Module 400: Students

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

- Module 100: Financial Operations
- Module 200: Charter School Governance & Organization
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400.020. ADMISSIONS & ENROLLMENT
The governing body ("Board") of RAPOPORT ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Admissions

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

Section 1.2. Admission Application Deadline. RAPOPORT ACADEMY’s admission application period is from February 1 through April 1 for the April 15th lottery draw. Applications are accepted year-round to be placed on the waiting list.

Section 1.3. Non-resident Transfer Students. Students who reside outside RAPOPORT ACADEMY’s approved, geographic boundaries may be admitted once all eligible, resident students who submitted a timely application are enrolled.

Section 1.4. Exclusion from Admission. RAPOPORT ACADEMY reserves the right to exclude from admission a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under the Education Code, Chapter 37, Subchapter A.

SECTION 2. Enrollment

Section 2.1. Eligibility. The Superintendent shall establish procedures that ensure that appropriate measures are taken to verify, on enrollment, that a student is entitled to enroll in RAPOPORT ACADEMY. Areas to be verified include, but are not limited to, a student’s residency and grade level.

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

Section 2.3. Residency Qualifying for Enrollment. The Superintendent shall ensure upon enrollment that:

- the student and either parent reside within the geographic boundary stated in the charter;
- the student does not reside within the geographic boundary stated in the charter but has a parent who does and that parent is a joint or the sole managing conservator or possessory conservator of the student;
- the student and the student’s guardian or other person having lawful control of the person under a court order reside within the geographic boundary stated in the charter;
- the student has established a separate residence under the TEC, §25.001(d), the
person’s presence within the boundary is not for the primary purpose of participation in extracurricular activities, and the person has not engaged in conduct for which exclusion permitted and deemed warranted by the Superintendent;

• the student is homeless, regardless of the residence of the student, of either parent, or of the person’s guardian or other person having lawful control of the person;
• the student is a foreign exchange student placed with a family that resides within the geographic boundary stated in the charter by a nationally recognized foreign exchange program;
• the student resides at a residential facility that is located within the geographic boundary stated in the charter;
• the student resides within the geographic boundary stated in the charter and either is 18 years old or older or has had the disabilities of minority removed;
• the student does not reside within the geographic boundary stated in the charter but has a grandparent who does and who provides a substantial amount of after-school care for the student; or
• the student is placed in foster care by an agency of the state or a political subdivision, and person’s foster parents reside within the geographic boundary stated in the charter.

Section 2.4. Establishing Residency. The Superintendent may make reasonable inquiries to determine whether a student qualifies as a resident for purposes of enrollment. The Superintendent may request utility bill, receipts, lease information and other items verifying that the applicable residence is within the boundary stated in the charter.

SECTION 3. State Conservatorship Liaison

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

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

SECTION 4. Equal Educational Opportunity

The governing body (“Board”) of RAPOPORT ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 4.1. Policy of Equal Opportunity. No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination, harassment or retaliation in any RAPOPORT ACADEMY program on the basis of age; race, color, or national origin; sex, gender,

1 Unless the governing board has applied for and been granted a waiver by the commissioner under the TEC, §25.001(e).
or gender identity; or disability, or relationship or association with an individual with a
disability; or any other basis protected by law.

Section 4.2. Discrimination Prohibited. Each employee, officer and Board member of
RAPOPORT ACADEMY shall comply with the Age Discrimination Act of 1975, 42 U.S.C. 6101

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

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

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

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

Section 4.5. Coordinator. RAPOPORT ACADEMY has designated a Title IX coordinator for
students to coordinate its efforts to comply with Title IX of the Education Amendments of
1972, as amended. Contact information for the Title IX coordinator can be found at
www.rapoportacademy.com or by calling (254) 754-8000.

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

a. This coordinator, and any other counselors or staff who are responsible for receiving
and responding to complaints of sexual violence, including investigators and hearing
board members, will receive appropriate training about working with LGBT and
gender nonconforming students and same-sex sexual violence
Section 4.6. Investigation of Complaints:

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

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

c. Conduct. For more information regarding prohibited behavior, see RAPOPORT ACADEMY’s Student Code of Conduct.

SECTION 5. Sex Discrimination in Education Programs

The governing body (“Board”) of RAPOPORT ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

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

Section 5.1 Dissemination of Nondiscrimination Policy

RAPOPORT ACADEMY will include the following nondiscrimination policy on the school’s webpage; all application and recruitment materials, including newspaper ads and flyers; and in the student, and parent handbooks:

a. Nondiscrimination Policy: RAPOPORT ACADEMY does not discriminate in its admission decisions on the basis of age; race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law in the educational program or activity which it operates. RAPOPORT ACADEMY’s Title IX Coordinator can be contacted at (254) 754-8000.

Section 5.2. Recruitment Training

All members of RAPOPORT ACADEMY human resources team, hiring staff, and Superintendent will be trained on the nondiscrimination policy.

Section 5.3. No Separate Education Programs. Except as expressly provided below, RAPOPORT ACADEMY does not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.
Section 5.4. Single-Sex Classes and Extracurricular Activities. RAPPORT ACADEMY does not, on the basis of sex, exclude any student from admission to a school or program unless it otherwise makes available to the student, pursuant to the same policies and criteria of admission, comparable courses, services, and facilities.

Section 5.5. Specific Circumstances.

a. RAPPORT ACADEMY will treat all students equally in all areas of education programming, including students that do not conform to stereotypes, treating transgender students consistent with their gender identity in all aspects of the student’s education, not considering marital or pregnancy status of a student, as required by Title IX.

b. Gender Specific Programs and Classes. RAPPORT ACADEMY may separate students by sex or gender for portions of classes that deal exclusively with human sexuality.
INTRODUCTION

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

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

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

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

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

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

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For questions concerning the Model Board Policies for Charter Schools contact:

Christine Nishimura, Texas Charter Schools Association
cnishimura@txcharterschools.org
512.584.8272
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400.020. ADMISSIONS & ENROLLMENT

A. Admissions

1. Application
   Students wanting to attend an open-enrollment charter school must submit an applica-
   tion by a reasonable deadline set by the charter holder.


2. Admission and Enrollment

   a. The governing body of a charter holder must adopt a student admission and
      enrollment policy that prohibits: discrimination on the basis of sex, gender and
      gender identity; national origin; ethnicity; religion; disability; academic, artistic, or
      athletic ability; or the district the child would otherwise attend under state law.


3. Audition for Performing Arts School
   The governing body of a charter holder that operates a school specializing in perfor-
   mance arts may adopt an admission policy that requires a student to demonstrate an
   interest or ability in the performing arts or to audition for admission to the school.


4. Exclusion from Admission
   Each open-enrollment charter shall also state if a student will be excluded from
   admission on the basis of a documented history of a criminal offense, a juvenile
   court adjudication, or discipline problems under the Education Code, Chapter 37,
   Subchapter A.


5. Acceptance Procedure
   If a school receives more applications that it has spaces available, then the charter
   school must either:

   a. Admit students in the order the applications were received; or

   i. This option may only be utilized if the school published a notice of the
      application deadline in a newspaper of general circulation in the community
      in which the school is located. The notice must be published not later than
      seven calendar days before the application deadline and must include the
      date of the application deadline.
b. Conduct a random lottery

i. For any school currently receiving federal start up funding through the Charter Schools Program of the U.S. Department of Education, a random lottery is mandatory.

(1) Students who are exempted from the lottery include:

(a) Students who are enrolled in a public school at the time it is converted into a public charter school;

(b) Students who are eligible to attend, and are living in the attendance area of, a public school at the time it is converted into a public charter school;

(c) Siblings of students already admitted to or attending the same charter school;

(d) Children of a charter school's founders, teachers, and staff (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment); and

(e) Children of employees in a work-site charter school (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment).


6. Residency

a. Subject to maximum enrollment and grade levels approved in the open-enrollment charter, the governing body or its designee shall admit into the open-enrollment charter school free of tuition all persons eligible under the admission and enrollment policy adopted by the charter holder if any of the following conditions exist:

i. The person and either parent reside within the geographic boundary stated in the charter.

ii. The person does not reside within the geographic boundary stated in the charter, but one of the parents resides within the boundary and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person.

iii. The person and his or her guardian or other person having lawful control under an order of a court reside within the boundary stated in the charter.
iv. The person is under the age of 18 and has established a separate residence within the boundary stated in the charter apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the person’s presence within the boundary is not for the primary purpose of participation in extracurricular activities. Irrespective of whether the charter provides for exclusions under Section 12.111(a)(6)(A), the governing body is not required to admit such person, however, if the person has:

(1) Engaged in conduct that resulted in removal to a disciplinary alternative education program or expulsion within the preceding year;

(2) Engaged in delinquent conduct or “conduct in need of supervision” and is on probation or other conditional release for that conduct; or

(3) Been convicted of a criminal offense and is on probation or other conditional release.

v. The person is a homeless child.

(1) A child is “homeless,” under the McKinney-Vento Homeless Education Act, if the child lacks a fixed, regular, and adequate nighttime residence. This includes:

(a) Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(b) Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(c) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;

(d) Children who are, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work and has moved from one school district to another or resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.
(2) A child is homeless, under state law, regardless of the residence of the child, either parent, or the child’s guardian or other person having lawful control, if:

(a) The child lacks a fixed, regular, and adequate nighttime residence; or

(b) The child has a primary nighttime residence in a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

vi. The person is a foreign exchange student placed with a host family that resides within the geographic boundary stated in the charter by a nationally recognized foreign exchange program, unless the governing board has applied for and been granted a waiver by the Commissioner.

vii. The person resides at a residential facility, as defined in Education Code 5.001, located within the geographic boundary stated in the charter. For purposes of enrollment, a person who resides in a residential facility is considered a resident of the school district in which the facility is located. Education Code 25.001(b)(7), 29.012(c)

viii. The person resides within the geographic boundary stated in the charter and is 18 or older or the person’s disabilities of minority have been removed. Education Code 25.001(b)(8)

ix. The person does not reside within the geographic boundary stated in the charter but the grandparent of the person:

(a) Resides within the boundary; and

(b) Provides a substantial amount of after-school care for the person as determined by the Board.

(c) Education Code 25.001(b)(9)


x. The person is placed in foster care by an agency of the state or a political subdivision, and person’s foster parents reside within the geographic boundary stated in the charter. A student enrolled in a primary or secondary public school who is placed in the conservatorship of the Department of Family and Protective Services and at a residence outside the attendance area for a school or outside
the geographic boundary stated in the charter is entitled to continue to attend
the school in which the student was enrolled immediately before entering
conservatorship until the student successfully completes the highest grade
level offered by the school at the time of placement without payment of tuition.

*Tex. Educ. Code §§12.106(c), 25.001(f) and (g); Tex. Educ. Agency, Student Attendance
Accounting Handbook, §3.3.6 (2014-2015).*

b. Proof of Residency

i. The governing body may require evidence that a person is eligible to attend
   the charter school at the time it considers an application for admission of the
   person.

ii. The governing body or its designee shall establish minimum proof of residency
    acceptable to the charter school. Examples of methods of verifying residency
    include requesting utility bill receipts or lease information or verifying with
    designated personnel that the applicable residence is within the geographic
    boundary stated in the charter.

iii. The governing body or its designee may make reasonable inquiries to verify
    a person’s eligibility for admission.

iv. When admission is sought under item (a)(iv) above, the governing shall
determine whether an applicant resides within the geographic boundary
stated in the charter and may adopt reasonable guidelines for making that
determination as necessary to protect the best interest of students.

*Tex. Educ. Code § 25.001(c) and (d); Tex. Educ. Agency, Student Attendance Accounting
Handbook, §3.3.1(2014-2015).*

A charter school may withdraw any student who ceases to be a resident.

*Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)*

B. Enrollment

1. A charter school’s policy should include measures to verify, on enrollment, that a
   student is entitled to enroll in the charter school.


2. Required Documents for Enrollment

   a. Birth certificate or another document suitable as proof of the child’s identity;

      i. Identification is required within 30 days of a child’s enrollment; however,
         children shall not be denied enrollment or be removed solely because they fail
to meet this requirement.

ii. Other documents, besides a birth certificate that are acceptable for proof of identification include:

(1) Driver’s license;

(2) Passport;

(3) School ID card, records, or report card;

(4) Military ID;

(5) Hospital birth record;

(6) Adoption records;

(7) Church baptismal record; or

(8) Any other legal document that establishes identity

b. The child’s records from the school most recently attended, if the child has previously been enrolled in another school; and

c. Immunization records


3. Food Allergy Information

a. Definition of “severe food allergy”: a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

b. On enrollment of a child in a public school, a school district shall request, by providing a form or otherwise, that a parent or other person with legal control of the child under court order:

i. disclose whether the child has a food allergy or a severe food allergy that, in the judgment of the parent or other person with legal control, should be disclosed to the district to enable the district to take any necessary precautions regarding the child’s safety; and

ii. specify the food to which the child is allergic and the nature of the allergic reaction.
c. A school district shall maintain the confidentiality of information provided under this section, and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with district policy under Section 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974.

d. Except as provided by Subsections (e) and (f), information regarding a child’s food allergy, regardless of how it is received by the school or school district, shall be retained in the child’s student records but may not be placed in the health record maintained for the child by the school district.

e. If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the school district.

f. A registered nurse may enter appropriate notes about a child’s possible food allergy in the health record maintained for the child by the school district, including a notation that the child’s student records indicate that a parent has notified the school district of the child’s possible food allergy.


4. Maximum Enrollment
   The total number of students enrolled shall not exceed the maximum number of approved students in the charter.

5. Transfer Enrollment
   Students who reside outside the geographic boundaries approved for the charter school may be admitted once all eligible resident applicants who submitted a timely application are enrolled. Then, only if the terms of the open-enrollment charter permit, the charter may admit non-resident transfer students.

19 Tex. Admin. Code §100.1207(f).

6. Discrepancies in Student’s Name
   If a child is enrolled under a name other than the child’s name as it appears in the identifying documents or records, the charter school must notify the Missing Children and Missing Persons Information Clearinghouse at (800) 346-3243. If a student’s records have not been received within 30 days of a request, making this comparison impossible, the charter school must notify the municipal police or sheriff department of the county for a determination of whether the child has been reported missing.


7. Undocumented Students
   Enrollment may not be denied to children who are not legally admitted into the United States.
8. Notice of Teacher Qualifications
   a. Each open-enrollment charter school shall provide a written notice of the qualifications of each teacher employed by the school to each parent/guardian of each student enrolled in the school.


9. 2013 State Conservatorship Liaison
   A charter school must appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school district or open-enrollment charter school of a child in the geographic area served by the open-enrollment charter school who is in the conservatorship of the state. The open-enrollment charter school must submit the name and contact information of the liaison in a format and schedule to be determined by the commissioner.

10. Continued Enrollment of a Student in the Conservatorship of the State
    A student who is placed in the conservatorship of the Department of Family and Protective Services and at a residence outside the geographic boundary served by the charter school shall be entitled to continue to attend the charter school until the student successfully completes the highest grade level offered by the charter school.

   *Tex. Educ. Code §25.001(g)*

C. Equal Opportunity

1. Equal Opportunity
   An educational institution undertaking to provide education, services, or activities to any individual within the jurisdiction or geographical boundaries of the educational institution shall provide equal opportunities to all individuals within its jurisdiction or geographical boundaries pursuant to the Texas Education Code.

   *Tex. Educ. Code §1.002(a).*

   a. Public Charter School

   *20 U.S. Code § 7221i(1)(G).*
b. Non-Charter Operations
Under the Civil Rights Restoration Act of 1987 ("CRRA"), the Age Act, Title VI, Title IX and Section 504 apply to "all of the operations of" the entire corporation or other legal entity that is "principally engaged in the business of providing education, health care, housing, social services, or parks and recreation" any part of which receives federal funds.


2. Nondiscrimination

a. The governing body of a charter holder must adopt a nondiscrimination policy that prohibits a person from being excluded from participation in, denied the benefits of, or subjected to discrimination, harassment or retaliation by any charter school on the basis of age, race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability.

b. The governing body of a charter holder must adopt a policy that prohibits discrimination, including harassment or retaliation, against any student on the basis of age, race, color, ancestry, national origin, gender, handicap or disability, marital status, religion, veteran status, political affiliation, sexual orientation, gender identity, and/or gender expression, or on any other basis prohibited by law.

c. Each open-enrollment charter school is prohibited from adopting any practices that would result in any discrimination, including disparate treatment, desperate impact, and retaliation.


i. Disparate Treatment

(1) Disparate treatment (intentional discrimination) occurs when members of a protected group have been denied the same promotion, membership, or other admission opportunities as have been available to other applicants.

29 C.F.R. 1607.11

ii. Disparate Impact

(1) Under the disparate impact theory, a recipient violates the law by using
a neutral procedure or practice that has a disparate impact on protected individuals, and such practice lacks a substantial legitimate justification.

(2) Under the disparate impact theory, a recipient violates agency regulations by using a neutral procedure or practice that has a disparate impact on protected individuals, and such practice lacks a substantial legitimate justification.

28 C.F.R. §§ 35.130(b)(3)(i), (iii); 28 C.F.R. § 42.104(b)(2) (Title VI); 34 C.F.R. §§ 106.21(b)(2) (Title IX, Admissions) 106.36(b), (Title IX, Appraisal and Counseling), 106.36(c), (Title IX, Disproportion in Classes), 106.52, (Title IX, Employment Criteria).

iii. Retaliation

(1) Title IX and Title VI regulations provide that "[n]o recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by these titles, or because a person has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this subpart."

(2) The charter school shall not coerce, intimidate, threaten, retaliate against, or interfere with any person who attempts to assert a right protected by the civil rights laws or cooperates with investigation and enforcement proceedings under these laws.

(3) The merits of any underlying complaint of sex discrimination are irrelevant in assessing a retaliation complaint. The prohibited conduct is the act of retaliation itself.

Benson v. Little Rock Hilton Inn, 742 F.2d 414, 416-17 (8th Cir. 1984); 28 C.F.R. §42.107(e) (Title VI);

d. Special Education

An educational institution may not deny services to any individual eligible to participate in a special education program as provided by Section 29.003, but the educational institution shall provide individuals with disabilities special educational services as authorized by law or, where expressly authorized, assist in and contribute toward the provision of appropriate special educational services in cooperation with other educational institutions and other appropriate agencies, institutions, or departments.


3. Dissemination of Policy

Each open-enrollment charter school must adopt and implement a policy to continually notify applicants for admission, students and parents of elementary and secondary
school students, sources of referral of applicants for admission, and all professional organizations holding professional agreements with the charter holder, that the charter holder does not discriminate on the basis of age; race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law in the educational program or activity which it operates.

All notifications must contain information, and be made in such manner, as necessary to inform such persons of the protections against discrimination assured to them by Title IX, Age Discrimination Act, ADA, and Section 504. The notice must state that the nondiscrimination policy in the education program or activity extends to admissions, and that inquiries concerning the application of Title IX, Age Discrimination Act, ADA, and Section 504 to an individual may be referred to the Title IX Coordinator designated pursuant to §106.8.

Each open-enrollment charter school must prominently include a statement of the policy in each announcement, bulletin, catalog, or application form which it makes available to any person in connection with the recruitment of students.

Each charter-holder must inform all recruitment representatives of the school’s nondiscrimination policy and require each representative to follow the policy by distributing all publications without discrimination on the basis of sex.

34 C.F.R. § 106.9 (“Title IX”); 34 C.F.R. 104.8 (“Section 504”); 28 C.F.R. 35.106 (“ADA”).

D. Sex Discrimination in Education Programs

1. Non-Discrimination on the Basis of Sex

No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by any charter school receiving federal financial assistance.

The charter holder shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, gender or gender identity, or require or refuse participation therein on the basis of sex, gender or gender identity, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

All students, including students that do not conform to stereotypes, are protected from sex-based or gender-based discrimination under Title IX.


34 CFR §106.34; U.S. Department of Education Office for Civil Rights, Dear Colleague Letter on Transgender Students (May 13, 2016); U.S. Department of Education Office for Civil Rights, Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and
2. Pregnancy and Marital Status
A charter school shall not apply any rule concerning a student’s actual or potential parental, family, or marital status that treats students differently on the basis of sex.

34 CFR §106.40

3. Classes

a. Single-Sex Classes and Extracurricular Activities
The charter school shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by the charter school unless the school otherwise makes available to the student, pursuant to the same policies and criteria of admission, comparable courses, services, and facilities. Each open-enrollment charter school must treat students consistent with their gender identity in all aspects of the planning, implementation, enrollment, operation, and evaluation of single-sex classes.

34 CFR §106.34

b. Access to Institutions of Vocational Education
A charter school shall not, on the basis of sex, exclude any person from admission to any institution of vocational education operated by the charter school.

34 CFR §106.35

c. Human Sexuality Classes
Portions of classes in elementary and secondary school that deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

d. Vocal Range or Quality
A charter school may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

34 CFR §106.34

e. Physical Education Classes
A charter school may group students in physical education classes and athletic activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

34 CFR §106.34

f. Skills Assessment
Where use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, a charter school shall use appropriate standards that do not have such effect.

34 CFR §106.43

4. Athletics and Sports

a. Contact Sports
A charter school may separate students by sex within physical education classes or athletic activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports where the purpose or major activity of which involves bodily contact.

34 CFR §106.34

b. Athletics
No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a charter school, and no charter school shall provide any such athletics separately on such basis.

c. Separate Teams
A charter school may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a charter school operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.

d. Equal Athletic Opportunities
A charter school that operates or sponsors interscholastic or intramural athletics shall provide equal athletic opportunity for members of both sexes. The U.S. Department of Education Office for Civil Rights will consider the following factors in determining whether a charter school provides equal athletic opportunities:

i. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

ii. Provision of equipment and supplies;

iii. Scheduling of games and practice time;

iv. Travel and per diem allowance;
v. Opportunity to receive coaching and academic tutoring;

vi. Assignment and compensation of coaches and tutors;

vii. Provision of locker rooms and practice and competitive facilities;

viii. Provision of medical and training facilities and services;

ix. Provision of housing and dining facilities and services; and

x. Publicity.

34 CFR §106.41

5. Substantially Equal Factors.
Factors the U.S. Department of Education Office for Civil Rights will consider, either individually or in the aggregate as appropriate, in determining whether classes are substantially equal include, but are not limited to, the following: The policies and criteria of admission, the educational benefits provided, including the quality, range, and content of curriculum and other services and the quality and availability of books, instructional materials, and technology, the quality and range of extracurricular offerings, the qualifications of faculty and staff, geographic accessibility, the quality, accessibility, and availability of facilities and resources, and intangible features, such as reputation of faculty.

34 CFR §106.34
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lgordon@txcharterschools.org
512.584.8272
**Module 400: Students**

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

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400.030. STUDENT TRANSPORTATION

A. General Rule
An open-enrollment charter school is required to provide transportation only to the same extent as required by law of a school district. Tex. Educ. Code §12.109. Therefore, like school districts, charter schools may receive a transportation allotment for electing to provide certain transportation services and must provide transportation services to homeless students and to students with disabilities as provided below.

B. Discretionary Transportation Services
An open-enrollment charter school may receive an allotment from the State of Texas for electing to provide transportation to and from school to students who live two or more miles from the campus. Tex. Educ. Code §12.109; Tex. Educ. Code §42.155. An open-enrollment charter school may also receive an allotment from the State of Texas for electing to provide public transportation passes or cards to students for transportation to and from school. Student Transportation Allotment Handbook.

C. Required Transportation Services
1. Homeless Students: Upon the request of the student’s parent/guardian or homeless liaison, an open-enrollment charter school must provide transportation to and from school to a homeless student for whom the charter school is the student’s school of origin, regardless of whether the charter school provides transportation to other students. http://www2.ed.gov/policy/gen/leg/recovery/guidance/homeless.pdf. Additionally, homeless students must be provided services comparable to those offered to other students in the school, including transportation services. 42 U.S.C. § 11432(g)(4)(A).

2. Special Education Students: Open-enrollment charter schools must provide transportation services to any student for whom the student’s ARD committee has determined that transportation is a related service. 34 CFR §300.34(c)(16). Transportation for students with disabilities can include travel to and from school and between schools; travel in and around school buildings; and specialized equipment such as special or adapted buses, lifts, and ramps. A child’s ARD committee is responsible for determining both if transportation is required to assist a child with a disability to benefit from special education and related services, and how the transportation services should be implemented.
TCSA Model Board Policy Series

400.030. Student Transportation

Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL
Module 400: Students

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400.030 Student Transportation
The governing body (“Board”) of RAPOPORT ACADEMY PUBLIC SCHOOL adopts the following policy which shall be effective on the date approved by the Board.

Section 1. Transportation to and from School
It is the policy of RAPOPORT ACADEMY PUBLIC SCHOOL not to provide direct transportation services to and from school for all students.

Section 2. Transportation of Homeless Students and Students Receiving Special Education Services
The RAPOPORT ACADEMY PUBLIC SCHOOL shall provide appropriate transportation services to any eligible homeless student and to any student with a disability whose ARD committee determines that the student needs transportation as a related service.
TCSA Model Board Policy Series

400.040. Tuition, Attendance & Fees

Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL
Module 400: Students

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400.040. ATTENDANCE
The governing body (“Board”) of RAPOPORT ACADEMY PUBLIC SCHOOL adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Compliance
The Superintendent shall ensure RAPOPORT ACADEMY PUBLIC SCHOOL’s student attendance accounting system is in compliance with all laws, regulations, and Texas Education Agency rules governing attendance. The Superintendent shall ensure that attendance policies are distributed to staff, students, and parents/guardians.

Section 2. Documented Absences

Section 2.1. Leaving Campus During School Hours. A student younger than 18 years old must have prior, written parent or guardian approval, before that student may leave the school campus during school hours.

Section 2.2. Absences. A student absent from school for any portion of the day, upon his or her return, must provide a written note to the school that explains the absence. The note must either be signed by a parent, guardian, or the student if the student is 18 years old or emancipated.

Section 2.3. Absences for College Visits. Students may be excused up to two absences in their junior year and two absences in their senior year when visiting an accredited institution of higher education for the purpose of determining their interest in attending that institution. Upon return to school, a student shall provide a note similar to the note provided in Section 2.2 of this policy, along with documentation indicating that the student indeed visited the institution.

Section 3. Warning Notice
The Dean of Student of each campus shall ensure that at the beginning of each school year the parents of students of RAPOPORT ACADEMY PUBLIC SCHOOL receive notice that they are subject to prosecution and the student is subject to referral to truancy court for violation of attendance laws.
TCSA Model Board Policy Series

400.040. Tuition, Attendance & Fees
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400.040. TUITION, ATTENDANCE, & FEES

A. Tuition
An open-enrollment charter school may not charge tuition to an eligible student who applies under the admissions process stated in the Education Code §12.117.

*Tex. Educ. Code §12.108(a).*

1. An open-enrollment charter school shall accept tuition for a student who is required as a condition of their United States student visa to pay tuition to a school district or open-enrollment charter school.

2. The tuition charged shall be in an amount equal to the full unsubsidized per capita cost of providing the student’s education for the period of the student’s attendance at the charter school and may not exceed the tuition limits established by the Texas Education Agency.

*Tex. Educ. Code §25.0031*

B. Compulsory Attendance
1. A child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in 1st grade, and who has not yet reached his/her 19th birthday shall attend school.

*Tex. Educ. Code §12.104(b)(1); Tex. Educ. Code §25.085(b); 84th Leg., R.S. HB 2398*

2. At the beginning of the school year, an open-enrollment charter school shall notify a student’s parent in writing that if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year, the student’s parents is subject to prosecution and the student is subject to referral to truancy court.

3. An open-enrollment charter school shall notify a student’s parent if the student has been absent from school, without excuse on three days or parts of days within a four-week period.

*Tex. Educ. Code §25.095(a) and (b); 84th Leg., R.S. HB 2398*

4. An open-enrollment charter school may not refer a student to truancy court, if the truancy is the result of pregnancy, being in the state foster care program, homelessness, or being the principal income earner for the student’s family.

*Tex. Educ. Code § 25.0915(a-3); 84th Leg., R.S. HB 2398*

C. Requirements for a Student Being Considered Present for Funding Purposes
1. A student not present on campus at the time attendance is taken may be considered in attendance for funding purposes if the student:
a. Is enrolled in and attending an off-campus dual credit program course;

b. Is participating in an activity approved by the charter school’s board and is under the direction of a professional staff member or an adjunct staff member of the charter school;

   i. The adjunct staff member must have a minimum of a bachelor’s degree and be eligible for participation in the Teacher Retirement System.

c. Participating in a mentorship approved by charter school personnel to serve as one or more of the advanced measures needed to complete the Distinguished Achievement Program outlined in 19 TAC §74.13(a)(3);

d. Is a Medicaid-eligible child participating in the Early and Periodic Screening, Diagnosis, and Treatment programs implemented by the Texas Health and Human Services Commission;

e. Misses school for the purposes of observing religious holy days, including up to one traveling day to and one travel day from the site;

f. Is in grades 6 through 12 and miss school for the purpose of sounding “Taps” at a military honors funeral held in Texas for a deceased veteran;

g. Misses school for the purpose of attending a required court appearance, including one day for travel to and one day for travel from the site;

h. Misses school for the purpose of serving as an election clerk, including one day for travel to and one day for travel from the site;

i. Misses school for the purpose of appearing at a governmental office to complete paperwork required in connection with the student’s application for United States citizenship, including one day for travel to and one day for travel from the site;

j. Misses school for the purpose of taking part in a United States naturalization oath ceremony, including one day for travel to and one day for travel from the site;

k. Is temporarily absent because of a documented appointment with a health care professional;

l. Is in his or her junior year of high school and misses school for the purpose of visiting an institution of higher education accredited by a generally recognized accrediting organization. The absence must be to determine the student’s interest in attending the institution.

   i. Only two days during a student’s junior year and two days during a student’s senior year may be excused.
ii. The open-enrollment charter school must adopt a policy stating when an absence will be excused for this purpose and a procedure for verifying students' visits to institutions of higher education.

2. Before a charter school may count a student in attendance under this section or in attendance when the student was allowed to leave campus during the school day, the charter school must adopt a policy addressing parental consent for a student to leave campus. The policy must be distributed to staff and to all parents of students in the charter school.

D. Excused Absences

1. A student shall be excused for temporary absence resulting from any cause acceptable to the student’s teacher, principal, or superintendent of the school where the student is enrolled.


E. School Attendance Officer

1. The governing body of an open-enrollment charter school may select a school attendance officer who may be compensated from the school’s funds.

2. If the open-enrollment charter school does not select an attendance officer the duties of attendance officer shall be performed by the peace officers of the county in which the school is located. Additional compensation may not be paid for services performed by the peace officers.


F. Fees

The governing body of an open-enrollment charter school may require a student to pay any fee listed in the *Education Code §11.158(a).* However, the board is prohibited from charging a fee for items listed in the *Education Code §11.158(b).*

TCSA Model Board Policy Series

400.060. FERPA

Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL
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400.060. FERPA
The governing body (“Board”) of RAPOPORT ACADEMY PUBLIC SCHOOL adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Compliance
In regards to student records, RAPOPORT ACADEMY PUBLIC SCHOOL shall comply with the Family Educational Rights and Privacy Act (“FERPA”).

Section 2. Custodian of Records
The Superintendent is designated the custodian of all student records. The Dean of Academics of each school is designated as an agent of the Superintendent for the purposes of the receipt of requests concerning the disclosure of student records.

Section 3. Annual Notice
The Superintendent shall ensure that all parents of students currently in attendance and current students who have reached 18 years of age annually receive a notice of their rights under FERPA.

Section 4. Directory Information

Section 4.1. Definition. Directory information is the following: (1) student’s name, (2) address, (3) telephone number, (4) date and place of birth, (5) photograph, (6) electronic mail address, (7) participation in officially recognized activities and sports, (8) weight and height of members of athletic teams, (9) dates of attendance, (10) awards received, (11) the most recent school attended by the student, (12) grade level, (13) enrollment status, (14) and other similar information.

Section 4.2. Disclosure. Directory information will be released to the public at the discretion of RAPOPORT ACADEMY PUBLIC SCHOOL, in compliance with FERPA, unless a parent or student over 17 years old objects to part or all of its release in writing within 10 school days after receiving the annual notice described in Section 3 of this policy. Written objections shall be collected and maintained by the principal.
NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS

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

1. The right to inspect and review the student's education records within 45 days after the day the [Name of school (“School”)] receives a request for access.

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

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

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

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

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
[Optional] Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

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

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

The following is directory information: (1) student’s name, (2) address, (3) telephone number, (4) date and place of birth, (5) photograph, (6) electronic mail address, (7) participation in officially recognized activities and sports, (8) weight and height of members of athletic teams, (9) dates of attendance, (10) awards received, (11) the most recent school attended by the student, (12) grade level, (13) enrollment status, (14) and other similar information.

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

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))

- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities,
such as the State educational agency in the parent or eligible student’s State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))

- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))

- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))

- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))

- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))

- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))

- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))

- Information the school has designated as “directory information” under §99.37. (§99.31(a)(11))
INTRODUCTION

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Lindsey Gordon, Texas Charter Schools Association
lgordon@txcharterschools.org
512.584.8272
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400.060. FERPA

A. Applicability
The Family Educational Rights and Privacy Act ("FERPA") applies to a school that has received funds under any program under the United States Department of Education ("DOE").

34 C.F.R. §99.1

B. Definitions
1. Biometric record
   A record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include: fingerprints, facial characteristics, and handwriting.

2. Directory Information
   Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to:
   a. The student’s name;
   b. Address;
   c. Telephone listing;
   d. Electronic mail address;
   e. Photograph;
   f. Date and place of birth;
   g. Major field of study;
   h. Grade level;
   i. Enrollment status;
   j. Dates of attendance;
   k. Participation in officially recognized activities and sports;
   l. Weight and height of members of athletic teams;
   m. Degrees, honors, and awards received;
   n. The most recent school attended; and
o. A student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if it cannot be used to gain access to education records except when used with one or more factors that authenticate the user’s identify, such as a password, known only by the authorized user.

p. Directory information does not include a student’s social security number.

3. Education Records

a. Education records are those records that are:

i. Directly related to the student; and

ii. Maintained by the school or by a party acting for the school.

b. Education records are not:

i. Records created or received by a 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

ii. Grades on peer-graded papers before they are collected and recorded by a teacher.

4. Eligible Student

An eligible student is one who has reached 18 years of age or is attending an institution of postsecondary education.

