 7:55 am-3:15 pm. Completion of assignments and/or attendance on a Google Meets will be expected daily for attendance credit. Grades will be taken in accordance with the Academy's grading

guidelines and entered into ManageBac and for grades 9-1, grades are entered into TxGradebook.

III. STUDENT PROGRESS

Assessment and Reporting

For the 2020-2021 school year, assessment will follow the guidelines as outlined in the Primary and Secondary IB assessment policies. The pass/fail model implemented in the Spring of 2020 will no longer be utilized.

IB assessment strategies, such as open-ended tasks, performance tasks, selected response tests and quizzes, and observations, are central to the assessment process. They cover a broad range of approaches and provide a balanced view of the student. Students are also required to complete external assessments as directed by the TEA and the IB. *These strategies apply not only to in-person instruction, but also to students participating in remote learning.*

Assessment Procedures

- Assessment procedures and tools will vary by grade-level and age-appropriateness.
- Assessments will require students to demonstrate their learning in a variety of formats (written, visual, speaking, multimedia) using a range of digital platforms. Teachers will provide students with age-appropriate instruction and practice with digital tools required for assessment.
- Students will be asked to submit assessments in a variety of formats, including but not limited to: digital scan of handwritten responses, handwritten response in a digital document using a stylus, typed responses, selected responses in digital platform, image files, video recording, audio recording, multimedia, participation in Google Meet.
- Some assessments may take place synchronously while others may take place asynchronously.
- If assessments require students to demonstrate their learning by performing a task in a timed situation, teachers may require students participating in remote learning to be available for synchronous assessment during a designated class time. Students participating in remote learning will adhere to the same time constraints as students taking the assessment in person. Teachers will plan and communicate procedures for students participating in remote learning to have access to assessment instructions, resources, and rubrics.
- When an assessment requires access to physical resources (such as a science lab), teachers may replace the assessment with a comparable substitution such as a digital lab simulation if the materials are not readily available to the student at home. In some cases, teachers may prepare kits of materials to make available for pick-up for families participating in remote learning.
- If assessment involves collaboration, teachers will support students in defining roles and establishing time and procedures for collaboration both in-person and digitally.
- All assessments (formative and summative) must be completed and submitted on time to ensure that the curriculum can be delivered effectively and efficiently. Formative

assessments are designed to prepare students for the summative assessment. Submitting formative assessments late may result in the student not being able to receive feedback in a timely manner before the summative assessment. Students participating in remote learning and in-person learning will be held to the same expectations for late and missing work as defined in the Westlake Academy Parent/Student Handbook.

- In the event that technology issues prevent a student from completing or submitting an assessment, the student and parent should make the teacher aware of the issue as soon as possible and make arrangements with the teacher to make up the assessment in a timely manner. Please see "Technology Support" section below for more information on how to receive help for technology issues on school devices.

Assessment in the Primary Years Programme

- The PYP Assessment Policy will guide all assessment monitoring, documenting, measuring, and reporting practices.
- PYP teachers will use a blend of assessment strategies to inform learning and teaching in accordance with IB standards and practices.
- Students who have opted for fully remote learning will receive the same holistic assessments that incorporate the concepts, skills, knowledge, and action students demonstrate.
- Students, regardless of instructional delivery model, will be encouraged to self-assess themselves through rubrics, checklists, and reflections. These tools allow students to set goals related to how they can continue to intrinsically demonstrate the attributes of the IB learner profile and the IB Approaches to Learning (ATL) skills.
- PYP teachers will provide timely and effective feedback to students so they can reflect on their performance.
- Beginning in the 2020-2021 school year, the Primary Years Programme (PYP) will implement a new K-5 Standards-Based Report Card that aligns with the International Baccalaureate's stance on measuring and reporting on learning. This new reporting process is designed in a manner that is objective and aligned with the state curriculum standards, the TEKS. PYP reports will now be issued at the conclusion of a 9-week period, dividing the length of the school year into four terms. A parent guide to the standards-based report card will be issued in September 2020.

Assessment in the Middle Years Programme

- MYP teachers will use a blend of formative and summative assessments, with teaching using their knowledge of IB summative assessment expectations and practices to help students improve performance.
- Students who have opted for fully remote learning will receive the same holistic assessments that incorporate the concepts, skills, and knowledge students demonstrate (see below for more details on academic integrity).
- Formative and summative assessments will be assessed as usual utilizing the MYP criteria for each subject.
- It is expected that for each quarterly reporting period (usually every eight to nine weeks), MYP students will have undertaken either one or two summative assessments, supported by multiple formative assessments.
- For students in Grades 9 and 10, it is expected that Semester exams will still take place.

Assessment in the Diploma Programme

- DP teachers will use a blend of formative and summative assessments, with teaching using their knowledge of IB summative assessment expectations and practices to help students improve performance.
- Students who have opted for fully remote learning will take equivalent assessments as those who have elected hybrid, in-person learning (see below for more details on academic integrity).
- Formative and summative assessments will be given a percentage grade, from 0-100.
- It is expected that for each quarterly reporting period (usually every eight to nine weeks), DP students will have undertaken either two or three summative assessments, supported by multiple formative assessments.
- It is expected that Semester exams will still take place.
- Grade 12 students will be registered in October 2020 for the May 2021 IBDP exam session.

Active Engagement

Active engagement means a student is active in his/her coursework. The student is marked present in each course they are enrolled when the following items have been achieved.

1. Completion of lessons- activities, assessments, projects on a daily basis
2. Attending synchronous (live lessons) for instruction, tutoring, intervention, enrichment
3. Or daily contact with the teacher.

A teacher will input the student's attendance into Ascender based on the student's engagement. Course completion is based on demonstration of academic proficiency with passing grades equivalent of 70% or above on a 100 point scale.

ACADEMIC INTEGRITY

- Whether taking part in remote or in-person learning, students are expected to adhere to the same academic integrity expectations as defined by the Westlake Academy Academic Integrity Policy. Teachers will use age-appropriate methods to review the policy with students to ensure that all students understand how to be principled and maintain academic integrity in their learning.
- In remote and in-person learning, students are expected to only access resources allowed by the teacher for the summative assessment.
- If students need assistance during an assessment, they should reach out to the teacher through the method designated by the teacher (i.e. Google Meet, email). Students may not receive assistance from a family member, classmate, tutor, or any other individual during an individual summative assessment.
- If students need assistance during formative assessments, any assistance they receive beyond the teacher should only be supportive in nature. In order for teachers to best assess student progress, student work needs to reflect the student's individual ability.
- When necessary, teachers will utilize technological tools to help maintain academic integrity. For example, teachers may require students to submit typed assessments to Turnitin.com to check for originality and proper acknowledgement of original authorship (citations and references).

IV. IMPLEMENTATION

Educators will participate in professional learning as outlined below. They will have the opportunity to learn the necessary digital and content specific instructional tools to effectively deliver classroom instruction. These courses will be held in a combination of face-to-face and virtual setting. These sessions will focus on the following:

- How to effectively engage students in a remote learning environment;
- How to effectively set up a remote classroom;
- How to balance face-to-face learners with remote learners;
- Content focus sessions;
- New Teacher Academy; and
- Leadership team meetings.

Future professional learning will be conducted on the following dates:

- October 9, 2020
- October 28, 2020
- January 5, 2021
- February 12, 2021
- April 1, 2021
- June 1, 2021

These professional development opportunities will create continuity in learning for our staff and provide ongoing support for our instructors.

TEACHERS/INSTRUCTIONAL PARAPROFESSIONALS

During August 2020 and periodically throughout the 2020-2021 school year, all Academy staff will participate in synchronous and asynchronous professional learning related to teaching in a remote environment, distance learning best practices, how to balance face-to-face learners with remote learners, and technology best practices. These sessions are designed by gathering staff needs through a staff survey, research of remote teaching best practices and the needs to create a learning environment grounded in the principles and standards of an IB education.

Date	Daily Vision/Goal	Whole School	Programmatic Engagements	
Monday August 10	**-Introduction to the IB mission** **-Instructional Technology Orientation**	New Teachers Only 8am-10am (MPH) 10am-12pm (classrooms) Technology 1-3pm (MPH)	IB Continuum IB Learner Profile and IM Independent Nano PD: Inquiry and ATLs	
Tuesday August 11	**- Programme Orientation**	New Teachers Only See programmatic engagements	PYP	Morning: PYP Digital Platforms and Written Curriculum Afternoon: Work in classroom
			MYP and DP	Morning: MYP and DP 101; Written Curriculum and ManageBac Afternoon: Individual Planning

Wed August 12	**-Setting Vision for School Year -Safety How to interact during PL -Classr oom Work Time**	**8:00am-10:00am F2F Kick-Off Session by Programme** COVID Safety PYP - MPH MYP* - Gym DP* - PH **10:30am-4:00pm Remote** -Compliance Videos -Time in Classrooms **Westlake Teachers that are Parents to WA Students** -Google Meet Session to discuss guidelines to bring your children to WA with you at 4pm.	PYP	**F2F Session- 8 am to 10am** Welcome - Rod, Beckie, Alison Focus on Well-being - Rod Safety and Security Protocols for staff - Rod Learning environment (remote vs. in person)- Beckie Google Drive Organization-Alison Create Calendly for Office Hours Explain Videos and PD Google Classroom- share code **Remote 10:30-4pm** Complete Compliance Video Work in Classrooms
			MYP	Safety and Wellness Practices Optional one-on-one sessions with Rudd, Ituah, and Watson
			DP	F2F session: 8am to 10am Well-being Safety and security Objectives for the 2020-21 SY in the DP Remote 10:30am-4pm Compliance Videos Time in Classrooms
Thu August 13	**-Distance Learning Protocols -Vertical/Horizontal Planning -Classroom Work Time**	**8:00am-10:00am F2F Distance Learning Protocols in Programmes** -Difference from spring -Nuts and bolts -Explicit parameters -Classroom Management Plans -Establishing Norms/Agreements **10:30am-4:00pm Remote** -See Programmatic Engagements -Maru and team rotating (to be rescheduled)	PYP	**F2F Session- 8 am to 10am** 1. Expectations for working hours/appts etc- Beckie 2. Remote/inperson teachers- Beckie 3. Working on the classroom vs at home during the first 4 weeks 4. Explain remote learning schedule • UOI #1 5. Establish weekly schedule 6. Establish Grade Level Learning Plan 7. Create Google Meet Links 8. Sharing Google Meet Recordings **Remote 10:30-4pm** Specials Team Frames UOI Horizontal planning/collaboration 1. Update Curriculum Map 2. POI Timeline 3. Year at a Glance a. Social Studies TEKS b. Lucy's Suggested Scope and Sequence Grade Level Meetings with Admin Team 1. Kinder- 11am - 11:45am 2. 1st- 1pm - 1:45pm 3. 2nd- 2pm - 2:45pm
			MYP	1. Vertical Subject Group Conversations a. Virtual Meetings b. 6 - 8 Grade, 10:30 - 11:30 L&L meet.google.com/xju-fkya-czy I&S meet.google.com/raj-mxgc-hsz Science meet.google.com/upm-qiev-ohu Math meet.google.com/ckx-hyrf-sqs Lang Acqu meet.google.com/ckt-aaka-vjs c. 8 - 10 Grade 11:30 - 12:30 L&L meet.google.com/ubk-kshy-dkr I&S meet.google.com/dre-aokt-dva Science meet.google.com/cde-ewpa-njo Math meet.google.com/gys-tcaz-wtj Lang Acqu meet.google.com/hng-cawi-yox Arts meet.google.com/ouw-bcgt-mwe 2. Grade Level Supply List Due to Rudd at 4:30 pm ****One per grade level. Please each team add <u>supplies to the grade level tab in this sheet</u>** G6 1:00-1:30 meet.google.com/miz-orzy-jbu G7 1:40-2:10 meet.google.com/ogk-xktn-uyu G8 2:20 -2:40 meet.google.com/wmu-aukh-bqx G9 2:50 -3:20 meet.google.com/bsq-guwh-kim G10 3:30-4:00 meet.google.com/gno-nojx-azm 3. When not in a meeting/session, classroom work/planning time
			DP	1. Classroom time to work on planning and lesson design. This can be done individually or in subject-specific groups. James will rotate between teachers to provide support and guidance. 2. ManageBac support with Maru by subject group.
Friday August 14	**-Distance Learning Protocols**	**8:00am-10:00am F2F Distance Learning Protocols in Programmes**	PYP	**F2F Session- 8 am to 10am** Expectations for Synchronous and Asynchronous Learning-Rod Tools and Resources

	-Classroom Work Time	-Identify Expectations for Synchronous Distance Learning -Develop/Teaching New Routines **10:30am-4:00pm Remote** -See Programmatic Engagements		1. Remote Learning ToolBox 2. PYP Online Accounts 3. Archive BrainPop Class 4. Recording asynchronous lessons for science and social studies (ex. 1) (ex. 2) (ex. 3) **Remote 10:30-4pm** Horizontal planning/collaboration 1. Update Curriculum Map 2. POI Timeline 3. Year at a Glance (Social Studies TEKS a. Lucy's Suggested Scope and Sequence Grade Level Meetings with Admin Team 1. 3rd- 11am- 11:45 am 2. 4th- 1pm - 1:45pm 3. 5th- 2pm- 2:45 pm 4. Specialists (Art, Music, PE, Counselor, Library, Spanish) 3pm-3:45pm (Join MB Classes)
			MYP	1. Grade Level Agreements/Welcome Letters/Syllabi/Interdisciplinary/time limits on units a. 6th collab planning time-10:30-11:30 am https://meet.google.com/itn-qefd-yzh b. 7th collab planning time- 12:00-1:00 pm https://meet.google.com/kcf-eonc-unm c. 8th collab planning time- 1:00-2:00 pm https://meet.google.com/qbf-poxo-sex d. 9th collab planning time- 2:00-3:00 pm https://meet.google.com/ymf-ryej-gbq e. 10th collab planning time- 3:00-4:00 pm https://meet.google.com/rzz-xbip-yhc 2. When not in a meeting/session, classroom work/planning time
			DP	F2F session 8am-10am a. How DP will use ManageBac b. Synchronous and asynchronous learning during first four weeks c. Assessments, grading policies, late policies d. Organizing mock hybrid classrooms for next week e. Presentation and discussion of IB/AP 2020 results 1. 10:30-4pm Classroom time to work on planning and lesson design. This can be done individually or in subject-specific groups. James will rotate between teachers to provide support and guidance. 2. ManageBac support with Maru by subject group.
Monday August 17	**-Distance Learning Protocols** **-Classroom Work Time**	**8:00am-10:00am F2F Distance Learning Protocols** **MYP Virtual Session Click Here** -First Days in Digital Classrooms -Communication, and Engagement **10:30am-2:00pm Remote** -See Programmatic Engagements **2:30pm-4:00pm Remote** -COVID Safety Protocols	PYP	**F2F Session- 8 am to 10am** Communication with families 1. SeeSaw/Showbie Discussion 2. (Welcoming and Engaging Students the first week) Rod 3. Teacher Welcome Video for Virtual B2S- Rod 4. Remote Learning Check List **Remote 10:30-4pm** Vertical Planning- focus on instruction. Share curriculum map with the grade above 1. K/1 11 am- 12pm 2. 2 /3 11am- 12pm 3. 4 /5 11am- 12pm 4. 1 /2 1pm - 2pm 5. 3 /4 1pm - 2pm
			MYP	1. Vertical Planning Department Meetings a. 10:30 am-12:00pm Dept Meeting MYP and DP 2. Classroom Work Time
			DP	1. 8am-9am Classroom time: use to continue setting classes in MB. **F2F Session 9am to 10am** Teacher presentations on Apps **After 10.30am** 1. 10: 30-12pm: Meeting with departments 2. 1pm Meeting with Lisa Phillips to discuss social and emotional well-being of DP students
TuesdayAugust 18	**-Distance Learning Protocols** **-Classroom Work Time**	**8:00am-10:00am F2F** -Assessment in Remote/F2F Learning **MYP Virtual Session Click Here** **10:30am-4:00pm Remote**	PYP	**F2F Session- 8 am to 10am** IT & TECH PD Session (30 min) Assessment- BOY and ongoing: • CLI Engage Remote Assessments K-2 • IStation ISIP Math K-2; TTM 3-5 • IStation ISIP Reading K-5 Class Lists (teacher feedback)-Beckie Student Login Cards Template -Alison. Email on Thursday.

		-See Programmatic Engagements		Download class schedule as pdf. Post on Thursday. **Remote 10:30-4pm** Vertical Planning- focus on student needs- cum folders 1. K/1 11am - 12pm 2. 2 /3 11am -12 pm 3. 4 /5 11am- 12 pm 4. 1 /2 1pm - 2pm 5. 3 /4 1pm - 2pm
			MYP	1. Classroom Work Time 2. 12pm: IT & TECH PD Session https://meet.google.com/ogx-npbm-mib
			DP	**F2F session: 8am - 10am** Continue App demonstrations Mock classroom if time **10:30 onwards** 11am: EE supervisors collaboration (remote) 2pm: Teachers meet with Carl Tippen to discuss writing college letters of recommendation (remote)
Wed August 19	**-Attendance -Classroom Work Time**	**8:00am-10:00am F2F** -Attendance **10:30am-4:00pm Remote** -See Programmatic Engagements	PYP	**F2F Session- 8 am to 10am** **8:00am- 8:30am in MPH for attendance meeting** First Day of School and Specials for 3-5 Managing Google Meet Schedule with Students Materials Needed Box Standards-Based Report Cards Collaborative Planning Agreements **Remote 10:30-4pm** Work in classrooms/planning for week one instruction Google Meet Session: Meeting Link
			MYP	**1. 8:00-8:15am MYP Touch Base w/Kaylene** **2. 8:15-8:30 am Independent work time** **3. 8:45am in GYM for attendance meeting** 4. ManageBac Classrooms ready to go 4:30pm deadline/Welcome letters, templates, etc/Flipgrid videos for back to school complete
			DP	**F2F session 8-9:30 IT & TECH PD Session** **2. 9:30am in PH for attendance meeting** 3. 10:30am-12pm Grade 11 teachers discussion of best practices for supporting Juniors as they transition into DP 4. 1pm-2:30pm Grade 12 teachers Finalize internal calendar of deadlines (IAs etc) and discussion of priorities for the Seniors and our concerns 5. 2:30pm-4pm work in classrooms
Thu August 20	**Teacher Work Day/ Counselor Touch Base**	**8:00am-10:00am F2F** -Counselor Presentation 1st session/ 8-9am: Creating confidence in SEL 2nd session/ 9-10am: QPR: question, persuade, refer suicide prevention training **10:30am-4:00pm Remote** -See Programmatic Engagements -Benefits Paperwork Due	PYP	1. Seesaw Session #2 2. Showbie 3. Formatting the class schedule 4. Sharing GM Links for the upcoming class 5. Counselor Training-QPR
			MYP	**1. MYP Touch Base-Attendance and Procedures 2:00pm**
			DP	Preparations for Week 1 Optional one-to-one meetings with James Optional "mock" classes for those interested in practicing in-person and remote synchronous learning
Friday August 21	**Teacher Work Day**	**Teacher Work Day MYP** **8:00 – 9:00am in Gym SPED Session**	PYP	Teachers work in classrooms and with their teams to prepare for the 1st week.
			MYP	1. Team Lead Session with MYP Leadership a. 10:30-11:30 am MYP All Staff Reflection and Kudos 2:15-3:00pm 6th Grade Information Session: 3:00 pm 7-10 New Student iPad and ManageBac Sessions
			DP	Preparations for Week 1 Optional one-to-one meetings with James Optional "mock" classes for those interested in practicing in-person and remote synchronous learning

In addition, the Academy teachers will engage in ongoing professional learning that is specific to their content area and instructional materials.