5. Parent

Parent means a parent of the student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent of a guardian.

6. Personally Identifiable Information includes, but is not limited to:

a. The student’s name;

b. The name of the student’s parent or other family members;

c. The address of the student or student’s family;

d. Personal identifier, such as the student’s social security number, student number, or biometric record;

e. Indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
f. 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 to identify the student with reasonable certainty; or

g. Information requested by a person who the school reasonably believes knows the identity of the student to whom the education record relates.

34 C.F.R. §99.3.

C. Parents’ Access to Student Records
A parent has the right to inspect and review the student’s records unless the school has been provided with evidence that there is a court order, a statute, or legally binding document that revokes these rights.

34 C.F.R. §99.4.

D. Students’ Access to Student Records
When the student becomes 18 years old or is attending an institution of postsecondary education, the rights afforded to parents transfer to the student.

34 C.F.R. §99.5.

E. Annual Notification
1. A school must annually notify parents of students currently in attendance, or eligible students currently in attendance, that they have the right to:

   a. Inspect and review the student’s education records;

   b. 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;

   c. Consent to disclosures of personally identifiable information;

   d. File with the DOE a complaint concerning alleged failures by the school to comply with FERPA;

2. The notice must include:

   a. The procedure for exercising the right to inspect and review education records;

   b. The procedure for requesting an amendment of the records;

   c. If the school has a policy of disclosing education records under §99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

3. The school must effectively notify parents or eligible students who are disabled and/or
who have a primary or home language other than English.

34 C.F.R. §99.7

F. Prior Consent Required
1. The parent or eligible student must provide signed and dated written consent before a school may disclose personally identifiable information from the student’s education records, except as provided in 34 C.F.R. §99.31, noted in Section G below.

2. The written consent must:
   a. Specify the records that may be disclosed;
   b. State the purpose of the disclosure; and
   c. Identify the party or class of parties to whom the disclosure may be made.

34 C.F.R. §99.30.

G. Prior Consent Not Required
1. A school may disclose personally identifiable information from an education record without prior consent if the disclosure meets at least one of the following conditions:
   a. The disclosure is to other school officials, including teachers, who have a legitimate educational interest;
      i. A contractor, consultant, volunteer, or other party to whom the school has outsourced institutional services may be considered a school official provided that the outside party:
         (1) Performs an institutional service or function for which the school would otherwise use employees;
         (2) Is under the direct control of the school with respect to the use and maintenance of education records; and
         (3) Is subject to the requirements of 34 C.F.R. §99.33(a) governing the use and re-disclosure of personally identifiable information from education records.
      ii. A school must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.
      iii. A school that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest
requirement.

b. The disclosure is to school officials in another school where 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;

c. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, and State and local educational authorities who require access to education records necessary in connection with the audit and evaluation of federal or state supported education programs or in connection with the enforcement of federal legal requirements;

d. The disclosure is in connection with a student’s application for, or receipt of, financial aid;

e. The disclosure is to certain state and local officials authorized by state statute;

f. The disclosure is to certain organizations conducting studies for the school for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction;

g. The disclosure is to accrediting organizations for purposes of accreditation;

h. The disclosure is to comply with a judicial order or lawfully issued subpoena;

i. The school must make a reasonable effort to notify the parent or eligible student of the order or subpoena.

i. The disclosure is in connection with a health or safety emergency; or

j. The disclosure is information the school has designated as directory information.

34 C.F.R. §99.31

H. Recordkeeping Requirements

1. The school must maintain a record of each request and each disclosure of personally identifiable information. The record must be maintained with the education records of the student as long as the records are maintained.

2. The record must indicate the parties who requested or received personally identifiable information from the education record and the legitimate interests the parties had in requesting or obtaining the information.

3. If a school has disclosed information under the health or safety emergency exception it must document the significant threat to the health or safety of a student or other individual that formed the basis for the disclosure and the parties to whom the school
disclosed the information.

34 C.F.R. §99.32

I. Disclosure of Directory Information

1. A school may disclose directory information if it has given notice to parents and eligible students of:

   a. The types of personally identifiable information that the school has designated as directory information;

   b. A parent’s, or eligible student’s, right to refuse to let the school designate any or all of those types of information about the student as directory information; and

   c. The period of time that the parent or eligible student has to notify the school of their refusal.

2. A school may disclose directory information about former students without complying with the notice and opt out requirements in (1) of this section. However, schools must continue to honor any valid requests to opt out of the disclosure of directory information made while a student attended the school unless the opt out request is rescinded.

34 C.F.R. §99.37
TCSA Model Board Policy Series

400.070. Adoption of a Major Curriculum Initiative
Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL
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400.70  ADOPTION OF A MAJOR CURRICULUM INITIATIVE

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, the Board of Directors of RAPOPORT ACADEMY PUBLIC SCHOOL shall, in accordance with the Texas Open Meetings Law, hold a meeting during which

1. Members of the public and employees of the school shall be given an opportunity to comment on the proposed initiative; and
2. Information regarding the initiative is presented to the Board of Directors, including the cost of the curriculum initiative and any alternatives that were considered.

Prior to the adoption of the curriculum initiative by the Board of Directors of RAPOPORT ACADEMY PUBLIC SCHOOL, the Chief Academic Officer, shall provide teachers and employees of the school an opportunity to express opinions regarding the initiative. Any opinions received by the Chief Academic Officer shall be provided to the Board of Directors for their review and consideration.
TCSA Model Board Policy Series

400.070. Adoption of a Major Curriculum Initiative
INTRODUCTION

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400.070. ADOPTION OF A MAJOR CURRICULUM INITIATIVE

A. Required Public Meeting of the Board of Directors – Effective June 17, 2013
   1. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, an open-enrollment charter school must use a process that:

   a. includes teacher input;
   
   b. provides employees of the charter school with the opportunity to express opinions regarding the initiative; and
   
   c. includes a meeting of the board of directors of the charter school at which

      i. information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and
      
      ii. members of the public and charter school employees are given an opportunity to comment regarding the initiative.

Tex. Educ. Code §28.002(g)
TCSA Model Board Policy Series

400.080 Required Instruction and Graduation

Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL
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400.080. REQUIRED INSTRUCTION AND GRADUATION

The governing body (“Board”) of RAPOPORT ACADEMY PUBLIC SCHOOL adopts the following policy, which shall be effective on the date that the policy is adopted by the Board.

Section 1. Compliance

The Executive Director shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL maintains compliance with all state laws and regulations governing curriculum and graduation requirements.

Section 1.2. Pledge of Allegiance.

The Dean of Students of each campus of RAPOPORT ACADEMY PUBLIC SCHOOL shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL maintains compliance with all state laws and regulations governing recitation of the Pledge of Allegiance to the United States and Texas flags and the regulations governing proper flag display in each classroom in which the pledges of allegiance are recited.

Section 1.3. Observance of Moment of Silence.

The Dean of Students of each campus of RAPOPORT ACADEMY PUBLIC SCHOOL shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL maintains compliance with state law governing the observance of one minute of silence following the recitation of the pledges of allegiance to the United States and Texas flags.


The Dean of Students, of each campus of RAPOPORT ACADEMY PUBLIC SCHOOL shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL maintains compliance with state law governing the commemoration of the events of September 11, 2001.

Section 1.5. Instruction in Cardiopulmonary Resuscitation (CPR).

The Dean of Academics of each campus of RAPOPORT ACADEMY PUBLIC SCHOOL that serves grades 7 through 12 shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL maintains compliance with the state law and regulations governing instruction in cardiopulmonary resuscitation (CPR) and that each student receives CPR instruction at least once prior to graduation.

Section 2. Graduation

The Superintendent shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL maintains compliance with all state laws and regulations governing graduation requirements.

Section 2.1. Endorsements.

RAPOPORT ACADEMY PUBLIC SCHOOL shall offer the following endorsements:

1. science, technology, engineering and math (STEM)
2. business and industry
3. public services
4. arts and humanities
5. multidisciplinary students
The Chief Academic Officer of RAPOPORT ACADEMY PUBLIC SCHOOL shall implement procedures to ensure that each student of RAPOPORT ACADEMY PUBLIC SCHOOL indicates in writing the endorsement the student intends to earn.

Section 2.2 Distinguished Level of Achievement.
The Chief Academic Officer of RAPOPORT ACADEMY PUBLIC SCHOOL, shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL offers the curriculum requirements for a student to earn a distinguished level of achievement.

Section 2.3 Performance Acknowledgements.
The Chief Academic Officer of RAPOPORT ACADEMY PUBLIC SCHOOL, shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL offers the requirements adopted by the SBOE for a student to earn a performance acknowledgment on his or her diploma.

Section 2.4 High School Graduation Plan.
The Dean of Academics of the high school campus of RAPOPORT ACADEMY PUBLIC SCHOOL shall designate the College and Career Counselor responsible for developing and reviewing personal graduation plans with each 9th grade student and his or her parent or guardian in accordance with state law and regulations. The designee shall ensure that the student and the student’s parent or guardian conform and sign the personal graduation plan.

The Chief Academic Officer of RAPOPORT ACADEMY PUBLIC SCHOOL shall ensure that the information provided by the Texas Education Agency explaining the advantages of the distinguished level of achievement and each endorsement is posted on the school’s website.

Section 2.5 Individual Graduation Committee
The Superintendent of RAPOPORT ACADEMY PUBLIC SCHOOL shall establish an Individual Graduation Committee (IGC) for each student who has failed not more than two end-of-course (EOC) assessments, is in their 12th grade year, and has successfully completed at least the Foundation High School Program.

The IGC shall be composed of the following persons:
1. Principal or principal’s designee,
2. The teacher of the course for each EOC the student failed;
3. The department chair or lead teacher supervising the teacher described above;
4. The student’s parent or guardian; or
5. A designated advocate if the parent or guardian is unable to serve; or
6. The student (at the student’s option) if the student is 18 years of age or is emancipated.

The Superintendent shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL maintains compliance with all state laws and regulations governing graduation of a student by means of an individual graduation committee (IGC). The Executive Director shall implement procedures for the establishment of, and graduation determinations made by, an IGC. Such procedures shall include the following:
1. The process by which RAPOPORT ACADEMY PUBLIC SCHOOL shall appoint a designated advocate if the parent or guardian of a student is unable to serve on the IGC;
2. The method by which RAPOPORT ACADEMY PUBLIC SCHOOL shall provide notice to the parent or guardian of the student or designated advocate, if applicable, of the time, place, and purpose of the IGC;
3. The method by which RAPOPORT ACADEMY PUBLIC SCHOOL documents the student’s satisfaction of the additional remediation requirements and demonstration of proficiency in the subject matter of the EOC exam failed by the student;
4. The academic criteria considered by the IGC to determine if a student is qualified to graduate;
5. The vote of the IGC on the graduation decision of an individual student; and
6. A timeline for the IGC’s determination of the graduation decision.

Section 3. End-of-Course Assessments

Section 3.1. End-of-Course Exams.
Students shall take end-of-course (EOC) exams for secondary-level courses in Algebra I, Biology, English I, English II and United States History.
A student’s performance on such assessments shall not be used in determining class ranking or to account for a percentage of the student’s final grade for the course.

1. RAPOPORT ACADEMY PUBLIC SCHOOL shall not administer more than two benchmark assessment instruments to prepare a student for an end-of-course exam.
2. The Dean of Academics of the high school of RAPOPORT ACADEMY PUBLIC SCHOOL, shall implement procedures to ensure that each teacher receives the results of the end-of-course exam administered to students taught by that teacher in the subject for which the exam is administered.
3. The Dean of Academics of the high school of RAPOPORT ACADEMY PUBLIC SCHOOL, shall ensure that each student who fails to perform satisfactorily on an end-of-course exam receives accelerated instruction in the applicable subject area.

Section 3.2. Texas Success Initiative (TSI).
A student enrolled in a college preparatory Mathematics or English language arts course that satisfies the Texas Success Initiative (TSI) college readiness benchmarks is exempt from the Algebra I or English I and English II end-of-course exams, even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument.

Section 3.3. Retakes.
A student who fails to achieve the requisite score on an end of course exam may retake the exam.

Section 3.4. Students with Disabilities.
The admission, review, and dismissal committee shall determine the type of assessment to be administered to a student receiving special education services. A parent or guardian of a student with special needs may request administration of additional benchmark
assessments.

Section 4. Local Graduation Requirements
A student shall complete the following local requirements before graduating from RAPOPORT ACADEMY PUBLIC SCHOOL. Students at Rapoport Academy Public School must successfully complete the Capstone/Thesis/Internship coursework.

Section 5. Notification Regarding Automatic College Admission and Financial Aid
The Dean of Academics of RAPOPORT ACADEMY PUBLIC SCHOOL, shall ensure that the high school campus operated by RAPOPORT ACADEMY PUBLIC SCHOOL, posts signs in the counselor’s office, in each campus leader’s office and in each administrative building, the requirements for automatic admission to a Texas public college or university and the curriculum requirements for federal financial aid.

The Dean of Academics of the high school campus operated by RAPOPORT ACADEMY PUBLIC SCHOOL, shall ensure that each student, at the time the student registers for one or more classes required for high school graduation, receives a notice regarding the requirements for automatic admission to a Texas public college or university and the curriculum requirements for federal financial aid, and shall ensure that the notice is signed by the student’s counselor, the student and the student’s parent or guardian.
TCSA Model Board Policy Series

400.080. Required Instruction & Graduation
INTRODUCTION

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

Overall Policy Framework

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

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

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

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

Scope of Service & Copyright Notice

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

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For questions concerning the Model Board Policies for Charter Schools contact:

Lindsey Gordon, Texas Charter Schools Association
lgordon@txcharterschools.org
512.584.8272
Module 400: Students

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

Module 100: Financial Operations
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400.080. REQUIRED INSTRUCTION AND GRADUATION

A. Required Curriculum
   1. An open-enrollment charter school shall offer the following required curriculum:
      a. A foundation curriculum that includes:
         i. English language arts;
         ii. Mathematics;
         iii. Science; and
         iv. Social studies, consisting of Texas, United States, and world history, government and geography; and
      b. An enrichment curriculum that includes
         i. Languages other than English, to the extent possible;
         ii. Health;
            (1) Each open-enrollment charter holder shall adopt an evidence-based prescription drug misuse awareness program from a list of TEA approved programs for the charter’s middle school, junior high school, and high school health curriculums.
         iii. Physical education (“PE”);
            (1) Each open-enrollment charter holder shall establish specific objectives and goals the charter holder intends to accomplish through the PE curriculum.
         iv. Fine Arts;
         v. Economics with emphasis on the free enterprise system and its benefits;
         vi. Career and technology education;
         vii. Technology applications; and
         viii. Religious literature, including the Old and New Testament and its impact on history and literature.
         ix. Personal financial literacy.

B. **Pledge of Allegiance and Moment of Silence**
   1. The Board shall require students, once during each school day at each campus, to recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag.

   2. The Board shall require that the United States and Texas flags be prominently displayed in accordance with federal and state regulations regarding flag display, in each campus classroom to which a student is assigned at the time the pledges of allegiance to those flags are recited.

   3. The charter school may raise money or accept gifts, grants and donations to acquire the United States and Texas flags.

   4. The charter school shall excuse the student from reciting the pledges of allegiance to the United States and Texas flags upon written request from a student’s parent or guardian.

   5. The board shall provide for the observance of one minute of silence at each campus following the recitation of the pledges of allegiance to the United States and Texas.

   6. During the one-minute period of silence, the student may, as the student chooses, reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student.

   *Tex. Educ. Code §25.082*

C. **Commemoration of the Events September 11, 2001**

In each year that September 11th falls on a regular school day, the charter school shall provide for the observance of one minute of silence at the beginning of the first class period of that day to commemorate the events of September 11, 2001. Immediately before the observance, the teacher must make a statement of reference to the memory of the individuals who died on September 11, 2001.

*Tex. Educ. Code §25.0821*

D. **Instruction in Cardiopulmonary Resuscitation (CPR)**

   1. The charter school shall provide CPR instruction to students in grades 7 through 12 that includes training developed by the American Heart Association, American Red Cross or using nationally recognized guidelines for emergency cardiovascular care that incorporates psychomotor skills to support the instruction.

   2. The instruction may be provided as part of any course. A student shall receive the instruction at least once before graduation.

   *Tex. Educ. Code §28.0023*

E. **End of Course Assessments**
1. **End-of-Course Assessments**
   The state shall administer end-of-course assessment instruments for secondary-level courses in Algebra I, Biology, English I, English II, and United States History.

   *Tex. Educ. Code §39.023(c)*

2. **Postsecondary Readiness Assessment Instruments**
   A charter school may elect to annually administer postsecondary readiness assessment instruments in Algebra II and English III at the charter school's option. The charter school may not administer an additional benchmark assessment instrument solely for the purpose of preparing for the administration of a postsecondary readiness assessment instrument. The results of a postsecondary readiness assessment instrument may not be used by the charter school:

   a. For the purpose of teacher evaluations; or

   b. To determine a student's final course grade or determining a student's class rank for the purpose of high school graduation.

   *Tex. Educ. Code §39.0238*

3. **Texas Success Initiative (TSI)**
   Students enrolled in a college preparatory mathematics or English language arts course that satisfy the Texas Success Initiative (TSI) college readiness benchmark assessments are exempt from the Algebra I or English I and English II end-of-course assessments, even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument.

   *Tex. Educ. Code §39.0232; 84th Leg., R.S. HB 1613*

4. **Student Performance on Assessments**
   A student’s performance on an end-of-course assessment instrument may not be used in determining the student’s class ranking for any purpose, including automatic college admission.

   *Tex. Educ. Code §39.0232*

5. **Retakes**
   A student who failed to achieve a score requirement on an end-of-course assessment instrument may retake the assessment instrument.

   *Tex. Educ. Code §39.025(b).*

6. **Special Education**
   If a student is in a special education program under Subchapter A, Chapter 29 of the Education Code, the student’s admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection.
7. Assessment Results
The charter school shall disclose to each teacher the results of the assessment instrument administered to students taught by the teacher in the subject for the school year in which the assessment instrument is administered.

Tex. Educ. Code §39.023(h)

8. Benchmark Assessments
The open-enrollment charter school shall not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument. A parent of or person standing in parental relation to a student with special needs as determined by the Texas Education Agency, may request administration of additional benchmark assessments.

Tex. Educ. Code §39.0263(c)

9. Accelerated Instruction for High School Students
Each time a student fails to perform satisfactorily on an end-of-course assessment instrument, the charter school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Tex. Educ. Code 28.0211. 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 operation.


F. Graduation
1. Selection of Endorsement
The open-enrollment charter school shall ensure that each student, on entering the ninth grade, indicates in writing the endorsement the student intends to earn. A student may graduate under the foundation high school program without earning an endorsement if, after the student’s sophomore year:

a. The student and the student’s parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and

b. The student’s parent or person standing in parental relation to the student files with the school counselor written permission, on a form adopted by the Texas Education Agency, allowing the student to graduate under the foundation high school program without earning an endorsement.

Tex. Educ. Code §28.025(b)
2. Endorsements
A student may earn an endorsement by successfully completing curriculum requirements for that endorsement adopted by the SBOE. An endorsement may be earned in any of the following categories:

a. science, technology, engineering and math (STEM)

b. business and industry

c. public services

d. arts and humanities

e. multidisciplinary studies

The charter school must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement. A charter school that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.

*Tex. Educ. Code 28.025(c-1); (c-4)*

3. Distinguished Level of Achievement
A student may earn a distinguished level of achievement under the foundation high school program by successfully completing the curriculum requirements established by the SBOE, which shall include:

a. the curriculum requirements for the foundation high school program

b. the curriculum requirements for at least one endorsement

c. Algebra II; and

d. an additional fourth credit in science.

A student who has completed the core curriculum of an institution of higher education, as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma.

*Tex. Educ. Code 28.025(b-15); (b-7).*

4. High School Personal Graduation Plan

*TCSA NOTE: Open-enrollment charter schools are not required to develop and administer personal graduation plans. Tex. Educ. Code 12.111(b) requires a charter school to consider adopting and administering personal graduation plans. Tex. Educ. Code §12.111(b).*
A principal of a high school shall designate a school counselor or school administrator to review personal graduation plan options with each student entering 9th grade together with the student’s parent or guardian. The personal graduation plan options reviewed must include the distinguished level of achievement and the endorsements offered by the school. Before the conclusion of the school year, the student and student’s parent or guardian must confirm and sign a personal graduation plan for the student.

A personal graduation plan must identify a course of study that promotes college and workforce readiness; career placement and advancement; and facilitates the student’s transition from secondary to postsecondary education.

A student may amend his or her personal graduation plan after the initial confirmation of the plan. If the student amends the student’s personal graduation plan, the charter school shall send written notice to the student’s parent regarding the change.


1. **TEA Notice of Graduation Plan Options**
   The Texas Education Agency shall prepare and make available in English and Spanish information that explains the advantages of the distinguished level of achievement and each endorsement. The charter school may publish the information provided by the Texas Education Agency on its Internet website to ensure that the information is available to students in grades 9 and above and to the parents or guardians of these students in the language in which the parents or guardians are most proficient.

2. **Diploma**
   a. A student may graduate and receive a diploma only if the student:
      i. Successfully completes the curriculum requirements identified by the SBOE for the foundation high school program; and
      ii. has performed satisfactorily on required end-of-course assessment instruments; or
      iii. The student successfully completes an individualized education program developed under Chapter 29.005 of the Texas Education Code.


b. An open-enrollment charter school may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements but who fails to perform satisfactorily on required end-of-course assessment instruments. An open-enrollment charter school may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.
c. A student may earn a performance acknowledgment on the student’s diploma and transcript by satisfying the requirements for an acknowledgment adopted by the SBOE. An acknowledgment may be earned for outstanding performance:

i. In a dual credit course;

ii. In bilingualism and bi-literacy;

iii. On a college advanced placement test or international baccalaureate examination; or

iv. On the PSAT, the ACT-Plan, the SAT, or the ACT; or

v. For earning a nationally or internationally recognized business or industry certification or license.

*Tex.* Educ. Code 28.025 (c-1)

d. The charter school shall clearly indicate a distinguished level of achievement under the foundation high school program, an endorsement, and/or a performance acknowledgement on the diploma and transcript of a student who satisfies the applicable requirements.

*Tex.* Educ. Code 28.025 (e-1)

e. If an 11th or 12th grade student in foster care or considered to be homeless transfers from an open-enrollment charter school prior to graduation, and meets the graduation requirements of the charter school, but is ineligible to graduate from the district or school to which the student transfers, then the open-enrollment charter school shall award a diploma at the student’s request.

*Tex.* Educ. Code § 28.025(i); 84th Leg, R.S. SB 1494

7. Reports

a. Each open-enrollment charter school shall report the academic achievement record of students who have completed a minimum, recommended, or advanced high school program on transcript forms adopted by the SBOE.


8. Special Education Students

a. A student receiving special education services may graduate and receive a regular high school diploma if:

i. The student has satisfactorily completed the curriculum and credit
requirements for graduation applicable to students in general education, including satisfactory performance on the exit-level assessment instrument; or

ii. The student has satisfactorily completed the minimum curriculum and credit requirements for graduation applicable to students in general education, including participation in required state assessments. The student’s admission, review, and dismissal (“ARD”) committee shall determine whether satisfactory performance on a required state assessment shall also be required for graduation.

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

i. The student’s individualized education program (“IEP”);

ii. One of the following conditions, consistent with the student’s IEP:

(1) Full-time employment, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the open-enrollment charter school;

(2) Demonstrated a mastery of specific employability skills and self-help skills which don’t require direct ongoing educational support of the open-enrollment charter school; or

(3) Access to services which are not within the legal responsibility of public education, or employment or education options for which the student has been prepared by the academic program;

iii. The minimum credit requirements for students without disabilities; and

iv. The state’s or charter school’s minimum curriculum requirements to the extent possible with modifications/substitutions only when it is determined necessary by the ARD committee for the student to receive an appropriate education.

c. A student receiving special education services may also graduate and receive a regular high school diploma upon the ARD committee determining that the student no longer meets age eligibility requirements and has completed the requirements in the IEP.

d. An open-enrollment charter school shall issue a certificate of attendance to a student who receives special education and who has completed four years of high school but has not completed the student’s IEP.

9. Requirements for Automatic College Admission and Financial Aid

a. The governing board of an open-enrollment charter school shall require each high school that it operates the posting of appropriate signs in each counselor’s office, in each principal’s office, and in each administrative building the requirements under Texas Education Code, §51.803, regarding automatic college admission and the curriculum requirements for financial aid authorized by federal law.

b. The open-enrollment charter school shall provide each student, at the time the student first registers for one or more classes required for high school graduation, a written and detailed notice in plain language explaining the requirements under Texas Education Code §51.803 regarding automatic college admission, the curriculum requirements for financial aid authorized by federal law, and the benefits of completing the requirements for automatic admission and financial aid. The notice must be signed by the student’s counselor in addition to being signed by the student and the student’s parent or guardian.

c. The Commissioner shall adopt forms, including specific language, to use in providing the notice described above and the open-enrollment charter school shall use the appropriate form adopted by the Commissioner.

TEX. EDUC. CODE §28.026
TCSA Model Board Policy Series

400.090. Bilingual Education - ESL

Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL
Module 400: Students

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

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BILINGUAL / ESL EDUCATION PROGRAM

400.90. Section 1. Program Principles

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

SECTION 1.2. Compliance with State and Federal Requirements. The Superintendent, shall ensure that the bilingual and/or ESL programs of RAPOPORT ACADEMY PUBLIC SCHOOL operate in compliance with federal and state law.

Section 2. Program Responsibilities

The Superintendent will ensure that RAPOPORT ACADEMY PUBLIC SCHOOL shall:

1. Identify ELL students based on criteria established by the state;

2. Provide bilingual education and/or ESL programs as integral parts of the Rapoport Academy Public School regular program;

3. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for ELL students.

Section 3. Establishment of Language Proficiency Assessment Committee (LPAC)

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

The Coordinator of Special Populations shall ensure that a sufficient number of LPACs are established at Rapoport Academy Public School to discharge LPAC duties within 20 school days of enrollment of an ELL student. The Superintendent shall ensure that this policy and all LPAC procedures are on file in the records of RAPOPORT ACADEMY PUBLIC SCHOOL.

Section 3.1 Selection of LPAC Members. The Superintendent shall establish procedures for the selection, appointment and training of members of the LPAC for the special language program(s) operated by RAPOPORT ACADEMY PUBLIC SCHOOL. Selection of parent members of LPAC(s) shall be made after soliciting volunteers and upon the recommendation of professionals involved in the bilingual/ESL programs. No parent serving on the LPAC shall be an employee of RAPOPORT ACADEMY PUBLIC SCHOOL. Professional staff members of the LPAC(s) shall be assigned those duties by the ED or designee in accordance with the LPAC procedures.
Section 3.2. **General Responsibilities of LPAC.** The ED shall establish procedures governing the RAPOPORT ACADEMY PUBLIC SCHOOL LPAC for fulfilling LPAC responsibilities and duties. The RAPOPORT ACADEMY PUBLIC SCHOOL LPAC shall accomplish the following general responsibilities:

1. Review of all pertinent information on ELL students upon initial enrollment and at the end of the school year;

2. Make recommendations concerning the most appropriate placement for the advancement of an ELL student;

3. Review each ELL student’s progress at the end of the school year in order to determine future appropriate placement;

4. Monitor the progress of former ELL students who have transferred out of the special language program and designate the most appropriate placement for such student;

5. Determine the appropriateness of a program that extends beyond the school year based on the needs of each ELL student.

**Section 4. Training**

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

**Section 5. Home Language Survey**

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

**SECTION 5.2 Language Classification.** The RAPOPORT ACADEMY PUBLIC SCHOOL LPAC shall use the home language survey to establish the student’s language classification for determining whether the school is required to provide a bilingual education or ESL program. If a student is identified through the home language survey as normally speaking a language other than English, the LPAC will ensure that the student is tested in accordance with 19 Administrative Code §89.1225 and additionally for students with disabilities, 19 Administrative Code §89.1230, within 20 school days of the student’s enrollment in RAPOPORT ACADEMY PUBLIC SCHOOL.
Section 6. ELL Classification and Instructional Placement

SECTION 6.1. ELL Classification. The RAPOPORT ACADEMY PUBLIC SCHOOL LPAC may classify a student as an ELL student if:

1. The student’s ability in English is so limited or the student’s disabilities are so severe that assessment procedures cannot be administered;

2. The student’s score or relative degree of achievement on the Texas Education Agency (TEA)-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;

3. The student’s primary language proficiency score as measured by a TEA-approved test is greater than the student’s proficiency in English; or

4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student’s primary language proficiency is greater than the student’s proficiency in English or that the student is not reasonably proficient in English.

SECTION 6.2. Report to Board. Within the first four weeks of the first day of school, the RAPOPORT ACADEMY PUBLIC SCHOOL LPAC shall determine and report to the RAPOPORT ACADEMY PUBLIC SCHOOL Board of Directors the number of ELL students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The ED or designee shall report this information on behalf of the Board of Directors to TEA before November 1st of each year.

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

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

1. the academic progress in either language of the ELL students and the extent to which they are becoming English proficient;

2. the number of students who have been exited from the bilingual education and ESL program; and

3. the number of teachers and aides trained in the frequency, scope, and results of the training.
Section 7. PARENTAL NOTICE AND CONSENT

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

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

SECTION 7.2. Parental Request for Exit. The LPAC shall facilitate the exit of the student from bilingual education or an ESL program if the student’s parent or guardian makes such request in writing.

SECTION 7.3. Parental Notice of Exit. The RAPOPORT ACADEMY PUBLIC SCHOOL LPAC is responsible for informing parents in writing when their student meets the exit criteria and exits from a bilingual education or ESL program. The notice shall be made in English and the home language of the student.

Section 7.4 Annual Progress Report. The RAPOPORT ACADEMY PUBLIC SCHOOL LPAC is responsible for providing parents with an annual report on the progress of their ELL child in the bilingual or ESL program. The report shall be made in English and the home language of the student.

Section 8. Documentation
The LPAC shall be responsible for ensuring that the ELL student’s permanent record contains documentation of all actions impacting the ELL student, including adequate records of the educational level and progress of each ELL student enrolled in RAPOPORT ACADEMY PUBLIC SCHOOL.

Section 9. Personnel
The Superintendent of the RAPOPORT ACADEMY PUBLIC SCHOOL will ensure that teachers assigned to bilingual education and ESL programs are appropriately certified in bilingual education or ESL, respectively.

Section 10. Bilingual/ESL Program
RAPOPORT ACADEMY PUBLIC SCHOOL shall offer a bilingual and ESL program if RAPOPORT ACADEMY PUBLIC SCHOOL has an enrollment of 20 or more students classified as ELL students in any language classification in the same grade level. The Superintendent shall ensure that the bilingual and ESL program offered by RAPOPORT ACADEMY PUBLIC SCHOOL...
[Section 10.1(b) ESL Program. RAPOPORT ACADEMY PUBLIC SCHOOL shall offer an ESL program for students in Grades 5-12 using the ESL/content-based and ESL/pull-out program model.

Section 10.2 Summer Programs.

The RAPOPORT ACADEMY PUBLIC SCHOOL shall offer a voluntary summer school program for ELL students who will be eligible for admission to kindergarten or first grade at the beginning of the next school year. Enrollment of a child in the program is optional with the parent of the child.

The program shall be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1.
TCSA Model Board Policy Series

400.090. Bilingual Education/ESL
INTRODUCTION

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

Overall Policy Framework

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

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

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

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

Scope of Service & Copyright Notice

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

This policy module and all updates are copyrighted publications of the TCSA. All rights are reserved and will be enforced to the fullest extent of the law. The policy modules are for the sole use of the purchaser. Duplication and distribution in whole or in part are prohibited unless otherwise specifically authorized in writing by TCSA. Inquires should be directed to TCSA, 700 Lavaca, Suite 930, Austin, TX 78701.

For questions concerning the Model Board Policies for Charter Schools contact:

Lindsey Gordon, Texas Charter Schools Association
lgordon@txcharterschools.org
512.584.8272
Module 400: Students

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

- Module 100: Financial Operations
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Legal Abbreviations Used In the TCSA Model Board Policy Series

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400.090. BILINGUAL EDUCATION/ESL

A. State Policy
It is the policy of the state that every student who has a home language other than English and who is identified as an English language learner shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program.

Tex. Educ. Code §29.051; 19 Tex. §89.1201

B. Definitions

1. “Student of limited English proficiency (LEP)” means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English.

2. “English language learner” is a person who is in the process of acquiring English and has another language as the first native language.

3. The terms English language learner and LEP student are used interchangeably.

4. “Parent” includes a legal guardian of a student.


C. Charter School Responsibility
The charter school shall:

1. Identify English language learners based on criteria established by the state;

2. Provide bilingual education and ESL programs as integral parts of the regular program;

3. Seek certified teaching personnel to ensure that English language learners are afforded full opportunity to master the essential knowledge and skills; and

4. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for English language learners and the schools that serve them.


D. Identification Of LEP Students
Within the first four weeks of the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the Board of Directors of the charter school the number of LEP students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The Board shall report that information to TEA before November 1 each year.

E. Language Proficiency Assessment Committees (LPAC)
The Board of Directors of each charter school that is required to offer bilingual and special language programs shall establish an LPAC by board policy. The charter school shall establish and operate a sufficient number of LPACs to enable the LPAC to discharge their duties within 20 school days of the enrollment of LEP students. The charter school shall have on file policy and procedures for the selection, appointment, and training of members of the LPAC.

19 Tex. Admin. Code §89.1220(a)

1. Membership of LPAC. The LPAC shall include:
   a. a professional bilingual educator;
   b. a professional transitional language educator;
   c. a parent of a LEP student; and
   d. a campus administrator.

The charter school may add other members to the LPAC in any of the required categories. If the charter school does not have an individual in one or more of the job classifications required, it shall designate another professional staff member to serve on the LPAC.

In charter schools and grade levels at which the charter school is not required to provide a bilingual education program, the LPAC shall be composed of:
   a. one or more professional personnel;
   b. a campus administrator; and
   c. a school-designated parent of a LEP student.

No parent serving on the LPAC shall be an employee of the charter school.

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


2. LPAC Duties. The LPAC shall have the following responsibilities:

   1. review all pertinent information on LEP students, including the home language survey, the language proficiency tests in English and the primary language, each student's achievement in content areas, and each student's emotional and social attainment;
2. make recommendations concerning the most appropriate placement for the educational advancement of the LEP student after the elementary grades;

3. review each LEP student's progress at the end of the school year in order to determine future appropriate placement;

4. monitor the progress of students formerly classified as LEP students who have transferred out of the bilingual education or special language program and, based on the information, designate the most appropriate placement for such students; and

5. determine the appropriateness of a program that extends beyond the regular school year based on the needs of each limited English proficiency student.

*Tex. Educ. Code §29.063(c).*

Upon their initial enrollment and at the end of each school year, the LPAC shall review all pertinent information on all LEP students identified in accordance with 19 Tex. Admin. Code §89.1225(f) (relating to Testing and Classification of Students), and shall:

1. Designate the language proficiency level of each LEP student in accordance with the guidelines issued pursuant to 19 Tex. Admin. Code §89.1210(b) and (e) (relating to Program Content and Design);

2. Designate the level of academic achievement of each LEP student;

3. Designate, subject to parental approval, the initial instructional placement of each LEP student in the required program;

4. Facilitate the participation of LEP students in other special programs for which they are eligible provided by the charter school with either state or federal funds; and

5. Classify students as English proficient in accordance with the criteria described in 19 Tex. Admin. Code §89.1225(h), and recommend their exit from the bilingual education or English as a second language program.

Before the administration of the state criterion-referenced test each year, the LPAC shall determine the appropriate assessment option for each LEP student as outlined in 19 Tex. Admin. Code §101, Subchapter AA.

The LPAC shall give written notice to the student's parent advising that the student has been classified as a LEP student and requesting approval to place the student in the required bilingual education or ESL program. The notice shall include information about the benefits of the bilingual education or ESL program for which the student has been recommended and that it is an integral part of the school program.

The LPAC shall monitor the academic progress of each student who has exited from a bilingual or ESL program during the first two years after exiting in accordance with the Tex. Educ. Code §29.0561.
F. Home Language Survey
Within four weeks of each student’s enrollment, the charter school shall conduct a home language survey to determine the language normally used in the home and the language normally used by the student. The home language survey shall be conducted in English and in the home language, and signed by the student’s parents if the student is in pre-kindergarten through grade 8, or by the student if the student is in grades 9 through 12. The original copy of the survey shall be retained in the student’s permanent record.

The charter school shall conduct only one home language survey of each student. The home language survey shall be administered to each student new to the charter school and to students previously enrolled who were not surveyed in the past.

The home language survey shall contain the following questions:

1. “What language is spoken in your home most of the time?”
2. “What language does your child speak most of the time?”

Additional information may be collected by the charter school and recorded on the home language survey.

The home language survey shall be used to establish the student’s language classification for determining whether the charter school is required to provide a bilingual education or ESL program. If a student is identified through the home language survey as normally speaking a language other than English, the student shall be tested in accordance with 19 Tex. Admin. Code §89.1225 and additionally for students with disabilities, 19 Tex. Admin. Code §89.1230.


G. LEP Identification, Assessment & Classification
1. Assessment of LEP Student. For each student who has a language other than English as identified on the home language survey, the charter school shall administer to each student within 20 school days of the student’s enrollment in the charter school:
   a. In Pre-Kindergarten through Grade 1, an oral language proficiency test as approved by TEA;
   b. In Grades 2-12, a TEA-approved oral proficiency test and the English reading and English language arts sections from a TEA-approved norm-referenced assessment, or another test approved by TEA.

TEA shall establish the grade levels and the scores on each test that shall identify a student as a LEP student. TEA shall review the approved list of tests, grade levels, and scores annually and update the list.
**TEA approved list for 2014-2015**

The admission, review and dismissal (ARD) committee in conjunction with the LPAC shall determine an appropriate assessment instrument and designated level of performance for indicating limited English proficiency for students for whom the TEA approved tests for identifying a student as a LEP student would be inappropriate as part of the individualized education program (IEP). The decision for entry into a bilingual education or English as a second language program shall be determined by the ARD committee in conjunction with the LPAC.

**19 Tex. Admin. Code §89.1225**

2. Classification of Student.

   a. The student’s ability in English is so limited or the student’s disabilities are so severe that assessment procedures cannot be administered;

   b. The student’s score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;

   c. The student’s primary language proficiency score as measured by a TEA-approved test is greater than the student’s proficiency in English; or

   d. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student’s primary language proficiency is greater than the student’s proficiency in English or that the student is not reasonably proficient in English.

Students shall be identified as LEP students and enrolled into the required bilingual education or ESL program within 20 school days of their initial enrollment in the charter school.

**Tex. Educ. Code §29.056(c); 19 Tex. Admin. Code §89.1225**

H. Documentation

The LEP student's permanent record shall contain documentation of all actions impacting the LEP student and shall include:

1. Identification of the student as a LEP student;

2. Designation of the student's level of language proficiency;

3. Recommendation of program placement;

4. Parental approval of entry or placement into the program;

5. Dates of entry into, and placement within, the program;
6. Assessment information as outlined in 19 Tex. Admin, Code Chapter 101, Subchapter AA;

7. Additional instructional interventions provided to students to ensure adequate yearly progress;

8. Date of exit from the program and parental approval; and

9. Results of monitoring for academic success, including students formerly classified as LEP students.

19 Tex. Admin. Code §89.1220(l)

I. Parental Notice and Consent

Within ten days of the LPAC’s classification of a student as LEP, the LPAC shall give written notice to the student’s parent. The notice must be in English and in the parent’s primary language. The notice shall inform the parents of the benefits of the program for which the student is recommended and that it is an integral part of the school program to ensure that the parents understand the purposes and content of the program.

The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student’s parent. Pending parent approval, the charter school may place the student in the recommended program, but may count only those students with parent approval for the bilingual education allotment.

The charter school may identify, exit, or place a student in a program without written approval of the student’s parent or guardian if:

1. The student is 18 years of age or has had the disabilities of minority removed;

2. Reasonable attempts to inform and obtain permission from a parent or guardian have been made and documented;

3. Approval is obtained from:

   a. An adult whom the charter school recognizes as standing in parental relation to the student, including a foster parent or employee of a state or local governmental agency with temporary possession or control of the student; or

   b. The student, if no parent, guardian, or other responsible adult is available; or

4. A parent or guardian has not objected in writing to the proposed entry, exit, or placement.

Tex. Educ. Code §29.056(a); (d); 19 Tex. Admin. Code §89.1220(l); (m); 19 Tex. Admin. Code §89.1240(a).
Parents must be notified in writing when students are exited from the bilingual education or ESL classrooms. Students meeting exit requirements may continue in the bilingual education or ESL program with parental approval but are not eligible for inclusion in the school district bilingual education allotment.

_Tex. Admin. Code §89.1240(b)_

**J. Participation Of Non-LEP Students**

With the approval of the charter school and a student’s parents, a student who is not a LEP student may also participate in a bilingual education program. The number of participating students who are not LEP may not exceed 40 percent of the number of students enrolled in the program.


**K. Bilingual and ESL Programs**

1. Prerequisites for Program Creation

   Each charter school with an enrollment of 20 or more LEP students in any language classification in the same grade level shall offer a bilingual education or special language program, as follows:

   a. Kindergarten through Elementary Grades: the charter school shall provide a bilingual education program by offering dual language instruction using one of the four bilingual program models described in 19 Tex. Admin. Code §89.1210(d). [See BILINGUAL EDUCATION PROGRAM MODELS, below]

   b. Post-Elementary through Grade 8: the charter school shall offer bilingual education, ESL, or other transitional language instruction approved by TEA.

   c. Grades 9 through 12: the charter school shall provide ESL instruction by offering an ESL program using one of the two models described at 19 Tex. Admin. Code §89.1210(g). [See ESL PROGRAM MODELS, below]

_Tex. Educ. Code §29.053(c-d); 19 Tex. Admin. Code §89.1205._

If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by TEA.

_Tex. Educ. Code §29.054._

2. Program Content

   a. The bilingual education and ESL programs shall be an integral part of the regular educational program required under 19 Administrative Code Chapter 74 (Curriculum Requirements).
b. The bilingual or ESL program shall be designed to consider the students’ learning experiences and shall incorporate the cultural aspects of the students’ backgrounds.

c. The charter school shall modify the instruction, pacing, and materials of bilingual and ESL programs to ensure that English language learners have a full opportunity to master the essential knowledge and skills of the required curriculum. Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their home language or in English for each content area.

d. Students enrolled in the bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of educational attainment. The charter school shall ensure that each student’s instruction is appropriate to the student’s level of educational attainment, and the charter school shall keep adequate records of the educational level and progress of each student enrolled in the program.

   LEP students shall participate fully with English-speaking students in regular classes provided in subjects such as art, music, and physical education. The charter school shall provide students enrolled in the bilingual or ESL program a meaningful opportunity to participate fully with other students in all extracurricular activities. Elective courses may be taught in a language other than English.


3. Bilingual Education Program Models
   The bilingual education program shall be implemented with consideration for each LEP student’s unique readiness level through one of the following program models:

   a. Transitional bilingual/early exit;

   b. Transitional bilingual/late exit;

   c. Dual language immersion/two-way; or

   d. Dual language immersion/one-way.

   19 Tex. Admin. Code §89.1210(d).

   e. The charter school’s bilingual education program shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills. The amount of instruction in each language within the bilingual education program shall be commensurate with the students’ level of proficiency in each language and their level of academic achievement.

   19 Tex. Admin. Code §89.1210(d).
19 Tex. Admin Code §89.1210 (b)

f. The bilingual education program shall address the affective, linguistic, and cognitive needs of English language learners as described at 19 Tex. Admin. Code §89.1210(c).

4. ESL Program Models
   The ESL program shall be implemented with consideration for each LEP student’s unique readiness level through one of the following program models:

   a. ESL/content-based program model; or

   b. ESL/pull-out program model.

Tex. Admin. Code §89.1210(g).

c. An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. Instruction in ESL shall be commensurate with the student’s level of English proficiency and his or her level of academic achievement.

19 Tex. Admin Code §89.1210 (e)

d. The charter school shall provide for ongoing coordination between the ESL program and the regular educational program. The ESL program shall address the affective, linguistic, and cognitive needs of English language learners as described at 19 Administrative Code 89.1210(f).

L. Facilities
   Bilingual education and special language programs shall not be located in facilities separate from where the charter school operates its regular education program. The charter school may concentrate the programs at a limited number of facilities provided that the enrollment in those facilities shall not exceed 60 percent LEP students.

   Students enrolled in bilingual education or special language programs shall be placed in classes with other students of approximately the same age and level of educational attainment. The charter school shall ensure that the instruction given each student is appropriate to the student’s level of educational attainment, and the charter school shall keep adequate records of the educational level and progress of each student enrolled in the program.


M. Cooperation Among Charter Schools
   The charter school may join with one or more other charter schools or school districts to provide the required bilingual and special language programs. The availability of the programs shall be publicized throughout the schools involved.
Documentation in a student’s permanent record shall be forwarded in the same manner as other student records to another school in which the student enrolls.


N. **Summer and Other Programs**

1. **Summer Program**
   If the charter school is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year. Enrollment of a child in the program is optional with the parent of the child.

   The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. The charter school shall comply with the requirements of 19 Administrative Code §89.1250 in providing such a program.

   *Tex. Educ. Code §29.060(a-c).*

2. **Other Programs**
   The charter school may establish on a full or part-time basis other summer school, extended day, or extended week bilingual or special language programs for LEP students and may join with other charter schools in establishing such programs.

   Neither the summer program nor the other programs may substitute for the program to be provided during the regular school year.

   *Tex. Educ. Code §29.060(d-e).*

O. **Personnel**

Teachers assigned to bilingual education and ESL programs must be appropriately certified in bilingual education or ESL, respectively.

*Tex. Educ. Code §29.061(b-c).*

If the charter school is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates, the charter school may file an application for exception with TEA, in accordance with 19 Admin. Code §89.1207.


P. **LEP Students and State Assessments**

In Kindergarten–Grade 12, a LEP student shall participate in the state assessment in accordance with Commissioner’s rules at 19 Administrative Code Chapter 101, Subchapter AA.

*19 Tex. Admin. Code §101.1003*
Q. Program Exit
The charter school may transfer a LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;

2. Satisfactory performance on the reading assessment instrument under Tex. Educ. Code §39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and

3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

A student may not be exited from the bilingual education or English as a second language program in prekindergarten or kindergarten.

_Tex. Educ. Code §29.056(g); 19 Tex. Admin. Code §89.1225(h) and (i)_

The ARD committee in conjunction with the LPAC shall determine an appropriate assessment instrument and performance standard requirement for exit of a LEP student for whom those tests would be inappropriate as part of the IEP. The decision to exit a student who receives both special education and special language services from the bilingual education or English as a second language program is determined by the ARD committee in conjunction with the LPAC committee.

_19 Tex. Admin. Code §89.1225(k)_

If later evidence suggests that a student has who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement, the LPAC may reenroll the student in the program based on the identification, assessment and classification requirements described in Subsection G above with parental consent.

_Tex. Educ. Code §29.056(h)_

R. Notice To Parents
The charter school shall notify and acquire approval from parents of a student’s reclassification as English proficient and his or her exit from the bilingual or ESL program. Students meeting exit requirements may continue in the bilingual education or ESL program with parental approval but are not eligible for inclusion in the school district bilingual education allotment.
S. Post-Exit Monitoring

The LPAC shall re-evaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student’s performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student’s grades each grading period in each subject in the foundation curriculum;
3. The student’s performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.


For determining whether a student who has been exited from a bilingual education or ESL program is academically successful, the following criteria shall be used by the LPAC at the end of the school year:

1. the student meets state performance standards in English on the criterion-referenced assessment instrument required for the grade level as applicable; and
2. the student has passing grades in all subjects and courses taken.

19 Tex. Admin. Code §89.1225(j)

T. PEIMS Reporting Requirements

A charter school that is required to offer bilingual education or special language programs shall include the following information in the charter school’s Public Education Information Management System (PEIMS) report:
1. Demographic information on students enrolled in the charter school’s bilingual education or special language programs;

2. The number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the charter school; and

3. The number and percentage of students identified as LEP students who do not receive specialized instruction.

*Tex. Educ. Code §29.066(a).*

**U. Program Evaluation**

1. Each charter school required to conduct a bilingual education or ESL program shall conduct periodic assessment in the languages of instruction to determine program impact and student outcomes in all subject areas.

2. Annual reports of educational performance shall be retained at the district level and reflect:

   a. the academic progress in either language of the LEP students, the extent to which they are becoming proficient in English;

   b. the number of students who have been exited from the bilingual education and English as a second language program; and

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

3. The charter school shall report to parents the progress of their child as a result of participation in the program offered to LEP students in English and the home language at least annually.

*19 Tex. Admin. Code §89.1265*

**V. Federal Law**

A charter school that receives funds under Title III of Public Law 107-110 (No Child Left Behind Act) shall comply with the statutory requirements regarding limited English proficient and immigrant students.

*20 U.S.C. 6801-7014.*
TCSA Model Board Policy Series

400.100. Idea Policies & Procedures

Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL
Module 400: Students

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

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400.100. IDEA POLICIES & PROCEDURES

Section 1. Legal Framework
It is the policy of RAPOPORT ACADEMY PUBLIC SCHOOL to follow the Legal Framework for the child Centered Process developed through the Region 18 Education Service Center. Additional policies may be adopted by the governing board to evidence RAPOPORT ACADEMY PUBLIC SCHOOL’s commitment to the framework and uploaded to Region 18’s Legal Framework website.

Section 2. Regular Education Teacher IEP Review Request
The Superintendent, shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting: (1) to request a review of the student’s individualized education program; (2) that provides for a timely response from RAPOPORT ACADEMY PUBLIC SCHOOL to the teacher’s request; and (3) that provides for notification to the student’s parent or legal guardian of that response.
INTRODUCTION

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lgordon@txcharterschools.org
512.584.8272
Module 400: Students

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400.100. IDEA POLICIES & PROCEDURES

A. Assurance
Pursuant to the Individuals with Disabilities in Education Act, open-enrollment charter schools must submit a plan to the Texas Education Agency that provides assurances that the open-enrollment charter school has in effect policies, procedures, and programs that are consistent with the State policies and procedures governing special education.

20 U.S.C.A §1413(a)(1), 34 C.F.R. §§300.200 - 300.201

B. Regular Education Teacher IEP Review Request
Each charter school must develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. to request a review of the student’s individualized education program;

2. that provides for a timely response from the charter school to the teacher’s request; and

3. that provides for notification to the student’s parent or legal guardian of that response.

TCSA Model Board Policy Series

400.110. Section 504 of the Rehabilitation Act of 1973

Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL
Module 400: Students

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400.110 SECTION 504

Section 1. Policy of Nondiscrimination
It is a policy of RAPOPORT ACADEMY PUBLIC SCHOOL not to discriminate based on disability in its educational programs as required by Section 504 of the Rehabilitation Act of 1973 (Section 504).

Section 2. Section 504 Coordinator
The following position is designated as Section 504 compliance coordinator:

TBD
Coordinator of Special Populations
RAPOPORT ACADEMY PUBLIC SCHOOL
1020 Elm Avenue  Waco, Texas  76704
(254) 754-8000

Section 3. Section 504 Committee
The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

Section 4. Training
The Section 504 coordinator and members of the Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities but who are not in need of special education in accordance with IDEA.

Section 5. Notice of Nondiscrimination Policy

SECTION 5.1. Notification of Nondiscrimination. The RAPOPORT ACADEMY PUBLIC SCHOOL shall take appropriate steps to notify the parents or guardian of students and students seeking enrollment, and employees of RAPOPORT ACADEMY PUBLIC SCHOOL, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

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

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

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placing notices in school publications; and
4. Distributing memoranda or other written communications.
If the school publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

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

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

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

Section 7. Free and Appropriate Public Education

SECTION 7.1. School Responsibility. The RAPOPORT ACADEMY PUBLIC SCHOOL shall provide a free appropriate public education to each student with a disability who enrolls in the school or program regardless of the nature or severity of the student’s disability.

SECTION 7.2. Appropriate Education.

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

   a. Designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met; and

   b. Based upon adherence to procedures that satisfy the requirements of Section 9.

2. The RAPOPORT ACADEMY PUBLIC SCHOOL may implement an Individualized Education Program or Individualized Section 504 Plan developed in accordance with Section 504 as a means of meeting the standard established in SECTION 7.2(a).

3. The RAPOPORT ACADEMY PUBLIC SCHOOL may place a student with a disability or refer such a student for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of Section 504.

4. The Dean of Academics at each campus shall facilitate accommodations for a Section 504 student taking the state-mandated assessments when the accommodations have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA.
SECTION 7.3. Free Education. For the purpose of compliance with this policy, the provision of a free education means the provision of educational and related services without cost to the student with a disability or to his or her parents or guardian, except for those fees that are imposed on students without disabilities or their parents or guardians.

Section 8. Education Setting

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

SECTION 8.2. Nonacademic Settings. The RAPORT ACADEMY PUBLIC SCHOOL shall ensure that students with disabilities participate with students who are not disabled in nonacademic activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

SECTION 8.3. Comparable Facilities. If the RAPORT ACADEMY PUBLIC SCHOOL, in compliance with SECTION 8.1, operates a facility that is identifiable as being for handicapped persons, the school shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the school.

Section 9. Evaluation and Placement

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

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

SECTION 9.3. Evaluation Procedures. The Superintendent shall establish standards and procedures for the evaluation and placement of students who, because of disability need or are believed to need special education or related services that ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student’s aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

SECTION 9.4. Placement Procedures. In interpreting evaluation data and in making placement decisions, the Section 504 Committee shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;

3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

4. Ensure that the placement decision is made in conformity with specifications for educational settings in Section 8.

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

Section 10. Procedural Safeguards
SECTION 10.1. Notification Requirements.

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

2. Determination of Eligibility/Ineligibility. The Section 504 Committee chairperson shall notify parents in writing when a student has been determined to be eligible or ineligible for services under Section 504.

3. Significant Change in Services. The Section 504 Committee chairperson shall notify parents in writing prior to a significant change in a student’s status or services.
4. Refusal of Parental Request. The Section 504 Committee chairperson shall notify parents in writing if the school has determined that it will not evaluate a student or to provide specific aids and services the parents have requested.

5. Right to Impartial Hearing. The Section 504 Committee chairperson shall notify in writing parents of all students with disabilities of their right to an impartial hearing under SECTION 10.3.

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

SECTION 10.3. Impartial Hearing.

1. Right to a Hearing. The Superintendent shall establish a process that ensures that a parent or guardian has the opportunity for an impartial hearing if they have a concern or complaint about the school’s actions regarding the identification, evaluation, or educational placement of a student with disabilities.

2. Impartial Hearing Officer. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the school or related to a member of the Board in a degree that would be prohibited under state laws and rules relating to nepotism. The impartial hearing officer is not required to be an attorney.

3. Timeline. The RAPOPORT ACADEMY PUBLIC SCHOOL shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.

4. Appeal. If a parent or guardian is dissatisfied with the outcome of the hearing and requests an appeal, the parent or guardian must specify the objections in writing and file them with the Superintendent and the opposing party within twenty (20) instructional days of the date the hearing officer’s decision is received. The Superintendent shall appoint an independent appeals officer to conduct a review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.

SECTION 10.4. Complaint to Office of Civil Rights. Nothing in this policy shall be construed to deny the right of a parent or guardian to file a formal complaint with the Office of Civil Rights at the U.S. Department of Education.
TCSA Model Board Policy Series

400.110. Section 504 of the Rehabilitation Act of 1973
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400.110. SECTION 504 OF THE REHABILITATION ACT OF 1973

A. Nondiscrimination on Basis of Disability

1. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination against individuals with disabilities in programs and activities supported by federal financial assistance from the U.S. Department of Education.

TCSA Note: Section 504 does not, like the Individuals with Disabilities Education Act (IDEA), require an individual education plan, but does require a documented plan to eliminate barriers that would prevent the student from participating fully in the programs and services offered in the general curriculum. The protections under Section 504 apply to a broader range of students than under IDEA. Disabilities that do not trigger charter school obligations under IDEA may nevertheless trigger obligations under Section 504 in accordance with the definition set forth in Section B, below.

2. A charter school that receives federal funds may not engage in discriminatory behavior with respect to students with disabilities covered by Section 504. More specifically, a school may not engage in any of the following acts when providing any aid, benefit, or service, either directly or through contractual or other arrangements:

   a. Deny a person with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

   b. Afford a person with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

   c. Provide a person with a disability with an aid, benefit, or service that is not as effective as that provided to others;

   d. Provide different or separate aid, benefits, or services to persons with disabilities or to any class of persons with disabilities unless such action is necessary to provide an aid, benefits, or services that are as effective as those provided to others;

   e. Aid or perpetuate discrimination against a person with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the recipients program or activity;

   f. Deny a person with a disability the opportunity to participate as a member of planning or advisory boards; or

   g. Otherwise limit a person with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

29 U.S.C. § 794; 29 U.S.C. § 701; 34 C.F.R. § 104.3; 34 C.F.R. § 104.52
B. Definition of a Person with a Disability under Section 504

1. Person with a disability means any person who:

   a. has a physical or mental impairment which substantially limits one or more major life activities;

   b. has a record of such an impairment; or

   c. is regarded as having such an impairment.

TCSA Note: Unlike IDEA, Section 504 does not specify a list of qualifying disabilities.

2. As used in paragraph (B)(1) of this section, the phrase:

   a. Physical or mental impairment means:

      i. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or

      ii. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

   b. Substantially Limits means

      i. the disability inhibits performance of a major life activity in comparison to most people in the general population. The impairment need neither prevent nor significantly or severely restrict to be considered substantially limiting;

      ii. an impairment that is episodic, in remission, or the effects of which are lasting or expected to last fewer than six months, can meet the requirements under this section if it substantially limits a major life activity while active or during that six month period;

      iii. “substantially limits” will be construed broadly in favor of expansive coverage. In short, it is not meant to be a demanding standard. For example, an impairment that substantially limits one major life activity need not limit other major life activities to meet the requirements under this section. However, not every impairment will constitute a disability;

      iv. the following non-exhaustive list of impairments will likely be determined to substantially limit major life activities:

         (1) deafness;
(2) blindness;
(3) intellectual disability;
(4) partially or completely missing limbs, as well as mobility impairments requiring use of a wheelchair;
(5) autism;
(6) cancer;
(7) cerebral palsy;
(8) diabetes;
(9) epilepsy;
(10) human immunodeficiency virus (HIV);
(11) multiple sclerosis;
(12) muscular dystrophy; and
(13) major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia.

c. Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

d. Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

e. Is regarded as having an impairment means:

   i. has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;

   ii. has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

   iii. has none of the impairments defined in paragraph (2)(a) of this section but is treated by a recipient as having such an impairment.

3. The term “disabled student” shall have the same meaning in this chapter as “handicapped person” or “qualified handicapped person” under the rules promulgated for Section 504.

34 C.F.R. §104.3; 34 C.F.R. § 104.35(c); 29 C.F.R. § 1630.2(i)
C. **Designation of responsible employee and adoption of grievance procedures**
   1. A charter school that employs fifteen or more persons shall designate at least one person to coordinate compliance with Section 504.

   2. A charter school that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504. Such procedures need not be established with respect to complaints from applicants for employment.

   **34 C.F.R. §104.7**

D. **Notice**
   1. A charter school that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability in violation of Section 504.

   a. The notification shall state, where appropriate, that the charter school does not discriminate in admission or access to, or treatment or employment in, its program or activity.

   b. The notification shall also include an identification of the responsible employee.

   c. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications.

   2. If charter school publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement that the charter school does not discriminate in admission or access to, or treatment or employment in, its school. A charter school may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

   **29 C.F.R. § 104.8**

E. **Child Find**
   1. Charter schools are required to annually identify, locate, and evaluate all children with disabilities who are in need of special education and related services.

   2. Charter schools must take appropriate steps to notify disabled persons and their parents or guardians of the school's duty to identify and locate disabled persons.

   **34 C.F.R. § 104.32**
F. **Free Appropriate Public Education ("FAPE")**

1. General. A charter school that receives federal funds and operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each student with a disability who enrolls in the school or program, regardless of the nature or severity of the student’s disability.

2. Appropriate education.

   a. For the purpose of compliance with Section 504, the provision of an appropriate education is the provision of regular or special education and related aids and services that:

      i. are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met; and

      ii. are based upon adherence to procedures that satisfy the requirements of this section or §§ G and H below.

   b. Implementation of an Individualized Education Program developed in accordance with the Education of the Handicapped Act is one means of meeting the standard established in paragraph (2)(a) of this section.

   c. A charter school may place a student with a disability or refer such a student for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of Section 504. If so, the charter school remains responsible for ensuring that the requirements of Section 504 met with respect to any student so placed or referred.

3. Free education—

   a. General. For the purpose of compliance with Section 504, the provision of a free education is the provision of educational and related services without cost to the student with a disability or to his or her parents or guardian, except for those fees that are imposed on students without disabilities or their parents or guardian. It may consist either of the provision of free services or, if a recipient places a handicapped person or refers such person for aid, benefits, or services not operated or provided by the charter school as its means of carrying out the requirements of this subpart, of payment for the costs of the aid, benefits, or services. Funds available from any public or private agency may be used to meet the requirements of Section 504.

   b. Transportation. If a charter school places a student with a disability or refers such student for aid, benefits, or services not operated or provided by the student as its means of carrying out the requirements of Section 504, the school shall ensure that adequate transportation to and from the aid, benefits, or services is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the student were placed in the aid, benefits, or services operated by the school.
c. Residential placement. If a public or private residential placement is necessary to provide a free appropriate public education to a person with a disability because of his or her handicap, the placement, including non-medical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

d. Placement of persons with disabilities by parents. If a charter school has made available, in conformance with the requirements of Section 504, a free appropriate public education to a student with a disability and the student's parents or guardian choose to place the person in a private school, the charter school is not required to pay for the student's education in the private school. Disagreements between a parent or guardian and a charter school regarding whether the school has made a free appropriate public education available or otherwise regarding the question of financial responsibility are subject to the due process procedures of 34 CFR §104.36.

34 C.F.R. §104.33

G. Educational Setting

1. Academic setting. A charter school to which receives federal funds shall educate, or shall provide for the education of, each enrolled disabled student with students who are not disabled to the maximum extent appropriate to the needs of the disabled student. A charter school shall place a disabled student in the regular educational environment operated by the school unless it is demonstrated by the charter school that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a charter school places a student in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the student’s home.

2. Nonacademic settings. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals; recess periods; counseling services; physical recreational athletics; transportation; health services; recreational activities; special interest groups or clubs sponsored by the charter school; referrals to agencies which provide assistance to disabled students; and employment of students, including employment by the charter school and assistance in making available outside employment, a charter school shall ensure that students with disabilities participate with students who are not disabled in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

3. Comparable facilities. If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for handicapped persons, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

34 C.F.R. §104.34
H. Evaluation and Placement

1. Preplacement evaluation. A charter school that operates a public elementary or secondary education program or activity shall conduct an evaluation in accordance with the requirements of paragraph (2) of this section of any student who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement.

2. Evaluation procedures. A charter school shall establish standards and procedures for the evaluation and placement of students who, because of disability, need or are believed to need special education or related services which ensure that:

   a. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

   b. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

   c. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student’s aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student’s impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

3. Written consent from the parents of the disabled student should be obtained for an initial Section 504 evaluation and placement.

4. Placement procedures. In interpreting evaluation data and in making placement decisions, a charter school shall

   a. draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

   b. establish procedures to ensure that information obtained from all such sources is documented and carefully considered;

   c. ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and;

   d. ensure that the placement decision is made in conformity with specifications for educational settings in Section G.
5. Reevaluation. A charter school to which this section applies shall establish procedures, in accordance with paragraph (2) of this section, for periodic reevaluation of students who have been provided special education and related services. The reevaluation process may be conducted to also comply with IDEA regulations. This will likely require reevaluation at three-year intervals unless the parent and school agree a reevaluation is unnecessary. Alternatively, a charter school should consider more frequent reevaluations at the request of a parent or teacher, but not more than once year (unless the parent and school agree otherwise.)

34 C.F.R. §104.35; 34. C.F.R. § 104.32(b)

I. Procedural Safeguards
A charter school that operates a public elementary or secondary education program or activity shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of students who, because of a disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the student to examine relevant records, an impartial hearing with opportunity for participation by the student’s parents or guardian and representation by counsel, and a review procedure.

Compliance with the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) is one means of meeting this requirement.

34 C.F.R. §104.36

J. Nonacademic Services
   1. General.
      a. A charter school that receives federal funds shall provide non-academic and extracurricular services and activities in such manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities.
      b. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the charter school, referrals to agencies which provide assistance to students with disabilities, and employment of students, including both employment by the school and assistance in making available outside employment.

   2. Counseling services. A charter school that receives federal funds and provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of disability. The charter school shall ensure that students with disabilities are not counseled toward more restrictive career objectives than are students without disabilities who have similar interests and abilities.
3. Physical education and athletics.

   a. In providing physical education courses and athletics and similar aid, benefits, or services to any of its students, a charter school that receives federal funds may not discriminate on the basis of disability. A charter school that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to disabled students an equal opportunity for participation.

   b. A charter school may offer to students with disabilities physical education and athletic activities that are separate or different from those offered to students without disabilities only if separation or differentiation is consistent with the requirements of Section G and only if no student with a disability is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

   29 C.F.R. § 104.37.

K. Preschool education

A charter school to which this subpart applies that provides preschool education or day care may not, on the basis of disability, exclude students with disabilities and shall take into account the needs of such students in determining the aid, benefits or services to be provided.

   34 C.F.R. §104.38.
Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis
To Implement Senate Bill 27
(82\textsuperscript{nd} Legislative Session)

Acknowledgements

The Commissioner of the Texas Department of State Health Services (DSHS) in consultation with the SB 27-Ad-Hoc Committee developed the following guidelines for use by local Boards of Trustees of school districts and governing bodies of open-enrollment charter schools. These guidelines and sample documents are meant to serve merely as a reference (and illustrative) guide and are intended to assist a district in developing and administering a policy for the care of students with diagnosed food allergies at risk for anaphylaxis. The Commissioner would like to thank the following SB-27Ad Hoc Committee members for their contributions in developing this document.

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Superintendent Representative

Ms. Gladney disagrees with the adoption of the attached guidelines.

Ms. Whiteker objects to the adoption of the attached guidelines. Her letter of dissent is on file with DSHS and available upon request.

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Food Allergy and Anaphylaxis Network Representative

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Classroom Teacher Representative

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Introduction

A food allergy is an abnormal response to a food, triggered by the body’s immune system (NIAID, 2010). Symptoms of a food induced allergic reaction may range from mild to severe and may become life-threatening. Reactions vary with each person and each exposure to a food allergen and the severity of an allergic reaction is not predictable. The Centers for Disease Control and Prevention recently reported an 18 percent increase in food allergies among school-aged children from 1997 to 2007. Current estimates state that between 1 in 13 (Gupta, 2011)) and 1 in 25 children are now affected with 40 percent reporting a history of severe reaction (CDC, 2012). There is no cure for food allergies. Strict avoidance of food allergens and early recognition and management of allergic reactions are important measures to prevent serious health consequences (U. S. Food and Drug Administration, 2008). Children spend up to 50 percent of their waking hours in school, and foods containing allergens are commonly found in schools. Thus, the likelihood of allergic reactions occurring in schools is high (Sheetz, 2004). Studies show that 16-18 percent of children with food allergies have had allergic reactions to accidental ingestion of food allergens while in school. Moreover, food-induced anaphylaxis data reveals that 25 percent of anaphylactic reactions in schools occur among students without a previous food allergy diagnosis (Sicherer, 2010 & Nowak-Wegrzyn, 2001).

With the increasing prevalence of food allergies in the past two decades, care of students with life-threatening allergies has become a major issue for school personnel (Sheetz, 2004). School personnel should be ready to effectively manage students with known food allergies and should also be prepared to recognize symptoms of an allergic reaction in both diagnosed and undiagnosed students in order to respond to the student’s emergency needs.

Caring for children with diagnosed food allergies at-risk for anaphylaxis in the school setting requires a collaborative partnership with the students, parents, healthcare providers and school staff. School superintendents may wish to designate or assign a school staff member, knowledgeable about food allergies, to serve as the district’s point of contact. This person would oversee the development, implementation, and monitoring of a school district’s food allergy management plan and coordinate the activities of the food allergy management team on each campus. Several key elements should be considered by the school district in the development of the district’s food allergy management plan in order to promote the physical safety of children with diagnosed food allergies at-risk for anaphylaxis and support their emotional needs.