TECHNOLOGY SUPPORT

All Kindergarten-G12 students will have access to Westlake Academy issued iPads with keyboard cases for in-person and remote learning. Technology staff will be available in both instructional models to assist students and staff with technology support.

- All support will be remote unless physical access to the device is needed, arrangements will then be made via appointment for in-person access to the device. Students and staff should not visit the IT offices without an appointment.
- If in-person support is necessary, arrangements will be made to provide support in the safest way possible - IT Staff will wear protective gear, practice social (safe) distancing, and do as much work as possible outside of the classroom or office area.
- Staff will continue to use SchoolDude to report issues or request support.
- Students will use this Student Device Support Form (SDSF) to report issues or request support. If a student is unable to use the form (due to age or broken device), a parent or teacher should complete the form on the student's behalf.

iPAD DEPLOYMENT

At the end of the 2019-2020 school year, students were instructed to keep and store their iPad at home. The Westlake Academy IT Department inactivated all iPads for the summer. In August, new students were issued iPads

SPECIAL EDUCATION

Westlake Academy will fulfill the student's IEP as laid out by the ARD committee, in accordance with federal law, regardless of the delivery of instruction chosen by the parents.

SECTION 504 SERVICES

Westlake Academy will fulfill the student's 504 plan, in accordance with federal law, regardless of the delivery of instruction chosen by the parents.

Westlake Academy Board of Trustees

TYPE OF ACTION

Regular Meeting - Action Item

Westlake Board Meeting
Monday, October 05, 2020

TOPIC: Consider a resolution approving updates to the Special Education Policy.

STAFF CONTACT: Dr. Mechelle Bryson, Executive Director and Ms. Shannon Ward, Coordinator of Special Education

Strategic Alignment

Vision, Value, Mission	Perspective	Curriculum	Outcome Objective
Mission: Westlake Academy is an IB World School whose mission is to provide students with an internationally minded education of the highest quality, so they are well-balanced life-long learners.	**Academic Operations**	**PYP / MYP / DP**	**Improve the Efficiences of Operational Systems**
Strategic Initiative			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: **August 24, 2020** **Completion Date:** **May 28, 2021**

Funding Amount: **$0** **Status - N/A** **Source - N/A**

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

Westlake Academy prides itself on serving the needs of all learners. Part of meeting the needs of our special education students is ensuring that all of our policies and procedures align with the most recent State and Federal legislation and are easily accessible by all stakeholders and community members. To ensure alignment, open-enrollment charter schools are required to adopt policies and procedures in compliance with the Individuals with Disabilities Education Act (IDEA) and Chapter 29 of the Texas Education Code. Additionally, the Texas Education Agency requires all charter schools to provide copies of their special education policies through the Special Education Legal Framework. The Academy has completed a review of all Special Education

Policies, determined that updates to policies were not needed, and have uploaded current policies to the Special Education Legal Framework in compliance.

In accordance with State mandates, the Board of Trustees must approve these policies. Copies of these policies have been provided in the attachment.

RECOMMENDATION

Westlake Academy staff recommends approval.

ATTACHMENTS

Resolution
Special Education Updated Policy

WESTLAKE ACADEMY

RESOLUTION 20-13

A RESOLUTION OF THE WESTLAKE ACADEMY BOARD OF TRUSTEES APPROVING AN AMENDMENT TO THE SPECIAL EDUCATION POLICY IN THE BOARD POLICY MANUAL TO CREATE A SEPARATE SPECIAL EDUCATION POLICY MANUAL.

WHEREAS, Westlake Academy ensures compliance with all state and federal policies and procedures; and

WHEREAS, Westlake Academy ensures a free and appropriate education to all students; and

WHEREAS, Westlake Academy works to update all policies in a timely manner to reflect legislative changes and ensures these policies are easily accessible to stakeholders; and

WHEREAS, the Board of Trustees finds that the passage of this Resolution is in the best interest of the citizens of Westlake as well as the students, their parents, and faculty of Westlake Academy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF WESTLAKE ACADEMY:

SECTION 1: That, all matters stated in the recitals hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2: That, the Board of Trustees of Westlake Academy, hereby approves the Amendment of the Special Education Policy in the Board Policy Manual to create a separate Special Education Policy Manual attached to this resolution as ***Exhibit "A".***

SECTION 3: If any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 4: That this resolution shall become effective from and after its date of passage.

PASSED AND APPROVED ON THIS 5th DAY OF OCTOBER 2020.

_____
Laura Wheat, President

ATTEST:

_____
Todd Wood, Board Secretary

_____
Amanda DeGan, Superintendent

APPROVED AS TO FORM:

_____
Janet S. Bubert or L. Stanton Lowry,
School Attorney

TOWN OF WESTLAKE
WESTLAKE ACADEMY
BOARD OF TRUSTEES POLICY

Policy No. 6.13:

Date Board Adopted: March 4, 2013

Date Board Amended: October 5, 2020

Effective Date: October 5, 2020

Policy Category: Student Achievement

Policy Name: Special Education

Policy Goal: Establishing a program to design and deliver high quality support that ensures all students are successful, parents are informed, and educators are empowered.

Policy Description:

Federal and State law provide minimum standards and requirements that each child is entitled to receive in a publicly funded LEA (Local Education Agency). Further, federal and state law requires the Westlake Academy Board of Trustees to adopt policies that ensure implementation of the Individuals with Disabilities Act of 2004 (IDEA) and all other federal and state laws, rules and regulations regarding students with disabilities receiving special education services. Further, Westlake Academy, as an LEA, has maintained the necessary policies and any future amendments to those regulations, laws, and rules will be incorporated into the policies and procedures implemented by Westlake Academy. The specific special education policies may be found in the SPED Policies manual. The creation of a separate SPED Policy Manual will allow for easy viewing and accessibility by all stakeholders.

Additionally, Westlake Academy recognizes that special education services are developed for each child through a partnership of the parent, teacher, and administration. This process is student focused recognizing that special education is a service and not a place; that all faculty and staff, support the unique requirements of each student with a disability and will strive to provide an environment that will best meet each student's needs.

Dates Amended:
02/06/2017
02/05/2018

"Exhibit "A"

Sec. 1. NONDISCRIMINATION **POLICY**

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

Sec. 2. FREE APPROPRIATE PUBLIC EDUCATION

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

FAPE means special education and related services that:

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

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

Sec. 3. LEAST RESTRICTIVE ENVIRONMENT

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

Sec. 4. DISCIPLINE

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

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Sec. 5. INSTRUCTIONAL ARRANGEMENTS AND SETTINGS

Instructional arrangements and settings shall be based on the individual needs and IEPs of eligible students receiving special education services. Instructional arrangements and settings include:

1. Mainstream: services provided in the regular classroom in accordance with the student's IEP;
2. Homebound: services provided at home or hospital bedside;
3. Hospital class: services provided in a classroom, hospital facility, or residential care and treatment facility not operated by Westlake Academy open-enrollment charter school;
4. Speech therapy: speech therapy services provided, whether in a regular education classroom or other setting;
5. Resource room/services: services provided in a setting other than the regular classroom for less than 50% of the regular school day;
6. Self-contained (mild, moderate, or severe) regular campus: services provided to a student who is in a self-contained program for 50% or more of the regular school day on a regular school campus;
7. Off home campus: services provided in an inter district program, through Westlake Academy open-enrollment charter school personnel in a non- Westlake Academy open-enrollment charter school facility, or at a Westlake Academy open-enrollment charter school campus that provides only special education and related services.
8. Nonpublic day school: services provided through a contractual agreement with a nonpublic school;
9. Vocational adjustment class/program: services provided to a student who is placed on a job with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP;
10. Residential care and treatment facility (not Westlake Academy open-enrollment charter school resident): services provided to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of Westlake Academy open-enrollment charter school;
11. State supported living center: services provided to a student who resides at a state supported living center when the services are provided at the state supported living center location; or
12. Other program options, including contracts with other districts and programs approved by TEA.

19 TAC 89.63(c), (f).

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Sec. 6. RELATED SERVICES

"Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

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

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

Sec. 7. APPLICABILITY OF TEXAS EDUCATION CODE

An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code relating to special education programs. (TEC §12.104(b)(2)(F))

Town of Westlake shall comply with the requirements for monitoring compliance with federal and state laws relating to special education pursuant to Texas Education Code Section 29.010.

Sec. 8. ASSURANCE

Open-enrollment charter schools must submit a plan to the Texas Education Agency that provides assurances that the charter school has in effect policies, procedures and programs that are consistent with the State and Federal policies and procedures governing special education. (20 USC §1413(a); 34 CFR §§300.200-.201)

Sec. 9. PUBLIC EDUCATION INFORMATION MANAGEMENT SYSTEM (PEIMS)

"Most of the data TEA requests from school districts and charter schools are gathered using the Public Education Information Management System ("PEIMS"). PEIMS data are used for the Academic Excellence Indicator System ("AEIS"), Foundation School Program ("FSP"), statistical purposes, federal reporting, legislative requests, and audit purposes. Through PEIMS, schools report data including student demographic and academic performance, student attendance,

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personnel information, financial data, and organizational information." *Texas Open-Enrollment Charter School Handbook* (TEA, Division of Charter School Administration, September 2011).

Sec. 10. APPLICABILITY OF TITLE RELATING TO THE PEIMS

An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code, relating to the PEIMS to the extent necessary to monitor compliance with Subchapter D (Open-Enrollment Charter School), Chapter 12, Texas Education Code. (TEC §12.104(b)(2)(A))

The Superintendent or designee shall prepare required PEIMS submissions in accordance with PEIMS Data Standards and Module 10 of the Financial Accountability System Resource Guide. The Superintendent or designee may collaborate with the regional education service center in preparing and timely submitting PEIMS reports.

Sec. 11. CONTRACTS FOR SERVICES; RESIDENTIAL PLACEMENT

Westlake Academy open-enrollment charter school may contract with a public or private facility, institution, or agency inside or outside of this State for the provision of services to students with disabilities. Each contract for residential placement must be approved by the Commissioner. The Commissioner may approve a residential placement contract only after at least a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. The Commissioner may approve either the whole or a part of a facility or program. (TEC §29.008(a))

When a student, including one for whom the State is managing conservator, is placed primarily for care or treatment reasons in a private residential facility that operates its own private education program, none of the costs may be paid from public education funds. If a residential placement primarily for care or treatment reasons involves a private residential facility in which the education program is provided by the open-enrollment charter school, the portion of the costs that includes appropriate education services, as determined by the admission, review, and dismissal ("ARD") committee, shall be paid from State and Federal education funds. (TEC §29.008(c))

If Westlake Academy open-enrollment charter school contracts for the provision of education services rather than providing the services, Westlake Academy open-enrollment charter school shall oversee the implementation of the student's individualized education program ("IEP") and shall annually reevaluate the appropriateness of the arrangement. An approved facility, institution, or agency with whom Westlake Academy open-enrollment charter school contracts shall periodically report to Westlake Academy open-enrollment charter school on the services the student has received or will receive in accordance with the contract as well as diagnostic or other

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evaluative information that Westlake Academy open-enrollment charter school requires in order to fulfill its obligations under Subchapter A (Special Education), Chapter 29, Texas Education Code. (TEC §29.008(d))

Sec. 12. FACILITIES

Any construction of new facilities or alteration of existing facilities with authorized Individuals with Disabilities Education Act ("IDEA") program funds must comply with the requirements of:

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

Sec. 13. ADMINISTRATION OF EQUIPMENT

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

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

Westlake Academy open-enrollment charter school may transfer an ATD in accordance to TEC, §30.0015. The transfer agreement must include the standards in TEC §30.0015, including the following:

1) The transferor and transferee must represent and agree that the terms of the transfer are based on the fair market value of the ATD, determined in accordance with generally accepted accounting principles.
2) The informed consent of the parent of the student with a disability, or the adult student, for whom the ATD is being transferred must be obtained before the transfer of an ATD pursuant to TEC, §30.0015. The procedures employed by Westlake Academy open-enrollment charter school in obtaining informed consent shall be consistent with the procedures employed by the school to obtain parental consent under 34 CFR §300.300. Consistent with 34 CFR, §300.505(c), informed parental or adult student consent need not be obtained if the school can demonstrate that it has taken reasonable measures to obtain that consent,

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and the student's parent or the adult student has failed to respond. To meet the reasonable measures requirement, the school must use procedures consistent with those described in 34 CFR, §300.322(d).

3) If the transfer is a sale, then the sale of the ATD shall be evidenced by a "Uniform Transfer Agreement" which includes the following:
    a. the names of the transferor and the transferee (which may be any individual or entity identified in TEC, §30.0015(b));
    b. the date of the transfer;
    c. a description of the ATD being transferred;
    d. the terms of the transfer (including the transfer of warranties, to the extent applicable); and
    e. the signatures of authorized representatives of both transferor and transferee.

(19 TAC 89.1056)

Sec. 14. <u>SPECIAL EDUCATION TEACHER DEFINED (20 U.S.C. §1401(10)(B)(I))</u>

When used with respect to any public elementary school or secondary school special education teacher teaching in a State, such term means that—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.

Sec. 15. <u>COMPLIANCE WITH FEDERAL AND STATE PERSONNEL STANDARDS FOR INDIVIDUALS SERVING CHILDREN WITH DISABILITIES</u>

Westlake Academy open-enrollment charter school shall ensure that personnel standards for all individuals serving children with disabilities are met in accordance with the IDEA and its procedures.

Westlake Academy open-enrollment charter school recognizes that both the Every Student Succeeds 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. §§ 6311(g)(2)(J); 20 U.S.C. §1401(10)(B)(i). In Texas, that means that the charter school special education teacher must be certified.

Westlake Academy open-enrollment charter school shall 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 students with disabilities who are eligible for

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special education services. Special education staffing needs come from the individualized decisions made by the ARD committee.

Westlake Academy open-enrollment charter school shall ensure that all personnel necessary to carry out the requirements of the IDEA 2004 are appropriately and adequately certified and/or licensed, prepared and assigned.

Westlake Academy open-enrollment charter school adopts as policy the provisions under State and Federal law concerning personnel, including:

> Charter school teachers must only meet the requirements of the State's public charter school law, which differ from the requirements for Texas teacher certification. In Texas, State law does not require a teacher employed by an open-enrollment charter school to be certified unless the teacher is assigned to teach in special education or bilingual education programs, in which case the appropriate State certification is required. The minimum qualification under State law for a teacher at an open-enrollment charter school, other than a special education or bilingual education teacher, is a bachelor's degree. However, the governing body of Westlake Academy open-enrollment charter school may set the qualifications for teachers at a standard above what State law requires.
>
> The open-enrollment charter school shall not employ a person as a teacher unless that person holds a bachelor's degree. (TEC §12.129(a)). In an open-enrollment charter school that serves youth referred to or placed in a residential trade center by a local or state agency, a person may be employed as a teacher for a noncore vocational course without holding a baccalaureate degree if the person has demonstrated subject matter expertise related to the subject taught, such as professional work experience, formal training and education, holding a relevant active professional industry license, certification, or registration, or any combination of work experience, training and education, and industry license, certification, or registration, and received as least 20 hours of classroom management training as determined by the governing body of the open-enrollment charter school. (TEC §12.129(b))
>
> All special education and related service personnel shall be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 CFR §300.156; TEC §§21.002, 21.003, and 29.304; or appropriate state agency credentials. (19 T.A.C. §89.1131(a))

Sec. 16. <u>NOTICE TO PARENTS – QUALIFICATIONS</u>

The Superintendent or designee shall provide to the parent or guardian of each student enrolled in Westlake Academy open-enrollment charter school written notice of the qualifications of each teacher employed by Westlake Academy open-enrollment charter school.

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Additionally, the Superintendent or designee shall, at the beginning of each school year, notify the parents of each student attending Westlake Academy open-enrollment charter school that the parents may request, and Westlake Academy open-enrollment charter school shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.
3. Whether the teacher is teaching in the field of discipline of the certification of the teacher.
4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

Westlake Academy open-enrollment charter school shall also provide to each individual parent timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification standards or licensure requirements at the grade level and subject area in which the teacher has been assigned.

Sec. 17. ADMISSION, REVIEW AND DISMISSAL COMMITTEES

Town of Westlake shall establish an admission, review and dismissal ("ARD") committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted. The ARD committee shall be the individualized education program ("IEP") team defined at 34 CFR 300.321.

Sec. 18. ARD COMMITTEE RESPONSIBILITIES

The ARD committee and Westlake Academy open-enrollment charter school are responsible for:

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

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9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

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

Sec. 19. COMMITTEE MEMBERS

Westlake Academy open-enrollment charter school shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;
3. At least one special education teacher, or where appropriate, at least one special education provider of the child;
4. A representative of Westlake Academy open-enrollment charter school who:
   a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
   b. Is knowledgeable about the general education curriculum; and
   c. Is knowledgeable about the availability of Westlake Academy open-enrollment charter school's resources;
5. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee (who may be a member of the committee listed in items 2–5);
6. At the discretion of the parent or Westlake Academy open-enrollment charter school, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
7. The child, whenever appropriate;
8. A representative from career and technical education, preferably the teacher, when considering initial or continued placement of a student in a career and technical education program;
9. For a child with limited English proficiency, a member of the child's language-proficiency assessment committee ("LPAC") when deciding upon the selection of assessments and appropriate accommodations;
10. For a child with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of children with auditory impairments; and
11. For a child with a visual impairment, including deaf-blindness, a teacher who is certified in the education of children with visual impairments.

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20 U.S.C. 1414(d)(1)(B); 34 CFR 300.321; 19 TAC 75.1023(d)(1), 89.1131(b)(3)–(4), 101.1009.

A Westlake Academy open-enrollment charter school member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and Westlake Academy open-enrollment charter school 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.

A Westlake Academy open-enrollment charter school member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and Westlake Academy open-enrollment charter school consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

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

a) ***Transition Meeting Membership***

If the ARD committee is meeting to consider postsecondary goals and the transition services needed to assist the student in reaching those goals, Westlake Academy open-enrollment charter school shall invite:

1. The student. If the student does not attend, Westlake Academy open-enrollment charter school shall take other steps to ensure that the student's preferences and interests are considered.
2. To the extent appropriate, and with the consent of the parent or student who has reached the age of majority, a representative of any other agency that is likely to be responsible for providing or paying for transition services.

34 CFR 300.321(b).

Sec. 20. PARENTAL INVOLVEMENT

Westlake Academy open-enrollment charter school shall take steps to ensure that one or both of the parents of a student with a disability are present at each ARD committee meeting or are afforded the opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include all information required by applicable regulation); and

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2. Scheduling the meeting at a mutually agreed time and place.

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

Sec. 21. ALTERNATIVE PARTICIPATION METHODS

If neither parent can attend an ARD committee meeting, Westlake Academy open-enrollment charter school must use other methods to ensure parent participation, including individual or conference telephone calls. 20 U.S.C. 1414(f); 34 CFR 300.322(c).

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

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

34 CFR 300.322(d).

Sec. 22. ARD COMMITTEE MEETINGS

Westlake Academy open-enrollment charter school shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability. The committee shall review each student's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once per year.

A meeting does not include informal or unscheduled conversations involving Westlake Academy open-enrollment charter school personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that Westlake Academy open-enrollment charter school personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. 20 U.S.C. 1414(d)(4); 34 CFR 300.116(b)(1), 300.324(b), (c)(1); 300.501(b)(3).

a) ***Meeting at Parent Request***

Upon request of a written request for an ARD committee meeting from a parent, the Westlake Academy open-enrollment charter school must (1) schedule and convene a meeting; or (2) within

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five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. 19 TAC 89.1050(e).

b) ***Transfer Students***

If a student transfers to Westlake Academy open-enrollment charter school, and the student had a previous IEP in place, Westlake Academy open-enrollment charter school shall provide the student with a free appropriate public education ("FAPE"), including services comparable to those described in the previous IEP, in consultation with the parents, until:

1. In the case of a student who transfers within the state, Westlake Academy open-enrollment charter school adopts the previous IEP or develops, adopts, and implements a new IEP.
2. In the case of a student who had an IEP in effect in another state, Westlake Academy open-enrollment charter school conducts an evaluation, if determined necessary by Westlake Academy open-enrollment charter school, and develops, adopts, and implements a new IEP, if appropriate.

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

c) ***Transfer of Records***

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

d) ***Military Dependents***

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

Sec. 23. <u>ELIGIBILITY DETERMINATIONS</u>

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

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Westlake Academy open-enrollment charter school shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. 20 U.S.C. 1414(b)(4)(B); 34 CFR 300.306(a).

The ARD committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, 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 ("ESY") services during that summer.

When a report is provided to a parent not later than June 30 as described at Timeframe for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible. 19 TAC 89.1011(d), (e).

Sec. 24. INDIVIDUALIZED EDUCATION PROGRAM

Westlake Academy open-enrollment charter school shall develop, review, and revise an IEP for each child with a disability. 20 U.S.C. 1412(a)(4); 34 CFR 300.320(a).

Westlake Academy open-enrollment charter school shall have an IEP in effect for each child with a disability at the beginning of each school year. 20 U.S.C. 1414(d)(2)(A); 34 CFR 300.323(a).

The term "individualized education program" means a written statement for each child with a disability that includes:

1. A statement of the child's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the child's progress toward the annual goals will be measured and when periodic reports on the progress of the child will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child;
5. A statement of the program modifications or supports for school personnel that will be provided for the child;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;

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7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state or system-wide assessments;
9. If the ARD committee determines that the child must take an alternative assessment instead of a particular regular state or system-wide assessment, a statement of why the child cannot participate in the regular assessment and why the particular assessment selected is appropriate for the child;
10. Beginning not later than the first IEP to be in effect when the child is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the child in reaching those goals; and
11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

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

Sec. 25. TRANSLATING IEPS

If the child's parent is unable to speak English, Westlake Academy open-enrollment charter school shall:

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

TEC § 29.005(d).

Sec. 26. AUTISM/PERVASIVE DEVELOPMENTAL DISORDERS

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

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;

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3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders ("ASD");
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made. 19 TAC 89.1055(e)–(f).

Sec. 27. VISUAL IMPAIRMENT

Westlake Academy open-enrollment charter school shall adopt written procedures as required in Education Code 30.002(c)(10) for providing special education services to students with visual impairments, if such services are necessary. 19 TAC 89.1075(b).

An IEP for a student with a visual impairment must include instruction in braille unless the student's ARD committee determines and documents that braille is not an appropriate literacy medium for the student, based on an evaluation of the student's appropriate literacy media and literacy skills and the student's current and future instructional needs. Tex. Educ. Code § 30.002.

Sec. 28. STUDENTS WHO ARE DEAF OR HARD OF HEARING

Westlake Academy open-enrollment charter school must develop an IEP for students who are deaf or hard of hearing in which the students have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency. Tex. Educ. Code § 29.303.

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Sec. 29. COLLABORATIVE PROCESS

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions concerning the required elements of the IEP shall be made by agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

a) ***Recess***

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

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

These requirements do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than failure of the parents and Westlake Academy open-enrollment charter school to reach agreement about all required elements of an IEP.

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

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

b) ***No Agreement Reached***

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

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When Westlake Academy open-enrollment charter school implements an IEP with which the parents, or an adult student disagree, it shall provide prior written notice in compliance with applicable regulations and Westlake Academy open-enrollment charter school policy.

19 TAC § 89.1050.

Sec. 30. IEP MODIFICATION

Changes to an IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and Westlake Academy open-enrollment charter school may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, Westlake Academy open-enrollment charter school shall encourage the consolidation of reevaluation meetings for the child and other ARD committee meetings for the child. 20 U.S.C. 1414(d)(3)(D)–(F); 34 CFR 300.324(a)(4)–(a)(6).

Sec. 31. LEAST RESTRICTIVE ENVIRONMENT

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

Sec. 32. EXTENDED SCHOOL YEAR SERVICES

Westlake Academy open-enrollment charter school shall ensure that ESY services are available as necessary to provide a student with a disability with a FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for a FAPE. Westlake Academy open-enrollment charter school may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services. 34 CFR 300.106; 19 TAC 89.1065.

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Sec. 33. GRADUATION

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. 19 TAC 101.3023(a).

Sec. 34. STATE ASSESSMENTS

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

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

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

Sec. 35. TRANSPORTATION

Westlake Academy open-enrollment charter school shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. 19 TAC 89.1096(e).

Sec. 36. TRANSITIONING SERVICES

a) ***Definitions***

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

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1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes:
   a. Instruction;
   b. Related services;
   c. Community experiences;
   d. The development of employment and other post-school adult living objectives; and
   e. If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

20 U.S.C. 1401(34); 34 CFR 300.43.

b) ***Individual Transition Planning***

In accordance with Education Code 29.011 and 29.0111, not later than when a student reaches 14 years of age, the ARD committee must consider, and if appropriate, address the following issues in the IEP:

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
3. If the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or Westlake Academy open-enrollment charter school;
4. Any postsecondary education options;
5. A functional vocational evaluation;
6. Employment goals and objectives;
7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments;
8. Independent living goals and objectives; and
9. Appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

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

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

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

Westlake Academy open-enrollment charter school shall post the transition and employment guide on the Westlake Academy open-enrollment charter school website if Westlake Academy open-enrollment charter school maintains a website; provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at: (A) the first meeting of the student's ARD committee at which transition is discussed; and (B) the first committee meeting at which transition is discussed that occurs after the date on which the guide is updated. Upon request, Westlake Academy open-enrollment charter school shall provide a printed copy of the guide to a student or parent. *Tex. Educ. Code § 29.0112*.

c) *Graduation*

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

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

Westlake Academy open-enrollment charter school is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

Westlake Academy open-enrollment charter school shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

20 U.S.C. 1414(c)(5); 34 CFR 300.102(a)(3), 300.305(e)(2); 19 TAC 89.1070.

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Sec. 37. AGE OF MAJORITY – TRANSFER OF RIGHTS

Not later than one year before the 18th birthday of a student with a disability, Westlake Academy open-enrollment charter school shall:

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

When a student reaches the age of majority (18 years of age), Westlake Academy open-enrollment charter school shall provide written notice to the student and the student's parents of the transfer of parental rights. The notice must include the information required above.

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

If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship, Westlake Academy open-enrollment charter school shall provide the student or parent information and resources on supported decision-making agreements under Estates Code, Chapter 1357.

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

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

Sec. 38. PREKINDERGARTEN PROGRAMS

b) *Tuition-Free Program*

Town of Westlake shall offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least four years of age. Town of Westlake may offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least three years of age.

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i. *Exemption*

Town of Westlake may apply to the Commissioner of Education for an exemption from the requirement that it provide a free prekindergarten program if Town of Westlake would be required to construct classroom facilities in order to provide the program.

ii. *Half-Day Basis*

A tuition-free prekindergarten class shall be operated on a half-day basis.

iii. *Program Eligibility*

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

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless, as defined by federal law, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty; or
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201.
7. Is the child of a person eligible for the Star of Texas Award as:
    a. A peace officer under Section 3106.002, Government Code;
    b. A firefighter under Section 3106.003, Government Code; or
    c. An emergency medical first responder under Section 3106.004, Government Code.

A child who is eligible for enrollment under items 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

iv. *Public Notice*

The Superintendent shall develop a system to notify the population in the community with children eligible or enrollment of the availability of the program. The system must include public notices issued in English and Spanish.

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Sec. 39. PRESCHOOL-AGED CHILDREN

If Town of Westlake offers preschool, Town of Westlake must provide a free appropriate public education ("FAPE") in the least restrictive environment to preschool-aged students even if Town of Westlake does not provide free preschool programs to all preschool-aged children. (34 C.F.R. §§300.101(a)-(b) and §300.116)

Town of Westlake may provide opportunities for the participation of the preschool students with disabilities in other preschool programs operated by public agencies or by locating classes for preschool students with disabilities in regular elementary schools. However, Town of Westlake is not required to initiate preschool programs or to establish extensive contact programs with private schools which serve both students with disabilities and students without disabilities solely to satisfy the requirements regarding placement in the least restrictive environment. (OSEP Policy Memo 89-23; 34 C.F.R. §300.102(a))

Town of Westlake shall develop a system to notify residents within Town of Westlake's boundaries with children who are at least three but younger than six and who are eligible for enrollment in a special education program of the availability of such programs. (TEC §29.009)

Sec. 40. **TRANSITION OF CHILDREN FROM PART C**

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

In the case of a child with a disability aged three through five the ARD committee must consider an IFSP that contains the IFSP content (including the natural environments statement, educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures. 34 C.F.R. § 300.323(b).

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

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

1. Adequately provide for comprehensive diagnosis and evaluation of each school-age child with a serious visual impairment;
2. Include the procedures, format, and content of the IEP for each child with a visual impairment;

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3. Emphasize providing educational services to children with visual impairments in their home communities whenever possible;
4. Include methods to ensure that children with visual impairments receiving special education services in school districts receive, before being placed in a classroom setting or within a reasonable time after placement: (A) evaluation of the impairment; and (B) instruction in an expanded core curriculum, which is required for students with visual impairments to succeed in classroom settings and to derive lasting, practical benefits from the education provided by school districts, including instruction in: (i) compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum; (ii) orientation and mobility; (iii) social interaction skills; (iv) career planning; (v) assistive technology, including optical devices; (vi) independent living skills; (vii) recreation and leisure enjoyment; (viii) self-determination; and (ix) sensory efficiency;
5. Provide for flexibility on the part of school districts to meet the special needs of children with visual impairments through: (A) specialty staff and resources provided by the district; (B) contractual arrangements with other qualified public or private agencies; (C) supportive assistance from regional education service centers or adjacent school districts; (D) short-term or long-term services through the Texas School for the Blind and Visually Impaired or related facilities or programs; or (E) other instructional and service arrangements approved by the agency;
6. Include a statewide admission, review, and dismissal ("ARD") process;
7. Provide for effective interaction between the visually impaired child's classroom setting and the child's home environment, including providing for parental training and counseling either by school district staff or by representatives of other organizations directly involved in the development and implementation of the IEP for the child;
8. Require the continuing education and professional development of school district staff providing special education services to children with visual impairments;
9. Provide for adequate monitoring and precise evaluation of special education services provided to children with visual impairments through school districts; and
10. Require that school districts providing special education services to children with visual impairments develop procedures for assuring that staff assigned to work with the children have prompt and effective access directly to resources available through: (A) cooperating agencies in the area; (B) the Texas School for the Blind and Visually Impaired; (C) the Central Media Depository for specialized instructional materials and aids made specifically for use by students with visual impairments; (D) sheltered workshops participating in the state program of purchases of blind-made goods and services; and (E) related sources.

Each eligible blind or visually impaired student is entitled to receive educational programs according to an IEP that:

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1. Is developed in accordance with federal and state requirements for providing special education services;
2. Is developed by a committee composed as required by federal law;
3. Reflects that the student has been provided a detailed explanation of the various service resources available to the student in the community and throughout the state;
4. Provides a detailed description of the arrangements made to provide the student with the evaluation and instruction; and
5. Sets forth the plans and arrangements made for contacts with and continuing services to the student beyond regular school hours to ensure the student learns the skills and receives the required instruction.

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

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

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

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

Education Code § 30.002)

Sec. 41. CHILD FIND

Town of Westlake shall ensure that all children residing within Westlake Academy open-enrollment charter school's boundaries who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to all children with disabilities, including:

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

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

Sec. 42. PRIVATE SCHOOL STUDENTS

Westlake Academy open-enrollment charter school shall coordinate with home school districts, who are primarily responsible for consulting with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools within Westlake Academy open-enrollment charter school's boundaries.

Westlake Academy open-enrollment charter school shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending the public schools within Westlake Academy open-enrollment charter school's boundaries. 20 U.S.C. 1412(a)(10)(A)(ii)–(iv).

Sec. 43. PRESCHOOL STUDENTS

Westlake Academy open-enrollment charter school shall develop a system to notify residents within Westlake Academy open-enrollment charter school's boundaries with children who are at least three but younger than six and who are eligible for enrollment in a special education program of the availability of such programs. Education Code 29.009.

Sec. 44. STUDENT RECORDS

After each student is enrolled in Westlake Academy open-enrollment charter school, Westlake Academy open-enrollment charter school will promptly request all student records from the student's previous school.

Sec. 45. STUDENTS WHO TRANSFER WITH AN IEP

When a student transfers to Westlake Academy open-enrollment charter school from another school within Texas, Westlake Academy open-enrollment charter school shall provide a free appropriate public education ("FAPE") to the student. Westlake Academy open-enrollment charter school shall provide comparable services as those described in the individualized education program ("IEP") the student transferred with until Westlake Academy open-enrollment charter school adopts the student's IEP from the previous school, or develops, adopts and implements a new IEP.

If the student with a disability transfers to from a school outside of Texas, Westlake Academy open-enrollment charter school shall provide the student with FAPE, including comparable

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services, until Westlake Academy open-enrollment charter school conducts an evaluation and develops, adopts, and implements a new IEP. (34 CFR §300.323)

A new IEP must be implemented within 30 school days from the date the student is verified as being a student eligible for special education services.

If a student transfers from Westlake Academy open-enrollment charter school, Westlake Academy open-enrollment charter school will furnish the student's special education records to the student's new school not later than the 10th working day after the date a request for the information is received by Westlake Academy open-enrollment charter school. (19 TAC §89.1050(j)(3))

Sec. 46. PREKINDERGARTEN PROGRAMS

The education of students with disabilities can be made more effective by providing incentives for whole-school approaches, scientifically-based early reading programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label students as disabled in order to address the learning and behavioral needs of such students. (20 USC §1400(c)(5)(F))

In implementing coordinated, early intervening services, Westlake Academy open-enrollment charter school may carry out activities that include:

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

(20 USC §1413(f)(2); 34 CFR §300.226(b))

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

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challenge the refusal to evaluate through the impartial hearing process. (20 USC §1413(f)(3); 34 CFR §300.226(c))

Sec. 47. BILINGUAL EDUCATION PROGRAM

Westlake Academy open-enrollment charter school shall identify Limited English Proficient (LEP) students based on state criteria. Westlake Academy open-enrollment charter school shall provide an appropriate Bilingual Education (BE) or English as a Second Language (ESL) program conducted by teachers certified for such courses. (Texas Education Code Chapter 29, Subchapter B; 19 TAC §§89.1201-1265)

Sec. 48. STUDENT WITH DISABILITIES AND LIMITED ENGLISH PROFICIENCY

Westlake Academy open-enrollment charter school shall ensure that a student with limited English proficiency who also qualifies for special education services as a student with a disability under the Individuals with Disabilities Education Act (IDEA) is not refused services in a bilingual education or English as a second language program solely because the student has a disability. (19 TAC §89.1230)

Sec. 49. APPLICABILITY OF TITLE RELATING TO BILINGUAL EDUCATION

An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code, relating to bilingual education under Subchapter B (Bilingual Education and Special Language Programs), Chapter 29, Texas Education Code. (TEC §12.104(b)(2)(G)). Westlake Academy open-enrollment charter school adopts the requirements of Subchapter B (Bilingual Education and Special Language Programs), Chapter 29, Texas Education Code pursuant to TEC §12.104(b)(2)(G).

Sec. 50. ESTABLISHMENT OF BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAM

Westlake Academy open-enrollment charter school shall establish a BE or ESL program as required by TEC §29.053 (Establishment of Bilingual Education and Special Language Programs) and in accordance with the procedures established by the Texas Education Agency ("TEA"), unless otherwise excepted under TEC §29.054 (Exception). (TEC §29.053)

Sec. 51. LANGUAGE PROFICIENCY ASSESSMENT COMMITTEES

Westlake Academy open-enrollment charter school shall further establish a Language Proficiency Assessment Committee ("LPAC") that complies with TEC §29.063. The LPAC shall select the appropriate assessment option for each English language learner (ELL) in accordance with this

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subchapter. For each ELL who receives special education services, the student's admission, review, and dismissal ("ARD") committee in conjunction with the student's LPAC shall select the appropriate assessments. The LPAC shall document the decisions and justifications in the student's permanent record file, and the ARD committee shall document the decisions and justifications in the student's individualized education program. Assessment decisions shall be made on an individual student basis and in accordance with administrative procedures established by the TEA. 19 Tex. Admin. Code § 101.1005(a).

Sec. 52. PROGRAM CONTENT; METHOD OF INSTRUCTION

Westlake Academy open-enrollment charter school's bilingual education program's content and instruction shall comply with TEC §29.055. (TEC §29.055)

Sec. 53. ENROLLMENT OF STUDENTS IN PROGRAM

Westlake Academy open-enrollment charter school shall comply with the TEA criteria for identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. (TEC §29.056(a))

The student's parent must approve a student's entry into the program, exit from the program, or placement in the program. The open-enrollment charter school or parent may appeal the decision under TEC §29.064. (TEC §29.056(a))

Westlake Academy open-enrollment charter school, through its LPAC, shall evaluate and consider reenrollment of students who have transferred out of a bilingual education or special language program under TEC §29.056(h) as required by TEC §29.0561.

Sec. 54. FACILITIES; CLASSES

Westlake Academy open-enrollment charter school shall ensure that bilingual education and special language programs are located in the regular public charter school rather than in separate facilities. (TEC §29.057)

Sec. 55. ENROLLMENT OF STUDENTS WHO DO NOT HAVE LIMITED ENGLISH PROFICIENCY

Westlake Academy open-enrollment charter school ensures that enrollment of students who do not have limited English proficiency may occur only if the requirements of TEC §29.058 are met. (TEC §29.058)

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Sec. 56. COOPERATION AMONG SCHOOLS

Westlake Academy open-enrollment charter school may cooperate with other schools to provide a bilingual education or special language program. (TEC §29.059)

Sec. 57. PRESCHOOL, SUMMER SCHOOL, AND EXTENDED TIME PROGRAMS

Each open-enrollment charter school that is required to offer a bilingual education or special language program shall offer a voluntary program for students of limited English proficiency who will be eligible for admission to kindergarten or the first grade at the beginning of the school year. A school that operates on a system permitted by the Texas Education Code other than a semester system shall offer 120 hours of instruction on a schedule the governing board establishes. The program shall meet the requirements of TEC §29.060. (TEC §29.060(a))

Enrollment of a student in the program is optional with the parent of the student. (TEC §29.060(b))

The program must be an intensive bilingual education or special language program that meets standards established by the Texas Education Agency. The student/teacher ratio for the program may not exceed 18/1. (TEC §29.060(c))

Westlake Academy open-enrollment charter school may establish on a full- or part-time basis summer school, extended day, or extended week bilingual education or special language programs for students of limited English proficiency and may join with other schools or schools in establishing the programs. (TEC §29.060(d))

The programs required or authorized by TEC §29.060 may not be a substitute for programs required to be provided during the regular school year. (TEC §29.060(e))

The legislature may appropriate money from the foundation school fund for support of a program under TEC §29.060(a). (TEC §29.060(f))

Sec. 58. BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAM TEACHERS

Westlake Academy open-enrollment charter school shall ensure that bilingual education and special language program teachers are properly certified. (TEC §29.061)

Sec. 59. APPEALS

A parent of a student enrolled in a bilingual education or special language program may appeal to the Commissioner of Education if Westlake Academy open-enrollment charter school fails to comply with the requirements established by law or by the TEA. If the parent disagrees with the

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placement of the student in the program, the parent may appeal that decision to the Board. Appeals shall be conducted in accordance with procedures adopted by the Commissioner of Education under Chapter 157 of the Texas Administrative Code. (TEC §29.064; 19 TAC §89.1240)

Sec. 60. PEIMS REPORTING REQUIREMENTS

Westlake Academy open-enrollment charter school shall meet Public Education Information Management System (PEIMS) Reporting Requirements with respect to its bilingual education or special language programs. (TEC §29.066)

Sec. 61. PROCEDURAL SAFEGUARDS

The Superintendent shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education ("FAPE"). 20 U.S.C. 1415(a)–(b).