The key elements identified as being fundamental in the development of a comprehensive food allergy management plan for schools include the following:

1. Identification of Students with Food Allergies At-risk for Anaphylaxis;
2. Development, Communication, Implementation and Monitoring of Food Allergy Action Plans, Emergency Care Plans, Individualized Health Care Plans, and/or 504 Plans;
3. Reducing Risk of Exposure Within the School Setting;
4. Training for School Staff on Recognition of Anaphylaxis and Appropriate Emergency Response, and

Background

In response to the increase in students with diagnosed food allergies at-risk for anaphylaxis, Senate Bill 27 (2011, 82nd Legislative Session) amends Chapter 38 of the Texas Education Code by adding Section 38.0151. This section requires the Board of Trustees of each school district and the governing body or appropriate officers of open-enrollment charter schools to adopt and administer a policy for the care of students with
diagnosed food allergy at risk for anaphylaxis. The policy must be based on guidelines developed by the state Commissioner of Health in consultation with the Ad Hoc Committee.

In addition, a school district or open-enrollment charter school that implemented policy for the care of students with a diagnosed food allergy at risk for anaphylaxis before the development of the DSHS guidelines shall review and revise their policy as necessary to ensure it is consistent with the DSHS guidelines.

This document is intended to serve as a reference and illustrative guide for local school boards or charter school leadership to utilize in creating and implementing school district policies and administrative regulations. Any portion of this document may be reproduced for educational purposes or policy development.

**Legislation**

The following Federal and State legislation and administrative codes should be considered in the development of school policy and administrative regulations related to children with diagnosed food allergies at-risk for anaphylaxis. It should be noted that a life-threatening food allergy is recognized as a disability by the United States Department of Education and Department of Agriculture.

- **Federal Legislation**
  - Section 504 of the Rehabilitation Act of 1973
    [www.ada.gov/cguide.htm](http://www.ada.gov/cguide.htm)
  - The Americans with Disabilities Act Amendments of 2008
    [www.ada.gov/pubs/ada.htm](http://www.ada.gov/pubs/ada.htm)
  - Individuals with Disabilities Education Act
  - United States Department of Agriculture Public Law 111-296 “Healthy, Hunger-free Kids Act of 2010”
  - The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy and Security Rules
    [www.hhs.gov/ocr/privacy](http://www.hhs.gov/ocr/privacy)

- **State Legislation**
  - Texas Education Code
    - Chapter 22, Section 22.052
    - Chapter 25, Section 25.0022
    - Chapter 38, Section 38.015 states that a “student with asthma or anaphylaxis is entitled to possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:
      1) the prescription medicine has been prescribed for that student as indicated by the prescription label on the medicine;
      2) the student has demonstrated to the student's physician or other licensed health care provider and the school nurse, if available, the skill level
necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3) the self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and
4) a parent of the student provides to the school:

(A) a written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
(B) a written statement from the student's physician or other licensed health care provider, signed by the physician or provider that states:

i. that the student has asthma or anaphylaxis and is capable of self-administering the prescription medicine;
ii. the name of the medicine;
iii. the prescribed dosage for the medicine;
iv. the time at which or circumstances under which the medicine may be administered;
v. the period to which the medicine is prescribed.

- Chapter 38, Section 38.0151
- Chapter 38, Section 38.017
- Chapter 38, Section 38.018
- Chapter 38, Section 38.051

www.statutes.legis.state.tx.us

- Texas Family Code, Chapter 32, Section 32.001-32.003
- Texas Administrative Code Title 4, Part 1, Chapter 26, Subchapter A (Texas Public School Nutrition Policy)  http://Childnutritionpolicy

Although the policies listed below are not required, school boards or charter school leadership may want to review the following local policies, if applicable, and update the policy to include provisions for children with food allergies at-risk for anaphylaxis:
- Consent to Medical Treatment Policy
- Medication Administration Policy
- Self-Administration of Asthma or Anaphylaxis Medication Policy
- Food Allergy Information Policy
- Bullying Policy
- Emergency Response Policy

For additional information on caring for children with health issues in the school setting, go to the Texas Education Agencies website.
www.tea.state.tx.us/special_needs.html
TEA’s webpage on health conditions
Definition of Food Allergy and Anaphylaxis

A food allergy is a potentially serious immune-mediated response that develops after ingesting or coming into contact with specific foods or food additives. A life-threatening allergic reaction to food usually takes place within a few minutes to several hours after exposure to the allergen. Eight foods account for over 90 percent of allergic reactions in affected individuals: milk, eggs, peanuts, tree nuts, fish, shellfish, soy and wheat (Sampson, 2004 & Sicherer S., 2002). Although most allergic reactions are attributed to these eight foods, any food has the potential of causing a reaction. In addition, school settings may contain non-food items such as arts and crafts materials, that contain trace amounts of food allergens. Many products used in the school setting may contain food proteins. Cross contamination can occur when an allergen is transferred from one item (utensils, pots, pans, countertops, surfaces, etc.) to another. When preparing, handling and serving food, it is critical to make sure that food preparation and serving utensils are not exposed to allergens for the safety of children with food allergies. Allergic reactions can occur with trace exposure to food allergens. There is no cure for food allergy. Strict avoidance of allergens and early recognition and management of allergic reactions are important to the safety of children with food allergies at risk for anaphylaxis.

Anaphylaxis is defined as “a serious allergic reaction that is rapid in onset and may cause death” (Simons, 2008). Anaphylaxis includes a wide range of symptoms that can occur in many combinations and is highly unpredictable. It is estimated that four out of every 50 children have a food allergy (Gupta, R, 2011) and children with food allergies are more likely to experience other allergies. Children with the diagnosis of asthma may be more likely to experience an anaphylactic reaction to foods and be at higher risk of death. In case studies of fatalities from food allergy among pre-school and school-aged children in the United States, nine of 32 fatalities occurred in school and were associated primarily with significant delays in administering epinephrine, the only life saving treatment for anaphylaxis (Sicherer S. & Mahr, T. 2010). Epinephrine is available through a physician’s prescription in a auto-injectable device. The severity of one reaction does not predict the severity of subsequent reactions and any exposure to an allergen should be treated based on the child’s Food Allergy Action Plan (FAAP)/Emergency Action Plan (EAP) and Individualized Healthcare Plan (IHP).

Food allergy can have a wide-ranging, negative effect on children and their families, affecting not only life at home but also school, work, vacation, and entertainment. Virtually no life activity remains unaffected by the presence of a potentially fatal allergy (Greenhawt, M., 2011). Currently, management of food allergies consists of educating children, parents and care providers, including school personnel, about strict avoidance of the food allergen, recognizing the signs and symptoms of an allergic reaction, and initiating emergency treatment in case of an unintended ingestion or exposure. In order to address the complexities of food allergy management in schools, it is important that students, parents/caregivers, and school personnel work cooperatively to create a safe and supportive learning environment (National School Boards Association, 2011).

Signs and Symptoms of an Allergic Reaction

In the case of life-threatening food allergy reactions, more than one system of the body is involved. The mouth, throat, nose, eyes, ears, lung, stomach, skin, heart, and brain can all be affected. The most dangerous symptoms include breathing difficulties and a drop in blood pressure or shock, which is potentially fatal.
Signs and Symptoms of More Severe Food Allergy Symptoms (Anaphylaxis)

<table>
<thead>
<tr>
<th>Body System</th>
<th>Sign or Symptom</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mouth</td>
<td>Tingling, itching, swelling of the tongue, lips or mouth; blue/grey color of the lips</td>
</tr>
<tr>
<td>Throat</td>
<td>Tightening of throat; tickling feeling in back of throat; hoarseness or change in voice</td>
</tr>
<tr>
<td>Nose/Eyes/Ears</td>
<td>Runny, itchy nose; redness and/or swelling of eyes; throbbing in ears</td>
</tr>
<tr>
<td>Lung</td>
<td>Shortness of breath; repetitive shallow cough; wheezing</td>
</tr>
<tr>
<td>Stomach</td>
<td>Nausea; vomiting; diarrhea; abdominal cramps</td>
</tr>
<tr>
<td>Skin</td>
<td>Itchy rash; hives; swelling of face or extremities; facial flushing</td>
</tr>
<tr>
<td>Heart</td>
<td>Thin weak pulse; rapid pulse; palpitations; fainting; blueness of lips, face or nail beds; paleness</td>
</tr>
</tbody>
</table>

Treatment of Anaphylaxis

Epinephrine is the first-line treatment in cases of anaphylaxis. Other medications have a delayed onset of action. Epinephrine is generally prescribed as an auto-injector device that is relatively simple to use.

Anaphylaxis can occur immediately or up to two hours following exposure to an allergen. In approximately one third of anaphylactic reactions, the initial symptoms are followed by a delayed wave of symptoms two to four hours later. This combination of an early phase of symptoms followed by a late phase of symptoms is defined as a biphasic reaction. While initial symptoms respond to epinephrine, the delayed biphasic response may not respond to epinephrine and may not be prevented by steroids.
Therefore, it is imperative that following the administration of epinephrine, the student be transported by emergency medical services (EMS) to the nearest hospital emergency department even if the symptoms appear to have resolved.

Because the risk of death or serious disability from anaphylaxis itself usually outweighs other concerns, existing studies clearly favor the benefit of epinephrine administration in most situations. There are no medical conditions which absolutely prohibit the use of epinephrine when anaphylaxis occurs (Boyce, 2010).

**Food Allergy Management in the School Setting**

School districts and open-enrollment charter schools are required to develop and implement policies to address children with diagnosed food allergies at-risk for anaphylaxis. The school district’s policy and administrative regulations should be comprehensive yet flexible in addressing different food allergens, varying ages and maturity levels of students, as well as the physical properties and organizational structures of schools and communities. While the policies may differ in the detail, they should all address common evidence-based strategies in the management of food allergies and anaphylaxis within the school setting. The following components should be addressed in policy and administrative regulations needed to support students with food allergies at risk for anaphylaxis.

1. Identification of Students with Food Allergies At-Risk for Anaphylaxis
2. Development, Implementation, Communication and Monitoring of Emergency Care Plans, 504 plans, and/or Individualized Health Care Plans for Students with Food Allergies At-risk for Anaphylaxis.
3. Reducing the Risk of Exposure Within the School Setting
4. Training for School Staff on Anaphylaxis and Emergency Response to Anaphylactic Reactions
5. Post Anaphylaxis Reaction-Review of Policies and Procedures

In order to coordinate the management of food allergies within the school district, the superintendent may consider designating a school district (central office) employee, that is knowledgable about food allergies, to serve as the point of contact for parents, healthcare providers, campus food allergy management team, if established by the campus, and other school staff. The superintendent’s designee can help facilitate the development, implementation, and monitoring of comprehensive and coordinated administrative regulations by convening a multi-disciplinary team in addressing the components listed previously in this section. The designee should receive ongoing training in the management of food allergies in the school setting, including the provision of administration of epinephrine. The superintendent’s designee may also want to consider working with the local School Health Advisory Council (SHAC) in gaining parent and community input into the development of administrative regulations and assistance in locating and coordinating resources necessary to implement the food allergy management strategies.

In order to implement, coordinate, and monitor food allergy management on a campus, a food allergy management team (see Appendix G for sample staff roles) may be created. Members of the food allergy management team may include, but is not limited to, the following: a school nurse (when available), the principal, food service staff, custodial staff, a counselor, classroom teacher(s), and bus driver(s). The food allergy management team can work with parents in supporting students with food allergies on the campus as well as assist campus staff in implementing administrative regulations and student specific strategies.
Identification of Students With Food Allergy At-Risk for Anaphylaxis

Due to an increase in prevalence of food allergies and the potential for a food allergic reaction to become more life-threatening, information needs to be shared with the school in order to promote safety for children with food allergies that are at-risk for anaphylaxis. It is important for parents to provide accurate and current health information when requested, in order to assist schools in obtaining information necessary to:

1. identify the child’s food allergens;
2. specify the nature of the child’s allergic reaction;
3. reduce risk of exposure to food allergens;
4. provide emergency treatment to the student during the school day and at school-sponsored activities in the event there is an unintended exposure to a food allergen; and
5. facilitate communication between the school and the student’s healthcare provider.

Texas Education Code Chapter 25, Section 25.0022 states that upon enrollment of a child in a public school, a school district shall request, by providing a form or otherwise, that a parent or other person with legal control of the child under court order:

1. disclose whether the child has a food allergy or a severe food allergy that, in the judgement of the parent or other person with legal control, should be disclosed to the district to enable the district to take necessary precautions regarding the child’s safety, and
2. specify the food to which the child is allergic and the nature of the allergic reaction.

In addition, the United States Department of Agriculture regulations (Texas Department of Agriculture, 2011) require substitutions or modifications in school meals for children whose disabilities restrict their diets. When in the licensed physician’s assessment, food allergies may result in severe, life-threatening (anaphylactic) reactions, the child’s condition would meet the definition of “disability,” and the substitutions prescribed by the licensed physician must be made. The school nutrition program must receive a signed statement by a licensed physician that identifies:

- the child’s disability;
- an explanation of why the disability restricts the child’s diet;
- the major life activity affected by the disability; and
- the food or foods to be omitted from the child’s diet and the food or choice of foods that must be substituted.

It is important to note that because of the risk of anaphylaxis, school staff should also be trained to recognize the signs and symptoms of an allergic reaction and be able to provide emergency treatment and properly activate the EMS for all children showing signs and symptoms of an anaphylactic reaction. School boards, especially those with school campuses located in remote areas with limited access to EMS, may want to consider the feasibility of having stock epinephrine to use in the event a person with a diagnosed food allergy has a life-threatening allergic reaction but does not have access to epinephrine or a person with an undiagnosed allergy has a life-threatening allergic reaction. The DSHS Texas Guide to School Health Programs (Texas Department of State Health Services, 2011) outlines this in further detail by suggesting that schools can prepare for serious allergic reactions by working in obtaining standing medical orders for the use of emergency epinephrine and working with local EMS to determine the availability of epinephrine on EMS vehicles. For more information go to Chapter 9 at the following: [www.dshs.state.tx.us/schoolhealth/pgtoc.shtm](http://www.dshs.state.tx.us/schoolhealth/pgtoc.shtm).

School districts should develop, implement and monitor standardized procedures that will be utilized in obtaining information from parents as well as the child’s healthcare provider upon registration and as soon as possible after a child is diagnosed with a food allergy that places them at risk for anaphylaxis. In order to
facilitate better communication across the district, schools may also wish to adopt standardized forms to utilize in obtaining this information on an annual basis. (See Appendix A for sample forms).

The identification process is essential in providing information to the school so that further follow-up with parents, healthcare providers, and the campus food allergy management team, if established and can secure the FAAP/EAP, and where appropriate, begin planning for the child’s care by the development of a 504 Plan or IHP.

**Development, Implementation, Communication and Monitoring of Emergency Care Plans and/or Individualized Health Care Plans**

There are several types of adverse reactions that can occur with food. Adverse reactions can range from “food intolerance” to a food allergy that puts a child at risk for anaphylaxis (Sicherer 2011). Unlike a food allergy, a food intolerance does not involve the immune system and is not life threatening. A food allergy diagnosis requires a careful medical history, laboratory studies, and other diagnostic tests ordered by a licensed healthcare provider. Once the healthcare provider has made the medical diagnosis of food allergy, a FAAP/EAP will be developed by the healthcare provider in collaboration with the parents or legal guardians. The FAAP/EAP provides information about the child’s food allergy, outlines the care that the child will need in managing the food allergy, and outlines actions to be taken in case of an allergic reaction. (See Appendix B for sample FAAP/EAP forms).

In order to facilitate clear communication between parents, healthcare providers, school administrators and the campus food allergy management team, if established, in the event the child has an allergic reaction at school, the FAAP/EAP may outline the following:

- The name, date of birth, and grade level of the child.
- A picture of the child so that they can be easily identified.
- A list of the foods to which the child is allergic.
- Indication of whether or not the child has asthma (higher risk for severe reaction if the child has asthma).
- Description of past allergic reactions, including triggers and warning signs as well as information about the child’s emotional response to the condition and their need for support.
- Clear instructions on what symptoms require the use of epinephrine immediately.
- Clear instructions (including diagrams) on how epinephrine should be administered.
- The name of medications to be utilized in an emergency including the brand name, generic name and the dosage to be administered, and when to give an additional dose of emergency medications.
- Instructions regarding monitoring the child and communicating to EMS the medications that were given, what time the medications were given and how to position the child when they have had a severe reaction.
- A place for a signature and date by the parent and the physician/healthcare provider, school nurse or other designated school representative or school administrator.
- A place to list contact information for parents/guardians, healthcare providers and other emergency contact information including phone numbers.

In schools with a school nurse, the FAAP/EAP may be utilized to develop an IHP which outlines day to day nursing care for managing the student’s food allergy. The National Association of School Nurses has a position statement on IHPs that outline what they are and how they are to be utilized in the school setting (See Appendix C and E). The school nurse may facilitate the process of implementing the FAAP/EAP in coordination with the campus food allergy management team, if established, and the parents.
To ensure a safe learning environment for the student with life-threatening food allergies, the parents and the student (when age appropriate) should plan to meet with the campus food allergy management team, if established, to review the FAAP/EAP. In addition, the school may confirm that all consent forms are signed for the administration of medications, including self-administration and assist in the development of the IHP (if there is a school nurse assigned to the campus). This meeting should occur prior to the child attending school, after returning to school after an absence related to the diagnosis, and anytime there are changes to the student’s FAAP/EAP. This meeting is an opportunity to clarify the measures that will occur on the campus to promote safety, minimize exposure, recognize signs and symptoms, and provide emergency treatment as outlined in the EAP.

In some instances, the school may also develop a 504 Plan to address the health and learning needs of a student. Students at-risk for anaphylaxis may be considered to have a disability and require services and program modifications so that the student with food allergies at-risk for anaphylaxis can safely participate in the learning environment.

**Reducing the Risk of Exposure through Environmental Controls**

Current management of food allergies relies on strict avoidance of the food allergen, early recognition of symptoms, and prompt treatment when an allergic reaction occurs due to unintended exposure to the food. For children, dietary management in schools can be difficult, because food sharing, school projects using foods, parties, lack of onsite medical personnel, and other issues arise. (Young, 2009). Protecting students from exposure to allergens to which they are sensitive is the most important way to prevent life-threatening anaphylaxis.

In order to promote safety, policies and administrative regulations should outline district-wide, campus-wide, classroom-wide and individual strategies that are to be utilized for managing children with food allergies at-risk for anaphylaxis. Consideration should be given in promoting safety in the following areas, including, but not limited to: the cafeteria, all classrooms, hallways, common areas in the school, on the bus, and during all school-sponsored activities, including field trips, athletic events, on-campus, off-campus, and before and after school activities.

The superintendent’s designee, serving as the point of contact, working in collaboration with the campus food allergy management team, if established, and parents may help in developing individual campus strategies to support students with food allergies at-risk for anaphylaxis. Implementing appropriate environmental controls can help minimize risk of exposure to a food allergen. (See Appendix F for Sample Roles and Responsibilities related to Students, Families and Schools)

Environmental controls include consideration of the following:

1. Identifying high-risk areas in the school and implementing strategies to limit exposure to food allergens and implementing general risk reduction strategies throughout the school and at school-sponsored activities. Children at risk for anaphylaxis should not be excluded from the classroom activities based on their food allergies.
2. Limiting, reducing, and/or eliminating food from classroom(s) and other learning environments used by children with food allergies at risk for anaphylaxis.
3. Notifying and educating school staff and parents of the need to limit foods as needed on the campus, in the classroom, or at school sponsored activities.
4. Developing procedures for the management of parent-provided classroom snacks as allowed by Texas statute, with consideration given to students with food allergies at-risk of anaphylaxis.
5. Implementing appropriate cleaning protocols in the school, with special attention to identified high-risk areas.
6. Providing training to the school food service department to reduce the risk of cross-contamination during food preparation and food service, as well as minimizing foods served in the cafeteria that may contain food allergens.
7. Providing training on food allergy awareness to teachers, staff, and parents.
8. Posting of visual reminders promoting food allergy awareness.
9. Educating children about not trading or sharing food, snacks, drinks, or utensils.
10. Implementing hand washing protocols before and after meals. (Hand washing should be done with soap and water, as hand sanitizers are not sufficient for removing allergens.)
11. Assign staff trained in the administration of epinephrine as monitors in the food service area, as appropriate.
12. Provide ready access to epinephrine in an accessible, secure but unlocked area.
13. Consider risk reduction strategies for the school bus, during extracurricular activities, on field trips, during before-and after school activities, and at sporting events.
14. Reinforce rules and expectations about bullying, including bullying of students with food allergies.

(See Appendix H for Considerations)

Training for School Staff on Food Allergies, Anaphylaxis and Emergency Response

Education is key in identifying and supporting students with life-threatening food allergies in the school setting. A tiered approach to training can prepare all staff in identifying and providing emergency care to students with a life-threatening anaphylactic reaction. A school may wish to establish a training schedule that ensures that all school staff are prepared to recognize and manage a life threatening anaphylactic reaction. The tiered approach includes an “awareness training” for all staff and more “comprehensive training” for the campus food allergy management team, if established by the campus, and school staff members that will be responsible for the care of individual students. Free on-line training and other training resources can be found in the guideline appendices.

Awareness training is intended to give an overview of food allergies and anaphylaxis including the signs and symptoms of an allergic reaction, as well as treatment of anaphylaxis. The training should include information about the most common food allergens, the hazards related to the use of food for instructional purposes, and the importance of environmental controls in protecting the health of students at risk for food allergy related anaphylaxis. The training should also provide information about how to respond when a child exhibits the signs and symptoms of an allergic reaction to food, provide information on implementing the FAAP/EAP, including the skills needed in administration of epinephrine, and notifying the local EMS utilizing the school’s emergency response policy and procedures. This generalized training gives an overview for all staff and basic instruction on how to identify and take emergency action in the event of an allergic reaction.

More comprehensive training may be conducted with the campus food allergy management team (if established), interested parents, and other school staff responsible for the care of individual students. This training is more detailed and may include, but is not limited to, more indepth information on (See Appendix J for sample agendas):

- Identifying students at-risk for anaphylaxis and planning for students that do not have epinephrine at school.
- Signs and symptoms of anaphylaxis.
- Implementing FAAPs/EAPs, including training in the administration and storage of epinephrine.
- Development and implementation of IHPs/504 Plans.
- Communication procedures for initiating emergency protocols, including substitute staff.
• Environmental control measures, to reduce the risk of exposure to a food allergen, including safe food handling, handwashing, and cleaning procedures.
• Working with local EMS.
• Post anaphylaxis debriefing and monitoring of the food allergy management plans on the campus.

Post Anaphylaxis Reaction Review of Policy and Procedures

In order to stay current with the management of food allergies in the school setting, policies and administrative regulations should be reviewed and updated at least annually. Review may include looking at the following information:

• Current science on management of food allergies in the school setting.
• A review of the school district’s annual incident report summaries.
• A review of current policies and administrative procedures.
• Recommendations brought forth by the campus food allergy management team, if established, or the local SHAC.

Review of the policy and procedures can help ensure that the most current information is utilized in providing care for food allergic students and align with current statute, rules and evidence-based practice.

For students who have experienced an allergic reaction at school, additional review will help in promoting safety upon the child’s return to school. The approach taken by the school is dependent upon the severity of the reaction, the student’s age and whether it was witnessed by their classmates. In the event the child had a moderate to severe reaction, and to prepare for the child’s return to school, the superintendent’s designee and/or the campus food allergy management team, if established, may wish to collaborate with the student’s parents in collecting and reviewing information and implementing the following activities in order to prepare for the child’s return to the classroom:

• Identify, if possible, the source of allergen exposure and take steps to prevent future reactions.
• Review accurate and updated information on the allergic reaction including any new medication(s) which would require new consent forms to be signed by the parents.
• Identifying and interviewing those who were involved in the emergency care of the student and those that witnessed the event.
• Meeting with school staff to dispel any rumors and review administrative regulations.
• Providing factual information to parents of other classroom students that complies with FERPA law and does not identify the individual student.
• If the allergic reaction is thought to be from food provided by the school food service, work with the school food service department to ascertain what potential food item was served/consumed, how to reduce risk in the cafeteria by reviewing food labels, minimizing cross-contamination and other strategies.
• Review of the FAAP/EAP, IHP, and/or the 504 Plan and amend to address any changes that were made by the student’s healthcare provider.
• If an epinephrine auto-injector was utilized during the reaction, ensure that the parent/guardian replaces it with a new one.

In the rare but plausible event of a fatal reaction, the school’s crisis plan for dealing with the death of a student should be implemented. Mental health professionals as well as healthcare providers with knowledge about food allergies should be on hand to answer questions that may come up.
Conclusion

Raising a child with life-threatening food allergies is challenging and requires vigilance. Parents must ensure strict food avoidance, understand food labeling and be on constant alert in a world that is not food allergy friendly (Vermont Department of Education, 2008).

Given the increasing prevalence of food allergies in children and as children transition into the school setting, schools can play a major role in helping parents by implementing policies and administrative regulations that promote the physical and emotional health of children with diagnosed food allergies at-risk for anaphylaxis. There are many resources available to help schools develop policies and regulations that help promote safety for all children. (See Appendix L for additional resources)
The following appendices are intended to serve merely as samples and are not required to be implemented by school boards or school districts. In addition, school boards should consider local policies, practices and available resources in developing the policy and administrative regulations related to children with food allergies at-risk for anaphylaxis. School districts should consult with their local attorney in developing district policies and administrative regulations.

Appendices

Appendix A: Sample Student Identification Forms and Letters
Appendix B: Sample Food Allergy Action Plan/Emergency Action Plan Forms
Appendix C: Sample Food Allergy Planning Algorithm
Appendix D: Sample 504 Plan
Appendix E: Sample Individualized Healthcare Plan Template
Appendix F: Sample Family, School, and Student Roles and Responsibilities
Appendix G: Sample Staff Roles and Responsibilities
Appendix H: Considerations for Developing Administrative Regulations
Appendix I: National School Boards Association Allergy Checklist
Appendix J: Sample Training Agendas/Epinephrine Administration Checklist
Appendix K: Definitions
Appendix L: Resources for Policy Development and Training and References
Appendix A: Sample Student Identification Forms and Letters
To Parent/Guardian of: _______________________________,

Upon receipt of the health information card for your child, it was noted that your child either had food allergies or wasp/bee sting allergies. Because allergies of this type can be serious, please provide a description of the reaction your child experiences in the space provided below.

Additionally, you need to be aware that if your child purchases a school lunch, the cafeteria cannot substitute or change menu items without written doctor's orders on file at the school. This requirement has been established by the State of Texas.

If your child has severe allergic reactions, I urge you to discuss with your doctor the possible need of keeping an Epi-pen (medication to be used only in the event of a life-threatening allergic response) at school. The nurse's office does stock a single dose of epinephrine, which can be administered in the event of an emergency. If you wish the school nurse to have the authority to administer this medication, please sign and return the enclosed form. Thank you for your assistance.

Sincerely,

______________________________
School Nurse

My child, ________________________, has the following symptoms during a reaction:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Parent Signature         Date
REQUEST FOR FOOD ALLERGY INFORMATION

Dear Parent:
This form allows you to disclose whether your child has a food allergy or severe food allergy that you believe should be disclosed to the District in order to enable the District to take necessary precautions for your child’s safety.

“Severe food allergy” means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

Please list any foods to which your child is allergic or severely allergic, as well as how your child reacts when exposed to the food that is listed.

☐ No information to report.

<table>
<thead>
<tr>
<th>Food</th>
<th>Nature of Allergic Reaction to Food</th>
<th>Life-Threatening?</th>
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TO REQUEST A SPECIAL DIET, MODIFICATION OF A MEAL PLAN OR PROVIDE OTHER INFORMATION FROM YOUR DOCTOR ABOUT YOUR CHILD’S FOOD ALLERGY, YOU MUST CONTACT THE SCHOOL NURSE OR SCHOOL ADMINISTRATOR WHERE YOUR CHILD ATTENDS SCHOOL.

The District will maintain the confidentiality of the information provided above and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only within the limitations of the Family Educational Rights and Privacy Act and District policy.

Student Name: ___________________________ Date of Birth: _________________
School: ___________________________ Grade: ___________________________
Parent/Guardian Name: ____________________________________________
Work Phone: _______________ Mobile Phone: _______________ Home Phone: _______________
Parent/Guardian Signature: ___________________________ Date: _________________
Date form received by Campus: ___________________________

Health and Medical Services
February 2012
## METZGER MIDDLE SCHOOL
AGE, GRADE, HEALTH AND RESIDENCE

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<td>Y OR N</td>
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<tr>
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<tr>
<td>Hispanic</td>
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<tr>
<td>Black</td>
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<td>White</td>
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<table>
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<tr>
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<tbody>
<tr>
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<td>Street</td>
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<tr>
<td>City</td>
<td>Zip Code</td>
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<table>
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<table>
<thead>
<tr>
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<td>Work Phone:</td>
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<td>Occupation of Parent/Guardian:</td>
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<table>
<thead>
<tr>
<th>Mother/Guardian Name:</th>
<th>Date of Birth:</th>
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<tbody>
<tr>
<td>Home Phone:</td>
<td>Work Phone:</td>
</tr>
<tr>
<td>Occupation of Parent/Guardian:</td>
<td></td>
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</table>

IF PARENT/GUARDIAN CANNOT BE REACHED, PLEASE INDICATE ALTERNATE ADULT(S) WHOM THE SCHOOL SHOULD CALL:

<table>
<thead>
<tr>
<th>Alternate Adult</th>
<th>Relationship</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternate Adult</td>
<td>Relationship</td>
<td>Phone Number</td>
</tr>
<tr>
<td>Other Instructions:</td>
<td></td>
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**Education Code 21.331 (a) and (b)**
A person who knowingly falsifies information of a form required for enrollment of a student in a school district is liable for the greater of the maximum tuition fee or the amount the district has budgeted for each student as maintenance and operation expenses if the student is not eligible for enrollment in the district but is enrolled on the basis of this false information.

<table>
<thead>
<tr>
<th>PHYSICIAN:</th>
<th>PHONE NUMBER:</th>
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<tbody>
<tr>
<td>DENTIST:</td>
<td>PHONE NUMBER:</td>
</tr>
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Check those illnesses that this student has had and/or those health condition(s) of which the school should be aware.
Give dates, if possible, when the illness(es) occurred.

- Asthma
- Chicken Pox
- Diabetes
- Epilepsy or Seizures
- Heart Condition
- Heart Condition
- Hepatitis
- Mumps
- Rheumatic Fever

Does this student have a vision problem? Yes __________ No __________
If yes:
- If Yes, state the vision Problem: ________________________________
- Does the student wear glasses? Yes __________ No __________
- Does the student wear contacts? Yes __________ No __________
- Is there a hearing loss? Yes __________ No __________

Does this student have allergic reactions to any drug, food, or insect bites? Yes __________ No __________
If yes:
- Name of Drug: ____________________________
- Name of Food: ____________________________
- Name of Insect: ____________________________

What is a typical reaction and treatment? ____________________________

Does the student take medication on a regular basis? Yes __________ No __________
If yes, name the medication: ____________________________

Additional health problems or instructions not previously covered: ____________________________

JISD does not assume financial responsibility but does wish to provide the best emergency service.
Dear Parent,

Upon reviewing the nurse information card that you completed, I noticed that your child has an allergy to _________________________________.

Please provide the following:

1. Describe the child's allergic reactions in the past; including when and how they occur:
   __________________________________________
   __________________________________________

2. How are these reactions treated?
   __________________________________________
   __________________________________________

3. Is this child on daily or as needed medications for this allergy?
   __________________________________________

4. Please provide further details to the address below, including a physician’s statement if necessary.

Thank you,
_______________ Nurse
_______________ School
_______________ Phone
_______________ Address

AllergicRxnLtrN14 rev. 5/05
Una nota de tu enfermera

Fecha____________________ Maestro/a______________________

Estimados Padres de___________________________________:

En la tarjeta de información de su hijo/a listó alguna alergia. Favor de informarme cual más detalladamente para poder ayudar a su hijo/a mejor:

1. Listó una alergia ___________________________________________________.
   Estoy en lo correcto? SI NO, sí no, por favor nombre la alergia:

2. Ha visto un doctor su hijo/a por está alergia? Si No

________________________ ____________________
Nombre de Doctor Numero de telefono

Podemos hablarle al doctor para obtener más información?

_____Sí_________________________Firma de padre

_____No_________________________Firma de padre

3. Describa las reacciones alérgicas que su hijo/a a tenido en el pasado, incluyendo cuando y como ocurren.

4. Cómo a prevenido las reacciones?

5. Necesita su hijo/a medicamentos diariamente para las alergias? SI NO, sí marco “SI” escriba las medicinas.

6. Favor de darme más detalles, incluyendo una nota de su doctor sí la tiene.

Gracias,

_______________________________________________________
Enfermera                            Escuela                         Telefono

AllergyLtrN14S                                                                             rev.10/2008
Dear Parent,

Our records indicate that your child ______________________________ has a potentially severe allergy that may require treatment at school. Attached to this letter are the forms, listed below, that will give us the necessary information and authorization to treat your child in an emergency.

1. Allergy Action Plan – Should be on file for every student with a severe allergy. Must be updated and signed by the doctor every school year.
2. Medication Authorization Forms (2) – One should be used for each medication sent to school.

Your child’s supplies should include: Epi-pen with prescription label on it and antihistamine (such as Benadryl), if your child’s plan calls for it. Please be alert to the expiration dates on these medications.

If we do not have these forms and supplies on hand and your child has a serious reaction, we may need to call 911 to assure your child’s safety. Unfortunately, the cost is billed to the parent.

It is important for your child’s safety that we have the proper authorizations and supplies on hand in order to respond in an emergency. We appreciate your help in our effort to provide the best care for your child.

Thank you,

School Nurse

Attachments
Estimado Padre de Familia,

Nuestros registros indican que su hijo ______________________________ tiene una alergia con riesgo vital que puede requerir tratamiento mientras esté en la escuela. Adjuntamos a esta carta los formularios, enumerados a continuación, que nos darán la información y autorización necesarias para tratar a su hijo en un caso de urgencia.