These procedures shall include:

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

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Sec. 62. CONSENT

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, Westlake Academy open-enrollment charter school is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 CFR 300.9

Sec. 63. LANGUAGE OF NOTICES

The procedural safeguards and prior notices described below must be written in a language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. 34 CFR 300.503(c), 300.504(d).

c) ***Electronic Delivery of Notices***

A parent of a child with a disability may elect to receive required notices by electronic mail, if Westlake Academy open-enrollment charter school makes that option available. 34 CFR 300.505.

Sec. 64. NOTICE OF PROCEDURAL SAFEGUARDS

Westlake Academy open-enrollment charter school shall provide a copy of the procedural safeguards to parents only once per year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

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Westlake Academy open-enrollment charter school may also place a current copy of the procedural safeguards notice on its Internet website.

a) ***Contents of Notice***

The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;
5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
   a. The time period in which to file a complaint,
   b. The opportunity for Westlake Academy open-enrollment charter school to resolve the complaint; and
   c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children 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 such actions; and
12. Attorneys' fees.

20 U.S.C. 1415(a)–(b), (d); 34 CFR 300.504(c).

Sec. 65. <u>PRIOR NOTICE AND CONSENT</u>

Whenever Westlake Academy open-enrollment charter school 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, Westlake Academy open-enrollment charter school must 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

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provided to the parent at least five school days before the school district proposes or refuses the action unless the parent agrees to a shorter timeframe. 19 T.A.C. § 89.1050(h).

a) ***Contents of Notice***

The notice must include:

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

34 CFR 300.503(b)

Sec. 66. <u>CONSENT TO INITIAL EVALUATION</u>

Before Westlake Academy open-enrollment charter school conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation Westlake Academy open-enrollment charter school proposes to conduct, and obtain informed consent for the evaluation from the parents. 20 U.S.C. 1414(a)(1)(D), (E); 34 CFR 300.304(a).

Sec. 67. <u>CONSENT TO SERVICES</u>

Westlake Academy open-enrollment charter school shall seek informed consent from the parent before providing special education and related services to a child. 20 U.S.C. 1414(a)(1)(D).

Sec. 68. <u>CONSENT TO REEVALUATION</u>

Westlake Academy open-enrollment charter school shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent

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need not be obtained if Westlake Academy open-enrollment charter school can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. 20 U.S.C. 1414(c)(3).

Sec. 69. CONSENT TO EXCUSE MEMBER FROM ATTENDING ARD COMMITTEE MEETING

A Westlake Academy open-enrollment charter school member of the ARD committee may be excused from attending an individualized education program ("IEP") meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and Westlake Academy open-enrollment charter school consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

Sec. 70. PSYCHOLOGICAL EXAMINATIONS AND TESTS

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, Westlake Academy open-enrollment charter school shall provide to the child's parent:

1. The name and type of the examination or test; and
2. An explanation of how the examination or test will be used to develop an appropriate IEP for the child.

If Westlake Academy open-enrollment charter school determines that an additional examination or test is required for the evaluation of a child's need for special education, Westlake Academy open-enrollment charter school shall provide the information above to the parent regarding the additional examination or test and shall obtain additional consent for the examination of test. Education Code 29.0041(a), (b).

Sec. 71. PARENTAL CONSENT TO ACCESS PUBLIC BENEFITS

Westlake Academy open-enrollment charter school shall obtain informed consent from the parent each time that access to a parent's private insurance proceeds or to public benefits or an insurance program is sought. (34 CFR §300.154(d)(2)(iv)(A))

Sec. 72. PARENTAL CONSENT FOR TRANSFER OF ASSISTIVE TECHNOLOGY DEVICES

Westlake Academy open-enrollment charter school shall obtain informed consent from the parent, or the adult student if the adult student has the legal capacity to enter into a contract before

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transferring an assistive technology device through a transfer agreement that incorporates the standards of the state.

Sec. 73. OTHER CONSENT REQUIREMENTS

Parental consent is not required before Westlake Academy open-enrollment charter school may:

1. review existing data as part of the student's evaluation or a reevaluation; or
2. give the student a test or other evaluation that is given to all students unless, before that test or evaluation, consent is required from parents of all students. 34 CFR 300.300(d)

Instructional materials adopted by Westlake Academy open-enrollment charter school must be provided to students at no cost.

If Westlake Academy open-enrollment charter school chooses to coordinate with the National Instructional Materials Access Center (NIMAC) when purchasing print instructional materials, it must acquire the print instructional materials in the same manner and subject to the same conditions as the Texas Education Agency acquires print instructional materials.

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

Sec. 74. SPECIAL EDUCATION STUDENTS

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal ("ARD") committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations.

Sec. 75. REMOVAL FOR TEN DAYS OR LESS

A student with a disability who violates the Westlake Academy open-enrollment charter school Student Code of Conduct may be moved from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days, to the extent those alternatives are applied to children without disabilities.

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d) ***Services During Removal***

Westlake Academy open-enrollment charter school is required to provide services during the period of removal if Westlake Academy open-enrollment charter school provides services to a child without disabilities who is similarly removed.

Sec. 76. SUBSEQUENT REMOVALS OF TEN DAYS OR LESS

Westlake Academy open-enrollment charter school personnel may remove the student for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement.

e) ***Services During Removal***

After a student has been removed from his or her current placement for ten school days in the same school year, during any subsequent removal of ten consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program ("IEP").

Sec. 77. NOTICE OF PROCEDURAL SAFEGUARDS

Not later than the date on which the decision to take the disciplinary action is made, Westlake Academy open-enrollment charter school shall notify the student's parents of the decision and of all procedural safeguards.

Sec. 78. CHANGES IN PLACEMENT

Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review.

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than ten consecutive school days; or
2. Subjected to a series of removals that constitute a pattern because:
   a. The series of removals total more than ten school days in a school year;

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

Westlake Academy open-enrollment charter school determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. Westlake Academy open-enrollment charter school's determination is subject to review through due process and judicial proceedings.

Westlake Academy open-enrollment charter school personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates the Student Code of Conduct.

Sec. 79. MANIFESTATION DETERMINATION

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

1. Caused by, or had a direct and substantial relationship to, the student's disability; or
2. The direct result of Westlake Academy open-enrollment charter school's failure to implement the IEP.

If Westlake Academy open-enrollment charter school the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

a) *Not a Manifestation*

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting.

v. *Services During Removal*

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The student must:

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

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

b) ***Manifestation***

If Westlake Academy open-enrollment charter school, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment ("FBA"), unless Westlake Academy open-enrollment charter school had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan ("BIP") for the student; or
2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at SPECIAL CIRCUMSTANCES, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent, and Westlake Academy open-enrollment charter school agree to a change in placement as part of the modification of the BIP.

i. *Special Circumstances*

Westlake Academy open-enrollment charter school personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of Texas Education Agency (the "TEA") or Westlake Academy open-enrollment charter school; or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the TEA or Westlake Academy open-enrollment charter school;

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3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the TEA or Westlake Academy open-enrollment charter school

The ARD committee shall determine the interim alternative education setting.

c) ***Services During Removal***

The student must:

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

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

Sec. 80. APPEALS

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. Additionally, Westlake Academy open-enrollment charter school may request a hearing if it believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others.

a) ***Placement During Appeals***

When an appeal has been requested by a parent or Westlake Academy open-enrollment charter school, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and Westlake Academy open-enrollment charter school agree otherwise.

Sec. 81. REPORTING CRIMES

Federal law does not prohibit Westlake Academy open-enrollment charter school from reporting a crime committed by a student with a disability to appropriate authorities. If Westlake Academy open-enrollment charter school reports a crime, Westlake Academy open-enrollment charter school shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom Westlake Academy open-

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enrollment charter school reported the crime. Westlake Academy open-enrollment charter school may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act ("FERPA").

Sec. 82. STUDENTS NOT YET IDENTIFIED

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated the Student Code of Conduct may assert any of the protections provided for in the Individuals with Disabilities Education Act if Westlake Academy open-enrollment charter school had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred.

a) ***School Knowledge***

Westlake Academy open-enrollment charter school shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to Westlake Academy open-enrollment charter school supervisory or administrative personnel, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other Westlake Academy open-enrollment charter school personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other Westlake Academy open-enrollment charter school supervisory personnel.

b) ***Exception***

Westlake Academy open-enrollment charter school shall not be deemed to have knowledge that the student had a disability if:

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

If Westlake Academy open-enrollment charter school does not have knowledge, before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

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

Sec. 83. BEHAVIOR MANAGEMENT TECHNIQUES

It is Westlake Academy open-enrollment charter school's policy to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.

a) ***Exceptions***

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

1. A peace officer, while performing law enforcement duties; and
2. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in a Westlake Academy open-enrollment charter school educational program.

Further, Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

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

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

Sec. 84. CONFINEMENT

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

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Sec. 85. SECLUSION

A Westlake Academy open-enrollment charter school employee or volunteer or an independent contractor of Westlake Academy open-enrollment charter school may not place a student in seclusion. "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

Sec. 86. RESTRAINT

A Westlake Academy open-enrollment charter school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

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

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

"Emergency" means a situation in which a student's behavior poses a threat of:

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

a) ***Training***

Training for Westlake Academy open-enrollment charter school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 TAC 89.1053(d).

b) ***Documentation***

In a case in which restraint is used, Westlake Academy open-enrollment charter school employees, volunteers, or independent contractors shall implement the documentation requirements set forth at 19 TAC 89.1053(e).

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Sec. 87. TIME-OUT

A Westlake Academy open-enrollment charter school employee, volunteer, or independent contractor may use time-out with the following limitations.

1. Physical force or threat of physical force shall not be used to place a student in time-out.
2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease targeted behavior.
3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

"Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

a) ***Training***

Training for Westlake Academy open-enrollment charter school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 TAC 89.1053(h).

b) ***Documentation***

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

It is the policy of Westlake Academy open-enrollment charter school to annually conduct a comprehensive needs assessment and to conduct district and campus improvement plans, if required by state and federal funding requirements.

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Sec. 88. DYSLEXIA AND RELATED DISORDERS

The Board shall ensure that procedures for identifying and providing appropriate instructional services to students for dyslexia and related disorders are implemented by Westlake Academy open-enrollment charter school These procedures shall be implemented in accordance with the State Board of Education's *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* (*Dyslexia Handbook*).

Sec. 89. IDENTIFICATION AND TESTING

Screening and further evaluation should be done only by individuals or professionals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.

Before an identification or assessment procedure is used selectively with an individual student, Westlake Academy open-enrollment charter school must notify the student's parent or guardian or another person standing in parental relation to the student.

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

Westlake Academy open-enrollment charter school may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

Sec. 90. TREATMENT

Westlake Academy open-enrollment charter school shall provide each identified student access at his or her campus to instructional programs and to the services of a teacher trained in dyslexia and related services. Westlake Academy open-enrollment charter school may, with the approval of each student's parents or guardians, offer additional services at a centralized location, so long as such centralized services do not preclude each student from receiving services at his or her campus.

f) *Reading Program*

Westlake Academy open-enrollment charter school 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 the *Dyslexia Handbook*.

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Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multi-sensory, phonetic methods and a variety of writing and spelling components described in the *Dyslexia Handbook*. The professional development activities specified by each school and/or campus planning committee shall include these instructional strategies.

g) *Reassessment*

Unless otherwise provided by law, a student determined to have dyslexia during testing or accommodated because of dyslexia may not be retested for dyslexia for the purpose of reassessing the student's need for accommodations until Westlake Academy open-enrollment charter school reevaluates the information obtained from previous testing of the student.

Sec. 91. PARENTAL NOTIFICATIONS

Westlake Academy open-enrollment charter school shall inform parents and guardians of students eligible under Section 504 of all services and options available to the student under that law. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:

1. A reasonable description of the evaluation procedure to be used with the individual student;
2. Information related to any instructional intervention or strategy used to assist the student prior to evaluation;
3. An estimated time frame within which the evaluation will be completed; and
4. Specific contact information for the campus point of contact, relevant parent training and information projects, and other appropriate parent resources.

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

Sec. 92. PARENT EDUCATION PROGRAM

Westlake Academy open-enrollment charter school shall develop and provide a parent education program for parents and 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;

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- Information on effective strategies for teaching dyslexic students; and
- Awareness of information on modification, especially modifications allowed on standardized testing.

Education Code 38.003; 19 TAC 74.28.

Sec. 93. ELIGIBILITY CRITERIA

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

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

(34 CFR § 300.008)

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

Sec. 94. DETERMINING ELIGIBILITY

Following the completion of the full and individual initial evaluation, the student's admission, review, and dismissal ("ARD") committee must make an eligibility determination. The ARD committee members reviewing evaluations and date to determine eligibility must include a licensed specialist in school psychology ("LSSP"), an educational diagnostician, or other

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appropriately certified or licensed practitioner with experience, and a licensed or certified professional for a specific eligibility category defined below. (19 TAC §89.1040)

When interpreting evaluation data for the purpose of determining if a student is a student with a disability under § 300.8, and the educational needs of the student, Westlake Academy open-enrollment charter school shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and
2. Ensure that information obtained from all of these sources is documented and carefully considered.

If a student is determined to be a student with a disability and needs special education and related services, an individualized education program ("IEP") must be developed for the student in accordance with §§ 300.320 through 300.324. (34 CFR §300.306)

A student is not eligible for special education services through the evaluation, if a student is found to only need related services. A student cannot be found eligible for services if the determinant factor for that determination is lack of appropriate instruction in reading, including in the essential components of reading instruction, lack of appropriate instruction in math, or limited English proficiency. (34 CFR §300.306(b))

For children aged three through nine, or any subset of that age range, may be a child with a disability if the student is:

1. experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Physical development, cognitive development, communication development, social or emotional development, or adaptive development; and
2. needs special education and related services.

(34 CFR §300.8(b))

Sec. 95. <u>INTELLECTUAL DISABILITY</u>

A student qualifies as a student with an intellectual disability if the student has significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance. (34 CFR §300.8(c)(6); 19 TAC §89.1040(c)(5))

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Sec. 96. SPEECH OR LANGUAGE IMPAIRMENT

A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. The evaluation team shall include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech/language pathologist. (34 CFR §300.8(c)(11); 19 TAC 89.1040(c)(10))

Sec. 97. EMOTIONAL DISTURBANCE

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

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

Emotional disturbance includes schizophrenia, but does not include children who are socially maladjusted, unless it is determined that they have an emotional disturbance. A written evaluation must include recommendations for behavior intervention strategies. (34 CFR §300.8(c)(4); 19 TAC §89.1040(c)(4))

Sec. 98. ORTHOPEDIC IMPAIRMENT

A severe orthopedic impairment, including impairments caused by congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). If the impairment adversely impacts a student's educational performance, the student is eligible under this category. (34 CFR §300.8(c)(8); 19 TAC §89.1040(10))

The multidisciplinary team determining eligibility must include a licensed physician. (19 TAC §89.1040(10))

Sec. 99. OTHER HEALTH IMPAIRMENT (OHI)

A student with limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli caused by chronic or acute health problems such as:

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1. Asthma;
2. Attention Deficit Disorder or Attention Deficit Hyperactivity Disorder;
3. Diabetes;
4. Epilepsy;
5. Heart Condition;
6. Hemophilia;
7. Lead poisoning;
8. Leukemia;
9. Nephritis;
10. Rheumatic Fever;
11. Sickle Cell Anemia; or
12. Tourette Syndrome.

If the health condition limits alertness in the educational environment and adversely impacts a student's learning, he or she is eligible for OHI. In determining eligibility, Westlake Academy open-enrollment charter school shall must include a licensed physician on the multidisciplinary team.

Sec. 100. TRAUMATIC BRAIN INJURY

An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Westlake Academy open-enrollment charter school shall include a licensed physician, and a licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriately certified or licensed practitioner with experience and training in this area to review the data and determine eligibility. (19 TAC §89.1040(11))

Sec. 101. HEARING OR AUDITORY IMPAIRMENT AND DEAFNESS

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

The student's evaluation must include an otological examination performed by an otologist or by

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a licensed medical doctor, with documentation that an otologist is not reasonably available. Westlake Academy open-enrollment charter school shall also conduct an audiological evaluation by a licensed audiologist. The evaluation must include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended amplification. (34 CFR §300.8(c)(5); 19 TAC 89.1040(c)(3))

Sec. 102. DEAFNESS

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

Sec. 103. VISUAL IMPAIRMENT INCLUDING BLINDNESS

An impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness. (34 CFR 300.8(c)(13).

A student with a visual impairment is one who:

1. has been determined by a licensed ophthalmologist or optometrist to have no vision or to have a serious visual loss after correction; or to have a progressive medical condition that results in no vision or a serious visual loss after correction.
2. has been determined by the following evaluations to have a need for special services, including:
   a. a functional vision evaluation by a professional certified in the education of students with visual impairments or a certified orientation and mobility instructor. The evaluation must include the performance of tasks in a variety of environments requiring the use of both near and distance vision and recommendations concerning the need for a clinical low vision evaluation and an orientation and mobility evaluation; or
   b. a learning media assessment by a professional certified in the education of students with visual impairments. The learning media assessment must include recommendations concerning which specific visual, tactual, and/or auditory learning media are appropriate for the student and whether or not there is a need for ongoing evaluation in this area.

(19 TAC 89.1040(12)(A))

Through evaluation, Westlake Academy open-enrollment charter school should state the student's visual loss in exact measures of visual field and corrected visual acuity at a distance and at close range in each eye by a licensed ophthalmologist or optometrist. The report should also include

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prognosis whenever possible. If exact measures cannot be obtained, the eye specialist must so state and provide best estimates.

A student that qualifies as a student with a visual impairment is considered functionally blind if, based on the preceding evaluations, the student will use tactual media (which includes Braille) as a primary tool for learning to be able to communicate in both reading and writing at the same level of proficiency as other students of comparable ability. (19 TAC §89.1040(12)(B))

Sec. 104. DEAF-BLINDNESS

A student is eligible under deaf-blindness if identified with hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness. (34 CFR §300.8(c)(2))

In addition to the Individuals with Disabilities Education Act ("IDEA") requirements, a student may be eligible if a student is found to:

1. meet the eligibility criteria for auditory impairment specified in subsection 19 TAC §89.1040(c)(3) and visual impairment specified in subsection 19 TAC §89.1040 (c)(12);
2. meet the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist indicates there is no speech at an age when speech would normally be expected;
3. have documented hearing and visual losses that, if considered individually, may not meet the requirements for auditory impairment or visual impairment, but the combination of such losses adversely affects the student's educational performance; or
4. have a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without special education intervention, will adversely affect the student's educational performance.

(19 TAC §89.1040(c))

Sec. 105. SPECIFIC LEARNING DISABILITY

Specific learning disability includes a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. (34 CFR §300.8(c)(10))

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

Westlake Academy open-enrollment charter school's evaluation must also show that the student:

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

(19 TAC §89.1040(c)(9))

A specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR §300.8(c)(10))

Prior to identifying a student as one with a learning disability, Westlake Academy open-enrollment charter school shall ensure that the suspected disability is not due to lack of educational opportunity or lack of appropriate instruction. Westlake Academy open-enrollment charter school shall consider data that shows the student has received appropriate instruction in math and reading in the general education setting. Westlake Academy open-enrollment charter school shall also consider documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction. This may include, but is not limited to, RTI progress results, in-class tests on grade- level curriculum, or other regularly administered assessments. Intervals are considered reasonable if consistent with the assessment requirements of a student's specific instructional program. (19 TAC §89.1040(c)(9))

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Sec. 106. AUTISM

A student with autism is one that meets the criteria outlined in 34 CFR §300.8(c)(1) of the IDEA. It also includes students with pervasive developmental disorders. (19 TAC 89.1040(c)(1))

Under IDEA, autism is a developmental disability significantly affecting a student's verbal and nonverbal communication and social interactions that adversely affects a student's educational performance. Engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences are often associated with autism. Characteristics of autism are generally evident before age three. A child who manifests the characteristics of autism after age three could be identified as having autism if the student meets the above criteria also defined in 34 CFR §300.8(c)(1)(i).

A student does not meet the eligibility category for autism if a student's educational performance is adversely affected primarily because the student has an emotional disturbance, as defined above and in 34 CFR §300.8(c)(4). (34 CFR §300.8(c)(1)).

The written evaluation determining eligibility under autism must include recommendations for behavior interventions. (19 TAC 89.1040(c)(1))

Sec. 107. MULTIPLE DISABILITIES

A student may qualify as a student with multiple disabilities if they are identified to have a combination of impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment) and the combination causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness. (34 CFR §300.8(c)(7))

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

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

A student that qualifies for more than one impairment, but does not severely impair performance in one of the above categories, or is not expected to continue indefinitely, does not qualify as a student with multiple disabilities. (19 TAC §89.1040(c)(6))

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Sec. 108. REFERRAL FOR FULL AND INDIVIDUAL INITIAL EVALUATION

Referral of students for a full and individual initial evaluation for possible special education services shall be a part of Westlake Academy open-enrollment charter school's overall general education referral or screening system. Either a parent, the Texas Educational Agency ("TEA"), another state agency, or Westlake Academy open-enrollment charter school may initiate a request for an initial evaluation.

h) ***Obligation to Refer***

Before referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students. If a student continues to experience difficulty in the general classroom after the provision of interventions, Westlake Academy open-enrollment charter school personnel must refer the student for a full and individual initial evaluation. 20 U.S.C. 1414(a)(1); 34 CFR 300.301; 19 TAC 89.1011.

i) ***Parent Request***

If a parent submits a written request for a full individual and initial evaluation of a student, Westlake Academy open-enrollment charter school shall, not later than the 15th school day after the date Westlake Academy open-enrollment charter school receives the request:

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

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

Sec. 109. NOTICE OF RIGHTS

Westlake Academy open-enrollment charter school shall provide written notice to a student's parent or guardian within a reasonable time before proposing or refusing to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education ("FAPE"). 20 U.S.C. 1415(b)(3); 34 CFR 300.503(a).

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Sec. 110. INITIAL EVALUATION

Westlake Academy open-enrollment charter school shall conduct a full and individual initial evaluation before the initial provision of special education and related services. 20 U.S.C. 1414(a)(1)(A).

Westlake Academy open-enrollment charter school shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. 20 U.S.C. 1414(b)(3)(D).

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. 20 U.S.C. 1414(a)(1)(E).

a) *Consent for Initial Evaluation*

Westlake Academy open-enrollment charter school shall make reasonable efforts to obtain informed parental consent before conducting an initial evaluation.

If the parent does not provide consent for an initial evaluation or fails to respond to a request to provide consent, Westlake Academy open-enrollment charter school may—but is not required to—pursue the initial evaluation by utilizing due process procedures, except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services. 20 U.S.C. 1414(a)(1)(D)(i)(1); 34 CFR 300.300.

b) *Wards of the State*

If the child is a ward of the state and is not residing with the child's parent, Westlake Academy open-enrollment charter school shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Westlake Academy open-enrollment charter school cannot discover the whereabouts of the parent, despite reasonable efforts to do so;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

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

Sec. 111. PROVIDING ASSISTANCE TO STUDENTS WHO HAVE LEARNING DIFFICULTIES OR NEED SPECIAL EDUCATION SERVICES

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

At any time, a parent is entitled to request an evaluation for special education services by presenting a written request to the Special Education Coordinator or to a Westlake Academy open-enrollment charter school administrative employee. Westlake Academy open-enrollment charter school must, within 15 school days of receiving the request, either (1) give the parent an opportunity to give written consent for the evaluation or (2) refuse to provide the evaluation and provide the parent with written notice that explains why the child will not be evaluated. This written notice will include a statement that informs the parents of their rights if they disagree with Westlake Academy open-enrollment charter school. Additionally, the parent will receive a copy of the *Notice of Procedural Safeguards – Rights of Parents of Students with Disabilities*.

If consent for evaluation is obtained, Westlake Academy open-enrollment charter school must generally complete the evaluation and report within 45 school days of the date Westlake Academy open-enrollment charter school receives the written consent. Westlake Academy open-enrollment charter school must give a copy of the evaluation report to the parent.

Sec. 112. NOTIFICATION TO PARENTS REGARDING INTERVENTION STRATEGIES

Each school year, Westlake Academy open-enrollment charter school shall notify a parent of each child, other than a child enrolled in a special education program, who receives assistance from the Westlake Academy open-enrollment charter school for learning difficulties, including through the use of intervention strategies that Westlake Academy open-enrollment charter school provides to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year;
2. Be written in English or, to the extent practicable, the parent's native language; and
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a. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
b. Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;
c. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
d. 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
e. A copy of a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services or for aids, accommodations, or services under Section 504 of the Rehabilitation Act.

The notice under this policy may be provided to a child's parent at a Section 504 meeting.

A parent is entitled to access to all written records of Westlake Academy open-enrollment charter school concerning the parent's

child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, reports of behavioral progress, and records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

Sec. 113. FULL AND INDIVIDUAL EVALUATION (FIE)

Westlake Academy open-enrollment charter school shall ensure that upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the Individuals with Disabilities Education Act ("IDEA"), and preparation of the written report, the admission, review and dismissal ("ARD") committee determines if the student is a student with a disability under state and federal standards.

Westlake Academy open-enrollment charter school shall conduct a full and individual initial evaluation ("FIE") prior to providing special education and related services to any student. All students must be evaluated in accordance with the IDEA and the Texas Education Code ("TEC").

Westlake Academy open-enrollment charter school shall have procedures in place to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and

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placement of students with disabilities are selected and administered so as to not be racially, culturally, or gender discriminatory. Assessment and procedures shall be provided and administered in the student's native language or most proficient mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so. (34 CFR §300.301; TEC §29.310)

All implementing assessment procedures must differentiate between language proficiency and handicapping condition. Additionally, placement procedures must ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability. (19 TAC §89.1230)

No single procedure shall be the sole criterion for determining whether a student is a student with a disability or for determining an appropriate education program for a student with a disability. The evaluation must be sufficiently comprehensive to identify all of the student's special education and related services' needs. Each student must be evaluated in all suspected areas of disability. (34 CFR §§300.301 and 300.304; TEC §29.310)

All assessments must be administered in accordance with the instructions provided and by a trained and knowledgeable person. (34 CFR §§300.301 and 300.304)

Sec. 114. TIMELINE

If a student's parent provides a written request for an evaluation to the school's director of special education services or to a district administrative employee, Westlake Academy open-enrollment charter school shall, within 15 school days, (1) provide the parent with prior written notice of its proposal to conduct an evaluation, a copy of the procedural safeguards, and an opportunity to give written consent for the evaluation, or (2) provide prior written notice and procedural safeguards if the school is denying the request for evaluation. (TEC §29.004(c)).

A written FIE report must be completed not later than the 45th school day following the date on which Westlake Academy open-enrollment charter school receives written consent for the evaluation, signed by the student's parent. If the student is absent for more than three days in that time period, the timeline must be extended by the number of days the student was absent. (TEC §29.004(a))

This time frame shall not apply if:

1. A student enrolls in the current school after the relevant time frame has begun and before the previous school made a determination as to whether the student has a disability, but only if the current school is making sufficient progress to ensure a prompt completion of

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the evaluation and the parent and current school agree to a specific time for completion of the evaluation; or

2. The parent repeatedly fails or refuses to produce the student for the evaluation.

(34 CFR §300.301(d))

Following the completion of the FIE, the ARD committee must meet within 30 calendar days from the date of completion to review and determine eligibility. (TEC 29.004). 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, individualized education program ("IEP"), and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer.

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

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

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

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

(TEC 29.004)

Sec. 115. <u>SPECIFIC LEARNING DISABILITY EVALUATION</u>

The Texas Education Agency ("TEA") cannot require Westlake Academy open-enrollment charter school to use the severe discrepancy between intellectual ability and achievement for determining whether a student has a specific learning disability. TEA must permit the use of a process based on the child's response to scientific, research-based intervention; and may permit the use of other

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alternative research-based procedures for determining whether a student has a specific learning disability.
(34 CFR §300.307)

The evaluation process for specific learning disability includes an observation of the child in the learning environment, including the regular classroom setting, to document academic performance and behavior in the areas of difficulty. 34 CFR § 300.310 (a).

Sec. 116. FUNCTIONAL BEHAVIOR ASSESSMENT (FBA)

A functional behavior assessment ("FBA") may be necessary for a student whose behavior impedes their education. Prior to completing an FBA, Westlake Academy open-enrollment charter school shall get consent from the parent. (34 CFR §§300.9)

If an ARD committee determines a change of placement is necessary due to the student's behavior, it must conduct an FBA and implement a behavioral intervention plan ("BIP"). If an FBA was already completed, the ARD committee must review and update the BIP. (34 CFR §300.350(f))

Sec. 117. REVIEW OF EXISTING EVALUATION DATA (REED)

A Review of Existing Evaluation Data (REED) is required as part of an initial evaluation, if appropriate, and as part of any reevaluation. The REED must be conducted by the admission, review, and dismissal ("ARD") committee members and other qualified professionals, as appropriate. The ARD committee members may conduct the review without a meeting.

The REED must include a review of the following:

- Evaluations and information provided by the parents of the student;
- Current classroom-based, local, or State assessments, and classroom-based observations; and
- Observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the ARD committee members must identify what additional data, if any, are needed to determine:

- Whether the student is a student with a disability, and the educational needs of the student, or, in case of a reevaluation of a student, whether the student continues to have such a disability and the educational needs of the student;
- Whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services;

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- The present levels of academic achievement and related developmental needs of the student; and
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

Westlake Academy open-enrollment charter school shall administer any assessments or other evaluation measures needed to produce the data identified by the REED in accordance with applicable procedural requirements regarding notice and consent.

If additional data is not needed, the ARD committee must notify the parent of the determination decision and provide information about the parent's right to request additional assessments to determine student needs and eligibility. (34 CFR §300.305)

Westlake Academy open-enrollment charter school shall conduct a reevaluation of the student if the school determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parent or teacher requests a reevaluation. A reevaluation may not occur more than once per year, unless agreed to by the school and the parent. A reevaluation must occur at least every three years, unless the school and parent agree the evaluation is unnecessary. (34 CFR §300.303).

Sec. 118. CHANGE IN ELIGIBILITY

Westlake Academy open-enrollment charter school shall evaluate a student with a disability before determining a student is no longer eligible for special education and related services.

An evaluation is not required if a student is no longer eligible due to graduation or exceeding the age eligibility in Texas. Westlake Academy open-enrollment charter school shall create a summary of performance and include recommendations on how to assist the student in meeting postsecondary goals. (34 CFR §300.305(e))

Sec. 119. CONSIDERATION OF SERVICES PROVIDED IN REGULAR EDUCATION SETTING

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

- Data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and

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- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of progress during instruction, which was provided to the student's parents. (34 CFR 300.309(b))

Sec. 120. COORDINATION OF EVALUATIONS WITH PRIOR AND SUBSEQUENT SCHOOLS

The school shall ensure that evaluations of students who transfer from one local education agency to another in the same academic year are coordinated with the student's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. (*20 U.S.C. 1414(b)(3)(D)*)

Sec. 121. PSYCHOLOGICAL EXAMINATIONS AND TESTS

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, Westlake Academy open-enrollment charter school shall provide to the child's parent:

1. The name and type of the examination or test; and
2. An explanation of how the examination or test will be used to develop an appropriate IEP for the child.

If Westlake Academy open-enrollment charter school determines that an additional examination or test is required for the evaluation of a child's need for special education, Westlake Academy open-enrollment charter school shall provide the information above to the parent regarding the additional examination or test and shall obtain additional consent for the examination of test. Education Code 29.0041(a), (b).

If Westlake Academy open-enrollment charter school determines that an additional examination or test is required for the evaluation, Westlake Academy open-enrollment charter school shall provide the information required by Education Code 29.0041(a) and shall obtain parental consent. If a parent does not give consent within 20 calendar days after the School provides the information, the parent's consent is considered denied.

The time required for Westlake Academy open-enrollment charter school to provide information and seek consent may not be counted toward the timeframe for completion of an evaluation. Education Code 29.0041.

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Sec. 122. EXTENSION OF TIMELINES

For a specific learning disability, the timelines for evaluation under this policy may be extended by mutual written agreement of the student's parents and the ARD committee. (34 CFR 300.309(c))

Sec. 123. EVALUATION CONDUCTED PURSUANT TO A SPECIAL EDUCATION DUE PROCESS HEARING

A special education hearing officer in an impartial due process hearing brought under 20 U.S.C. §1415 may issue an order or decision that authorizes one or more evaluations of a student who is eligible for, or who is suspected as being eligible for, special education services. Such an order or decision authorizes the evaluation of the student without parental consent as if it were a court order for purposes of any State or federal law providing for consent by order of a court. (TEC §29.016)

Sec. 124. INDEPENDENT EDUCATIONAL EVALUATIONS

The parent of a student with a disability has the right to obtain an independent educational evaluation ("IEE") of the parent's child if the parent disagrees with the evaluation of the student that was obtained by Westlake Academy open-enrollment charter school.

If the parent requests an IEE, Westlake Academy open-enrollment charter school must provide the parent with information about where the parent may obtain an IEE and about Westlake Academy open-enrollment charter school's criteria that apply to IEE.

Sec. 125. DEFINITIONS

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

Public expense means that Westlake Academy open-enrollment charter school either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the provisions of Part B of IDEA, which allow each State to use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of Part B of IDEA.

(34 CFR §300.502)

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Sec. 126. RIGHT TO EVALUATION AT PUBLIC EXPENSE

The parent has the right to request an IEE of the parent's child at public expense if the parent disagrees with an evaluation of the student completed by Westlake Academy open-enrollment charter school.

If the parent requests an IEE, Westlake Academy open-enrollment charter school must respond to the parent by either:

1. without unnecessary delay, file a due process complaint to request a hearing to show that its evaluation of the student is appropriate; or
2. provide an IEE at public expense, unless Westlake Academy open-enrollment charter school demonstrates in a due process hearing that the evaluation of the student that the parent obtained did not meet Westlake Academy open-enrollment charter school's criteria.

If Westlake Academy open-enrollment charter school requests a hearing and the final decision is that Westlake Academy open-enrollment charter school's evaluation of the student is appropriate, the parent still has the right to an IEE, but not at public expense.

If the parent requests an IEE of the student, Westlake Academy open-enrollment charter school may ask why the parent objects to the evaluation of the student obtained by Westlake Academy open-enrollment charter school however, Westlake Academy open-enrollment charter school may not require an explanation and may not unreasonably delay either providing the IEE of the student at public expense or filing a due process complaint to request a due process hearing to defend Westlake Academy open-enrollment charter school's evaluation of the student.

The parent is entitled to only one IEE of the student at public expense each time Westlake Academy open-enrollment charter school conducts an evaluation of the student with which the parent disagrees. (34 CFR §300.502)

j) ***Parent-Initiated Evaluations***

If the parent obtains an IEE of the student at public expense or the parent shares with Westlake Academy open-enrollment charter school an evaluation of the student that the parent obtained at private expense:

1. Westlake Academy open-enrollment charter school must consider the results of the evaluation of the student, if it meets Westlake Academy open-enrollment charter school's criteria for IEE, in any decision made with respect to the provision of a free appropriate public education to the student; and

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2. the parent or Westlake Academy open-enrollment charter school may present the evaluation as evidence at a due process hearing regarding the student.

(34 CFR §300.502)

k) ***Requests for Evaluations by Hearing Officers***

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

Sec. 127. CRITERIA FOR OBTAINING IEE AT PUBLIC EXPENSE

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

a) ***Location***

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

b) ***Cost***

Parents are free to select whomever they choose to perform the IEE, so long as the examiner meets Westlake Academy open-enrollment charter school's criteria. Westlake Academy open-enrollment charter school will pay a fee for an IEE that allows a parent to choose from among qualified professionals in the area.

Westlake Academy open-enrollment charter school will not pay unreasonably excessive fees. An unreasonably excessive fee is one which is 20% above the prevailing fees in the area as established by the Medicaid/Medicare Service Provider Manual for the specific test being considered.

Parents will be offered the opportunity to demonstrate to their child's ARD committee that unique circumstances exist which justify an IEE that does not meet Westlake Academy open-enrollment charter school criteria outlined in this document.

When evaluators have a sliding scale fee based on parent income, Westlake Academy open-enrollment charter school will pay the amount charged to the parent if the evaluator meets Westlake Academy open-enrollment charter school criteria or Westlake Academy open-enrollment charter

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school has approved the IEE that does not meet Westlake Academy open-enrollment charter school criteria.

In the event a parent pursues an IEE independently or pursues an IEE provider that is not on i Westlake Academy open-enrollment charter school independent evaluator list, Westlake Academy open-enrollment charter school will determine if the evaluator meets Westlake Academy open-enrollment charter school criteria prior to authorizing payment or reimbursement. If payment will be authorized, an original billing form and an original written report with original signature must be submitted to Westlake Academy open-enrollment charter school prior to payment.

Westlake Academy open-enrollment charter school will deny payment for an IEE conducted by an evaluator who does not meet Westlake Academy open-enrollment charter school criteria. Westlake Academy open-enrollment charter school will deny payment for an IEE that does not meet TEA criteria for the specific disability identified.

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

Travel costs for evaluators will not exceed Westlake Academy open-enrollment charter school rates for travel as established by state guidelines.

A contract for an IEE between an evaluator and Westlake Academy open-enrollment charter school will not exceed one year. All terms will become void after the expiration date of one year.

c) ***Evaluator Criteria***

The evaluator conducting the IEE must meet Westlake Academy open-enrollment charter school criteria and possess comparable credentials to the examiner that conducted the evaluation that is in dispute.

Evaluators must possess current licensure/certification to conduct the evaluation and must provide copies of his or her license or certification with the evaluation, if not previously provided.

Evaluators must comply with all requirements specified in state and federal law, including those outlined in the professional board responsible for providing the license or certification.

Evaluators must meet the examiner qualifications for the tests administered as outlined by the test producer.

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

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

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

The evaluator agrees to conduct a thorough evaluation in the area(s) performed by Westlake Academy open-enrollment charter school with which the parent disagrees.

Copies of protocols must be provided to Westlake Academy open-enrollment charter school.

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

The evaluation must be provided to Westlake Academy open-enrollment charter school upon completion.

Except for the criteria described above, Westlake Academy open-enrollment charter school may not impose conditions or timelines related to obtaining an IEE at public expense. (34 CFR 300.502(e))

Sec. 128. FULL AND INDIVIDUAL EVALUATION (FIE)

Westlake Academy open-enrollment charter school shall ensure that upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the Individuals with Disabilities Education Act ("IDEA"), and preparation of the written report, the admission, review and dismissal ("ARD") committee determines if the student is a student with a disability under state and federal standards.