1. Plan de Acción para Alergias - Deberá obrar en el expediente para cada alumno que tenga una alergia severa. Deberá ser actualizado y firmado por el doctor cada año escolar.
2. Formularios de Autorización para Medicamentos (2) - Se deberá usar uno para cada medicamento que se envíe a la escuela.

Los materiales de su hijo deberán incluir: Epi-pen con la etiqueta de receta y un antihistamínico (como Benadryl), si se requiere bajo el plan de su hijo. Favor de tener en cuenta las fechas de caducidad de estos medicamentos.

Si no contamos con estos formularios y materiales, y su hijo sufre una reacción grave, es posible que necesitemos llamar al 911 para garantizar la seguridad de su hijo. Lamentablemente, se cobra a los padres el costo.

Para la seguridad de su hijo, es importante que dispongamos de las autorizaciones y materiales adecuadas para poder responder a un caso de emergencia. Agradecemos su ayuda con nuestros esfuerzos para proveer a su hijo la mejor atención.

Gracias,

Enfermera escolar
Adjuntos
Appendix B: Sample Food Allergy Action Plan/
Emergency Action Plan Forms
Food Allergy Action Plan
Emergency Care Plan

Name: ____________________________  D.O.B.: ___ / ___ / ___

Allergy to: _________________________________________________________

Weight: _________ lbs.  Asthma:  □ Yes (higher risk for a severe reaction)  □ No

Extremely reactive to the following foods: _______________________________________

THEREFORE:
□ If checked, give epinephrine immediately for ANY symptoms if the allergen was likely eaten.
□ If checked, give epinephrine immediately if the allergen was definitely eaten, even if no symptoms are noted.

Any SEVERE SYMPTOMS after suspected or known ingestion:

One or more of the following:
- LUNG: Short of breath, wheeze, repetitive cough
- HEART: Pale, blue, faint, weak pulse, dizzy, confused
- THROAT: Tight, hoarse, trouble breathing/swallowing
- MOUTH: Obstructive swelling (tongue and/or lips)
- SKIN: Many hives over body

Or combination of symptoms from different body areas:
- SKIN: Hives, itchy rashes, swelling (e.g., eyes, lips)
- GUT: Vomiting, diarrhea, crampy pain

MILD SYMPTOMS ONLY:

- MOUTH: Itchy mouth
- SKIN: A few hives around mouth/face, mild itch
- GUT: Mild nausea/discomfort

Medications/Doses

Epinephrine (brand and dose): ____________________________
Antihistamine (brand and dose): ____________________________
Other (e.g., inhaler-bronchodilator if asthmatic): ______________________________________

Monitoring

Stay with student; alert healthcare professionals and parent. Tell rescue squad epinephrine was given; request an ambulance with epinephrine. Note time when epinephrine was administered. A second dose of epinephrine can be given 5 minutes or more after the first if symptoms persist or recur. For a severe reaction, consider keeping student lying on back with legs raised. Treat student even if parents cannot be reached. See back/attached for auto-injection technique.

Parent/Guardian Signature  ____________________________  Date  ____________________________
Physician/Healthcare Provider Signature  ____________________________  Date  ____________________________

TURN FORM OVER  Form provided courtesy of the Food Allergy & Anaphylaxis Network (www.foodallergy.org) 9/2011

For the form in Spanish, please go to:  www.foodallergy.org
**EPIDEN Auto-Injector and EPIDEN Jr. Auto-Injector Directions**

- Pull out the blue safety release cap.
- Hold orange tip near outer thigh (always apply to thigh).
- Swing and firmly push orange tip against outer thigh. Hold on thigh for approximately 10 seconds.
- Remove the EPIDEN Auto-Injector and massage the area for 10 more seconds.

**Adraclick™ 0.3 mg and Adraclick™ 0.15 mg Directions**

- Remove GREY caps labeled “1” and “2.”
- Place RED rounded tip against outer thigh. Press down hard until needle penetrates. Hold for 10 seconds, then remove.

A food allergy response kit should contain at least two doses of epinephrine, other medications as noted by the student’s physician, and a copy of this Food Allergy Action Plan.

A kit must accompany the student if he/she is off school grounds (i.e., field trip).

**Contacts**

Call 911 (Rescue squad: ______-_______) Doctor: ___________________________ Phone: (______) ______-_______

Parent/Guardian: __________________________________________________________________________

Phone: (______) ______-_______

Other Emergency Contacts

Name/Relationship: __________________________________________________________________________

Phone: (______) ______-_______

Name/Relationship: __________________________________________________________________________

Phone: (______) ______-_______

---

Form provided courtesy of the Food Allergy & Anaphylaxis Network (www.foodallergy.org) 9/2011

For a copy of this form in Spanish, please go to: www.foodallergy.org
Anaphylaxis Emergency Action Plan

Patient Name: ________________________ Age: ______________

Allergies: ____________________________________________

Asthma: □ Yes (high risk for severe reaction) □ No

Additional health problems besides anaphylaxis: ___________________________

Concurrent medications: ________________________________________________

Symptoms of Anaphylaxis

- MOUTH: itching, swelling of lips and/or tongue
- THROAT*: itching, tightness/closure, hoarseness
- SKIN: itching, hives, redness, swelling
- GUT: vomiting, diarrhea, cramps
- LUNG*: shortness of breath, cough, wheeze
- HEART*: weak pulse, dizziness, passing out

Only a few symptoms may be present. Severity of symptoms can change quickly.

*Some symptoms can be life-threatening. ACT FAST!

Emergency Action Steps - DO NOT HESITATE TO GIVE EPINEPHRINE!

1. Inject epinephrine in thigh using (check one):
   □ Adrenaclick (0.3 mg) □ Adrenaclick (0.15 mg)
   □ EpiPen Jr (0.15 mg) □ EpiPen (0.3 mg)
   □ Twinject (0.15 mg) □ Twinject (0.3 mg)

Other medication/dose/route: __________________________________________

IMPORTANT: ASTHMA INHALERS AND/OR ANTIHISTAMINES CAN'T BE DEPENDED ON IN ANAPHYLAXIS.

2. Call 911 or rescue squad (before calling contact)

3. Emergency contact #1: home__________ work__________ cell__________

   Emergency contact #2: home__________ work__________ cell__________

   Emergency contact #3: home__________ work__________ cell__________

Comments: ____________________________________________

___________________________________________

___________________________________________

___________________________________________

Doctor’s Signature/Date/Phone Number

Parent’s Signature (for individuals under age 18 yrs)/Date

10/2010

For the form, please go to: www.aaaai.org
AUTHORIZATION OF EMERGENCY TREATMENT

_ is allergic to:

1. If you suspect that a food allergen has been ingested (or insect sting), immediately determine the symptoms and treat the reaction as follows:

   **Symptoms:**
   - Mouth: Itching, tingling, or swelling of lips, tongue, mouth
   - Skin: Hives, swelling on face or extremities, itchy rash
   - Gut: Nausea, abdominal cramps, vomiting, diarrhea
   - Throat: Tightening of throat, hoarseness, hacking cough
   - Lung: Shortness of breath, repetitive coughing, wheezing,
   - Heart: Tachy or pacing, passing out, fainting, pale, blue ness
   - General: Panic, sudden fatigue, chills, fear of impending doom

   If a food allergen has been ingested, but no symptoms:
   - If a reaction is progressing (several of the above areas affected):

   **Medication Doses:**
   - **Antihistamine** (liquid diphenhydramine, Benadryl® or cetirizine, Zyrtec®):
     - Give __________ Teaspoon(s), ______ cc (_______mg) by mouth.
   - **EpiPen®** (Epi-Pen __ (________mg)) injected once into upper outer thigh
     - EpiPen injection may need to be repeated if the child's symptoms persist or get worse.

   Call 911 (or Ambulance service and phone number: ____________________________)
   - State that the child had a severe allergic reaction, and additional epinephrine doses may be needed

   **Additional contact information:**
   - Nearest Hospital
   - Allergist Name
   - Pediatrician Name
   - Parent’s Name (other contacts) and Contact Numbers
   - Name
   - Phone (1)
   - Name
   - Phone (2)
   - Other allergies, medication allergies, medical conditions:

   **DO NOT HESITATE TO ADMINISTER MEDICATION OR TAKE THE CHILD TO A MEDICAL FACILITY EVEN IF PARENTS CANNOT BE REACHED**

   *Additional boxes may be checked depending upon specific patient history

   **Physician’s Signature**
   **Date**
   **Parent’s Signature**
   **Date**

For the form, please go to: www.faiusa.org/document.doc?id=4
Allergy/Anaphylaxis Physicians Orders

Student’s Name: ________________________  DOB: _________  School _________  Teacher ___________

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<tr>
<th>Symptoms</th>
<th>Give Checked Medications**</th>
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</thead>
<tbody>
<tr>
<td>□ If food allergen has been injected, but <em>no symptoms</em></td>
<td>□ Epinephrine  □ Antihistimine</td>
</tr>
<tr>
<td>□ Mouth itching, tingling, or swelling of lips, tongue, mouth</td>
<td>□ Epinephrine  □ Antihistimine</td>
</tr>
<tr>
<td>□ Skin hives, itchy rash, swelling of face or extremities</td>
<td>□ Epinephrine  □ Antihistimine</td>
</tr>
<tr>
<td>□ Gut nausea, abdominal cramps, vomiting, diarrhea</td>
<td>□ Epinephrine  □ Antihistimine</td>
</tr>
<tr>
<td>□ <strong>Throat</strong> tightening of throat, hoarseness, hacking cough</td>
<td>□ Epinephrine  □ Antihistimine</td>
</tr>
<tr>
<td>□ <strong>Lung</strong> shortness of breath, repetitive coughing, wheezing</td>
<td>□ Epinephrine  □ Antihistimine</td>
</tr>
<tr>
<td>□ <strong>Heart</strong> weak or thready pulse, low blood pressure, fainting, pale, blueness</td>
<td>□ Epinephrine  □ Antihistimine</td>
</tr>
<tr>
<td>□ Other</td>
<td>□ Epinephrine  □ Antihistimine</td>
</tr>
</tbody>
</table>

If reaction is progressing (several of the above areas affected), give: □ Epinephrine  □ Antihistimine

Allergy TO: ________________________________________________________________

Asthmatic  Yes*  □  No  □

*Higher risk for severe reaction.
STEP 1: TREATMENT

DOSAGE

Epinephrine: inject intramuscularly (circle one) EpiPen® EpiPen® Jr. Twinject® 0.3 mg Twinject® 0.15 mg

Antihistamine: give______________________________________________________________Medication,/dose,/route

Other: give__________________________________________________________Medication,/dose,/route

IMPORTANT: Asthma inhalers and/or antihistamines cannot be depended on to replace epinephrine in anaphylaxis.

STEP 2: EMERGENCY CALLS

1. Call 911. State that an allergic reaction has been treated, and additional epinephrine may be needed.

2. Dr. ___________________________ Phone Number:____________________________________

3. Parent________________________ Phone Number:____________________________________

4. Emergency Contacts:
   Name/Relationship   Phone Number(s)
   a.________________________ 1)________________________ 2)________________________
   b.________________________ 1)________________________ 2)________________________

EVEN IF PARENT/GUARDIAN CANNOT BE REACHED, DO NOT HESITATE TO MEDICATE OR TAKE CHILD TO MEDICAL FACILITY!

Parent/Guardian’s Signature____________________________________________ Date_________________

Doctor’s Signature (Required)__________________________________________ Date_________________
Appendix C: Sample Planning Algorithm*
Anaphylaxis Management Algorithm I

Planning Phase

Student is enrolled at school. Parent provides health information at registration and informs school of any health issues.

Parent/Guardian indicates that the student has a history of food allergy.

Allergy is confirmed by healthcare provider. Medical orders, including medication orders are provided to the school. School administration is notified of allergy.

Yes
No

Yes

School nurse follows school district policies or assists in development of policies in conjunction with state laws and guidelines

Preparation: School nurse begins planning for care of student at school utilizing NASN Tool Kit resources:
- Family Allergy Health History
- NASN Guidelines for Health Personnel in Allergy Management
- Fact Sheet: What school nurses need to know about parents of children with food allergies
- Develop individualized Healthcare Plan

Refer Parent/Guardian back to healthcare provider. Involve school administration as needed.

The Student is exposed to an allergen.

No, a reaction does not occur.

Yes, an allergic reaction occurs.

See NASN Food Allergy Anaphylaxis Management Algorithm II: Provision of Care

Maintain plans in place. Follow up with faculty and staff on a regular basis to reinforce training and prescribed emergency response.

*School nurses should go to the National Association of School Nurses Web site to obtain the Management Algorithm II: Provision of Care and other food allergy management resources. [www.nasn.org](http://www.nasn.org)
Appendix D: Sample 504 Template
504 PLAN

DATE: ____________________ ADMINISTRATOR OR DESIGNEE: _______________________________

SCHOOL: ____________________________ ATTENDING (name/title): ______________________________

STUDENT: _______________________________________________________________________________

PARENT(S)/GUARDIAN: __________________________________________________________________

PRIMARY LANGUAGE: ___________________________________________________________________

GRADE: _____________ BIRTHDATE: _____________________________ M_______ F_______

WE AGREE THAT THIS STUDENT QUALIFIES UNDER SECTION 504 AND WILL IMPLEMENT
THE FOLLOWING PLAN

PRINCIPAL/DESIGNEE SIGNATURE: _______________________________________________________

1. Describe the nature of the concern (impairment or disability):

2. Describe the basis for the determination of the disability (who diagnosed):

3. Describe how the disability affects a major life activity (what do you observe at the school site or in the classroom):

4. Describe how the disability affects access to learning:

5. Describe the appropriate accommodations that are necessary:
Appendix E: Sample Individualized Healthcare Plan Template
# Sample Food Allergy Healthcare Plan

This is a basic Individualized Healthcare Plan. For a more comprehensive IHP that includes Nursing Intervention Classifications (NIC) and Nursing Outcome Indicators (NOC) please go to the National Association of School Nurses website: [www.nasn.org/ToolsResources/FoodAllergyandAnaphylaxis](http://www.nasn.org/ToolsResources/FoodAllergyandAnaphylaxis)

<table>
<thead>
<tr>
<th>Name:</th>
<th>DOB:</th>
<th>Current Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student ID:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diagnosis:</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Assessment Data</th>
<th>Nursing Diagnosis</th>
<th>Goals</th>
<th>Interventions</th>
<th>Outcome</th>
</tr>
</thead>
</table>
| Potential for anaphylactic shock secondary to severe food allergy. | Risk for ineffective breathing related to bronchospasm and inflammation of the airways secondary to allergic reaction. | Student will have FAAP/EAP and IHP in place to include student, parental and staff roles in preventing and managing an anaphylactic reaction. | Secure medical documentation of food allergy, FAAP/EAP and information about food substitutions.  
- Educate school staff on early signs of potential anaphylaxis and appropriate steps to take in emergency care.  
- School wide training on recognition of signs of allergic reaction.  
- Student specific training for classroom, administrative, cafeteria, custodial and transporation personnel.  
- Train designated staff in the use of the epi auto-injector, first aid care, EMS contact.  
- Designated personnel receive copy of FAAP/EAP and IHP. | * Medical documentation received (FAAP/EAP)  
* Yearly staff awareness training conducted and documented.  
* Student specific training delivered and documented in student file.  
* Staff demonstrate proper use of epi auto-injector. In event of allergic reaction, staff responds according to FAAP/EAP.  
* Staff responds to student report of allergen exposure and supports student with self-care or by administering epi auto-injector.  
* Post crisis review conducted in the event of an allergen exposure. |

<table>
<thead>
<tr>
<th>Assessment Data</th>
<th>Nursing Diagnosis</th>
<th>Goals</th>
<th>Interventions</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asthma: YES/NO (circle one)</td>
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<table>
<thead>
<tr>
<th>Nursing Diagnosis</th>
<th>Goals</th>
<th>Interventions</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student will demonstrate awareness of the significance of allergic reactions, symptoms and treatment.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Nursing Diagnosis</th>
<th>Goals</th>
<th>Interventions</th>
<th>Outcome</th>
</tr>
</thead>
</table>
| | | | * Student will read food labels before ingestion.  
* Student will not accept food offered by others.  
* Student can demonstrate assertiveness when encountering situations that have potential to result in exposure to food allergen.  
* Student will identify allergic reactions, notify school personnel and treat immediately. |
| Establish a food safe environment for students with food allergies. | Educate staff regarding allergen and institute environmental controls.  
- Have students/personnel wash hands or use hand wipes before and after food handling or consumption. Emphasize that hand sanitizer is NOT effective in removing food allergens from hands or surfaces.  
- Review food allergy and exposure prevention strategies with food service staff.  
- Secure medical documentation for food substitutions.  
- Secure “emergency meal” from parent in event food allergen can not be avoided.  
- Review cleaning procedures with custodial staff. Establish a food safe environment for student with food allergies.  
- Notify classroom parents and staff of need to restrict presence of food allergen in student’s classroom activities.  
- Avoid use of food for instruction/reward purposes.  
- Adhere to bus policy about food consumption on the bus.  
- Minimum 2 week advance notice on field trips and other off campus activities.  
- Facilitate student participation in full range of school activities. | * Student is NOT exposed to food allergen and has no allergic reactions. |
|---|---|---|
- Zero tolerance for bullying related to food allergy.  
- Educate student on assertiveness techniques.  
- Empower student to educate classmates. | * Student does not experience bullying or discrimination related to food allergy.  
* Student demonstrates positive self-esteem related to food allergy via verbal and non-verbal communication. |
Appendix F: Sample Family, School, and Student Roles and Responsibilities
Sample Family, School and Student Roles and Responsibilities*

In promoting a safe school environment for children with food allergies at-risk for anaphylaxis, students, parents, and school personnel should work as a team in identifying students at-risk for anaphylaxis, reducing the risk of exposure to food allergens and to react quickly should an exposure or allergic reaction occur.

*The following roles and responsibilities are based on a document developed by the following organizations and reflect Texas law and Ad Hoc Committee input:

American Food Service Association  
National Association of Elementary School Principals (NESP)  
National Association of School Nurses (NASN)  
National School Boards Association (NSBA); and  
The Food Allergy & Anaphylaxis Network

**Family’s Responsibility**

- Notify the school of the child’s allergies in accordance with TEC, Section25. 0022. (See Appendix A for sample notification documents)
- Work with the campus Food Allergy Management Team, if established, to review the FAAP/EAP (provided by the physician or healthcare provider) and discuss accommodations the child will need throughout the school day, including the classroom, the cafeteria, in after-school programs sponsored by the school, during school-sponsored activities, and on the school bus.
- Provide written medical documentation, instructions, and medications as directed by a physician, using the FAAP/EAP as a guide. Include a photo of the child on the written form.
- Provide properly labeled medications and replace medications after use or upon expiration.
- Educate the child in the self-management of their food allergy including:
  - Safe and unsafe food
  - Strategies for avoiding exposure to unsafe food
  - Symptoms of allergic reactions
  - How and when to tell an adult they may be having an allergy-related problem
  - How to read food labels (age appropriate)
  - If age appropriate, the importance of carrying and administering their personal asthma and anaphylaxis medications as prescribed
- Review policies/procedures with the school staff, the child’s physician, and the child (if age appropriate) after a reaction has occurred.
- Provide emergency contact information and update when needed.

**School’s Responsibility**

- Be knowledgable about and follow applicable federal laws including: ADA, IDEA, Section 504, and FERPA and any state laws or district policies that apply.
- Review the notification and health records submitted by parents and the physician.
- Include food-allergic students in school activities. Students should not be excluded from school activities solely based on their food allergy.
- Identify a Food Allergy Management Team consisting of, but not limited to, school nurse (if available), teacher, principal, school food service and nutrition manager/director, janitor, and counselor (if available) to work with parents and the student (age appropriate) to establish a risk reduction plan.
Changes to the risk reduction plan should be made in collaboration with the Food Allergy Management Team, if established, by campus participation.

- Assure that all staff who interact with the student on a regular basis understands food allergy; can recognize symptoms of an allergic reaction; knows what to do in an emergency, and works with other school staff to eliminate the use of food allergens in the allergic student’s meals, educational tools, arts and crafts projects or as incentives.
- Practice EAPs before an allergic reaction occurs to assure the efficiency/effectiveness of the plans.
- Coordinate with the school nurse (when available) or assign school staff in making sure the child’s medications are properly stored in an accessible but unlocked cabinet in case of an emergency.

According to the Texas Education Code, a student with asthma or anaphylaxis is entitled to possess and self-administer prescription asthma or anaphylaxis medicine on school property or at a school-related event of activity if:

1. the prescription medicine has been prescribed for that student;
2. the student has demonstrated to the student’s physician or other licensed health care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. the self-administration is done in compliance with the prescription or written instructions from the student’s physician or licensed health care provider, and
4. a parent of the student provides to the school:
   a. a written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
   b. a written statement from the student’s physician or other health care provider, signed by the physician or provider, that states:
      i. that the student has asthma or anaphylaxis and is capable of self-administering the prescription medicine;
      ii. the name and purpose of the medicine;
      iii. the prescribed dosage of the medicine;
      iv. the times at which or circumstances under which the medicine may be administered, and
      v. the period for which the medicine is prescribed.

- Assign school staff, who are properly trained to administer medications in accordance with the state laws governing administration of medications in the school setting.
- Be prepared to handle a reaction and ensure that there is a staff member available who is properly trained to administer medications during the school day regardless of time or location.
- Review policies/administrative procedures with the Food Allergy Management Team, if established, parents/guardians, student (age appropriate), and the student’s physician after a reaction has occurred.
- Work with the district transportation administrator to assure that the school bus driver training includes symptom awareness and what to do in an emergency should a food allergy reaction occur.
- Recommend that all buses have communication devices for use in case of emergency.
- Enforce a “no eating” policy on school buses with exceptions made only to accommodate special needs under federal or state law, or school district policy.
- Discuss field trips with the family to decide appropriate strategies for managing the food allergy while the student is on a field trip.
- Take threats or harassment against any child, including those with food allergy, seriously.
Student’s Responsibility

- Should not trade food with others.
- Should not eat anything with unknown ingredients or known to contain any allergen.
- Should be proactive in the care and management of their food allergies and reactions based on their developmental level.
- Should notify an adult immediately if they eat something they believe may contain a food to which they are allergic.
Appendix G: Sample Staff Roles and Responsibilities
Responsibilities of School Administration Designee

- Designee should serve as the point of contact for parents, healthcare providers, campus food allergy management team, if established by the campus, and other school staff.
- Designee should facilitate the development, implementation, and monitoring of comprehensive and coordinated administrative procedures by convening a multi-disciplinary team to develop the district food allergy management plan.
- Include in the school’s emergency response plan a written plan outlining emergency procedures for managing life-threatening allergic reactions. Modify the plan to meet special needs of individual students. Consider obtaining standing orders for stock epinephrine for emergency treatment of anaphylaxis.
- Support faculty, staff and parents in implementing the food allergy management plan.
- Coordinate the training and education for faculty and staff regarding:
  - Food allergies and anaphylaxis
  - Risk reduction procedures
  - Emergency procedures
  - How to administer epinephrine auto-injector in the event of an emergency
- Coordinate training for food service personnel with child nutrition program.
- Provide emergency communication devices (two-way radio, intercom, walkie-talkie, cell phone) for all school activities including transportation that involve children with life-threatening conditions.
- Inform parent/guardian if student experiences an allergic reaction for the first time at school.
- Make sure a contingency plan is in place in case of a substitute teacher, transportation staff member, nurse, or food service personnel.
- Have a plan in place when there is not a school nurse available.
- Ensure that a student is placed in a class where the teacher is trained to administer epinephrine auto-injector, if needed.
- Have a plan in place if a child with a food allergy has an anaphylactic reaction and does not have epinephrine at school.

Responsibilities of the School Nurse, if Available

- Prior to entry into school (or for a student who is already in school, immediately after the diagnosis of a life-threatening allergic condition), meet with the student’s parents/guardian and develop an IHP. **
- Assure that the FAAP/EAP includes the student’s name, photo, allergens, and symptoms of an allergic reaction, risk reduction procedures, emergency procedures and required signatures.
- Arrange and convene a campus food allergy management team (if established) meeting (preferably before the opening of school) to develop the plan with all staff who come in contact with the student with food allergies, including, but not limited to: the principal, teachers, food service personnel, aides, physical education teacher, custodian, bus driver, local EMS.**
- Familiarize teachers with the FAAP/EAP of their students. Other staff members who have contact with the students should be familiar with their FAAP/EAPs and be able to intervene if needed.
- After the campus food allergy management team (if established) meeting, remind parents to review the FAAP/EAP, symptoms and emergency procedures with their child.
- Provide information about students with life-threatening food allergies and their photos (if consent given by parent) to all staff on a need-to-know basis, including bus drivers.
- Conduct training and education to appropriate staff regarding a student’s life threatening allergens, symptoms, risk reduction procedures, emergency procedures, and how to administer the epinephrine auto-injector.** Consider obtaining standing orders for stock epinephrine for use in emergencies.
- Implement a periodic anaphylaxis drill as part of a periodic refresher course.
• Educate new personnel and substitute personnel as necessary.
• Track in-service attendance of all involved parties to assure they have been trained.
• Introduce yourself to the student and show him/her how to get to the nurse’s office.
• Post district’s emergency protocol and have available all FAAP/EAPs and IHPs in the nurse’s office. Post location of auto-injectors. Auto-injectors should be placed in an accessible, secure and unlocked location.
• Periodically or at least annually, check medications for expiration dates and notify parents to obtain new medications.
• Discuss with parents the possibility of keeping an epinephrine auto-injector in the classroom. This auto-injector can be used on field trips.
• Discuss with parents the possibility of student carrying his/her auto-injector during the school day.
• Arrange periodic follow-up on a regular basis, to review the FAAP/EAP and IHP.
• Make sure there is a contingency plan in place in the case there is a substitute school nurse.
• Meet with parents on a regular basis to discuss issues related to plan implementation.
• Ensure that a student suspected of having an allergic reaction is accompanied by a trained adult.
• Communicate with local EMS about the location of the student and type of allergy. Assure that local EMS has epinephrine and have authorization to use it.
• Provide health education to the food allergic student as needed.

**Please note, due to the Texas Nurse Practice Act, some of the activities below must be carried out by a Registered Nurse, as these activities are beyond the scope of practice of a Licensed Vocational Nurse (LVN). www.bon.texas.gov/practice/position.html#15.27
LVN Scope of Practice
www.bon.texas.gov/practice/position.html#15.28
RN Scope of Practice

Responsibilities of the Classroom Teacher/Specialist

• Review the FAAP/EAP of any student(s) in your classroom with life-threatening food allergies.
• Develop communication plan with the campus office and/or school nurse.
• Participate in the campus food allergy management team (if established) meetings and in-service trainings.
• Keep accessible the student’s FAAP/EAP with photo in classroom.
• Be sure volunteers, student teachers, aides, specialists and substitute teachers are informed of the child’s food allergy and take necessary safeguards.
• Leave information in an organized, prominent and accessible format for substitute teachers and other appropriate staff.
• Coordinate with parent and school nurse, if available, to provide a lesson plan for food allergies for the class and discuss anaphylaxis in age appropriate terms, with student’s and parent’s permission.
• Educate classmates to avoid endangering, isolating, stigmatizing or harassing students with food allergies. Be aware of how the student with food allergies is being treated; enforce school rules on bullying and threats.
• Work with the school nurse to educate other parents about the presence and needs of students with life-threatening food allergies in the classroom.
• Inform parents and school nurse, if available, of any school events where food will be served.
• Consider eliminating or limiting food in classrooms and other learning environments.
• Participate with the planning for student’s re-entry into school after having an anaphylactic reaction.
• Avoid isolating or stigmatizing a student with food allergies and adhere to the school district’s policy on bullying.
• Consider modifying the curriculum to ensure classroom learning is not impacted.
• Ensure that a student suspected of having an allergic reaction is accompanied by an adult. Do not put a student on the bus if there are any signs or symptoms of an allergic reaction.

**Snack time/Lunchtime**
- Establish procedures to ensure that the student with life-threatening food allergies eats only what she/he brings from home and/or is known to be safe.
- Encourage hand washing before and after snacks and lunch. Be aware that alcohol-based hand sanitizers are NOT effective in removing allergens from hands. Proper hand washing with soap and water or the use of hand wipes is necessary to remove the allergens.
- Prohibit students from sharing or trading snacks.
- Encourage parents/guardians to send a box of “safe” snacks for their child.
- Have parents/guardians provide a non-perishable safe lunch in case their child forgets lunch one day.
- Avoid cross-contamination of food by wiping down eating surfaces before and after eating. Wash tables if there is an after-school activity held in the classroom the day before.
- Consider eliminating or limiting foods in the classroom which may cause a life-threatening reaction to a student in the class.

**Classroom Activities**
- Avoid use of foods for classroom activities (e.g., arts and crafts, counting, science projects, parties, holidays and celebrations, cooking, or other projects).
- Welcome parental involvement in organizing class parties and special events. Consider non-food treats.
- Use non-food items such as stickers, pencils, etc. as rewards instead of foods.

**Field Trips**
Collaborate with the school nurse, or classroom teacher if school nurse is not available prior to planning a field trip to:
- Ensure FAAP/EAPs and epinephrine auto-injectors are taken on all field trips and outings.
- Ensure a functioning two way radio, walkie-talkie, cell phone or other communication device is taken on field trips.
- Collaborate with parents of students with food allergies when planning field trips.
- Review plans for field trips; avoid high risk places. Consider eating situations on field trips and plan for reduction of exposure to a student’s life-threatening food allergy.
- Know the closest medical facilities, 911 procedures and whether the ambulance carries epinephrine.
- Invite parents of students at risk for anaphylaxis to accompany their child on school trips, and/or to act as chaperone. However, the student’s safety or attendance must not be a conditioned on the parent’s presence.
- One to two people on the field trip should be trained in recognizing signs and symptoms of life-threatening allergic reactions, trained in use of epinephrine auto-injector and trained in emergency procedures.
- Consider ways to wash hands and encourage hand washing before and after eating (e.g. provision for hand wipes, etc.)
Responsibilities of the Food Service Manager

- Attend the campus food allergy management team (if established) meetings.
- Post the FAAP/EAP (with a photo of the child) in prominent areas of the food service line, with parental permission.
- Review the legal protections for students with life-threatening allergies and ensure that students with severe food allergies that participate in the federally-funded school meal programs are given safe food items as outlined by the physician’s signed statement.
- Read all food labels and recheck routinely for potential food allergens.
- Train all food service staff and their substitutes to read product food labels and recognize food allergens.
- Maintain contact information for manufacturers of food products (Consumer Hotline).
- Review and follow sound food handling practices to avoid cross-contamination with potential food allergens.
- Strictly follow cleaning and sanitation protocol to avoid cross-contamination.
- Set-up procedures for the cafeteria regarding food allergic students aligning them to the district food allergy management plan and campus food allergy management plan for students.
- Create specific areas that are allergen safe, such as dedicated tables/seating areas.
- Train cafeteria monitors on signs and symptoms of anaphylaxis and emergency treatment, including administration of epinephrine.
- Enforce hand washing for all students before and after meals.
- Thoroughly clean all tables and chairs after each meal.
- After receiving notice from healthcare provider, make appropriate substitutions or modifications for meals served to students with food allergies.
- Plan ahead to have safe meals for field trips.
- Avoid the use of latex gloves by food service personnel. Use non-latex instead.
- Provide advance copies of the menu to parents/guardians of students with food allergy, and notification if menu changes. Consider how to provide specific ingredient lists to parents upon request.
- Have at least two people in the eating area trained to administer epinephrine by auto-injector and be able to implement the FAAP/EAP and contact local EMS.
- Have auto-injectors in an accessible, secure location, but not under lock and key.
- Have functioning communication system in place to support emergencies.
- Take all complaints seriously from any student with life-threatening food allergies.
- Be prepared to take emergency action for a student in the cafeteria in the event of an allergic reaction.

Responsibility of Transportation Department

- Provide a representative to serve on the campus food allergy management (if established) team.
- Provide training for all school bus drivers on identifying the symptoms of life-threatening food allergies.
- Provide a functioning communication device for use on the bus or during transport.
- Know how to contact local EMS and follow the district FAAP/EAP while transporting children with life-threatening food allergies.
- Maintain policy of no consumption of food or drinks on the buses.
Responsibility of Coaches and Other On-Site Persons in Charge of Conducting School-Sponsored Activities

- Participate in campus food allergy management team (if established) meetings.
- Conduct the school sponsored activity in accordance with school policies and procedures regarding life threatening food allergies.
- With parent’s consent, keep a copy of the FAAP/EAP with a photo of the student with a life threatening food allergy in an easily accessed place.
- Make certain that an emergency communication device is always present.
- See that one to two people are present who are trained in emergency response and able to administer epinephrine auto-injectors.
- Maintain auto-injectors in a secure, unlocked yet easily accessible location where trained school staff can quickly access them and the child’s FAAP/EAP.
- Establish emergency medical procedures with EMS.
- Clearly identify who is responsible for keeping the auto-injector(s) and FAAP/EAPs for students with life threatening food allergies.
- If for safety reasons medical alert identification needs to be removed during specific activities, the student should be reminded to place the identification back on immediately after the activity is complete. If it is not required to be removed, medic alert jewelry can be covered utilizing tape or wrist bands.

Responsibilities of Custodial Staff

- Participate in trainings on the identification of allergic reactions to food and emergency response procedures.
- Clean desks, tables and chairs and other surfaces with special attention to designated areas for students with food allergies at risk for anaphylaxis.
- Be aware that individual 504 Plans or IHPs may require specialized cleaning.
Appendix H: Considerations for Developing Administrative Regulations
Considerations in the Development of Administrative Regulations

The school districts multidisciplinary team may want to consider the following factors when developing food-allergy administrative regulations and specific campus procedures.

1. **Consideration for the Cafeteria**
   The district should work to make the cafeteria environment as safe as possible for food-allergic students. This process includes making determinations about serving foods with known food allergens and identifying steps that can be taken to reduce the chance of accidental exposure, such as:
   a. Provide training to food service personnel on food label reading and safe handling of food, as well as safe meal substitutions for children with diagnosed food allergies at-risk for anaphylaxis.
   b. Educate cafeteria staff and cafeteria monitors about food allergy management and students at risk of anaphylaxis, including cross contamination.
   c. Develop standard procedures for cleaning tables, chairs, and trays, particularly those designated as allergen-safe, after lunch periods using dedicated and disposable supplies to avoid cross contamination.
   d. When possible, share ingredients/allergen information for food provided by the school with students and parents.
   e. Designate allergen-safe table or other special seating arrangements as an available option for allergic students.
   f. Discourage students from sharing or trading food/snack items, drinks, straws, or utensils.
   g. Encourage hand-washing before and after eating.