Westlake Academy open-enrollment charter school shall conduct a full and individual initial evaluation ("FIE") prior to providing special education and related services to any student. All students must be evaluated in accordance with the IDEA and the Texas Education Code ("TEC").

Westlake Academy open-enrollment charter school shall have procedures in place to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of students with disabilities are selected and administered so as to not be racially, culturally, or gender discriminatory. Assessment and procedures shall be provided and administered in the student's native language or most proficient mode of communication and in

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the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so. (34 CFR §300.301; TEC §29.310)

All implementing assessment procedures must differentiate between language proficiency and handicapping condition. Additionally, placement procedures must ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability. (19 TAC §89.1230)

No single procedure shall be the sole criterion for determining whether a student is a student with a disability or for determining an appropriate education program for a student with a disability. The evaluation must be sufficiently comprehensive to identify all of the student's special education and related services' needs. Each student must be evaluated in all suspected areas of disability. (34 CFR §§300.301 and 300.304; TEC §29.310)

All assessments must be administered in accordance with the instructions provided and by a trained and knowledgeable person. (34 CFR §§300.301 and 300.304)

Sec. 129. TIMELINE

If a student's parent provides a written request for an evaluation to the school's director of special education services or to a district administrative employee, Westlake Academy open-enrollment charter school shall, within 15 school days, (1) provide the parent with prior written notice of its proposal to conduct an evaluation, a copy of the procedural safeguards, and an opportunity to give written consent for the evaluation, or (2) provide prior written notice and procedural safeguards if the school is denying the request for evaluation. (TEC §29.004(c)).

A written FIE report must be completed not later than the 45th school day following the date on which Westlake Academy open-enrollment charter school receives written consent for the evaluation, signed by the student's parent. If the student is absent for more than three days in that time period, the timeline must be extended by the number of days the student was absent. (TEC §29.004(a))

This time frame shall not apply if:

3. A student enrolls in the current school after the relevant time frame has begun and before the previous school made a determination as to whether the student has a disability, but only if the current school is making sufficient progress to ensure a prompt completion of the evaluation and the parent and current school agree to a specific time for completion of the evaluation; or
4. The parent repeatedly fails or refuses to produce the student for the evaluation.

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(34 CFR §300.301(d))

Following the completion of the FIE, the ARD committee must meet within 30 calendar days from the date of completion to review and determine eligibility. (TEC 29.004). 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, individualized education program ("IEP"), and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer.

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

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

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

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

(TEC 29.004)

Sec. 130. <u>SPECIFIC LEARNING DISABILITY EVALUATION</u>

The Texas Education Agency ("TEA") cannot require Westlake Academy open-enrollment charter school to use the severe discrepancy between intellectual ability and achievement for determining whether a student has a specific learning disability. TEA must permit the use of a process based on the child's response to scientific, research-based intervention; and may permit the use of other alternative research-based procedures for determining whether a student has a specific learning disability.
(34 CFR §300.307)

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The evaluation process for specific learning disability includes an observation of the child in the learning environment, including the regular classroom setting, to document academic performance and behavior in the areas of difficulty. 34 CFR § 300.310 (a).

Sec. 131. FUNCTIONAL BEHAVIOR ASSESSMENT (FBA)

A functional behavior assessment ("FBA") may be necessary for a student whose behavior impedes their education. Prior to completing an FBA, Westlake Academy open-enrollment charter school shall get consent from the parent. (34 CFR §§300.9)

If an ARD committee determines a change of placement is necessary due to the student's behavior, it must conduct an FBA and implement a behavioral intervention plan ("BIP"). If an FBA was already completed, the ARD committee must review and update the BIP. (34 CFR §300.350(f))

Sec. 132. REVIEW OF EXISTING EVALUATION DATA (REED)

A Review of Existing Evaluation Data (REED) is required as part of an initial evaluation, if appropriate, and as part of any reevaluation. The REED must be conducted by the admission, review, and dismissal ("ARD") committee members and other qualified professionals, as appropriate. The ARD committee members may conduct the review without a meeting.

The REED must include a review of the following:

- Evaluations and information provided by the parents of the student;
- Current classroom-based, local, or State assessments, and classroom-based observations; and
- Observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the ARD committee members must identify what additional data, if any, are needed to determine:

- Whether the student is a student with a disability, and the educational needs of the student, or, in case of a reevaluation of a student, whether the student continues to have such a disability and the educational needs of the student;
- Whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services;
- The present levels of academic achievement and related developmental needs of the student; and

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- Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

Westlake Academy open-enrollment charter school shall administer any assessments or other evaluation measures needed to produce the data identified by the REED in accordance with applicable procedural requirements regarding notice and consent.

If additional data is not needed, the ARD committee must notify the parent of the determination decision and provide information about the parent's right to request additional assessments to determine student needs and eligibility. (34 CFR §300.305)

Westlake Academy open-enrollment charter school shall conduct a reevaluation of the student if the school determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parent or teacher requests a reevaluation. A reevaluation may not occur more than once per year, unless agreed to by the school and the parent. A reevaluation must occur at least every three years, unless the school and parent agree the evaluation is unnecessary. (34 CFR §300.303).

Sec. 133. CHANGE IN ELIGIBILITY

Westlake Academy open-enrollment charter school shall evaluate a student with a disability before determining a student is no longer eligible for special education and related services.

An evaluation is not required if a student is no longer eligible due to graduation or exceeding the age eligibility in Texas. Westlake Academy open-enrollment charter school shall create a summary of performance and include recommendations on how to assist the student in meeting postsecondary goals. (34 CFR §300.305(e))

Sec. 134. CONSIDERATION OF SERVICES PROVIDED IN REGULAR EDUCATION SETTING

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

- Data that demonstrate that prior to, or as part of, the referral process, the student 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 progress during instruction, which was provided to the student's parents. (34 CFR 300.309(b))

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Sec. 135. COORDINATION OF EVALUATIONS WITH PRIOR AND SUBSEQUENT SCHOOLS

The school shall ensure that evaluations of students who transfer from one local education agency to another in the same academic year are coordinated with the student's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. (*20 U.S.C. 1414(b)(3)(D)*)

Sec. 136. PSYCHOLOGICAL EXAMINATIONS AND TESTS

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, Westlake Academy open-enrollment charter school shall provide to the child's parent:

3. The name and type of the examination or test; and
4. An explanation of how the examination or test will be used to develop an appropriate IEP for the child.

If Westlake Academy open-enrollment charter school determines that an additional examination or test is required for the evaluation of a child's need for special education, Westlake Academy open-enrollment charter school shall provide the information above to the parent regarding the additional examination or test and shall obtain additional consent for the examination of test. Education Code 29.0041(a), (b).

If Westlake Academy open-enrollment charter school determines that an additional examination or test is required for the evaluation, Westlake Academy open-enrollment charter school shall provide the information required by Education Code 29.0041(a) and shall obtain parental consent. If a parent does not give consent within 20 calendar days after the School provides the information, the parent's consent is considered denied.

The time required for Westlake Academy open-enrollment charter school to provide information and seek consent may not be counted toward the timeframe for completion of an evaluation. Education Code 29.0041.

Sec. 137. EXTENSION OF TIMELINES

For a specific learning disability, the timelines for evaluation under this policy may be extended by mutual written agreement of the student's parents and the ARD committee. (34 CFR 300.309(c))

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Sec. 138. EVALUATION CONDUCTED PURSUANT TO A SPECIAL EDUCATION DUE PROCESS HEARING

A special education hearing officer in an impartial due process hearing brought under 20 U.S.C. §1415 may issue an order or decision that authorizes one or more evaluations of a student who is eligible for, or who is suspected as being eligible for, special education services. Such an order or decision authorizes the evaluation of the student without parental consent as if it were a court order for purposes of any State or federal law providing for consent by order of a court. (TEC §29.016)

Sec. 139. INDEPENDENT EDUCATIONAL EVALUATIONS

The parent of a student with a disability has the right to obtain an independent educational evaluation ("IEE") of the parent's child if the parent disagrees with the evaluation of the student that was obtained by Westlake Academy open-enrollment charter school.

If the parent requests an IEE, Westlake Academy open-enrollment charter school must provide the parent with information about where the parent may obtain an IEE and about Westlake Academy open-enrollment charter school's criteria that apply to IEE.

Sec. 140. DEFINITIONS

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

Public expense means that Westlake Academy open-enrollment charter school either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the provisions of Part B of IDEA, which allow each State to use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of Part B of IDEA.

(34 CFR §300.502)

Sec. 141. RIGHT TO EVALUATION AT PUBLIC EXPENSE

The parent has the right to request an IEE of the parent's child at public expense if the parent disagrees with an evaluation of the student completed by Westlake Academy open-enrollment charter school.

If the parent requests an IEE, Westlake Academy open-enrollment charter school must respond to the parent by either:

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3. without unnecessary delay, file a due process complaint to request a hearing to show that its evaluation of the student is appropriate; or
4. provide an IEE at public expense, unless Westlake Academy open-enrollment charter school demonstrates in a due process hearing that the evaluation of the student that the parent obtained did not meet Westlake Academy open-enrollment charter school's criteria.

If Westlake Academy open-enrollment charter school requests a hearing and the final decision is that Westlake Academy open-enrollment charter school's evaluation of the student is appropriate, the parent still has the right to an IEE, but not at public expense.

If the parent requests an IEE of the student, Westlake Academy open-enrollment charter school may ask why the parent objects to the evaluation of the student obtained by Westlake Academy open-enrollment charter school however, Westlake Academy open-enrollment charter school may not require an explanation and may not unreasonably delay either providing the IEE of the student at public expense or filing a due process complaint to request a due process hearing to defend Westlake Academy open-enrollment charter school's evaluation of the student.

The parent is entitled to only one IEE of the student at public expense each time Westlake Academy open-enrollment charter school conducts an evaluation of the student with which the parent disagrees. (34 CFR §300.502)

l) ***Parent-Initiated Evaluations***

If the parent obtains an IEE of the student at public expense or the parent shares with Westlake Academy open-enrollment charter school an evaluation of the student that the parent obtained at private expense:

3. Westlake Academy open-enrollment charter school must consider the results of the evaluation of the student, if it meets Westlake Academy open-enrollment charter school's criteria for IEE, in any decision made with respect to the provision of a free appropriate public education to the student; and
4. the parent or Westlake Academy open-enrollment charter school may present the evaluation as evidence at a due process hearing regarding the student.

(34 CFR §300.502)

m) ***Requests for Evaluations by Hearing Officers***

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

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Sec. 142. CRITERIA FOR OBTAINING IEE AT PUBLIC EXPENSE

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

d) ***Location***

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

e) ***Cost***

Parents are free to select whomever they choose to perform the IEE, so long as the examiner meets Westlake Academy open-enrollment charter school's criteria. Westlake Academy open-enrollment charter school will pay a fee for an IEE that allows a parent to choose from among qualified professionals in the area.

Westlake Academy open-enrollment charter school will not pay unreasonably excessive fees. An unreasonably excessive fee is one which is 20% above the prevailing fees in the area as established by the Medicaid/Medicare Service Provider Manual for the specific test being considered.

Parents will be offered the opportunity to demonstrate to their child's ARD committee that unique circumstances exist which justify an IEE that does not meet Westlake Academy open-enrollment charter school criteria outlined in this document.

When evaluators have a sliding scale fee based on parent income, Westlake Academy open-enrollment charter school will pay the amount charged to the parent if the evaluator meets Westlake Academy open-enrollment charter school criteria or Westlake Academy open-enrollment charter school has approved the IEE that does not meet Westlake Academy open-enrollment charter school criteria.

In the event a parent pursues an IEE independently or pursues an IEE provider that is not on i Westlake Academy open-enrollment charter school independent evaluator list, Westlake Academy open-enrollment charter school will determine if the evaluator meets Westlake Academy open-enrollment charter school criteria prior to authorizing payment or reimbursement. If payment will be authorized, an original billing form and an original written report with original signature must be submitted to Westlake Academy open-enrollment charter school prior to payment.

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Westlake Academy open-enrollment charter school will deny payment for an IEE conducted by an evaluator who does not meet Westlake Academy open-enrollment charter school criteria. Westlake Academy open-enrollment charter school will deny payment for an IEE that does not meet TEA criteria for the specific disability identified.

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

Travel costs for evaluators will not exceed Westlake Academy open-enrollment charter school rates for travel as established by state guidelines.

A contract for an IEE between an evaluator and Westlake Academy open-enrollment charter school will not exceed one year. All terms will become void after the expiration date of one year.

f) ***Evaluator Criteria***

The evaluator conducting the IEE must meet Westlake Academy open-enrollment charter school criteria and possess comparable credentials to the examiner that conducted the evaluation that is in dispute.

Evaluators must possess current licensure/certification to conduct the evaluation and must provide copies of his or her license or certification with the evaluation, if not previously provided.

Evaluators must comply with all requirements specified in state and federal law, including those outlined in the professional board responsible for providing the license or certification.

Evaluators must meet the examiner qualifications for the tests administered as outlined by the test producer.

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

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

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

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The evaluator agrees to conduct a thorough evaluation in the area(s) performed by Westlake Academy open-enrollment charter school with which the parent disagrees.

Copies of protocols must be provided to Westlake Academy open-enrollment charter school.

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

The evaluation must be provided to Westlake Academy open-enrollment charter school upon completion.

Except for the criteria described above, Westlake Academy open-enrollment charter school may not impose conditions or timelines related to obtaining an IEE at public expense. (34 CFR 300.502(e))

Sec. 143. COMPLIANCE

Westlake Academy open-enrollment charter school shall use Individuals with Disabilities Education Act ("IDEA") Part B funds received to:

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

(34 CFR §300.202, 20 USC §1413(a)(2)).

Sec. 144. REDUCING LEVEL OF EXPENDITURES

Funds provided to Westlake Academy open-enrollment charter school will not be used to reduce the level of expenditures for the education of students with disabilities made by Westlake Academy open-enrollment charter school below the level of those funds for the preceding year. (2 USC §1423(a)(2)(A)(iii), Appendix E to Part 300)

Westlake Academy open-enrollment charter school may reduce the level of expenditures if the reduction is attributable to:

1. Voluntary departure, retirement, or departure for just cause of special education personnel;
2. A decrease in enrollment of students with disabilities;
3. The termination of the obligation of Westlake Academy open-enrollment charter school to provide a special education program to a particular student with a disability that is an

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exceptionally costly program because the child left Westlake Academy open-enrollment charter school, aged out of services, or no longer needs special education;
4. The termination of costly expenditures for long-term purchases; or
5. The assumption of cost by the high cost fund operated by the Texas Education Agency.

(34 CFR §300.204)

Sec. 145. EXCESS EXPENDITURES

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

1. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to the child with a disability in accordance with the individualized education program ("IEP") of the child, even if nondisabled children benefit from such services;
2. To develop and implement coordinated, early intervening educational services in compliance with the child find and administration requirements, including:
   a. Early intervening services, which may include interagency financing structures, for children in kindergarten through grade 12 (with a particular emphasis on children in kindergarten through grade 3) who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment;
   b. Westlake Academy open-enrollment charter school may not use more than 15 percent of the amount received under IDEA Part B for any fiscal year, less any adjustments by Westlake Academy open-enrollment charter school to local fiscal effort, if any, in combination with other amounts, which may include amounts other than education funds, to develop and implement coordinated, early intervening services; and
3. To establish and implement cost or risk-sharing funds, consortia, or cooperatives for Westlake Academy open-enrollment charter school, or for Westlake Academy open-enrollment charter school's working in a consortium of which Westlake Academy open-enrollment charter school is a part, to pay for high-cost special education and related services.
4. Westlake Academy open-enrollment charter school may use IDEA Part B funds to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP that is needed for the implementation of such case management activities.

(34 CFR §300.208)

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Sec. 146. EARLY INTERVENING SERVICES

Funds made available for early intervening services, must supplement not supplant funds available under the ESEA. (34 CFR §300.226(e))

Sec. 147. USE OF IDEA PART B FUNDS FOR TITLE 1 PROGRAMS

Notwithstanding any other provisions related to commingling of funds, Westlake Academy open-enrollment charter school may use IDEA Part B funds received for any fiscal year to carry out a Title 1, Part A school wide programs under the Elementary and Secondary Education Act ("ESEA"), except that the amount may not exceed:

- the amount received by the school under IDEA Part B for that fiscal year; divided by
- the number of students with disabilities in the jurisdiction of the school; and multiplied by
- the number of students with disabilities participating in the school wide program.

(34 CFR §300.206; 20 USC §1413)

Sec. 148. COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS: TITLE 1

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

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

Sec. 149. NONEDUCATIONAL COMMUNITY BASED SUPPORT SERVICES

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

The Texas Education Agency (TEA) is responsible for establishing procedures and criteria for the allocation of noneducational funds to open-enrollment charter schools for the provision of noneducational community-based support services to certain students with disabilities and their families so that those students may receive a free appropriate public education (FAPE) in the least restrictive environment. (TEC §29.013(a))

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Westlake Academy open-enrollment charter school shall use any funds allocated under TEC §29.013 only for eligible students with disabilities who would remain or would have to be placed in residential facilities primarily for educational reasons without the provision of noneducational community-based support services. (TEC §29.013(b))

The support services may include in-home family support, respite care, and case management for families with a student who otherwise would have been placed by an open-enrollment charter school in a private residential facility. (TEC §29.013(c))

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

Sec. 150. SHARED SERVICES ARRANGEMENT

The Town of Westlake may enter into a written contract to jointly operate its special education programs. Funds to which the cooperating schools/charter schools are entitled may be allocated to the schools/charter schools jointly as shared services arrangement units or shared services arrangement funds in accordance with the shared services arrangement schools/charters' agreement, TEA Guidance and Govt. Code Chapter 791 (interlocal agreements).

Sec. 151. STATE FUNDING: SPECIAL ALLOTMENTS

Westlake Academy open-enrollment charter school shall maintain records of students participating in special programs in accordance with the Commissioner of Education's rules. (19 TAC §129.21)

Sec. 152. SPECIAL EDUCATION ALLOTMENT

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

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Funds allocated under this section, other than an indirect cost allotment established under State Board of Education ("SBOE") rule, must be used in the special education program under Subchapter A, Chapter 29. (TEC §48.102(h))

Sec. 153. COMPENSATORY EDUCATION ALLOTMENT

Westlake Academy open-enrollment charter school must use funds allocated under TEC §48.104 for a purpose authorized in TEC §48.104(j-1), (k). (TEC §48.104)

Funds allocated under TEC §48.104 shall be used to fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B (School-Based Health Centers), Chapter 39, Texas Education Code or disparity in the rates of high school completion between students at risk of dropping out of school, as defined by TEC §29.081 (Compensatory, Intensive, and Accelerated Instruction) and all other students. Specifically, the funds, other than an indirect cost allotment established under SBOE rule, which may not exceed 45 percent, may be used to meet the costs of providing a compensatory, intensive, or accelerated instruction program under TEC §29.081 or an alternative education program established under TEC §37.008 (Disciplinary Alternative Education Programs) or to support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under TEC §29.081, Westlake Academy open-enrollment charter school's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction. (TEC §48.104(k))

Sec. 154. BILINGUAL EDUCATION ALLOTMENT

For each student in average daily attendance in a bilingual education or special language program under Subchapter B, Chapter 29, an open-enrollment charter school is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.1. Funds allocated under this section, other than an indirect cost allotment established under SBOE rule, must be used in providing bilingual education or special language programs under Subchapter B, Chapter 29, and must be accounted for under existing agency reporting and auditing procedures. An open-enrollment charter school's bilingual education or special language allocation may only be used for program and student evaluation, instructional materials and equipment, staff development, supplemental staff expenses, salary supplements for teachers, and other supplies required for quality instruction and smaller class size. (TEC §§12.104(b)(3)(G) and 42.105)

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Sec. 155. CAREER AND TECHNOLOGY EDUCATION ALLOTMENT

For each full-time equivalent student in average daily attendance in an approved career and technology education program in grades 7 through 12 or in career and technology education programs for students with disabilities in grades seven through 12, an open-enrollment charter school is entitled to:

1. an annual allotment equal to the adjusted basic allotment multiplied by a weight of 1.35; and
2. $50 for each of the following in which the student is enrolled:
   a. two or more advanced career and technology education classes for a total of three or more credits;
   b. a campus designated as a P-TECH school under Section 29.566; or
   c. a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education.