2. **Consideration for the Classroom**
   A safe classroom environment is essential for continuous growth and development of a student’s educational experience. This is particularly important for the food-allergic student, who may face allergens in the classroom. Policies and procedures should be made for the protection of these students in the classroom. The school nurse or food allergy management team, if established, should work with the classroom teacher(s) to help them understand and initiate the student’s IHP/EAP, as necessary. If there is no school nurse, the school policy should outline how training will be conducted by a healthcare provider with expertise in food allergy and anaphylaxis care and treatment.
   a. If possible, consider prohibiting the use or consumption of allergen-containing foods in the classroom, in the hallways, and other areas that food allergic students could be exposed.
   b. Conduct training for teachers, aids, volunteers, substitutes and students about food allergies.
   c. Develop a procedure that will alert substitute teachers to the presence of any students with food allergies and where to locate and how to implement the FAAP/EAP.
   d. Develop a letter to parents/guardians of classmates of the food-allergic student (without identifying the student(s), particularly in the lower grades), explaining any prohibitions on food in the classroom.
   e. Discourage the use of food for classroom projects/activities, classroom celebrations, etc.
   f. Encourage the use of non-food items for all classroom events/activities, as a way to avoid potential of major food allergens.
   g. Notify parents of classroom events, activities and celebrations that involve food with particular attention to notification of parents of children with food allergies.
   h. Encourage students to wash hands before and after eating.
   i. Develop standard procedures for cleaning desks, tables and the general classroom area.
3. **General Considerations for the School Environment**
   The school district should work to make the school environment as safe as possible for the food allergic student. The school nurse, cafeteria staff, and custodial staff are important resources when developing procedures for the school environment.
   a. Develop cleaning procedures for common areas (i.e., libraries, computer lab, art rooms, science rooms and hallways, etc.).
   b. Develop guidelines for food fundraisers like bake sales, candy sales, etc. that are held on the school grounds based on the Texas Nutrition Guidelines.
   c. Avoid the use of food products as displays or components of displays in hallways or common areas.
   d. Develop protocols for appropriate cleaning methods following events at school that involve food items.

4. **Field Trips and Other School Functions**
   Students with food allergies should participate in all school activities and must not be excluded based on their condition.
   a. Communicate relevant aspects of the FAAP/EAP plan to staff, as appropriate, for field trips, school-sponsored functions, and before-and after-school programs.
   b. Encourage long-term planning of field trips in order to ensure that food-allergic students receive needed services while away from school.
   c. Evaluate if field locations are appropriate for students with food allergy at risk for anaphylaxis (e.g., a trip to a dairy farm should not be scheduled for a class with a milk-allergic student).
   d. Encourage, but do not require, parents/guardians of food-allergic students to accompany their child on school trips.
   e. Establish procedures for the emergency administration of medications while on field trips or other off-campus events.
   f. Assess procedures for emergency staff communications on field trips and develop an emergency communication plan.
   g. Inform parents, when possible, of school-sponsored field trips or events when food will be used or served.

5. **Bus Transportation**
   The school district should consider the needs of students with life-threatening allergies while being transported to and from school and to school-sponsored activities.
   a. Advise bus drivers of students that have food allergies. Provide training on the symptoms associated with an allergic reaction and how to respond appropriately.
   b. Assess the emergency communications system on the buses and develop an emergency communications plan.
   c. Consider assigned bus seating (i.e., students with food allergies can sit at the front of the bus or can be paired with a “bus buddy”.)
   d. Assess and update existing procedures regarding eating food on buses.
   e. Consider establishing policies and procedures related to limiting (or eliminating) the consumption of food on school buses.
6. **Preparing for an Emergency**
Establish emergency protocols and procedures in advance of an emergency and be prepared to follow them.

   a. Provide training for school personnel about life-threatening allergic conditions which include identifying the signs and symptoms of an anaphylactic reaction and the administration of epinephrine auto-injector.
   
   b. Create a list of volunteer delegates (trained by the school nurse or healthcare provider) in the administration of epinephrine, and disseminate the list as appropriate.
   
   c. Ensure that the student’s epinephrine is readily available in the event of an emergency. The epinephrine should be stored in an accessible, secured location, but not locked in a cabinet.
   
   d. Coordinate with the local EMS on emergency response in the event of accidental exposure and anaphylaxis.
   
   e. Consider conducting anaphylaxis drills as part of the district emergency response plan.
   
   f. Ensure access to students’ epinephrine and allergy-free foods when developing plans for fire drills, lock downs, and other school drills.
   
   g. Ensure that reliable communication devices are available in the event of an emergency.
   
   h. Adhere to universal precautions and the district Exposure Control Plan when disposing of epinephrine auto-injectors or syringes after use.
   
   i. Consider a plan for treatment of anaphylaxis in a child without previously diagnosed food allergy, a child with a diagnosed food allergy at-risk for anaphylaxis that does not have epinephrine at school, or is unable to administer the epinephrine during an anaphylactic reaction. This could include an emergency kit and standing medical orders for the use of emergency epinephrine.

7. **Sensitivity and Bullying**
A food allergic student may receive threats and harassment related to his/her condition. According to the Texas Education Code, Chapter 37, Section 37.0832, school policy should address bullying on school grounds, at school sponsored functions, and in school vehicles for all students.

   a. Remind students and staff that bullying or teasing food-allergic students will not be tolerated and violators should be disciplined as outlined in school policy.
   
   b. Offer professional development for faculty and staff regarding confidentiality and compliance with FERPA to prevent open discussion of specific students.
   
   c. Discourage labeling of food-allergic students in front of others. A food-allergic student should not be referred to as “the peanut kid”, “the bee kid” or any other name related to the student’s condition.
Appendix I: NSBA Policy and Procedures Checklist
Policy and Administrative Procedures Check List

The following checklist was developed by the National School Boards Association and can be located at: [www.nsba.org/Board-Leadership/SchoolHealth/Updates/Food-Allergy-Policy-Guide.html](http://www.nsba.org/Board-Leadership/SchoolHealth/Updates/Food-Allergy-Policy-Guide.html). The checklist is part of the document entitled *Safe at School and Ready to Learn: A Comprehensive Policy Guide for Protecting Students With Life-Threatening Food Allergies*. DSHS received approval to print the checklist as part of the Texas Care Guidelines for Students with Food Allergies At-Risk for Anaphylaxis. School boards and charter school leadership should modify the checklist to comply with Texas laws, rules and board policies.

**Essential Component A**
Identification of students with life-threatening food allergy and provision of health services (pages 5-6 in *Safe at School and Ready to Learn*)

*Develop, implement, monitor, and update a school health services plan for students with food allergies in accordance with privacy/confidentiality laws.*

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<tbody>
<tr>
<td>1. Collect information on students with life-threatening food allergies.</td>
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<td>2. Coordinate a process to acquire current student information from healthcare providers and parents</td>
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<td>3. Document and keep current parental consent for medication administration.</td>
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<td>4. Define appropriate health services for students with food allergies and train school personnel in the provision of services.</td>
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<td>5. Implement and follow procedures for self-administration of medication.</td>
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<td>6. Maintain and update student health records.</td>
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<td>7. Review standard operating procedures to identify students and revise as needed.</td>
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Additional notes for planning improvements and actions
Essential Component B
Individual written management plans (page 6-7 in Safe at School and Ready to Learn)
When notified of a student’s food allergy diagnosis, each district or charter school should develop and implement individual written management plans. Including the individual healthcare plan and emergency care plan, to address the healthcare needs of the student. The plans should be developed in collaboration with the registered nurse or designee, student’s parents, district or school nutrition staff, and licensed healthcare providers, revisions as needed according to the student’s age and developmental level, and be consistent with state and federal laws regarding confidentiality.

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<tbody>
<tr>
<td>1. Develop and maintain an individual healthcare plan to include student’s medical needs and accommodations.</td>
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<tr>
<td>2. Develop and maintain an emergency care plan and identify and coordinate a food allergy management team to assure a comprehensive and coordinated approach to addressing student’s needs.</td>
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<td>3. Designate an individual to establish and monitor plan implementation.</td>
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<td>4. Maintain incident reports and follow up.</td>
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<td>5. Develop medication storage policies, on a case-by-case basis, to support a student’s rights to self-carry and self-administer prescribed medications.</td>
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Additional notes for planning improvements and actions:
**Essential Component C**
Medication protocols: storage, access, and administration (Page 7-8 in *Safe at School* and *Ready to Learn*)

*Medications should be managed to allow for quick access when needed and to protect the safety of students with medications. The details for storage, access, and administration are outlined in state laws.*

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<tbody>
<tr>
<td>1. Maintain written medication orders for students, including permissions for students to carry and self-administer medications.</td>
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<td>2. Identify authorized personnel to administer medications.</td>
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<td>3. Store medications appropriately.</td>
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<td>4. Request multiple (at least two) epinephrine auto-injectors.</td>
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<td>5. Monitor expiration dates on medications.</td>
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<td>6. Refill/re-stock medications as necessary.</td>
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<td>7. Obtain standing order for epinephrine for emergency use, as permitted by law.</td>
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<td>8. Include epinephrine auto-injectors in emergency first aid treatment kits.</td>
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<td>9. Document any medication that is administered and notify parent/caregiver when medication is administered.</td>
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Additional notes for planning improvements and actions:
### Essential Component D

Healthy School Environment: comprehensive and coordinated approach (Pages 8-11 in *Safe at School* and *Ready to Learn*)

*Each and every environment within a school requires special attention to protect the safety of students with food allergies and prevent allergic reactions. Thus it is important to develop a comprehensive and coordinated approach for the management of food allergies across the school system. Although there are many commonalities across school environments, some of the specific environments are identified below.*

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<tr>
<td><strong>1. Classroom</strong></td>
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<tr>
<td>Limit or reduce allergens in classroom or identify specific areas/desks that will be allergen safe.</td>
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<tr>
<td>Limit or reduce the use of potential food allergens in classroom projects/activities.</td>
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<td>Allow only pre-packaged food items with complete ingredient lists.</td>
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<td>Implement appropriate hand washing procedures.</td>
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<td>Communicate rules and expectations about bullying related to food allergies.</td>
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<td>Train classroom teachers and other staff on food allergies.</td>
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<tr>
<td>Train classroom teachers and other staff on food handling and cleaning procedures to prevent cross contamination.</td>
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</table>
2. **Cafeteria**

   Enforce responsibilities of school nutrition staff and contracted food service staff.

   Develop procedures to identify students with life-threatening food allergies.

   Identify specific areas/tables that will be allergen safe.

   Promote hand washing before and after meals.

   Encourage and enforce no trading of food or sharing of utensils.

   Be vigilant of “food bullying.”

   Monitor and enforce strict cleaning and sanitation procedures.

   Assign staff trained in the administration of epinephrine to food service areas.

   Provide ready access to epinephrine and functional two-way communication devices.

   Train school nutrition staff in allergy awareness.

3. **Buses**

   Enforce no eating policies.

   Store epinephrine in
a safe, appropriate, secure, yet accessible location.

Equip all school vehicles with functional two-way communication devices.

Include bus drivers as members of the food allergy management team.

Train bus drivers in allergy awareness.

Require bus companies/personnel to be trained on local EMS procedures.

Assign seating to support student safety.

4. **Extracurricular activities, before- and after-school, field trips and community use of facilities.**

Notify food allergy management team members of scheduled field trips for necessary preparation.

Delegate responsibilities for carrying necessary medications (epinephrine); provide a copy of the student's individualized written management plan and contact information of parent/caregiver, the licensed healthcare provider, and the nearest hospital(s).
<table>
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<tr>
<th>Provide access to functioning two-way communication devices.</th>
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<tr>
<td>Discourage trading of food or sharing of utensils.</td>
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<tr>
<td>Promote and monitor good hand washing practices.</td>
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<tr>
<td>Restrict the use of foods that are known allergens.</td>
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<tr>
<td>Train before- and after-school coordinators in allergy awareness.</td>
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<tr>
<td>Train before- and after school coordinators in basic food handling procedures.</td>
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<tr>
<td>Communicate with and permit parents of students with food allergies opportunities to attend field trips/activities and include information on the provisions for food.</td>
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<tr>
<td>Promote allergy policy awareness and compliance with outside community members and organizations authorized to use school facilities.</td>
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Additional notes for planning improvements and actions:
Essential Component E
Communication and confidentiality (Page 11 of Safe at School and Ready to Learn)
Policies and communication plans must comply with state and federal privacy and confidentiality laws and accommodate parent requests, as feasible (U.S. Department of Education, 2007). Communication plans should be developed with the intent to:

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<tbody>
<tr>
<td>1. Inform personnel of student’s individual written management plan being aware of confidentiality concerns.</td>
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<tr>
<td>2. Inform parents and students of their rights regarding food allergy policies and procedures.</td>
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<td>3. In contractual relationships, establish that buses and transportation companies are extensions of a safe environment for students with food allergies.</td>
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<td>4. In contractual relationships, establish that kitchens and cafeterias are extensions of a safe environment for students with food allergies.</td>
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<td>5. Increase awareness of life-threatening food allergies throughout the school environment.</td>
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<tr>
<td>6. Create, maintain, and implement communication systems among school personnel and between school and student’s parents in the event of a food allergy reaction.</td>
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Additional notes for planning improvements and actions:
Essential Component F
Emergency Response (Pages 12-13 in Safe at School and Ready to Learn)

A school district’s development of a comprehensive emergency management plan is essential to protect the safety of students, school personnel, and others. The U.S. Department of Education recommends that such protocols, developed in collaboration with community partners, focus on four phases of emergency management: prevention, mitigation, preparedness, response, and recovery. Managing a life-threatening allergic reaction should be included as part of an “all-hazards approach”, which addresses a wide array of situations including health, fire, weather, terrorist, and other emergencies.

Each food allergy reaction has the potential to be life-threatening, and schools are at highest risk for accidental ingestion of a food allergen (Massachusetts Department of Education, 2002). A school should anticipate and plan for any emergency, including a food allergy reaction or other emergency related to a chronic health condition. An emergency response to address food allergy includes:

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<tr>
<td>1. Written individual healthcare and emergency care plans that outline emergency procedures for managing life-threatening allergic reactions.</td>
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<td>2. Roles and responsibilities of adults identified to respond to an allergic reaction.</td>
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<td>3. Responding to a life-threatening allergic reaction as part of an “all-hazards” approach.</td>
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Additional notes for planning improvements and actions.
**Essential Component G**

Professional development and training for school personnel (Page 14 in *Safe in School and Ready to Learn*)

Professional development and training are needed for school personnel to be effective in supporting students with life-threatening food allergies and responding to an emergency. Annual training regarding the following topics should be provided.

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<tbody>
<tr>
<td>1. District/school policies, procedures and plans for managing students with chronic health conditions, including food allergies.</td>
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<td>2. Bullying prevention and responsibility to address any harassment, hazing, or bullying, and enforce consequences.</td>
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<tr>
<td>3. Basic information associated with food allergy and anaphylaxis.</td>
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<td>4. Awareness of food and non-food items that are potential risks.</td>
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<td>5. Strategies to reduce exposure to identified allergens in the school environment.</td>
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<td>6. Communication procedures for initiating emergency protocols.</td>
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<td>7. Proper storage and administration of medications.</td>
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<td>8. Access to local EMS/911.</td>
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<td>9. Strategies to manage individual student privacy/confidentiality</td>
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<tr>
<td>10. Basic food handling procedures to reduce or eliminate exposure to allergens.</td>
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<td>11. Additional skill instruction and practice for those</td>
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<td>assigned to administer epinephrine or likely to be present during an allergic reaction.</td>
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Additional notes for planning improvements and actions.
Food allergy awareness education should be part of the district’s health education curriculum. Consider incorporating lessons into family and consumer science, health, and/or physical education courses. Lessons on food allergies should emphasize:

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<tbody>
<tr>
<td>1. Support for classmates with chronic health conditions, such as food allergy.</td>
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<tr>
<td>2. Bullying prevention, including reporting any harassment, hazing, or bullying to appropriate personnel, and consequences of bullying.</td>
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<td>3. Knowledge of potential allergens and signs, symptoms, and potential of a life-threatening reaction.</td>
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<td>4. Differences between life-threatening food allergy and food intolerance.</td>
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<td>5. Emergency response actions.</td>
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<td>6. Developmentally appropriate self-management of food allergy.</td>
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<tr>
<td>7. Importance of following health and wellness policies and guidelines such as hand washing, food sharing, allergic safety zones, and student conduct.</td>
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Additional notes for planning improvements and actions.
**Essential Component I**

Awareness education for parents/caregivers (Pages 15-16 in *Safe at School and Ready to Learn*)

To increase understanding of special needs of students with food allergies, parent education should be provided by qualified personnel, such as a registered nurse or designee, or an appropriate licensed healthcare provider. As feasible, in-person education is desirable, but written communications can also be effective.

Parents of a food allergic student might provide useful information and support in addition to that provided by qualified personnel.

Parent/caregiver education and resources should foster:

- Trusting and collaborative relationships among district/school personnel, families, and community members.
- Clear communication channels between parents/caregivers and school system
- Recognition and respect for the needs of both individuals and the larger student population
- Parental/caregiver responsibility for educating their children about seriousness of food allergies and how to be supportive of fellow students with food allergies
- Realistic expectations and commitments about how food allergies can be managed in school settings
- Knowledge of district/school policies, procedures, and plans for managing students with chronic health conditions (including food allergy and promoting safety through the “all-hazard” response plans and no bullying policies)

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<tbody>
<tr>
<td>1. Basic information associated with food allergy and anaphylaxis.</td>
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<tr>
<td>2. District/school policies and procedures for managing students with food allergies.</td>
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<td>3. Parental responsibility to provide information and medications for their children.</td>
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<td>4. Access to informational resources on food allergy and credible resources.</td>
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<td>5. Restrictions to reduce the presence of foods and non-food items in classrooms that have a student with a food allergy.</td>
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Additional notes for planning improvements and actions.
Essential Component J
Monitoring and Evaluation (Page 16 in Safe in School and Ready to Learn)
Food allergy policy and practices should be reviewed and updated at least annually to:

<table>
<thead>
<tr>
<th>Elements</th>
<th>Included</th>
<th>Not Included</th>
<th>Implemented</th>
<th>Not Implemented</th>
<th>Notes: Specify what is needed for this element to be included and/or implemented</th>
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<tbody>
<tr>
<td>1. Collect and review data on when and where medication was used and the impact on the affected individual.</td>
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<td>2. Incorporate lessons learned by the food allergy management team.</td>
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<td>3. Align with current science on food allergies.</td>
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<td>4. Comply with current state and federal legislation, recommendations, and/or guidelines.</td>
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<td>5. Verify that health record submitted by parents and licensed providers are current.</td>
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<td>6. Determine whether the appropriate personnel received allergy awareness training and are adequately informed, competent, and confident in performing assigned responsibilities.</td>
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Additional notes for planning improvements and actions.

Other Important Details:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
Checklist Completed on ___________
(date)

Names of Team Member Completing Checklist
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

Resources or Additional Assistance Needed to Improve Food Allergy Policy/Practice
1.  
2.  
3.  
4.  
5.  

Next Steps:
1.  
2.  
3.  
4.  
5.  

Appendix J: Sample Training Agendas/
Epinephrine Administrative Skills Checklist
Sample *Awareness Training Agenda for All Staff*

**Purpose:** To provide all school staff basic knowledge and skills to identify children with a possible allergic reaction to food and begin implementation of the child’s EAP and notify EMS.

**Trainer:** A School Nurse (RN) or Physician

**Time:** 20-30 minutes

**Objectives:** Upon completion of the training the participants will be able to demonstrate the following competencies:

- Identify common causes of allergic emergencies;
- Identify measures for preventing an allergic reaction;
- Accurately recognize general and student specific warning signs of allergic emergencies;
- Accurately identify students with whom epinephrine is prescribed;
- Accurately identify students who have signs of anaphylaxis and need epinephrine;
- Accurately read and interpret the IHP, 504 Plan, FAAP/EAP;
- Accurately read the epinephrine label and follow directions on the label;
- Administer the epinephrine by auto-injector;
- Accurately describe the school’s plan for responding to emergencies, and
- Access resources appropriately, including EMS, school nurse, parents and the physician.

**Content:** Training content should be based on the school district’s food allergy management policies and administrative regulations, and may include, but not be limited to the following:

1. Overview of food allergy including information on the 8 most common food allergens in children.
2. Signs and symptoms of an allergic reaction.
3. Overview of the school district’s and campus level food allergy management policies and administrative regulations.
4. Information on FAAP, EAP, 504 Plan and the IHP (developed by the school nurse).
5. Overview of strategies to reduce exposure and cross contamination as outlined in the district food allergy management administrative regulations to include:
   a. Classroom accommodations  
   b. Cafeteria accommodations  
   c. Transportation (bus) accommodations  
   d. Field trip and school sponsored activity accommodations  
   e. Hallways and common area accommodations
6. Communication procedures for initiating emergency protocols as outlined in the district food allergy management administrative regulations.
7. Proper storage and administration of anaphylaxis medications.  
   a. Explain the use of epinephrine  
   b. How to store and handle the auto-injector  
   c. How to administer the auto-injector (including skills check)  
      i. Right child  
      ii. Right medication  
      iii. Right dose  
      iv. Right route  
      v. Right time  
   d. The importance of notifying EMS after administration  
   e. The importance of documentation of the reaction and treatment given
8. Accessing the local EMS.
Sample Comprehensive Training Agenda for Unlicensed School Personnel

**Purpose:** To provide unlicensed school personnel basic knowledge and skills to identify children with a possible allergic reaction to food and to administer epinephrine by auto-injector in a life threatening situation.

**Trainer:** A School Nurse (RN) or Physician

**Time:** 1½ to 2 Hours

**Objectives:** Upon completion of the training the participants will be able to demonstrate the following competencies:
- Identify common causes of allergic emergencies;
- Accurately recognize general and student specific warning signs of allergic emergencies;
- Accurately identify students for whom epinephrine is prescribed;
- Accurately identify students who have signs of anaphylaxis and need epinephrine;
- Accurately read and interpret the IHP, 504 Plan, FAAP, and the EAP;
- Correctly follow directions on administering emergency medications;
- Accurately read the epinephrine label and follow directions on the label;
- Safely handle and properly administer the epinephrine auto-injector;
- Accurately describe the school’s plan for responding to emergencies, and
- Access resources appropriately, including EMS, school nurse, parents and the physician.

**Content:** Training content should be based on the school district’s food allergy management policies and administrative regulations, and include, but not be limited to the following:
1. Overview of food allergy including information on the eight most common food allergens in children.
2. Signs and Symptoms and risks associated with an allergic reaction.
3. Overview of the difference between food allergy and food intolerance.
4. Overview of the school district’s food allergy management policies and administrative regulations including:
   a. Consent for medical treatment policy
   b. Medication administration policy
   c. Self-administration of asthma and anaphylaxis medication policy
   d. Emergency response policy
   e. Bullying policy
5. Information on FAAPs, EAPs, 504 Plans and the IHP (developed by the school nurse).
6. Overview of strategies to reduce exposure and cross contamination as outlined in the district food allergy management administrative regulations in the school setting and school sponsored activities such as field trips to include:
   a. Classroom accommodations – including hand washing, cleaning procedures
   b. Cafeteria accommodations – including food handling and cleaning procedures
   c. Transportation (bus) accommodations – including consumption of food on buses
   d. Field trip and school sponsored activity accommodations
   e. Hallways and common area accommodations
7. Communication procedures for initiating emergency protocols as outlined in the district food allergy management administrative regulations.
8. Proper storage and administration of anaphylaxis medications, including checking expiration date.
   a. Explain the use of epinephrine
   b. How to store and handle the auto-injector
   c. How to administer the auto-injector (including skills check)
      i. Right child
      ii. Right medication
      iii. Right dose
      iv. Right route
v. Right time
   d. The importance of notifying EMS and the parents after administration of epinephrine
e. The importance of documentation of the reaction and treatment given
9. Accessing the local EMS.
10. Reference to additional resources and training materials. (See Appendix L).
EPINEPHRINE COMPETENCY SKILL CHECKLIST

Name and Title of Staff Person: ________________________________________________

The following competencies have been demonstrated by staff person:

Identifies common causes of allergic emergencies. ____________________________

Describes general and student-specific warning signs of allergic emergency. ______

Demonstrates how to activate the school’s plan for responding to emergencies. ______

Identifies student for whom the epinephrine is prescribed. ______

Interprets accurately the emergency medication administration plan. ______

Follows the directions on the medication administration plan. ______

Reads the label on the epinephrine auto-injector, assuring the correct dosage. ______

Identifies expiration date on the epinephrine auto-injector assuring medication is current. ______

Demonstrates safe handling of epinephrine auto-injector. ______

Demonstrates the correct procedure for giving epinephrine by auto-injector (5 R’s) ______
(Right name, Right medication, Right Dosage, Right Frequency, Right route).

Describes how to access EMS, school nurse, student’s parents (or other persons), student’s physician ______
and provide emergency care while awaiting EMS.

Comments:

Signatures:

Supervised by: ____________________________ RN  Staff Person __________________________

Date: ____________________
Appendix K: Definitions
**DEFINITIONS**

**Allergen** - Any substance, often a protein, that induces an allergy: common allergens include pollen, grasses, dust, food and some medications.

**Allergic reaction** - An immune-mediated reaction to a protein that is not normally harmful.

**Anaphylaxis (Anaphylactic Reaction)** - A serious allergic reaction that is rapid in onset and may cause death.

**Assignment** - Refers to the actual duties a person has with a school district or other educational entity. (Texas Administrative Code, Chapter 153, Section 153.1021)

**Auto-injector** - A pre-measured, spring-loaded pen-like device used to administer epinephrine and designed for ease of use by non-medical persons.

**Cross contamination** - The process of a food, surface or object being inadvertently contaminated with food allergens other than those listed on the food label during the course of the food being handled, prepared, stored or served.

**Disability** - Persons who have a physical or mental impairment that substantially limits one or more major life activities, or has a record of such impairment, or is regarded as having such impairment.

**Emergency Action Plan (EAP)** - A personalized emergency plan written by a healthcare provider that specifies the delivery of accommodations and services needed by a student in the event of a food allergy reaction.

**Epinephrine (adrenaline)** - A medication that is utilized to counteract anaphylaxis. It is supplied in an auto-injector or vial.

**504 Plan** - A 504 Plan is developed to outline the modifications and accommodations that will be needed for a student to perform at the same level as their peers.

**Food Allergy** - Food allergy is a group of disorders characterized by immunologic responses to specific food proteins. In the United States, the most likely common allergens in adults and children are cow’s milk, eggs, peanuts, wheat, soy, fish, shellfish, and tree nuts.

**Food Allergy Action Plan (FAAP)** - A personalized plan written by a healthcare provider that specifies the delivery of accommodations and services needed by a student with a food allergy and actions to be taken in the event of an allergic reaction.

**Food Intolerance** - An unpleasant reaction to a food that, unlike a food allergy, does not involve an immune system response or the release of histamine.

**Campus Food Allergy Management Team** - A team of school personnel that assists families in the management of their child’s food allergy. It may include, but is not limited to: the principal, teacher, school nurse, cafeteria personnel, bus drivers, and classroom teachers.

**Individualized Healthcare Plan (IHP)** - A plan written by the school nurse that details accommodations and/or nursing services to be provided to a student because of the student’s medical condition based on medical orders written by a health care provider in the student’s medical home.

**School Health Advisory Council (SHAC)** - A group of individuals representing segments of the community, appointed by the school district to serve at the district level, to provide advice and recommendations to the school board on school health issues.

**School Nurse** - A person who holds a current license as a registered professional nurse (RN) from the Texas State Board of Nursing as outlined in the Texas Administrative Code, §153.1021.

**School-Sponsored Activity** - Any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.
Appendix L: Resources for Policy Development and Training and References
1. American Academy of Allergy, Asthma & Immunology
   (Main Web page on food allergies)

2. Department of State Health Services-School Health Program
   www.dshs.state.tx.us/schoolhealth/pgtoc.shtm
   (Main Web page for School Health Manual)

3. Food Allergy and Anaphylaxis Network
   www.foodallergy.org/section/for-school-professionals-educators
   (Main Web page for school professionals)

4. Food Allergy Initiative
   www.faiusa.org/page.aspx?pid=622
   (Main Web page for school staff training)

5. National Association of School Nurses
   www.nasn.org/ToolsResources/FoodAllergyandAnaphylaxis
   (Main Web page for Food Allergies Tools and Resources)

6. National School Board Association
   www.nsba.org/Board-Leadership/SchoolHealth/Food-Allergy-Schools
   (Main Web page for Food Allergies)
   www.nsba.org/Board-Leadership/SchoolHealth/Food-Allergy-Schools/Food-Allergy-Videos
   (Web page of Educational Video Clips)

7. Texas Allergy, Asthma and Immunology Society
   www.taais.org/publiceducation/foodallergy.html
   (Web page for Food Allergies)

8. Texas School Nurse Organization
   http://txsno.org
   (Main Web page)

9. Education and Advocacy Solutions
   www.foodallergyadvocate.com/504Plan.htm
   www.allergyready.com
   www.allergyhome.org
References

National Institute of Allergy and Infectious Disease. (2010, November). Retrieved from National Institute of Allergy and Infectious Disease


External links to other sites appearing here are intended to be informational and do not represent an endorsement by the Texas Department of State Health Services (DSHS). These sites may also not be accessible to people with disabilities. External email links are provided to you as a courtesy. Please be advised that you are not emailing the DSHS and DSHS policies do not apply should you choose to correspond. For information about any of the initiatives listed, contact the sponsoring organization directly. For comments or questions about this publication, contact Ellen Smith at (512) 776-2140 or by email at ellen.smith@dshs.state.tx.us. Copyright free. Permission granted to forward or make copies as needed.
TCSA Model Board Policy Series

400.120. Health

Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL
Module 400: Students

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

- Module 100: Financial Operations
- Module 200: Charter School Governance & Organization
- Module 300: General School Operations
- Module 500: Open Government
- Module 600: Human Resources

Legal Abbreviations Used In the TCSA Model Board Policy Series

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>C.F.R</td>
<td>Code of Federal Regulations</td>
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<tr>
<td>Tex. Admin. Code</td>
<td>Texas Administrative Code</td>
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<tr>
<td>Tex. Gov’t Code</td>
<td>Texas Government Code</td>
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<tr>
<td>Tex. Labor Code</td>
<td>Texas Labor Code</td>
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<tr>
<td>Tex. Loc. Gov’t Code</td>
<td>Texas Local Government Code</td>
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<tr>
<td>U.S.C.A</td>
<td>United States Code Annotated</td>
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400.120. HEALTH
The governing body (“Board”) of RAPOPORT ACADEMY PUBLIC SCHOOL adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Immunizations & Reportable Diseases
The Executive Director, or designee, of RAPOPORT ACADEMY PUBLIC SCHOOL shall ensure compliance with immunization laws and regulations and that RAPOPORT ACADEMY PUBLIC SCHOOL complies with laws and regulations regarding reportable diseases.

Section 1.2. HIV/AIDS STATUS.

a. Equitable Treatment. Students with HIV/AIDS have the right to attend school and expect equitable treatment. HIV/AIDS is not a communicable condition for which a child must be excluded from school. A student may not be excluded from attendance at school or school-related activities solely because of the child’s known or suspected HIV status.

b. Confidentiality. Disclosure of a student’s HIV status is a violation of federal and state law. Knowledge of the HIV status of a child shall be kept confidential by school personnel and shall not be released without the consent of the parent or legal guardian of the child except where release is required or authorized by law. A school teacher does not have a right to know the HIV/AIDS status of a student and may not ask the HIV/AIDS status of a student. Administrators and nurses should help teachers to understand the district’s policy regarding students with HIV/AIDS.

c. Reporting. The school superintendent or school’s designee shall determine if the school has an obligation to report a student’s HIV status. The school superintendent or school’s designee must make a report to the Department of State Health Services or other local health authority if he or she determines that the school has an obligation to report a student’s HIV status.

Section 2. Care for Students At-Risk for Anaphylaxis

Section 2.1. Food Allergy Management in the School Setting.

a. Food Allergy Management Team. The Superintendent shall create a food allergy management team to implement, coordinate, and monitor food allergy management at each RAPOPORT ACADEMY PUBLIC SCHOOL campus. Members of the team may include: a school nurse, the principal, food service staff, custodial staff, a counselor, classroom teacher, and bus driver. The food allergy management team will work with parents in supporting students with food allergies on the campus as well as assist campus staff in implementing procedures and student specific strategies.
b. **Point of Contact.** The Superintendent shall designate an employee, which is knowledgeable about food allergies, to serve as the point of contact for parents, healthcare providers, and the campus food allergy management team. The designee shall receive ongoing training in the management of food allergies in the school setting, including the provision of administration of epinephrine. The Dean of Students for each campus shall ensure that moderate to severe allergic reactions known to RAPOPORT ACADEMY PUBLIC SCHOOL shall be documented and submitted in an annual report to the Superintendent; the Superintendent shall present this report to the Board during the annual review of the policies and procedures concerning food allergies and anaphylaxis.

c. **Storage of Medications.** The Dean of Students for each campus shall develop procedures, in accordance with applicable laws, for the storage of medications that are relevant to food allergies and anaphylaxis.