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

At least 55% of the funds allocated under this section must be used in providing career and technology education programs in grades 7 through 12. (TEC §48.106).

Sec. 156. APPLICABILITY OF TITLE RELATING TO HIGH SCHOOL GRADUATION

Westlake Academy open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code ("TEC"), or a rule adopted under Title 2 (Public Education) of the TEC, relating to high school graduation under TEC §28.025. (TEC §12.104(b)(2)(E))

Sec. 157. ARD COMMITTEE AND IEP

For each student who is at least 14 years of age and qualifies for special education, the admission, review, and dismissal ("ARD") committee must begin transition planning. The ARD committee must also consider the student's graduation plan and what state assessments are required for graduation. (TEC §29.0111; 19 TAC §89.1070)

Sec. 158. SPECIAL EDUCATION ELIGIBILITY UPON GRADUATION

Graduation with a regular high school diploma terminates a student's eligibility for special education and related services. Termination of eligibility based on graduation requires Westlake

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Academy open-enrollment charter school to complete a summary of performance in accordance with 34 CFR §300.305(e)(3), and prior written notice must be provided to the parent. (34 CFR §300.102)

A student who receives a diploma, but took one or more classes with a modified curriculum, may request the ARD committee determine needed educational services as long as the student meets the age eligibility requirements. Modified curriculum is defined as curriculum or content that is reduced in amount or complexity of the required Texas Essential Knowledge and Skills ("TEKS"). (19 TAC §89.1070)

Sec. 159. GRADUATION REQUIREMENTS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

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

1. Demonstrates mastery of the required states standards;
2. Completes the credit requirements under the Foundation High School Program; or
3. Achieves satisfactory performance on the required state assessment unless the ARD committee determines that satisfactory performance on the required state assessment is not necessary for graduation.

A student who receives special education services entering 9th grade in 2014-2015 or after may also earn a high school diploma if the student the student meets the above requirements and successfully completes the individualized education program ("IEP") and meets one of the following:

1. consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable to the student to maintain employment without direct or ongoing educational support;
2. consistent with the IEP, demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support;
3. has access to services that are not within the legal responsibility of Westlake Academy open-enrollment charter school or educational options for which the student has been prepared for by the academic program; or
4. no longer meets eligibility requirements

(19 TAC §89.1070; TEC §28.025)

Sec. 160. ENDORSEMENTS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

A student receiving special education services, may receive an endorsement if the student:

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1. Completes the requirements for graduation under the Foundation High School Program and completes the additional credits requirements in mathematics, science, and elective courses required for an endorsement with or without modified curriculum; or
2. Completes the courses required for the endorsement without modified curriculum; and
3. Performs satisfactorily on the state assessment.

A student who is in 11th or 12th grade in 2014-2015, 2015-2016, or 2016-2017 school years who took each of the required assessments, but failed to achieve satisfactorily on no more than two assessments is eligible for an endorsement if the student meets the other endorsement requirements.

For students receiving special education services, if the student wants to use a course to satisfy both the Foundation High School Program requirements and for the endorsement requirement, the course must be completed without modified curriculum.

(19 TAC §89.1070; TEC §28.025)

Sec. 161. TRANSITIONING TO THE FOUNDATION HIGH SCHOOL PROGRAM

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

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

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

(19 TAC §89.1070; TEC §28.025)

Sec. 162. SUBSTITUTIONS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

n) ***Language other than English***

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

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

(TEC §74.12(b)(5)(D)(i); §28.025(b-14)(1)

o) ***Physical Education***

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

- The student's ARD committee, if the student receives special education services under the IDEA and Texas Education Code Chapter 29;
- The student's 504 committee, if the student does not receive special education services under the IDEA or Texas Education Code Chapter 29, Subchapter A but is covered by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794; or
- If each of the described committees is inapplicable, a committee established by the school of persons with appropriate knowledge regarding the student.

(TEC §28.025(b-11))

Credits allowed as a substitution for the language and PE requirement may not be used to satisfy other graduation credit requirements.

(TEC §28.025(b-11) and (b-14))

Sec. 163. <u>DISTINGUISHED ACHIEVEMENT, RECOMMENDED, AND MINIMUM HIGH SCHOOL PROGRAM</u>

A student receiving special education services who entered 9th grade before the 2014-2015 school year, may graduate with a regular diploma if the student:

1. Demonstrates mastery of the state standards;
2. Completes credit requirements for graduation under the recommended or distinguished program; and
3. Achieves satisfactory performance on the required state assessment.

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

A student receiving special education services who entered 9th grade before the 2014-2015 school year, may also graduate with a regular diploma if the student:

1. Demonstrates mastery of the state standards;
2. Completes credit requirements for graduation under the minimum program; and
3. Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee.

A student receiving special education services who entered 9th grade before the 2014-2015 school year, may also graduate with a regular diploma if the student:

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

(19 TAC §89.1070)

Sec. 164. <u>HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD</u>

Westlake Academy open-enrollment charter school does issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the SBOE under TEC §28.025(a) but who fails to comply with TEC §39.025 (Secondary-Level Performance Required) relating to exit-level assessment requirements. Westlake Academy open-

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enrollment charter school does allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. (TEC §28.025(d))

Sec. 165. CERTIFICATE OF ATTENDANCE

Westlake Academy open-enrollment charter school does issue a Certificate of Attendance to a student who receives special education services under the Individuals with Disabilities Education Act ("IDEA"), and who has completed four years of high school but has not completed the student's IEP. Westlake Academy open-enrollment charter school shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony. Receiving a Certificate of Attendance does not preclude a student from receiving a diploma. (TEC §28.025(f))

Sec. 166. PROMOTION TO 6TH OR 9TH GRADE

A student may not be promoted to 6th grade if the student does not perform satisfactorily on the 5th grade mathematics and reading assessments.

A student may not be promoted to 9th grade if the student did not perform satisfactorily on the 8th grade mathematics and reading assessments.

Each time a student fails to perform satisfactorily on an assessment administered under Section 39.023(a) in the 3rd, 4th, 5th, 6th, 7th, or 8th grade, Westlake Academy open-enrollment charter school shall provide the student with accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.

The ARD committee of a student who participates in Westlake Academy open-enrollment charter school's special education program and who does not perform satisfactorily on an assessment shall determine:

1. the manner in which the student will participate in an accelerated instruction program under this section; and
2. whether the student will be promoted or retained under this section.

(TEC §28.0211)

Sec. 167. FOSTER PARENT

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

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

(TEC §29.015(a))

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled admission, review, and dismissal ("ARD") committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions. (TEX §29.015(b))

Westlake Academy open-enrollment charter school may not require a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

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

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

Westlake Academy open-enrollment charter school shall provide notice to the student's educational decision-maker and caseworker regarding events that may significantly impact the education of a student, including:

1. requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;
2. ARD committee meetings;
3. manifestation determination reviews required by Section 37.004(b);
4. any disciplinary actions under Chapter 37 for which parental notice is required;

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5. citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
6. reports of restraint and seclusion required by Section 37.0021; and
7. use of corporal punishment as provided by Section 37.0011.

(TEC §25.007)

As a condition to receiving funds under Title I, Part A, Westlake Academy open-enrollment charter school shall collaborate with the state or local child welfare agency to:

a. ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with 42 U.S.C. 675(4)(A) and to the extent required by law; and

b. ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, Westlake Academy open-enrollment charter school will, to the extent required by law, provide transportation to the school of origin if:

    i. the local child welfare agency agrees to reimburse Westlake Academy open-enrollment charter school for the cost of transportation;
    ii. Westlake Academy open-enrollment charter school agrees to pay the cost of transportation; or
    iii. Westlake Academy open-enrollment charter school and the local welfare agency agree to share the cost of such transportation.

20 U.S.C. 6312(c)(5).

Sec. 168. <u>SEC. 6.21.2. SURROGATE PARENT</u>

Westlake Academy open-enrollment charter school must appoint an individual to serve as the surrogate parent for a child if:

1. Westlake Academy open-enrollment charter school is unable to identify or locate a parent for a child with a disability; or
2. the foster parent of a child is unwilling or unable to serve as a parent.

A surrogate parent appointed by Westlake Academy open-enrollment charter school may not:

1. be an employee of the state, Westlake Academy open-enrollment charter school, or any other agency involved in the education or care of the child; or

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2. have any interest that conflicts with the interests of the child.

A surrogate parent must:

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

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

If a court appoints a surrogate parent for a child with a disability and the Westlake Academy open-enrollment charter school determines that the surrogate parent is failing to perform or is not properly performing the duties listed in this policy, Westlake Academy open-enrollment charter school shall consult with the DFPS regarding whether another person should be appointed to serve as the surrogate parent for the child.

Sec. 169. <u>CHILD FIND PRIVATE SCHOOL STUDENTS</u>

Westlake Academy open-enrollment charter school shall coordinate with home school districts, who are primarily responsible for consulting with private school representatives, regarding the child find process and the provision of special education and related services to children enrolled in private schools within Westlake Academy open-enrollment charter school's boundaries.

Westlake Academy open-enrollment charter school shall undertake activities similar to those undertaken for children enrolled in public schools and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending

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the public schools within Westlake Academy open-enrollment charter school's boundaries. 20 U.S.C. 1412(a)(10)(A)(ii)–(iv).

Sec. 170. SPECIAL EDUCATION STUDENTS PLACED IN PRIVATE SCHOOL

p) *Placement by* Westlake Academy open-enrollment charter school

If Westlake Academy open-enrollment charter school places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, Westlake Academy open-enrollment charter school shall ensure that the child is provided special education and related services, in accordance with an individualized education program ("IEP"), at no cost to the parents. 20 U.S.C. 1412(a)(10)(B)(i).

q) *Placement by the Parent*

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

Sec. 171. REJECTION OF OFFER OF FAPE

a) *Student Receives ISP*

If Westlake Academy open-enrollment charter school offers to provide a FAPE to a child with a disability and the parents elect to place the child in a private school or facility Westlake Academy open-enrollment charter school is not required to pay for the cost of education, including special education and related services. However, Westlake Academy open-enrollment charter school must develop and implement an individualized services plan ("ISP") for the child. 20 U.S.C. 1412(a)(10)(C)(i); 34 CFR 300.148(a).

b) *Reimbursement*

If the parents of a child with a disability, who previously received special education and related services under the authority of Westlake Academy open-enrollment charter school, enroll the child

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in a private school without the consent or referral by Westlake Academy open-enrollment charter school, a court or a hearing officer may require Westlake Academy open-enrollment charter school, to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that Westlake Academy open-enrollment charter school had not made a FAPE available to the child in a timely manner before the enrollment. 20 U.S.C. 1412(a)(10)(C)(ii); 34 CFR 300.148(c). Student records shall be maintained for each student from the time the student is in attendance at Westlake Academy open-enrollment charter school until withdrawal or graduation from Westlake Academy open-enrollment charter school. These records shall move with the respective student from campus to campus. Records for students not in attendance and/or withdrawn students and graduates shall be retained for the period of time required by law. No permanent records may be destroyed without explicit written permission from the Superintendent.

Sec. 172. EDUCATION RECORDS

r) ***"Education Records" Defined***

For the purposes of this policy, the term "education records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by Westlake Academy open-enrollment charter school or by a person acting for Westlake Academy open-enrollment charter school.

The term "education records" does not include:

1. Records that are created or received by Westlake Academy open-enrollment charter school after an individual is no longer a student in attendance, and that are not directly related to the individual's attendance as a student.
2. Records made by Westlake Academy open-enrollment charter school personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of Westlake Academy open-enrollment charter school that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is eighteen years of age or older, or who is attending an institution of postsecondary education, that are:
   a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
   b. Made, maintained, or used only in connection with treatment of the student; and

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c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.

5. Grades on peer-graded papers before they are collected and recorded by a teacher.

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

s) ***Screening Records***

The Principal of each Westlake Academy open-enrollment charter school campus shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in Westlake Academy open-enrollment charter school. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with Section 2-d (Access by Other Persons) below.

t) ***Immunization Records***

Westlake Academy open-enrollment charter school shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency ("TEA") or by representatives of local health departments or the Texas Department of State Health Services ("TDSHS"). Westlake Academy open-enrollment charter school shall cooperate with other districts and schools in transferring students' immunization records between other schools. Specific approval from students or parents is not required prior to making such record transfers.

u) ***Medical Records***

The parent of a student is entitled to access the student's medical records maintained by Westlake Academy open-enrollment charter school. On request of a student's parent, Westlake Academy open-enrollment charter school shall provide a copy of the student's medical records to the parent. Westlake Academy open-enrollment charter school may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code.

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v) ***Privacy Rule for Non-"Education Records"***

To the extent Westlake Academy open-enrollment charter school is a covered entity under the Health Insurance Portability and Accountability Act ("HIPAA"), Westlake Academy open-enrollment charter school must comply with the Privacy Rule, 45 CFR Part 164, with respect to protected health information that is not an education record.

w) ***Food Allergy Information***

Information regarding a child's food allergy, regardless of how it is received by Westlake Academy open-enrollment charter school, shall be retained in the child's student records, but may not be placed in the health record maintained for the child by Westlake Academy open-enrollment charter school.

vi. *Exceptions*

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

x) ***Assessment Instruments***

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

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

Westlake Academy open-enrollment charter school shall use the academic achievement record (transcript) form adopted by the State Board of Education ("SBOE"). This form shall serve as the academic record for each student and shall be maintained permanently by Westlake Academy

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open-enrollment charter school. Copies of the record shall be made available to students transferring to another district. The information may be provided to the student or to the receiving district or to both. Westlake Academy open-enrollment charter school shall respond promptly to all requests for student records from receiving districts.

z) *Enrollment Records*

If a parent or other person with legal control of a child enrolls the child in Westlake Academy open-enrollment charter school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to Westlake Academy open-enrollment charter school all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the Commissioner of Education in the Student Attendance Accounting Handbook.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

Westlake Academy open-enrollment charter school must furnish information under items 1 and 2 not later than the tenth working day after the date Westlake Academy open-enrollment charter school receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that Westlake Academy open-enrollment charter school transfer a child's student records, Westlake Academy open-enrollment charter school shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Sec. 173. ACCESS, DISCLOSURE, AND AMENDMENT

a) *Definitions*

i. *"Attendance"*

"Attendance" includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

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ii. *"Disclosure"*

"Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

iii. *"Parent"*

"Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

iv. *"Personally Identifiable Information"*

"Personally identifiable information" includes, but is not limited to:

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

v. *"Record"*

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

vi. *"Authorized Representative"*

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

vii. *"Education Program"*

"Education program" means any program that is principally engaged in the provision of education, including but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by Westlake Academy open-enrollment charter school.

viii. *"Signed and Dated Written Consent"*

"Signed and dated written consent" may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person's approval of the information contained in the electronic consent.

b) ***Access by Parents***

Access to the education records of a student who is or has been in attendance at Westlake Academy open-enrollment charter school shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes.

Westlake Academy open-enrollment charter school shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator.

c) ***Access by Student***

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

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Nothing in this section prevents Westlake Academy open-enrollment charter school from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 CFR 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed.

d) ***Access by Other Persons***

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following:

i. *School Officials*

Westlake Academy open-enrollment charter school may disclose personally identifiable information without parent consent when disclosure is made to school officials with legitimate educational interest in the information. A school official is:

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

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

Westlake Academy open-enrollment charter school must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

ii. *Officials of Other Schools*

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

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

In either case, Westlake Academy open-enrollment charter school shall furnish a copy of the transferred records to the parent if requested and shall give the parent an opportunity for a hearing to challenge the content of the record.

iii. *Authorized Governmental Representatives*

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs.

may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act ("FERPA") and any regulation implementing FERPA. Westlake Academy open-enrollment charter school is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 CFR 214.3, or any corresponding regulation.

iv. *Financial Aid Personnel*

Personnel involved with a student's application for, or receipt of, financial aid.

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v. *Juvenile Justice Officials*

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, and
2. The officials and authorities to whom such information is disclosed certify in writing to Westlake Academy open-enrollment charter school that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

vi. *Organizations Conducting Surveys*

Organizations conducting studies for, or on behalf of, Westlake Academy open-enrollment charter school for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

Westlake Academy open-enrollment charter school must enter into a written agreement with the organization that:

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

If Westlake Academy open-enrollment charter school enters into an agreement with an organization conducting a study, it may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information

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to Westlake Academy open-enrollment charter school in accordance with the requirements of 34 C.F.R. 99.33(b).

Westlake Academy open-enrollment charter school is not required to initiate a study or agree with or endorse the conclusions or results of the study.

vii. *Accrediting Organizations*

Accrediting organizations that require the information for purposes of accreditation.

viii. *Health & Safety Emergency*

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

In making a determination, Westlake Academy open-enrollment charter school may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If Westlake Academy open-enrollment charter school determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

ix. *Secretary of Agriculture*

The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of schools receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act.

x. *State or Local Child Welfare Agency*

An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student.

xi. *Directory Information*

Any person requesting directory information after Westlake Academy open-enrollment charter school has given public notice of that definition

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e) *Written Consent*

The parent shall provide a signed and dated written consent before Westlake Academy open-enrollment charter school discloses personally identifiable information from a student's education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released.

f) *Instructional Resources and Parental Rights*

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U. S. Department of Education ("DOE") shall be available for inspection by the parents of students.

g) *Information Collection*

i. *DOE Funded Surveys*

No student shall be required, as part of any program funded in whole or in part by the DOE, to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

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

ii. *Information Collection Funded by Other Sources*

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

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iii. *Subpoenaed Records*

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

iv. *Sex Offenders*

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

h) *Parental Rights and Student Privacy*

As a condition of receiving funds under any applicable program, Westlake Academy open-enrollment charter school adopts the following policies, pursuant to *20 U.S.C. 1232h(c)(1)*:

1. Parents have a right to inspect any survey created by a third party before the survey is administered or distributed by Westlake Academy open-enrollment charter school to the student. Parents should submit such a request to the Principal, and shall be provided an opportunity to inspect the survey within a reasonable period of time as determined by the Principal. Upon a parent's request to inspect a survey, the parent's child shall not participate in the survey until the parent has had a reasonable opportunity to inspect the survey, as determined by the Principal.
2. In the event a survey contains the items listed above, and is administered or distributed to students, Westlake Academy open-enrollment charter school shall comply with FERPA and other applicable law to protect student privacy.
3. Parents have a right to inspect any instructional material used in the educational curriculum for the student. Parents should submit such a request to the Principal. The Principal shall provide reasonable access to parents within a reasonable period of time, as determined by the Principal.

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4. Westlake Academy open-enrollment charter school may administer physical examinations or other screenings to students as required and/or authorized by state or federal law and in accordance with other applicable policy.
5. Westlake Academy open-enrollment charter school shall not collect, disclose, or use a student's personal information for the purpose of marketing or selling that information to third parties. This policy does not apply to or restrict the use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services offered by Westlake Academy open-enrollment charter school, for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs, or as otherwise required by law. This policy is also subject to state and federal public information laws and FERPA, that makes some student personal information, defined in this policy as "Directory Information," public.
6. Parents have a right to inspect any instrument used in collection of personal information, described above, before the instrument is administered to the student. Parents should submit such a request to the Principal. The Principal shall provide reasonable access to parents within a reasonable period of time, as determined by the Principal. Upon a parent's request to inspect such an instrument, the parent's child shall not participate until the parent has had a reasonable opportunity to inspect the instrument, as determined by the Principal.