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

a. **Food Allergy Information Upon Enrollment & After Diagnosis.** The Superintendent shall develop, implement, and monitor standardized procedures that will be utilized in obtaining information from a parent/legal guardian, as well as the child’s healthcare provider, upon registration and as soon as possible after a child is diagnosed with a food allergy that places them at risk for anaphylaxis. Enrollment procedures shall include a request that a parent, or legal guardian, disclose whether their child has a food allergy or a severe food allergy that, in the judgment of the parent, or legal guardian, should be disclosed to RAPOPORT ACADEMY PUBLIC SCHOOL to enable the RAPOPORT ACADEMY PUBLIC SCHOOL to take any necessary precautions regarding the child’s safety. Such information shall be kept confidential according to law and maintained in accordance with law.

b. **Parent Consent.** The Dean of Students for each campus shall ensure RAPOPORT ACADEMY PUBLIC SCHOOL documents and keep current parent consent for medication administration (e.g. epinephrine).

c. **Students Who’s Disabilities Restrict Their Diets.** The Dean of Students for each campus shall develop procedures to ensure that a student receives substitutions or modifications in school meals whenever RAPOPORT ACADEMY PUBLIC SCHOOL receives a licensed physician’s assessment indicating that food substitutions or modifications must be made for a student because of food allergies that may result in severe, life-threatening (anaphylaxis) reactions. RAPOPORT ACADEMY PUBLIC SCHOOL must receive a signed statement by a license physician that identifies: (1) the child’s disability; (2) an explanation of why the disability restricts the child’s diet; (3) the major life activity affected by the disability; and (3) the food or foods to be omitted from the child’s diet and the food or choice of foods that must be substituted.
Section 2.3. **Food Allergy Action Plan, Emergency Care Plans, and Individualized Health Care Plans.**

a. **Food Allergy Action Plan (FAAP)/Emergency Action Plan (EAP):** The FAAP/EAP, developed by the healthcare provider in collaboration with the parents or legal guardians, provides information about the child’s food allergy, outlines the care that the child will need in managing the food allergy, and outlines actions to be taken in case of an allergic reaction. The Dean of Students at each campus shall ensure that the parents and the student (when age appropriate) meet with the campus food allergy management team to review the FAAP/EAP. This meeting should occur prior to the child attending school, after returning to school after an absence related to the diagnosis, and anytime there are changes to the student’s FAAP/EAP.

b. **Individualized Healthcare Plan (“IHP”) & 504 Plans.** The Coordinator of Special Populations will utilize the FAAP/EAP to develop and monitor an IHP which outlines day to day care for managing the student’s food allergy. The school nurse may facilitate the process of implementing the FAAP/EAP in coordination with the campus food allergy management team and the parents. Where legally required, the school will also develop a 504 Plan to address the health and learning needs of the student. The Coordinator of Special Populations shall ensure compliance with relevant disability laws.

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

a. **Procedures.** The food allergy management team shall develop procedures that outline district-wide, campus-wide, classroom-wide, and individual strategies that are to be utilized for managing students with food allergies at-risk for anaphylaxis. In developing these procedures, consideration shall be given in promoting safety in the following areas, including, but not limited to: the cafeteria, all classrooms, hallways, common areas in the school, on the bus, and during all school-sponsored activities, including field trips, athletic events, on-campus, off-campus, and before and after school activities. The Dean of Students on each campus, serving as the point of contact, working in collaboration with the campus food allergy management team, and parents may help in developing individual campus strategies to support students with food allergies at-risk for anaphylaxis.

b. **Environmental Controls.** The food allergy management team shall develop and implement appropriate environmental controls to help minimize the risk of exposure to a food allergen. Environmental controls include, but are not limited to, consideration of the following:

i. Identifying high-risk areas in the school and implementing strategies to limit exposure to food allergens and implementing general risk reduction strategies throughout the school and at school-sponsored activities. Students at-risk for anaphylaxis should not be excluded from the classroom activities based on their food allergies.
ii. Limiting, reducing, and/or eliminating food from the classroom(s) and other learning environments used by children with food allergies at-risk for anaphylaxis.

iii. Notifying and educating school staff and parents of the need to limit foods as needed on the campus, in the classroom, or at school sponsored activities.

iv. Developing procedures for the management of parent-provided classroom snacks as allowed by Texas statute, with consideration given to students with food allergies at-risk of anaphylaxis.

v. Implementing appropriate cleaning protocols in the school, with special attention to identified high-risk areas.

vi. Providing training to the school food service departments to reduce the risk of cross-contamination during food preparation and food service, as well as minimizing foods served in the cafeteria that may contain food allergens.

vii. Providing training on food allergy awareness to teachers, staff, and parents

viii. Posting of visual reminders promoting food allergy awareness

ix. Educating children about not trading or sharing food, snacks, drinks, or utensils

x. Implementing hand washing protocols before and after meals. Hand washing should be done with soap and water, as hand sanitizers are not sufficient for removing allergens.

xi. Assign staff trained in the administration of epinephrine as monitors in the food service area, as appropriate.

xii. Provide ready access to epinephrine in an accessible, secure but unlocked area.

xiii. Consider risk reduction strategies for the school bus, during extracurricular activities, on field trips, during before-and after school activities, and at sporting events.

xiv. Reinforce rules and expectations about bullying, including bullying of students with food allergies.

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

a. Training Schedule. The Superintendent, shall establish a training schedule that ensures that, at a minimum annually, all school staff is trained to recognize and manage a life threatening anaphylactic reaction. The training schedule may implement a tiered approach including an “awareness training” for all staff and a more “comprehensive training” for the campus food allergy management team and school staff members that will be responsible for the care of individual students.
b. **Awareness training.** Awareness training is intended to give an overview of food allergies and anaphylaxis including the signs and symptoms of an allergic reaction, as well as treatment of anaphylaxis. At a minimum the training must include information about the most common food allergens, the hazards related to the use of food for instructional purposes, and the importance of environmental controls in protecting the health of students at risk for food allergy related to anaphylaxis. Additionally, the training must provide information about how to respond when a child exhibits the signs and symptoms of an allergic reaction to food, provide information on implementing the FAAP/EAP, including the skills needed in administration of epinephrine, and notifying the local EMS utilizing the school’s emergency response policy and procedures.

c. **Comprehensive training.** Comprehensive training, at a minimum, should include training on: identifying students at-risk for anaphylaxis and planning for students that do not have epinephrine at school; the signs and symptoms of anaphylaxis; implementing FAAPs/EAPs; the administration and storage of epinephrine; development and implementation of IHPs/504 Plans; communication procedures for initiating emergency protocols, including substitute staff; environmental control measures, to reduce the risk of exposure to a food allergen, including safe food handling, hand washing, and cleaning procedures; working with local EMS; and post anaphylaxis debriefing and monitoring of the food allergy management plans on the campus.

Section 2.6. **Post-Anaphylaxis Reaction Review**

In the event that a student has a moderate to severe reaction, to prepare for the child’s return to school, the Dean of Students for each campus and the campus food allergy management team shall collaborate with the student’s parents in collecting and reviewing information and implementing the following activities in order to prepare for the child’s return to the classroom:

a. Identify, if possible, the source of allergen exposure and take steps to prevent future reactions.

b. Review accurate and updated information on the allergic reaction including any new medication(s) which would require new consent forms to be signed by the parents.

c. Identify and interview those who were involved in the emergency care of the student and those that witnessed the event.

d. Meet with school staff to review the implementation of procedures.

e. If the allergic reaction is thought to be from food provided by the school food service, work with the school food service department to ascertain what potential food item was served/consumed, how to reduce risk in the cafeteria by reviewing food labels, minimizing cross-contamination and other strategies.

f. Review of the FAAP/EAP, IHP, and/or 504 Plan and amend to address any changes that were made by the student’s healthcare provider.
g. If an epinephrine auto-injector was utilized during the reaction, ensure that the parent/guardian replaces it with a new one.

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

Section 3. Administration of Epinephrine Auto-injector

Section 3.1. Written Notice.
RAPOPORT ACADEMY PUBLIC SCHOOL will provide written notice to all parents prior to the implementation of the policy and at the beginning of each school year.

Section 3.2. Authorized Personnel.
The Superintendent will designate which school personnel or volunteers are authorized to administer an epinephrine auto-injector. Only school personnel or school volunteers that are authorized and trained can administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a RAPOPORT ACADEMY PUBLIC SCHOOL campus.

Each campus will have one or more authorized and trained persons present during all hours the RAPOPORT ACADEMY PUBLIC SCHOOL campus is open.

Section 3.3. Training for Authorized Personnel.
The Superintendent shall ensure that all authorized persons complete mandatory training on an annual basis.

RAPOPORT ACADEMY PUBLIC SCHOOL campus will maintain a record of completed trainings.

Section 3.4. Maintenance and Storage of Epinephrine Auto-Injectors.
All epinephrine auto-injectors must be maintained in accordance with the Commissioner’s rules. All epinephrine auto-injectors must be stored in accordance with the Commissioner’s rules and stored in a secure location and be easily accessible to those authorized and trained to administer an epinephrine auto-injector.

Section 3.5. Reporting.
The Superintendent shall develop procedures for how an authorized person reports the administration of an epinephrine auto-injector within 10 business days of the administration to the following:

a. The Board of Directors;

b. The physician or person who prescribed the auto-injector;

c. The Commissioner of Education; and

d. The Commissioner of state health services
The report must include:

a. the age of the person who received the epinephrine auto-injector;
b. whether that person was a student, school personnel, volunteer, or visitor;
c. the physical location of where the auto-injector was administered;
d. the number of doses administered;
e. the title of the person who administered the epinephrine auto-injector; and
f. any other information required by the Commissioner of Education.

Section 4. Administration of Prescription Medication

Section 4.1. Written Request Required.
Unless otherwise authorized by this policy, employees, agents, and volunteers are prohibited from administering any medication to students, including vitamins and food supplements.

The Dean of Student at each RAPOPORT ACADEMY PUBLIC SCHOOL campus shall ensure that a written request to administer prescription medication to a student is received from the student’s parent, legal guardian, or person having legal control of the student before prescription medication may be administered by an RAPOPORT ACADEMY PUBLIC SCHOOL employee.

Section 4.2. Authorized Employees.
Employees authorized by RAPOPORT ACADEMY PUBLIC SCHOOL to administer prescription medication include:

a. The Administrative Assistant;
b. and the Dean of Students.

Section 4.3. Prescription Medication Dispenser.
Employees authorized to administer prescription medication to a student shall ensure that the medication is administered from either:

a. A container that appears to be in the original container and properly labeled; or
b. From a properly labeled unit dosage container filled by an authorized employee from a container described by Section 2.3(a).

Section 4.4. Self-Administration of Prescription Asthma or Anaphylaxis Medicine.
The principal of each campus shall ensure that a student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine in accordance with legal requirements.
Section 4.5. **Sunscreen.**
A student may use and possess sun-screen for the protection of overexposure to the sun.

Section 5. **Psychotropic Medication**

Section 5.1. **Employee Prohibition:** An employee may not:

a. Recommend that a student use a psychotropic drug;

b. Suggest any particular diagnosis; or

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

Section 5.2. **Exceptions to Prohibition:** Section 3.1 does not prevent an employee from:

a. Making an appropriate referral under the Individuals with Disabilities Education Act;

b. Recommending that a child be evaluated by an appropriate medical practitioner if the employee is a registered nurse, advance nurse practitioner, physician, or certified/credentialed mental health professional

c. Discussing any aspect of a student’s behavior or academic progress with the student’s parent/guardian or another charter school employee.

Section 6. **Prohibition of Tobacco and Alcohol**
Smoking, using e-cigarettes, using tobacco products, and the use of alcoholic beverages at school-related or school-sanctioned activities, on or off school property, is strictly prohibited.

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

Section 7. **Posting of Steroid Notice**
The Superintendent shall ensure that the legally required steroid notice shall be posted in a conspicuous location in the school gym or in each other place in a building where physical education classes are conducted.
INTRODUCTION

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

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

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

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

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

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

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For questions concerning the Model Board Policies for Charter Schools contact:

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lgordon@txcharterschools.org
512.584.8272
Module 400: Students

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

Module 100: Financial Operations
Module 200: Charter School Governance & Organization
Module 300: General School Operations
Module 500: Open Government
Module 600: Human Resources

Legal Abbreviations Used In the TCSA Model Board Policy Series

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<tr>
<th>Abbreviation</th>
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<td>C.F.R</td>
<td>Code of Federal Regulations</td>
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<td>Tex. Admin. Code</td>
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<td>U.S.C.A</td>
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400.120. HEALTH

A. Immunizations

1. Each student shall be fully immunized against diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis.

2. Immunization is not required for admission if the person applying for admission:

   a. Submits to the admission official:

      i. An affidavit or certificate signed by a physician who is registered and licensed to practice medicine within the United States, stating that in the physician’s opinion the immunization required would be injurious to the health and well-being of the applicant or any member of his/her family or household; or

      ii. An affidavit signed by the applicant or, if a minor, by the applicant’s parent or guardian stating that the applicant declines immunization for reasons of conscience, including a religious belief; or

   b. Is a member of the armed forces of the United States and is on active duty.

3. A person may be provisionally admitted to an elementary or secondary school if the person has begun the required immunizations and if the person continues to receive the necessary immunizations as rapidly as is medically feasible.


4. If a student transfers from one Texas school to another, and is awaiting the transfer of the immunization record, he/she can be enrolled provisionally for no more than 30 days.

5. The charter school shall keep 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 or by representatives of local departments of health or the Texas Department of Health.

6. The charter school shall cooperate in transferring student immunization records to other schools. Specific approval from a students, parents, or guardians is not required before transferring those records.


7. An open-enrollment charter school that maintains an Internet website shall prominently post on the website, in English and Spanish:

   a. A list of:
ii. The immunizations required for admission to public school;

iii. Any immunizations or vaccines recommended for public school students; and

(1) This list must include the influenza vaccine unless the Department of State Health Services requires it for admission to public school

iii. Health clinics in the geographic area that offer the influenza vaccine, to the extent those clinics are known to the charter school; and

b. A link to the Department of State Health Services Internet website where a person may obtain information relating to the procedures for claiming an exemption from the immunization requirements.


B. Reportable Diseases

1. School authorities, including a superintendent, principal, teacher, school health official, or counselor should report those students who are suspected of having a reportable condition.

2. A list of reportable conditions can be found on the Department of State Health Services web site at: http://www.dshs.state.tx.us/idcu/investigation/conditions/

3. A school administrator shall exclude a student from attending school for having or suspected of having a communicable condition. Exclusion shall continue until the readmission criteria for the conditions are met. The conditions and readmission criteria can be found at the following link: http://tiny.cc/epc2m

4. A communicable disease chart, including diseases requiring exclusion from school, readmission criteria, and reportable diseases can also be found on the Department of State Health Services web site: http://www.dshs.state.tx.us/idcu/health/schools_childcare/.

5. The HIV/AIDS status of a child is confidential under state and federal law. Knowledge of the HIV status of a child shall be kept confidential by school personnel and shall not be released without the consent of the parent or legal guardian of the child except where release is required or authorized by law.

6. School personnel may not exclude a child from attendance at school or school-related activities solely because of the child’s known or suspected HIV/AIDS status.

7. A school administrator shall report a child attending school who he or she suspects, based on medical evidence, of having an STD and/or is an HIV-exposed infant. Failure to report a reportable disease or health condition is a Class B misdemeanor.

Tex. Health & Safety Code §§81.050, 81.1003, 81.103

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C. Administration of Medication

1. By adopting policies regarding the administration of medication to students by open-enrollment charter school employees, the charter school, its board members, and its employees are immune from civil liability from damages or injuries resulting from the administration of medication to a student if:

   a. The open-enrollment charter school has received a written request from the parent, legal guardian, or person having legal control of the student, to administer the medication; and

   b. When administering prescription medication, the medication is administered from either:

      i. A container that appears to be:

         (1) The original container; and

         (2) Properly labeled; or

      ii. From a properly labeled unit dosage container filled by a registered nurse or another qualified charter school employee, as determined by the charter school policy, from a container described by (i)(1)-(2).

   c. The governing body of an open-enrollment charter school may allow a licensed physician or registered nurse who provides volunteer services to the school and for whom the charter school provides liability insurance to administer to a student:

      i. Nonprescription medication; or

      ii. Medication currently prescribed for the student by the student’s personal physician

2. Immunity from civil liability is not granted for injuries resulting from gross negligence.


D. Self-Administration of Prescription Asthma or Anaphylaxis Medicine by Students

1. A student with asthma or anaphylaxis is entitled to possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

   a. The prescription medicine has been prescribed for that student as indicated by the prescription label on the medicine;

   b. The student has demonstrated to the student’s physician or other licensed health care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
c. The self-administration is done in compliance with the prescription or the student’s physician’s, or other licensed health care provider’s, written instructions; and

d. A parent of the student provides to the school:
   i. Written authorization, signed by the parent; and
   ii. A signed, written statement from the student’s physician or other licensed health care provider, that states:

   (1) The student has asthma or anaphylaxis and is capable of self-administering the prescription medicine;

   (2) The name and purpose of the medicine;

   (3) The prescribed dosage for the medicine;

   (4) The times at which, or circumstances under which, the medicine may be administered; and

   (5) The period for which the medicine is prescribed.

2. The physician’s statement must be kept on file in the office of the school nurse or, if there is not a nurse, in the office of the principal of the school.


**E. Psychotropic Drugs and Psychiatric Evaluations or Examinations**

1. A charter school employee may not:

   a. Recommend that a student use a psychotropic drug; or

   b. Suggest any particular diagnosis; or

   c. Use the parent’s refusal to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

2. The prohibition above does not prevent:

   a. An appropriate referral under the child find system required under the Individuals with Disabilities Education Act;

   b. A charter school employee who is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional from
recommending that a child be evaluated by an appropriate medical practitioner; or

c. A charter school employee from discussing any aspect of a child’s behavior or academic progress with the child’s parent or another charter school employee.

3. The governing board of an open-enrollment charter school shall adopt a policy to ensure implementation and enforcement of this section.


F. Anaphylaxis Policies

1. The governing body, or an appropriate officer, of each open-enrollment charter school shall adopt and administer a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis based on guidelines developed by the Commissioner of State Health Services.

2. An open-enrollment charter school that implemented a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis before the development of the guidelines described by subsection(1) shall review the policy and revise the policy as necessary to ensure the policy is consistent with the guidelines.

3. The guidelines described by subsection (1) may not:

   a. Require an open-enrollment charter school to purchase prescription anaphylaxis medication or require any other expenditure that would result in a negative fiscal impact on the charter school; or

   b. Require the personnel of a charter school to administer anaphylaxis medication, such as epinephrine, to a student unless the anaphylaxis medication is prescribed for that student.

4. This section does not:

   a. Waive any liability or immunity of a governmental entity or its officers or employees; or

   b. Create any liability for or a cause of action against a governmental entity or its officers or employees.


G. Administration of Epinephrine Auto-injectors

1. An open-enrollment charter school may adopt and implement a policy for the maintenance, administration, and disposal of epinephrine auto-injectors at each school. The policy should:
a. Designate who may be authorized and eligible for training;

b. Where a person is allowed to administer an epinephrine auto-injector;

2. A physician can write a prescription for epinephrine auto-injectors directly to the open-enrollment charter school and a standing order for the administration of the auto-injector. The prescription does not need to be for an individual.

a. Under the policy an authorized person may administer an epinephrine auto-injector to someone who is reasonably believed to be experiencing anaphylaxis.

3. In order to administer an epinephrine auto-injector, a person must be authorized and trained. Training must take place annually through online education or through a formal session that includes:

a. recognizing signs and symptoms of anaphylaxis;

b. administering an epinephrine auto-injector;

c. implementing emergency procedures; and

d. properly disposing of used and expired auto-injectors.

4. Liability

a. A person who in good faith takes, or fails to take, any action under a policy is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

i. issuing an order for epinephrine auto-injectors;

ii. supervising or delegating the administration of an epinephrine auto-injector;

iii. possessing, maintaining, storing, or disposing of an epinephrine auto-injector;

iv. prescribing an epinephrine auto-injector;

v. dispensing an epinephrine auto-injector;

vi. administering, or assisting in administering, an epinephrine auto-injector; or

vii. providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans.

b. These immunities and protections are in addition to other immunities or limitations of liability provided by law.
c. An open-enrollment charter school, and school personnel, and school volunteers are immune from suit resulting from an act, or failure to act, under this policy.

*Tex. Educ. Code §38.211; 84th Leg., R.S. SB 66*

H. Tobacco-Free and Alcohol-Free School Zones

1. The governing board shall prohibit smoking, using e-cigarettes, using tobacco products, and the use of alcoholic beverages at a school-related or school-sanctioned activity on or off school property.

2. The governing board shall prohibit students from possessing e-cigarettes and tobacco products at a school-related or school-sanctioned activity on or off school property. The governing board shall also ensure that the tobacco prohibition policies are enforced by school personnel.


I. Posting of Steroid Notice

1. Each charter school campus where there is a grade level of seven or higher shall post in a conspicuous location in the school gym and each other place in a building where physical education classes are conducted the following notice:

   Anabolic steroids are for medical use only. State law prohibits possessing, dispensing, delivering, or administering an anabolic steroid in any manner not allowed by state law. State law provides that body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a person who is in good health is not a valid medical purpose. Only a medical doctor may prescribe an anabolic steroid or human growth hormone for a person. A violation of state law concerning anabolic steroids or human growth hormones is a criminal offense punishable by confinement in jail or imprisonment in the Texas Department of Criminal Justice.

400.140. STUDENT SAFETY

A. Discipline
   1. Student Code of Conduct
      a. The governing body of an open-enrollment charter school shall adopt a code of conduct for its district or for each campus.
      b. The code of conduct shall:
         i. Establish standards for behavior;
         ii. Outline generally the types of prohibited behaviors and their possible consequences; and
         iii. Outline the school’s due process procedures with respect to expulsion.


   2. Expulsion
      a. Gun Free Schools Act
         i. In accordance with the Gun-Free Schools Act, the open-enrollment charter school shall expel, for a period of one year, a student who brings a firearm to school. The superintendent or other chief administrative officer may modify the expulsion requirement in the case of an individual student, if such modification is in writing.
         b. A student may not be expelled solely on the basis of the student’s use, exhibition, or possession of a firearm that occurs:
            i. At an approved target range facility that is not located on a school campus; and
            ii. While participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the Department.
               (1) A student is not authorized to bring a firearm on campus to participate in or prepare for the activities described above.


      c. An open-enrollment charter school may not expel a student for a reason that is not authorized in the Education Code §37.007 or specified in the school's code of conduct as conduct that may result in expulsion.

d. Notification of Expulsion

i. A charter holder shall notify the school district in which the student resides within three business days of any action expelling or withdrawing a student from the charter school.

19 Tex. Admin. Code §100.1211(c).

3. Students with Disabilities

a. Restraint, Seclusion, & Time Out

A student with a disability, receiving 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.

i. A school employee or volunteer, or an independent contractor of the school may not place a student into seclusion.

ii. However, the Texas Education Code does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement 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.


b. Change of Placement for Students with Disabilities

i. Any disciplinary action regarding a student with a disability who receives special education services, that would constitute a change in placement under federal law, may be taken only after the student’s admission, review, and dismissal committee conducts a manifestation determination review.

ii. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

(1) Functional behavioral assessments;

(2) Positive behavioral interventions, strategies, and supports;

(3) Behavioral intervention plans; and
The manifestation determination review.


B. Transfer Option for Victims of Violent Acts

1. Each charter school must have in place a local policy to guide transfers for students who are victims of a violent criminal act while at any local education agency (“LEA”) campus or on LEA grounds. The policy must include each of the following:

   a. Timelines and procedures under which parents are offered transfers, generally within 14 calendar days of the incident;

   b. Timelines and procedures for processing and approving transfer requests within 14 calendar days of the date the request for transfer is made known to the charter school;

   c. Description of duration for which a transfer is approved and procedures for renewal of a transfer;

   d. A statement of assurance that collection and maintenance of victim data information (e.g. date the incident occurred, incident number, and identity of perpetrator, if known) will be maintained for a minimum of five years for auditing purposes;

   e. A statement of assurance that collection and maintenance of documentation to show that victims’ parents were offered the option to transfer; and

   f. A statement of assurance that documentation will be maintained reflecting when a transfer was requested and completed.

2. If there is not another charter school campus within the local educational agency to transfer the student, LEAs are encouraged, but, not required to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students.

3. Violent criminal acts include the following:

   a. Attempted murder under the Texas Penal Code;

   b. Indecency with a child;

   c. Aggravated kidnapping;

   d. Assault on a student;

   e. Aggravated assault on a student;
f. Sexual assault or aggravated sexual assault against a student; and

g. Aggravated robbery.


C. Child Abuse Reporting & Programs

1. Program
   Each charter holder shall provide child abuse anti-victimization programs in elementary and secondary schools.


2. Mandatory Policy
   Each open-enrollment charter school shall adopt and implement a policy addressing sexual abuse, neglect and other maltreatment of children to be included in the district improvement plan and any informational handbook provided to students and parents. The policy must address:

   a. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, neglect and other maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim of sexual abuse or other maltreatment, using resources developed by the Texas Education Agency;

   b. Actions that a child who is a victim of sexual abuse, neglect or other maltreatment should take to obtain assistance and intervention; and

   c. Available counseling options for students affected by sexual abuse, neglect or other maltreatment.

3. Training
   The methods under Section 2(a) for increasing awareness of issues regarding sexual abuse and other maltreatment of children must include training concerning prevention techniques for and recognition of sexual abuse and all other maltreatment of children. The training:

   a. Must be provided, as part of a new employee orientation, to new open-enrollment charter school employees and to existing charter school employees until all employees have taken the training; and

   b. Must include training on:

      i. Factors indicating a child is at risk for sexual abuse or other maltreatment;

      ii. Likely warning signs indicating a child may be a victim of sexual abuse or other maltreatment;
iii. Internal procedures for seeking assistance for a child who is at risk for sexual abuse or other maltreatment, including a referral to a school counselor, a social worker, or another mental health professional;

iv. Techniques for reducing a child’s risk of sexual abuse or other maltreatment; and

v. Community organizations that have relevant existing research-based programs that are able to provide training or other education for open-enrollment charter school staff members, students, and parents.

c. Each open-enrollment charter school shall maintain records that include the name of each charter school employee who participated in the training.

d. If an open-enrollment charter school determines that the district or charter school does not have sufficient resources to provide the required training, the charter school shall work in conjunction with a community organization to provide the training at no cost to the charter school.

e. The term “other maltreatment” means abuse or neglect as defined in the Family Code §261.001 or §261.401.


4. A charter school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign in English and in Spanish that contains the toll-free number operated by the Department of Family and Protective Services to receive reports of child abuse or neglect.

Tex. Educ. Code §38.0042

5. Reporting Requirements
A charter holder shall adopt and disseminate to all charter school staff and volunteers a policy governing child abuse reports required by the Texas Family Code, Chapter 261. The policy shall require that employees, volunteers, or agents of the charter holder and the charter school report child abuse or neglect directly to an appropriate entity listed in the Texas Family Code, Chapter 261.

19 TAC §100.1211(b).

a. General Public

i. An individual that believes that a child has been adversely affected by physical or mental abuse or neglect shall immediately make a report.

b. Licensed/Certified Professionals & Employees of Licensed/Certified/ Operated by the State Facilities
i. Definition of a Professional

(1) Individual licensed or certified by Texas; or

(2) An employee of a facility licensed, certified, or operated by Texas and who in the normal course of official duties or duties for which a license or certification is required has direct contact with children

ii. If the professional believes the child:

(1) Has been abused or neglected;

(2) May be abused or neglected; or

(3) Is a victim of Indecency with a Child, under Section 21.11 of the Penal Code, and the professional also believes that the child has been abused as defined by the Family Code §261.001 or §261.401, then the professional shall file a report within 48 hours of first suspecting such abuse or neglect.

iii. A professional may not delegate or rely on another person to make the report.

c. Confidentiality

A report under this section is confidential unless:

i. The confidentiality is waived in writing;

ii. It is disclosed as provided by the Family Code §261.201; or

iii. It is disclosed to law enforcement for the purposes of conducting a criminal investigation of the report.


5. Where to Report

a. A report shall be made to:

i. Any local or state law enforcement agency;

ii. The Department of Family and Protective Services (“DFPS”);

iii. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or

iv. The agency designated by the court to be responsible for the protection of children.
b. A report must always be made to DFPS if the suspected abuse or neglect involves a 
person responsible for the care, custody, or welfare of the child.

*Tex. Fam. Code §261.103.*

c. Texas Juvenile Probation Commission (“TJPC”)

i. A report of alleged abuse, neglect, or exploitation in any juvenile justice program 
or facility shall be made to the TJPC and a local law enforcement agency.


6. Immunities and Penalties

a. A person who acts in good faith in making such a report as required by this 
section is immune from civil or criminal liability that might otherwise be incurred or 
imposed.

b. A person who reports their own abuse or neglect of a child or who acts in bad faith 
or with malicious purpose in reporting alleged child abuse or neglect is not immune 
from civil or criminal liability. An intentional false report is a state jail felony and may 
be up to a third degree felony in some cases.

c. If a person has cause to believe that a child has been or will be abused 
or neglected, and knowingly fails to make a report, they commit a Class A 
misdemeanor. Under certain conditions, this offense may be elevated 
to a state jail felony.


7. Retaliation Prohibited

An employer may not retaliate or discriminate against a person who is a professional 
and in good faith makes a report of suspected child abuse or neglect.

*Tex. Fam. Code §261.110.*

8. Interview With Students

Authorized officials conducting a child abuse investigation shall be permitted to conduct 
the required interview with the child at any reasonable time at the child’s school.


D. School Visitors & Sex Offenders

1. An open-enrollment charter school may require a person who enters a school campus 
to display a form of identification containing the person’s photograph and that is issued 
by a governmental entity.
2. An open-enrollment charter school may verify whether a visitor to a charter school is a sex offender registered with the Department of Public Safety.

3. The governing body shall adopt a policy regarding the action to be taken by the administration of a school campus when a visitor is identified as a sex offender.  
   

E. **Fireworks**

1. A person may not explode or ignite fireworks within 600 feet of any school unless that person receives authorization in writing from that school.  
   
   *Tex. Occup. Code §2154.251(a)(1).*

F. **Weapons**

1. **Firearms/Weapons**
   a. It is a criminal offense for an individual to possess or go with a firearm, illegal knife, or prohibited weapon listed in *Penal Code 46.05(a)* onto the premises of a school, any grounds or building in which a school activity is being conducted, or a passenger transportation vehicle of a school. There is an exception pursuant to written regulations or written authorization of the school.  
      
      *Tex. Penal Code §46.03(a)(1).*

2. **Concealed Handgun License Holders**
   a. **High School or Interscholastic Event**
      A handgun license holder commits an offense if the license holder carries the handgun on or about the license holder’s person on the premises where a high school or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event.  
      
      *Tex. Penal Code §46.035(b)(2).*

   b. **Meeting of a School Board**
      A handgun license holder commits an offense if the license holder carries a handgun at a meeting of a school board, if the license holder was given effective notice under *Penal Code §30.06.*  
      
      *Tex. Penal Code §§ 46.035(c), (l).*

   c. **School Property**
      A handgun license holder commits an offense if the license holder carries a handgun onto the property of another without consent and had received notice that entry on the property with a concealed handgun was prohibited.
i. A person receives notice if the owner of the property, or someone with apparent authority to act for the owner, provides either oral or written notice to the person.

ii. Written notice must include the following language “Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun.”

iii. If the written notice is given in the form of a sign, the sign must have the language in both English and Spanish, appear in contrasting colors with block letters at least one inch in height; and be displayed in a conspicuous manner clearly visible to the public.

*Tex. Penal Code §30.06.*

**G. Protective Eye Devices**

Each teacher and student must wear industrial-quality eye-protective devices in appropriate situations as determined by school policy.


2. The recommended guidelines are applicable to all staff members, students, and visitors participating in educational activities and programs that involve:

   a. the use of hazardous chemicals;

   b. the use of hot liquids or solids;

   c. the use of molten materials;

   d. performing grinding, chipping, or other hazardous activities where there is danger of flying particles;

   e. milling, sawing, turning, shaping, cutting, or stamping of any solid materials’

   f. heat treatment, tempering, or kiln firing of any metal or other materials;
g. cutting, welding, or brazing operations;

h. the use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;

i. repair or servicing of any vehicle; or

j. any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.


H. Concussions Affecting Student Athletes

1. Concussion Oversight Team

a. The governing body of each open-enrollment charter school with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. This team must include at least one physician and, to the greatest extent practicable, must also include one or more of the following: an athletic trainer, an advanced practice nurse; a neuropsychologist; or a physician assistant.

b. If an open-enrollment charter school employs an athletic trainer, the athletic trainer must be a member of the charter school concussion oversight team.

c. Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team.

d. The concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student’s return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion.


2. Annual Concussion Information Form

a. A student may not participate in an interscholastic athletic activity for a school year until the student and the student’s parent, guardian, or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight.

b. The form must also include guidelines for safely resuming participation in an athletic activity following a concussion and it must be approved by the University Interscholastic League.
c. **Concussion Acknowledgement Form**

**Tex. Educ. Code §38.155.**

3. **Removal From Play Following Concussion**

   a. A student shall immediately be removed from an interscholastic athletics practice or competition if either a coach, physician, licensed health care professional, or student’s parent, guardian, or another person with legal authority to make medical decisions for the student believes the student might have sustained a concussion during the practice or competition.

**Tex. Educ. Code §38.156.**

4. **Return to Play**

   a. A student removed from an interscholastic athletics practice or competition under Section 3 may not practice or compete again until:

      i. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student’s parent, guardian, or another person with legal authority to make medical decisions for the student and the treating physician has provided a written statement indicating that, in the physician’s professional judgment, it is safe for the student to return to play;

      ii. The student has successfully completed the return-to-play protocol established by the concussion oversight team;

      iii. The student and the student’s parent, guardian, or another person with legal authority to make medical decisions for the student:

         1. Have acknowledged that the student has completed the requirements of the return-to-play protocol;

         2. Have provided the treating physician’s written statement to the superintendent or the superintendent’s designee; and

         3. Have signed a consent form indicating that the person signing:

            a. Has been informed concerning and consents to the student’s participating in returning to play in accordance with the return-to-play protocol;

            b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;
(c) Consents to the disclosure to appropriate persons, consistent with HIPAA, of the treating physician’s written statement and, if any, the return-to-play recommendations of the treating physician; and

(d) Understands the immunity provisions under this section.

b. A coach of an interscholastic athletics team may not authorize a student’s return to play.

c. The superintendent, or the superintendent’s designee, shall supervise the person responsible for compliance with the return-to-play protocol. The person who has supervisory responsibilities under this subsection may not be a coach of an interscholastic athletics team.

d. Return to Play Form

5. Training Courses

a. The following persons must take a training course from an authorized training provider at least once every two years:

i. A coach of an interscholastic athletic activity must take a course approved by the University Interscholastic League which provides for a minimum of two hours of training on concussions, including evaluation, prevention, symptoms, risks, and long-term effects;

ii. A licensed health care professional who serves as a member of a concussion oversight team and is an employee, representative, or agent of an open-enrollment charter school; and

iii. A licensed health care professional who serves on a volunteer basis as a member of a concussion oversight team for an open-enrollment charter school.

b. A physician who serves as a member of a concussion oversight team shall, to the greatest extent practicable, periodically take an appropriate continuing medical education course in concussions.

c. An athletic trainer must take a course approved by the Department of State Health Services Advisory Board of Athletic Trainers or a course concerning concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

d. A licensed health care professional, other than an athletic trainer, must take a course approved by the University Interscholastic League which provides for a minimum of two hours of training on concussions, including evaluation, prevention,
symptoms, risks, and long-term effects or a course concerning concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

e. A coach and a licensed health care professional must submit proof of timely completion of an approved course to the superintendent or superintendent’s designee.

f. A licensed health care professional who is not in compliance with the training requirements under this section may not serve on a concussion oversight team in any capacity.