The Superintendent shall ensure that parents are provided reasonable notice of the adoption or continued use of these policies. Such notice shall be provided directly to the parents of the students in attendance at Westlake Academy open-enrollment charter school. At a minimum, Westlake Academy open-enrollment charter school shall:

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

i) ***Request Procedure***

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

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j) ***Destruction of Records***

Westlake Academy open-enrollment charter school shall not destroy any education records if there is an outstanding request to inspect and review the records.

k) ***De-Identified Records***

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

l) ***Education Research***

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

1. Westlake Academy open-enrollment charter school or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

m) ***Authenticating Requestors' Identities***

Westlake Academy open-enrollment charter school must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom Westlake Academy open-enrollment charter school discloses personally identifiable information from education records.

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n) ***Transfer Not Permitted***

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy, Westlake Academy open-enrollment charter school shall not permit access to information from education records to that third party for a period of not less than five years.

Westlake Academy open-enrollment charter school shall inform a party to whom a disclosure is made of the requirements of 34 CFR 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student.

Westlake Academy open-enrollment charter school may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of Westlake Academy open-enrollment charter school if:

1. The disclosures meet the requirements of 34 CFR 99.31; and
2. Westlake Academy open-enrollment charter school has complied with the requirements of 34 CFR 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 CFR 99.32(b)(2).

o) ***Record of Access to Student Records***

Each campus shall maintain a record, kept with the education record of each student, that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 CFR 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. Westlake Academy open-enrollment charter school must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 CFR 99.32(b)(2) and make it available in response to a parent's request to review the record.

Westlake Academy open-enrollment charter school must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception (see Section 2-d-viii above):

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1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom Westlake Academy open-enrollment charter school disclosed the information.

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

The record shall not include requests for access by, or access granted to, parents of the student or officials of Westlake Academy open-enrollment charter school, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order.

p) ***Right to Amend Records***

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

If Westlake Academy open-enrollment charter school decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, Westlake Academy open-enrollment charter school decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of Westlake Academy open-enrollment charter school. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

q) ***Fees for Copies***

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis.

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r) *Records of Students with Disabilities*

Westlake Academy open-enrollment charter school shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities.

i. *Access Rights*

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect school records relating to the education of their child:

1. Parents may request that a representative inspect and review the records.
2. Westlake Academy open-enrollment charter school shall comply with a request without unnecessary delay and before any meeting regarding an IEP or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request.
3. Westlake Academy open-enrollment charter school shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records.

ii. *List of Types and Locations of Information*

Westlake Academy open-enrollment charter school shall provide parents on request a list of types and locations of education records.

iii. *Parental Consent*

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the IDEA or disclosed to anyone other than officials of agencies collecting or using this information. Westlake Academy open-enrollment charter school may not release information from these records without parental consent except as provided in FERPA.

iv. *Confidentiality*

Westlake Academy open-enrollment charter school shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in Westlake Academy open-enrollment charter school shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this

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information shall receive training or instruction concerning the legal requirements involved in handling these records. Westlake Academy open-enrollment charter school shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information.

v. *Destruction of Information*

Westlake Academy open-enrollment charter school shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

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

s) ***Annual Notification of Rights***

Westlake Academy open-enrollment charter school shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

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

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

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 CFR 99.20.
3. If Westlake Academy open-enrollment charter school has a policy of disclosing education records under 34 CFR 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

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Westlake Academy open-enrollment charter school may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights. Westlake Academy open-enrollment charter school shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

t) ***Custodian of Records***

The Superintendent or designee is designated as the custodian of all student records. The Principal of each campus is designated as an agent of the Superintendent or designee for the purposes of the receipt of requests concerning the disclosure of student records.

Sec. 174. DIRECTORY INFORMATION

Certain information about students is considered "directory information" and will be released to anyone who follows procedures for requesting it unless the parent or eligible student objects in writing to its release, within a reasonable time period set by the Superintendent, of receiving notice of FERPA rights. A parent or eligible student may also choose to opt out of the release of directory information at any time during the school year. At any time after restricting the release of directory information, a parent or eligible student may in writing authorize Westlake Academy open-enrollment charter school to release directory information.

a) ***Definition***

Westlake Academy open-enrollment charter school has designated the following categories of information as directory information for the purpose of disclosure relating solely to school-sponsored/school-affiliated purposes:

1. Student's name;
2. Address;
3. Telephone listing;
4. Electronic mail address;
5. Photographs (including video images);
6. Date and place of birth;
7. Major field of study;
8. Dates of attendance;
9. Grade level;
10. Participation in officially recognized activities and sports;
11. Weight and height of members of athletic teams;
12. Degrees, honors, and awards received; and
13. The most recent educational agency or institution attended.

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"Directory information" does not include a student's:

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

School-sponsored/school-affiliated purposes are those events/activities that Westlake Academy open-enrollment charter school conducts and/or sponsors to support Westlake Academy open-enrollment charter school's educational mission. Examples include, but are not limited to:

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

Westlake Academy open-enrollment charter school has designated the following categories of information for the purpose of disclosure to military recruiters and institutions of higher education, but only for secondary students:

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

b) ***Disclosure of Directory Information***

Westlake Academy open-enrollment charter school shall not release directory information except for the purposes indicated above, namely:

1. Disclosure relating to school-sponsored/school-affiliated purposes; and
2. Disclosure to military recruiters and institutions of higher education, but only for secondary students.

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c) ***In Class***

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent Westlake Academy open-enrollment charter school from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

d) ***Former Students***

Westlake Academy open-enrollment charter school may disclose directory information about former students without satisfying the public notice conditions above. However, Westlake Academy open-enrollment charter school must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

e) ***Confirmation of Identity or Records***

Westlake Academy open-enrollment charter school may not disclose or confirm directory information without meeting the written consent requirements in 34 CFR 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.

f) ***Designation of Directory Information***

Westlake Academy open-enrollment charter school may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by Westlake Academy open-enrollment charter school Westlake Academy open-enrollment charter school as directory information is excepted from disclosure by Westlake Academy open-enrollment charter school under Government Code Chapter 552.

Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or school publication, if any such purpose has been designated by Westlake Academy open-enrollment charter school, remains otherwise confidential and may not be released under Government Code Chapter 552.

g) ***Student Recruiting Information***

Notwithstanding the provisions of Section 3 (Directory Information) above, upon receipt of assistance under the Elementary and Secondary Education Act of 1965 (ESEA), Westlake Academy open-enrollment charter school shall provide, on a request made by military recruiters

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or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

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

Sec. 175. INFORMATION FROM LAW ENFORCEMENT

a) ***Oral Notice of Arrest or Referral***

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

b) ***Written Notice of Arrest or Referral***

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

c) ***Oral Notice of Conviction or Adjudication***

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

d) ***Notice of Transfer or Reenrollment***

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

A person who receives information described above shall not disclose it except as specifically authorized by Code of Criminal Procedure 15.27.

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Information received by Westlake Academy open-enrollment charter school under this provision shall not be attached to the permanent academic file of the student who is the subject of the report. Westlake Academy open-enrollment charter school shall destroy the information at the end of the academic year in which the report was filed.

e) *Duty to Flag Records*

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in Westlake Academy open-enrollment charter school is missing, Westlake Academy open-enrollment charter school shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, Westlake Academy open-enrollment charter school will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.

i. *Request in Person*

When a request for a flagged record is made in person, Westlake Academy open-enrollment charter school may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;
2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

After providing the information listed above, Westlake Academy open-enrollment charter school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

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ii. *Request in Writing*

When a request for a flagged record is made in writing, Westlake Academy open-enrollment charter school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, Westlake Academy open-enrollment charter school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

iii. *Removal of Flag*

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, Westlake Academy open-enrollment charter school shall remove the flag from the records.

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

Sec. 176. ACCESS TO RECORDS UNDER THE IDEA

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

Sec. 177. DEFINITIONS

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

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

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

"**Board**" means a majority of the Westlake Academy open-enrollment charter school Board of Directors.

"School business day" means a day that campus or Westlake Academy open-enrollment charter school administrative offices are open.

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

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

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

"**Other special education setting**" means a classroom on a separate Westlake Academy open-enrollment charter school campus (*i.e.*, a campus that serves only students who receive special education and related services) in which a majority of the students in regular attendance are provided special education and related services and have one of the following instructional arrangements/settings described in the Student Attendance Accounting Handbook adopted by the TEA:

1. residential care and treatment facility--separate campus; or
2. off home campus--separate campus.

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"**Incident**" means an event or circumstance that involves alleged "abuse" or "neglect," as those terms are described in Texas Family Code §261.001, of a student by a Westlake Academy open-enrollment charter school employee or alleged "physical abuse" or "sexual abuse," as those terms are described in Texas Family Code § 261.410, of a student by another student; and allegedly occurred in a self-contained classroom or other special education setting in which video surveillance is conducted under Texas Education Code §29.022.

Sec. 178. PROMOTION OF STUDENT SAFETY

Westlake Academy open-enrollment charter school will, upon receipt of a written request authorized by this policy, provide equipment, including a video camera, to the school or schools specified in the request

A school or campus that receives equipment due to a video surveillance request shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.

Westlake Academy open-enrollment charter school may not:

1. allow regular or continual monitoring of video recorded under this policy; or
2. use video recorded under this policy for routine teacher evaluation or monitoring or for any purpose other than the promotion of student safety.

Sec. 179. PROCEDURES FOR REQUESTING VIDEO SURVEILLANCE

Video surveillance under this policy is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings.

aa) ***Parent Request***

A parent may request in writing that equipment be provided to the school or campus at which the parent's child receives special education services in one or more self-contained classrooms or other special education settings.

bb) ***Board Request***

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

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cc) ***Principal or Assistant Principal Request***

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

dd)***Staff Member Request***

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

ee) ***Additional Procedures***

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

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

Westlake Academy open-enrollment charter school shall designate an administrator (the "Administrator") at the Westlake Academy open-enrollment charter school Central Office with responsibility for coordinating the provision of equipment to schools and campuses in compliance with this policy.

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

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

Westlake Academy open-enrollment charter school shall provide a response to a request not later than the seventh school business day after receipt of the request by the person to whom it must be

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submitted that either authorizes the request or states the reason for denying the request. Unless granted an extension by the TEA, the school or campus must begin operation of a video camera in compliance with this policy not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized.

A parent of a student whose admission, review, and dismissal ("ARD") committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed to make a request for the video camera by the later of the date on which the current school year ends, or the 10th school business day after the date of the placement determination by the ARD committee. Unless the TEA grants an extension of time, the school or campus must begin operation of a video camera not later than the later of the 10th school day of the fall semester or the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made.

Sec. 180. ADVANCE WRITTEN NOTICE TO CAMPUS STAFF AND PARENTS

Before Westlake Academy open-enrollment charter school activates a video camera in a classroom or other special education setting, Westlake Academy open-enrollment charter school shall provide written notice of the placement to all school or campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting. This notice shall be in the form of a "Notice of Installation of Video and Audio Recording Equipment" form adopted by the Superintendent or designee and shall be distributed to all parties prior to the start of recording.

At Westlake Academy open-enrollment charter school's discretion, campuses may post a notice at the entrance of any self-contained classroom or other special education setting in which video camera are placed stating that video and audio surveillance are conducted in the classroom or setting.

Sec. 181. TIMES OF OPERATION

Cameras shall be operational at all times during the instructional day when students are in the self-contained classroom or other special education setting.

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

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

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

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

Sec. 182. RESTRICTIONS ON VIDEO RECORDING

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

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

Sec. 183. RETENTION OF RECORDINGS

Westlake Academy open-enrollment charter school shall retain video recordings from a video camera placed under this policy for at least three months after the date the video was recorded.

If a person described in Section 8-a (Requests to View a Video Recording) as eligible to receive a copy of a video requests to view a video recording from a video camera placed under this policy, Westlake Academy open-enrollment charter school must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, Westlake Academy open-enrollment charter school shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

A video recording under this policy is a governmental record only for purposes of 37.10, Penal Code.

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Sec. 184. CONFIDENTIALITY OF VIDEO RECORDINGS

A video recording of a student is confidential and may not be released or viewed except as provided by Texas Education Code §29.022; the Family Educational Rights and Privacy Act of 1974 ("FERPA"); or other applicable law.

a) ***Requests to View a Video Recording***

Westlake Academy open-enrollment charter school will release a recording for viewing by:

1. A Westlake Academy open-enrollment charter school employee who is involved in an alleged incident that is documented by the recording and has been reported to , Westlake Academy open-enrollment charter school, on request of the employee;
2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to Westlake Academy open-enrollment charter school, on request of the parent;
3. Appropriate Department of Family and Protective Services ("DFPS") personnel as part of an investigation under Section 261.406, Family Code;
4. A peace officer, a school nurse, a district-level or campus-level administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the Board in response to a report of an alleged incident or an investigation of Westlake Academy open-enrollment charter school personnel or a report of alleged abuse committed by a student; or
5. Appropriate TEA or State Board for Educator Certification personnel or agents as part of an investigation.

A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording is not in violation of this policy.

If a person described by subsections (4) or (5) above who views the video recording believes that the recording documents a possible violation under Subchapter E, Chapter 261, Family Code, the person shall notify the DFPS for investigation in accordance with Family Code § 261.406.

If any person described by subsections (3), (4), or (5) above who views the recording believes that the recording documents a possible violation of Westlake Academy open-enrollment charter school policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of Westlake Academy open-enrollment charter school policy relating to the neglect or abuse of a student may be used as

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part of a disciplinary actions against Westlake Academy open-enrollment charter school personnel and shall be released at the request of the student's parent in a legal proceeding.

If Westlake Academy open-enrollment charter school determines that the recording is an "education record," Westlake Academy open-enrollment charter school shall release the recording in accordance with FERPA. State law does not limit the access of a student's parent to a record regarding the student under FERPA or other law.

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

Sec. 185. PROCEDURES FOR REPORTING A COMPLAINT AND/OR REQUESTING TO VIEW RECORDING

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

Sec. 186. GRIEVANCE PROCEDURES

The special education dispute resolution procedures in 34 C.F.R. §§ 300.151-300.153 and 300.504-300.515, do not apply to complaints alleging that Westlake Academy open-enrollment charter school has failed to comply with Education Code § 29.022. Complaints alleging violations of Westlake Academy open-enrollment charter school's video surveillance obligations for special education settings under Education Code § 29.022 must be addressed through Westlake Academy open-enrollment charter school's Student and Parent Grievance Process (see PG. 126 of policy #6.14), as adopted by the Board.

Westlake Academy open-enrollment charter school, a parent, staff member, or an administrator may request an expedited review by the TEA of Westlake Academy open-enrollment charter school's (1) denial of a request, (2) request for an extension of time to begin operation of a video camera, or (3) determination to not release a video recording to an individual. If Westlake Academy open-enrollment charter school, a parent, staff member or administrator requests an expedited review, the TEA shall notify all other interested parties of the request.

If an expedited review has been requested, the TEA shall issue a preliminary judgment as to whether Westlake Academy open-enrollment charter school is likely to prevail on the issue under

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a full review by the TEA. If the TEA determines Westlake Academy open-enrollment charter school is not likely to prevail, Westlake Academy open-enrollment charter school must fully comply with the policy notwithstanding an appeal of the TEA's decision. The TEA shall notify the requestor and Westlake Academy open-enrollment charter school, if Westlake Academy open-enrollment charter school is not the requestor, of the TEA's determination.

Sec. 187. FUNDING

Westlake Academy open-enrollment charter school may solicit and accept gifts, grants, and donations from any person to implement the requirements in Education Code § 29.022. Westlake Academy open-enrollment charter school is not permitted to use Individuals with Disabilities Education Act, Part B, funds or state special education funds to implement the requirements of Education Code requirements of Education Code § 29.022.

Sec. 188. NO WAIVER OF IMMUNITY

The requirements described by this policy do not:

1. Waive any immunity from liability of Westlake Academy open-enrollment charter school, or of Westlake Academy open-enrollment charter school officers or employees; or
2. Create any liability for a cause of action against Westlake Academy open-enrollment charter school or against Westlake Academy open-enrollment charter school officers or employees.

Sec. 189. COMPLIANCE WITH GENERAL AND FISCAL GUIDELINES

Town of Westlake must comply with the Texas Education Agency General and Fiscal Guidelines.

Sec. 190. CHARGING COSTS TO SPECIAL EDUCATION GRANT

Town of Westlake may charge costs to a special education grant when those costs follow the Town of Westlake's local written procedures for allowability of costs and meet the following criteria:

- Are reasonable for the performance of the special education grant and are allocable under the applicable cost principles;
- Conform to limitations or exclusions set forth in applicable cost principles or the special education grant agreement as to types or amount of costs;
- Are consistent with policies and procedures that apply uniformly to federally or state-funded activities funded from other sources;
- Are accorded consistent treatment among all grant programs, regardless of funding source;

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- Are not included as a cost or used to meet cost-sharing or matching requirements of any other federally or state-funded program in the current or a prior period; and
- Are adequately documented.

Sec. 191. REASONABLE COST

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

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

ff) ***Allocating Costs***

A cost is allocable to the special education grant in accordance with relative benefits received if it is treated consistently with other costs incurred for the same purposes in like circumstance and if it meets the following:

- Is incurred specifically for the grant;
- Benefits both the grant and the other work and can be distributed in reasonable proportion to the benefits received; and
- Is necessary to the overall operation of Town of Westlake and is assignable in part to the special education grant award in accordance with the principles of this framework.

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Board of Trustees

Item # 6 – Presentation & Discussion Items

DISCUSSION REGARDING THE BACK-TO-SCHOOL PLAN FOR THE 2020-2021 ACADEMIC YEAR, INCLUDING UPDATES REGARDING VIRTUAL AND ON-CAMPUS STUDENT INSTRUCTION.

Westlake Academy Board of Trustees

TYPE OF ACTION

Workshop - Discussion Item

Westlake Board Meeting
Monday, October 05, 2020

TOPIC: Discussion regarding the Back-to-School Plan for the 2020-2021 academic year, including updates regarding virtual and on-campus student instruction.

STAFF CONTACT: Amanda Degan, Superintendent

Strategic Alignment

Vision, Value, Mission	Perspective	Curriculum	Outcome Objective
Mission: Westlake Academy is an IB World School whose mission is to provide students with an internationally minded education of the highest quality, so they are well-balanced life-long learners.	**Academic Operations**	**PYP / MYP / DP**	**Optimize Student Potential**
Strategic Initiative			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: **October 5, 2020** **Completion Date:** **June 1, 2021**

Funding Amount: **N/A** **Status** - **N/A** **Source** - **N/A**

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

Staff will discuss the Back-to-School Plan for the 2020-2021 academic year, including updates regarding virtual and on-campus student instruction.

RECOMMENDATION

Staff will be available to present updates and answer questions.

ATTACHMENTS

N/A

Board of Trustees

Item # 7 – Future Agenda Items

Any Board member may request at a workshop and / or Board meeting, under "Future Agenda Item Requests", an agenda item for a future Board meeting. The Board Member making the request will contact the Superintendent with the requested item and the Superintendent will list it on the agenda. At the meeting, the requesting Board Member will explain the item, the need for Board discussion of the item, the item's relationship to the Board's strategic priorities, and the amount of estimated staff time necessary to prepare for Board discussion. If the requesting Board Member receives a second, the Superintendent will place the item on the Board agenda calendar allowing for adequate time for staff preparation on the agenda item.

Board of Trustees

Item # 8 – Board Recap/ Staff Direction

Board of Trustees

Item # 9 – Adjournment