6. Immunity

a. This subchapter of the law does not:

i. Waive any immunity from liability of an open-enrollment charter school or of charter school officers or employees;

ii. Create any liability for a cause of action against an open-enrollment charter school or against charter school officers or employees;

iii. Waive any immunity from liability under Section 74.151, Civil Practice and Remedies Code; or

iv. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.


I. Internet Use

1. Children’s Internet Protection Act & Universal Service Discounts

   a. Charter holders/schools that receive universal discount rates for Internet services must:

      i. Adopt an Internet Safety Policy; and

      ii. Submit to the Federal Communications Commission (“FCC”) a certification that the charter school is enforcing an Internet safety policy for minors and adults.

   b. Certification to the FCC

      i. Charter holder/schools that receive universal discount rates for Internet services must submit certifications to the FCC stating that:
(1) The charter holder has adopted and is enforcing an Internet safety policy for minors that includes and addresses:

(a) Monitoring the online activities of minors;

(b) Access by minors to inappropriate matter on the Internet and World Wide Web;

(c) The operation of a technology protection measure with respect to any computer with Internet access that protects against computer access to material that is:

(I) Obscene

(II) Child pornography; or

(III) Harmful to minors

(d) Safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

(e) Educating minors about appropriate online behavior, including interacting with other individuals on social networking websites, chat rooms, and cyber-bullying awareness and response;

(f) Unauthorized access, including “hacking”, and other unlawful activities by minors online; and

(g) Unauthorized disclosure, use, and dissemination of personal information regarding minors.

(2) The charter holder has adopted and is enforcing an Internet safety policy that includes the operation of a technology protection measure with respect to computers with Internet access that protects against computer access to material that is:

(a) Obscene; or

(b) Child pornography.

c. Certification Compliance

i. Charter holders/schools that receive universal discount rates must make the certification to the FCC during each year that funding is received.

ii. Any school that knowingly fails to comply with the application guidelines requiring the annual certification submission to the FCC shall not be eligible for
Internet services at discounted rates.

iii. Any school that knowingly fails to ensure the use of its computers in accordance with the certification shall reimburse any funds and discounts received under the federal universal service support mechanism for the period of noncompliance.


2. Elementary and Secondary Education Act (“ESEA”)

   a. Federal funds made available under Title II, Part D of the ESEA may only be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet if the charter holder:

      i. Has adopted and enforces an Internet safety policy that includes the operation of a technology protection measure, with respect to all computers that have Internet access, which protects against access to material that is:

          (1) Obscene;

          (2) Child pornography; or

          (3) Harmful to minors.

   b. For each program year for which funds are received the charter holder must certify its compliance with this section to the Department of Education.

20 U.S.C.A §6777.

J. Prohibition Against Harassment, Intimidation, or Bullying
Some student conduct that may be considered “bullying” may trigger responsibilities under one or more of the federal antidiscrimination laws.

400.150. APPOINTMENT OF SCHOOL MARSHALL

A. Appointment
The Board of Directors of an open-enrollment charter school may appoint not more than one school marshals per 400 students in average daily attendance per campus.

B. Eligibility
The board of directors of an open-enrollment charter school may select for appointment as a school marshal an applicant who is

1. an employee of the charter school; and
2. who is certified as a licensed concealed handgun holder under Section 1701.260 of the Texas Occupations Code.

C. Identity
The identity of the school marshal appointed by the board of directors is confidential except as provided under Section 1701.260 of the Texas Occupations Code. The identity of the school marshal is not subject to disclosure under the Texas Public Information Act (Tex. Gov. Code §552).

D. Reimbursement
The board of directors of an open-enrollment charter school may, but is not required, reimburse the amount paid by the applicant to serve as school marshal to participate in the training program required under the Texas Occupations Code.

E. Authority of School Marshal
Subject to regulations adopted by the board of directors of the charter school and only as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or school visitors on school premises, a school marshal may make arrests and exercise all authority given peace officers under the Texas Code of Criminal Procedure.

1. A school marshal may not issue traffic citations.
2. A school marshal is not entitled to state benefits normally provided by the state to a peace officer.

F. Weapon Possession and Access
A school marshal appointed by the board of directors of a charter school may carry or possess a handgun on the physical premises of a school but only:

1. In the manner provided by written regulations adopted by the board of directors;
2. At a specific school as specified by the board of directors, if applicable;

3. If the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun on his or her person, but may possess a handgun on the physical premises of the school in a locked and secured safe within the marshal’s immediate reach when conducting his or her primary duty.

The school marshal may access the handgun only under circumstances that would justify the use of deadly force under against another or to protect a third person under Section 9.32 or 9.33 of the Texas Penal Code.

The school marshal may use only frangible ammunition designed to disintegrate on impact for maximum safety to others.

400.160. MISCELLANEOUS PROVISIONS RELATING TO STUDENTS

A. Religious Expression

1. Class Room Assignments
   a. Students may express their beliefs about religion in written and oral assignments free from discrimination based on the religious content of their submissions.
   b. Students may not be penalized or rewarded on account of the religious content of their work.  

2. Student’s Freedom to Organize Religious Groups and Activities
   a. Students may organize religious gatherings before, during, and after school to the same extent that students are permitted to organize other non-curricular student activities and groups.
   b. Religious groups must be given the same access to school facilities, and advertising of meetings, as is given to other non-curricular groups without discrimination based on the religious content of the students’ expression.  

3. Student’s Right to Pray
   a. A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A person may not require, encourage, or coerce a student to engage in or refrain from such prayer or meditation during any school activity.  

B. Homeless Students

1. Liaison
   a. Each charter holder shall assign a staff person as the charter holder liaison for homeless children.
   b. The liaison shall ensure that:
      i. Homeless children are identified by charter school personnel;
ii. Homeless children enroll in, and have an equal opportunity to succeed in, the charter holder’s schools;

iii. Homeless families and children receive educational services for which they are eligible;

iv. Public notice of the educational rights of homeless children is disseminated where such children receive services (e.g. homeless shelters); and

v. Enrollment disputes are mediated.


2. Enrollment

a. Under the McKinney-Vento Homeless Education Assistance Improvements Act, a school shall immediately enroll a homeless child, even if the child is unable to produce records normally required for enrollment.

b. The school shall promptly contact the child’s last school attended to obtain relevant academic and other records. If the child needs immunizations, the school shall refer the child and the child’s parent or guardian to the homeless liaison.

3. Segregation

The segregation of homeless children is prohibited.

4. Notice of Rights

a. During enrollment, and twice during the year while the child is enrolled in the charter school, the charter school shall provide written notice to the parent or guardian of the child that is then signed by the parent or guardian and sets forth the child’s rights under the McKinney-Vento Act.

b. The notice must be in a manner and form understandable to the parent or guardian.

c. Examples of notices of a child’s rights from the National Center for Homeless Education may be found at the following links: http://center.serve.org/nche/downloads/parentposter_eng_color.pdf http://center.serve.org/nche/downloads/parentbrochure_eng.pdf


C. Parental Involvement

1. Open-Enrollment Charter School Policy in General

An open-enrollment charter school may receive funds under Title I, Part A only if such charter school implements programs, activities, and procedures for the involvement
of parents in programs assisted under Title I, Part A, consistent with 20 U.S.C. 6318. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children.

2. Written Policy

Each open-enrollment charter school that receives funds under Title I, Part A shall develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy. The policy shall establish the charter school’s expectations for parent involvement, and describe how the charter school will:

a. involve parents in the joint development of the plan under 20 U.S. C. §6312, and the process of school review and improvement under 20 U.S. C. §6316;

b. provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;

c. build the schools’ and parents’ capacity for strong parental involvement as described in 20 U.S. C. §6318(e);

d. coordinate and integrate parental involvement strategies under Title I, Part A with parental involvement strategies under other ESEA programs;

e. conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under 20 U.S.C. §6318(a)(2)(E); and

f. involve parents in the activities of the schools served under this part.

20 U.S.C.A §6318(a)(1)-(2).

D. Texas Virtual School Network

1. Enrollment in an Electronic Course through the Texas Virtual School Network (VSN)

A charter school in which a student is enrolled as a full-time student may not deny the request of a parent to enroll a student in an electronic course through the state virtual school network unless:

a. the student attempts to enroll in a course load that is inconsistent with the student’s high school graduation plan or requirements for college admission or earning an industry certification;

b. the student seeks to enroll in a course at a time that is not consistent with the enrollment period established by the charter school providing the course;

c. the charter school offers a substantially similar course;
d. the student seeks to enroll in more than three year-long courses, or the equivalent, at the expense of the school. This subsection does not limit the ability of a student of the charter school to enroll in additional electronic courses at the student’s own cost.


2. Inducements Prohibited.
A charter school may not promise or provide equipment or any other thing of value to a student or a student’s parent as an inducement for the student to enroll in an electronic course offered through the Texas VSN.

Tex. Educ. Code §30A.1052

3. Written Policy and Annual Notice to Parents.
A charter school shall adopt a written policy that provides students with the opportunity to enroll in electronic courses provided through the Texas VSN consistent with the enrollment requirements described above.

A charter school shall, at least once per year, send to a parent of each student enrolled in the middle or high school a copy of the school’s policy regarding courses provided through the Texas VSN.

Tex. Educ. Code §30A.007

4. State Funding for Enrollment in Electronic Courses

a. A charter school is entitled to state funding under Tex. Educ. Code §12.106 for a student’s enrollment in an electronic course offered through the Texas VSN in the same manner that the school is entitled to funding for a student’s enrollment in courses provided in a traditional classroom setting, provided the student successfully completes the electronic course.

b. A charter school shall receive state funding under Tex. Educ. Code §12.106 for a student’s enrollment in not more than three electronic courses during the school year. This limitation does not apply to a student enrolled in a full-time online program that was operating January 1, 2013.

Tex. Educ. Code §30A.114

5. Fees for Enrollment in Additional Courses through Texas VSN
A charter school may charge a fee for enrollment in an electronic course provided through the Texas VSN to a student who resides in Texas and:

a. is enrolled in the charter school as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other districts or open-enrollment charter schools; or
b. elects to enroll in an electronic course provided through the Texas VSN for which the charter school in which the student is enrolled as a full-time student declines to pay the cost.

c. A charter school may not charge a fee for a course through the VSN that exceeds the lesser of the cost of providing the course or $400.

TCSA Model Board Policy Series

400.140. Student Safety
Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL

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Module 400: Students

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

- Module 100: Financial Operations
- Module 200: Charter School Governance & Organization
- Module 300: General School Operations
- Module 500: Open Government
- Module 600: Human Resources

Legal Abbreviations Used In the TCSA Model Board Policy Series

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<td>Code of Federal Regulations</td>
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400.140. STUDENT SAFETY

The governing body (“Board”) of RAPOPORT ACADEMY PUBLIC SCHOOL adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Discipline

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

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

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

Section 2. Transfer Option for Victims of Violent Acts

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

Section 3. Child Abuse, Maltreatment and Neglect

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

a. The Superintendent shall develop and implement procedures detailing methods to increase staff, student, and parent awareness of the sexual abuse, neglect and other maltreatment of children, including prevention techniques and knowledge of likely warning signs.

b. The Superintendent shall be responsible for having a safety plan developed that details action that a child who is a victim of sexual abuse, neglect or other maltreatment should take to obtain assistance and intervention. This plan shall also provide for available counseling options.

Section 3.2. Required Training.

a. As part of new employee orientation, new open-enrollment charter school employees and those existing charter school employees who have not yet received such training, shall receive training concerning prevention techniques for, and
recognition of, sexual abuse, neglect and all other maltreatment of children. At the
discretion of the Superintendent any charter school staff member may annually
receive training in these areas.

b. The Superintendent shall ensure that training under this section shall conform
with legally mandated criteria.

Section 3.3. Reporting Child Abuse.

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

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

The Superintendent, shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL posts a sign in
English and in Spanish that contains the toll-free number operated by the Department of
Family and Protective Services to receive reports of child abuse or neglect in a clearly visible
location in a public area of the school that is readily accessible to students.

Section 4. School Visitors

Section 4.1. Visitors. The Superintendent, shall ensure conspicuous signs are posted at each
campus entrance requiring all visitors to sign-in at the school campus administrative office.
All visitors must present a form of identification or at a minimum their name and date of birth.
RAPOPORT ACADEMY PUBLIC SCHOOL personnel shall process each visitor through the Texas
Department of Public Safety’s Sex Offender Registry Search or other database system which
checks for sex offender status. All visitors will be issued a badge that is to be worn at all
times while visiting the school campus. Upon their departure they must sign-out at the central
administrative office and return the visitor’s badge.

Visitors who do not submit a form of identification or their name and date of birth for the
purpose of checking sex offender status shall not be allowed on school grounds. However,
a parent/legal guardian of a student enrolled at RAPOPORT ACADEMY PUBLIC SCHOOL,
who has previously established with the school that they are the parent/guardian of the
student, but does not provide identification or their name and date of birth at the time of
the school visit, shall follow the policy outlined in Section 4.2(a) and (b).

Section 4.2. Registered Sex Offenders. Registered sex offenders are prohibited from
entering school grounds.
a. Exception.
A parent/guardian registered sex offender may enter school grounds for the following limited purposes:

i. To attend a conference at the school with school personnel to discuss the academic and/or social progress of the parent/guardian’s child;

ii. When the principal has requested the parent/guardian’s presence for any other reason concerning the parent/guardian’s child; or

iii. To pick up their child from school.

b. Requirements for the Exception to Apply:

i. The parent/guardian must notify the principal of the purpose of the visit and when the visit will occur, including date and time, before the parent/guardian enters the school grounds.

ii. The principal shall notify the administrative offices of the parent/guardian’s intent to visit.

iii. The parent/guardian must check in at the campus administrative office upon arrival and departure from the school.

iv. The parent/guardian must remain under the direct supervision of staff at all times.

Section 4.3. Protective Orders. RAPOPORT ACADEMY PUBLIC SCHOOL personnel shall comply with all legal restraining and protective orders pertaining to students enrolled in RAPOPORT ACADEMY PUBLIC SCHOOL.

SECTION 5. Weapon and Handgun Prohibition

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

Section 5.2. Handgun Prohibition. RAPOPORT ACADEMY PUBLIC SCHOOL prohibits the use or possession of a handgun on all RAPOPORT ACADEMY PUBLIC SCHOOL campuses and property, even if the handgun is carried by a licensed handgun holder. The Superintendent shall ensure signs, containing the following language are conspicuously placed on school campuses and property: “Pursuant to Section 30.06, Penal Code (trespass by holder of a license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a handgun.”
SECTION 6. Protective Eye Devices
Industrial-quality, eye-protective devices, meeting the recommended guidelines adopted by the Texas Department of Health, shall be worn by all employees, students, and visitors participating in activities and programs that involve:

a. the use of hazardous chemicals;
b. the use of hot liquids or solids;
c. the use of molten materials;
d. performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
e. milling, sawing, turning, shaping, cutting, or stamping of any solid materials;
f. heat treatment, tempering, or kiln firing of any metal or other materials;
g. cutting, welding, or brazing operations;
h. the use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
i. repair or servicing of any vehicle; or
j. any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

SECTION 7. Concussion Oversight of Student Athletes

Section 7.1. Approval of Concussion Oversight Team.
In accordance with laws and regulations, the Board approves of the following individuals to serve as members of RAPOPORT ACADEMY PUBLIC SCHOOL'S concussion oversight team:

1. TBD
2.
3.

Section 7.2. Return-to-Play Protocol. The concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion.

Section 7.3. Training. The Superintendent shall ensure that affected school employees take a concussion training course as provided by law.
SECTION 8. Internet Use

SECTION 8.1. Computer System Access
Access to all of RAPOPORT ACADEMY PUBLIC SCHOOL’s computers, computer networks, electronic mail, and the Internet is for educational and administrative purposes. The Superintendent, shall require all users to agree in writing to comply with RAPOPORT ACADEMY PUBLIC SCHOOL’s policies and procedures in regards to such access. Failure to comply may result in disciplinary action.

SECTION 8.2. Protection Measure
The Superintendent, shall ensure that RAPOPORT ACADEMY PUBLIC SCHOOL utilizes a filtering device or software that prevents any RAPOPORT ACADEMY PUBLIC SCHOOL computer, and prevents RAPOPORT ACADEMY PUBLIC SCHOOL’s Internet service, from accessing material that is obscene, child pornography, or harmful to minors.

SECTION 8.3. Internet Safety
The Superintendent, shall implement a safety plan that ensures:

a. Online activities of minors are monitored at the discretion of the Superintendent;

b. Students’ Internet access to inappropriate material is controlled;

c. Students’ safety is ensured when using electronic communication, including, but not limited to electronic mail, social networking sites, and chat rooms;

d. The prevention of unauthorized access, including hacking, and other unlawful activities;

e. The prevention of the unauthorized disclosure, use, and dissemination of personal information regarding minors; and

f. Students are educated about appropriate online behavior including interacting with other individuals on social networking websites and chat rooms, and cyber-bullying awareness and response.

SECTION 8.4. Monitored Computer Use
The use of RAPOPORT ACADEMY PUBLIC SCHOOL’s computers and/or Internet system is not confidential and may be monitored by designated RAPOPORT ACADEMY PUBLIC SCHOOL personnel to ensure appropriate use.

Section 9. Prohibition Against Harassment, Intimidation, or Bullying
RAPOPORT ACADEMY PUBLIC SCHOOL strives to provide students and staff with a school environment free from harassment, intimidation and bullying.

Section 9.1. Prohibition. RAPOPORT ACADEMY PUBLIC SCHOOL explicitly prohibits harassment, intimidation, and/or bullying on the basis of race, color, national origin, sex, disability, age, sexual orientation, and/or religion. RAPOPORT ACADEMY PUBLIC SCHOOL prohibits harassment, intimidation, or bullying in any form at school, school-related events, including off-campus events, school- sponsored activities, school buses or any event related to school business.
Section 9.2. Definition. Harassment, intimidation, or bullying means engaging in written or verbal expression, expression through electronic means, through the use of cell phones, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the school and that:

a. has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property; or

b. is sufficiently severe, pervasive, or persistent enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

Section 9.3. Reporting. RAPOPORT ACADEMY PUBLIC SCHOOL encourages students who believe they are being subjected to harassment, intimidation, or bullying and students who have first-hand knowledge of such harassment, to report the matter promptly to any RAPOPORT ACADEMY PUBLIC SCHOOL employee, adult volunteer, contractor, or agent who is not involved in the alleged harassment, intimidation or bullying. Any RAPOPORT ACADEMY PUBLIC SCHOOL employee, adult volunteer, contractor or agent who witnesses, overhears or receives a report, formal or informal, written or oral, of harassment, intimidation, or bullying shall report it in accordance with procedures developed under this policy.

Section 9.4. Superintendent Responsibilities. The Superintendent shall take appropriate actions to ensure RAPOPORT ACADEMY PUBLIC SCHOOL’s Harassment, Intimidation and Bullying policy and procedures are enforced.

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

a. An absolute prohibition against harassment, intimidation, or bullying;

b. A method to ensure initial and annual dissemination of this policy and associated procedures to all students, parents, teachers, administrators and all other RAPOPORT ACADEMY PUBLIC SCHOOL employees, volunteers, contractors, and agents;

c. Annually disseminating age-appropriate information to students on the recognition and prevention of harassment, intimidation, or bullying;

d. Annual staff development training in harassment, intimidation, and bullying prevention, awareness, and reporting.

e. Identification of school officials responsible for investigating reports and making decisions based on the outcome of the investigation;

f. Procedures for reporting incidents and the immediate, appropriate, and impartial investigation of incidents which includes:

i. conducting interviews of all students involved;
ii. conducting interviews of witnesses; and

iii. investigating the circumstances of the incident, including events or incidents that preceded the incident;

g. Prompt notification of the parents of all students involved;

h. Procedures for resolving complaints that include proper application of consequences consistent with RAPOPORT ACADEMY PUBLIC SCHOOL policy and with consideration for state and federal IDEA requirements;

i. Procedures for parties to appeal the determination of the investigation;

j. Sets out available counseling options for a student who is a victim of harassment, intimidation, and/or bullying; and

k. Sets out available counseling options for a student who engaged in conduct that was harassing, intimidating, and/or bullying.

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

Section 9.5. Consequences. Any person found to have engaged in harassment, intimidation, and/or bullying in violation of this policy may be subject to disciplinary action up to and including expulsion. Any staff member who permits harassment, intimidation, or bullying of a student may be subject to disciplinary action up to and including termination of employment. Any staff member who receives complaints of harassment, intimidation, and bullying and does not act promptly or does not forward the complaint to the staff member’s supervisor shall be subject to disciplinary action up to and including termination of employment.

Section 9.6. Retaliation Prohibited. RAPOPORT ACADEMY PUBLIC SCHOOL prohibits retaliation against any person who in good faith reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with RAPOPORT ACADEMY PUBLIC SCHOOL policies and procedures. Individuals who intentionally fabricate allegations of harassment, intimidation, or bullying may be subject to disciplinary action in accordance with RAPOPORT ACADEMY PUBLIC SCHOOL policies and procedures.
Section 10: Notice of Events that Significantly Impact the Education of Foster Children

RAPOPORT ACADEMY PUBLIC SCHOOL welcomes all students and works to maintain open communication between our schools and families. The Superintendent will develop procedures to ensure that a child’s educational decision-maker and caseworker are notified of:

a. A request or referral for an evaluation under section 504 or special education;

b. An admission, review, and dismissal (ARD) committee meeting;

c. A manifestation determination review is scheduled;

d. Any disciplinary actions under Chapter 37 and parent notice is required;

e. Class C misdemeanor citations for offenses on school property or at school sponsored events; and

f. Reports of restraint and seclusion.

Section 11. Truancy Prevention and Referral

The Superintendent of RAPOPORT ACADEMY PUBLIC SCHOOL shall adopt truancy prevention measures designed to address student conduct related to truancy. Those measures shall include one or more of the following: behavior intervention plans, school-based services, or refer student to other services aimed at addressing the student’s truancy.

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TCSA Model Board Policy Series
400.140. Student Safety
Charter Board Policy for RAPOPORT ACADEMY
Module 400: Students

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

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400.140. STUDENT SAFETY
The governing body (“Board”) of RAPOPORT ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Discipline

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

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

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

Section 2. Transfer Option for Victims of Violent Acts
The Superintendent, shall develop local procedures allowing for the transfer of a student to attend a safe school if the student becomes a victim of a violent criminal offense while on a school campus or on any school property, or while attending a school-sponsored or school-related activity.

Section 3. Child Abuse, Maltreatment and Neglect

TCSA NOTE: POLICY ON THIS SUBJECT LEGALLY REQUIRED

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

a. The Superintendent shall develop and implement procedures detailing methods to increase staff, student, and parent awareness of the sexual abuse, neglect and other maltreatment of children, including prevention techniques and knowledge of likely warning signs.

b. The Superintendent shall be responsible for having a safety plan developed that details action that a child who is a victim of sexual abuse, neglect or other maltreatment should take to obtain assistance and intervention. This plan shall also provide for available counseling options

Section 3.2. Required Training.

a. As part of new employee orientation, new open-enrollment charter school employees and those existing charter school employees who have not yet received such training, shall receive training concerning prevention techniques for, and
recognition of, sexual abuse, neglect and all other maltreatment of children. At the discretion of The Superintendent any charter school staff member may annually receive training in these areas.

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

Section 3.3. Reporting Child Abuse.

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

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

The Superintendent shall ensure that RAPOPORT ACADEMY posts a sign in English and in Spanish that contains the toll-free number operated by the Department of Family and Protective Services to receive reports of child abuse or neglect in a clearly visible location in a public area of the school that is readily accessible to students.

Section 4. School Visitors

TCSA NOTE: The governing body of a charter school is legally required to adopt a policy regarding the action to be taken by the administration of a school campus when a visitor is identified as a sex offender.

Section 4.1. Visitors. The Superintendent shall ensure conspicuous signs are posted at each campus entrance requiring all visitors to sign-in at the school campus administrative office. All visitors must present a form of identification or at a minimum their name and date of birth. RAPOPORT ACADEMY personnel shall process each visitor through the Texas Department of Public Safety’s Sex Offender Registry Search or other database system which checks for sex offender status. All visitors will be issued a badge that is to be worn at all times while visiting the school campus. Upon their departure they must sign-out at the central administrative office and return the visitor’s badge.

Visitors who do not submit a form of identification or their name and date of birth for the purpose of checking sex offender status shall not be allowed on school grounds. However, a parent/legal guardian of a student enrolled at RAPOPORT ACADEMY, who has previously established with the school that they are the parent/guardian of the student, but does not provide identification or their name and date of birth at the time of the school visit, shall follow the policy outlined in Section 4.2(a) and (b).
Section 4.2. Registered Sex Offenders. Registered sex offenders are prohibited from entering school grounds.

   a. Exception. A parent/guardian registered sex offender may enter school grounds for the following limited purposes:

      i. To attend a conference at the school with school personnel to discuss the academic and/or social progress of the parent/guardian’s child;

      ii. When the principal has requested the parent/guardian’s presence for any other reason concerning the parent/guardian’s child; or

      iii. To pick up their child from school.

   b. Requirements for the Exception to Apply:

      i. The parent/guardian must notify the principal of the purpose of the visit and when the visit will occur, including date and time, before the parent/guardian enters the school grounds.

      ii. The principal shall notify the administrative offices of the parent/guardian’s intent to visit.

      iii. The parent/guardian must check in at the campus administrative office upon arrival and departure from the school.

      iv. The parent/guardian must remain under the direct supervision of staff at all times.

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

SECTION 5. Weapon and Concealed Handgun Prohibition

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

Section 5.2. Concealed Handgun Prohibition. RAPOPORT ACADEMY prohibits the use or possession of a concealed handgun on all RAPOPORT ACADEMY campuses and property, even if the handgun is carried by a licensed handgun holder. The Superintendent shall ensure signs, containing the following language are conspicuously placed on school campuses and property: “Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun.”
SECTION 6. Protective Eye Devices
Industrial-quality, eye-protective devices, meeting the recommended guidelines adopted by the Texas Department of Health, shall be worn by all employees, students, and visitors participating in activities and programs that involve:

a. the use of hazardous chemicals;

b. the use of hot liquids or solids;

c. the use of molten materials;

d. performing grinding, chipping, or other hazardous activities where there is danger of flying particles;

e. milling, sawing, turning, shaping, cutting, or stamping of any solid materials’

f. heat treatment, tempering, or kiln firing of any metal or other materials;

g. cutting, welding, or brazing operations;

h. the use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;

i. repair or servicing of any vehicle; or

j. any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

SECTION 7. Concussion Oversight of Student Athletes

Section 7.1. Approval of Concussion Oversight Team.
In accordance with laws and regulations, the Board approves of the following individuals to serve as members of RAPOPORT ACADEMY’S concussion oversight team:

1. *(TCSA Note: Name at least one physician)*

2. *(TCSA Note: to the greatest extent possible name at least one of the following: advanced practice nurse, neuropsychologist, or a physician assistant.)*
Section 7.2. **Return-to-Play Protocol.** The concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion.

Section 7.3. **Training.**
The Superintendent shall ensure that affected school employees take a concussion training course as provided by law.

**SECTION 8. Internet Use**

*TCSA NOTE:* **CHARTER HOLDERS/SCHOOLS THAT RECEIVE UNIVERSAL DISCOUNT RATES FOR INTERNET SERVICES ARE LEGALLY REQUIRED TO ADOPT AN INTERNET SAFETY POLICY. A POLICY IS ALSO LEGALLY REQUIRED IF TITLE II FUNDS ARE USED TO PURCHASE COMPUTERS WHICH ACCESS THE INTERNET, OR TO PAY DIRECT COSTS ASSOCIATED WITH ACCESSING THE INTERNET.**

**SECTION 8.1. Computer System Access**
Access to all of RAPOPORT ACADEMY’s computers, computer networks, electronic mail, and the Internet is for educational and administrative purposes. The Superintendent shall require all users to agree in writing to comply with RAPOPORT ACADEMY’s policies and procedures in regards to such access. Failure to comply may result in disciplinary action.

**SECTION 8.2. Protection Measure**
Superintendent shall ensure that RAPOPORT ACADEMY utilizes a filtering device or software that prevents any RAPOPORT ACADEMY computer, and prevents RAPOPORT ACADEMY’s Internet service, from accessing material that is obscene, child pornography, or harmful to minors.

**SECTION 8.3. Internet Safety**
The Superintendent, shall implement a safety plan that ensures:

a. Online activities of minors are monitored at the discretion of the Superintendent;

b. Students’ Internet access to inappropriate material is controlled;

c. Students’ safety is ensured when using electronic communication, including, but not limited to electronic mail, social networking sites, and chat rooms;

d. The prevention of unauthorized access, including hacking, and other unlawful activities;
e. The prevention of the unauthorized disclosure, use, and dissemination of personal information regarding minors; and

f. Students are educated about appropriate online behavior including interacting with other individuals on social networking websites and chat rooms, and cyber-bullying awareness and response.

SECTION 8.4. Monitored Computer Use
The use of RAPOPORT ACADEMY’s computers and/or Internet system is not confidential and may be monitored by designated RAPOPORT ACADEMY personnel to ensure appropriate use.

NOTE: When updating your policies under 400.140, also review your student code of conduct to ensure both policies are in agreement.

Section 9. Prohibition Against Discrimination, Harassment, Intimidation, or Bullying
RAPOPORT ACADEMY strives to provide students and staff with a school environment free from discrimination, harassment, intimidation and bullying.

Section 9.1. Prohibition. RAPOPORT ACADEMY explicitly prohibits discrimination, harassment, intimidation, and/or bullying on the basis of race, color, national origin, sex, gender, gender identity, disability, age, sexual orientation, and/or religion, or any other basis protected by law. RAPOPORT ACADEMY prohibits discrimination, harassment, intimidation, or bullying in any form at school, school-related events, including off-campus events, school-sponsored activities, school buses or any event related to school business.

Section 9.2. Definition.

a. Discrimination against a student is defined as conduct directed at the student on the basis of race, color, national origin, sex/gender, gender identity, disability, age, sexual orientation, religion, or any other basis prohibited by law, that adversely affects the student.

b. Sexual harassment by an employee

1. includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when

   i. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school
program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or

ii. The conduct is so severe, persistent, or pervasive that it:

- Affects the student’s ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student’s educational opportunities; or

- Creates an intimidating, threatening, hostile, or abusive educational environment

2. Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

c. Sexual harassment by others

1. includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

i. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

ii. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or

iii. Otherwise adversely affects the student’s educational opportunities.

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

i. has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property; or

ii. is sufficiently severe, pervasive, or persistent enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

iii. Otherwise adversely affects the student’s educational opportunities

Section 9.3. Reporting. RAPOPORT ACADEMY encourages students who believe they are being subjected to discrimination, harassment, intimidation, or bullying and students who have first-hand knowledge of such harassment, to report the matter promptly to any RAPOPORT ACADEMY employee, adult volunteer, contractor, or agent who is not involved in the alleged discrimination, harassment, intimidation or bullying. Any RAPOPORT ACADEMY employee, adult volunteer, contractor or agent who witnesses, overhears or receives a report, formal or informal, written or oral, of discrimination, harassment, intimidation, or bullying shall report it in accordance with procedures developed under this policy.

Section 9.4. Conduct Requiring Action. The Superintendent shall ensure that RAPOPORT ACADEMY protects its students from bullying, intimidation and discriminatory harassment.

Section 9.5. Superintendent Responsibilities. The Superintendent shall take appropriate actions to ensure RAPOPORT ACADEMY’s discrimination, harassment, Intimidation and Bullying policy and procedures are enforced.

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

a. An absolute prohibition against discrimination, harassment, intimidation, or bullying;

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

d. Annual staff development training in harassment, intimidation, and bullying prevention, awareness, and reporting.

e. Identification of school officials responsible for investigating reports and making decisions based on the outcome of the investigation;

f. Procedures for reporting incidents and the immediate, appropriate, and impartial investigation of incidents

g. Prompt notification of the parents of all students involved;

h. Procedures for resolving complaints that include proper application of consequences consistent with RAPOPORT ACADEMY Student Code of Conduct and with consideration for state and federal IDEA requirements;

i. Procedures for parties to appeal the determination of the investigation;

j. Sets out available counseling options for a student who is a victim of discrimination, harassment, intimidation, and/or bullying; and

k. Sets out available counseling options for a student who engaged in conduct that was harassing, intimidating, and/or bullying.

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

Section 9.5. Consequences. Any person found to have engaged in harassment, intimidation, and/or bullying in violation of this policy may be subject to disciplinary action up to and including expulsion. Any staff member who permits harassment, intimidation, or bullying of a student may be subject to disciplinary action up to and including termination of employment. Any staff member who receives complaints of harassment, intimidation, and bullying and does not act promptly or does not forward the complaint to the staff member’s supervisor shall be subject to disciplinary action up to and including termination of employment.

Section 9.6. Compensatory Services. RAPOPORT ACADEMY may be required to provide additional services to a student who is harassed in order to address the effects of the harassment. The need for compensatory services and the services provided will be determined on an individual basis.
Section 9.7. **Retaliation Prohibited.** RAPOPORT ACADEMY prohibits retaliation against any person who in good faith reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with RAPOPORT ACADEMY policies and procedures. Individuals who intentionally fabricate allegations of harassment, intimidation or bullying may be subject to disciplinary action in accordance with RAPOPORT ACADEMY policies and procedures.
INTRODUCTION

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

Overall Policy Framework

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

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

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

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

Scope of Service & Copyright Notice

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

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For questions concerning the Model Board Policies for Charter Schools contact:

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512.584.8272
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400.140. STUDENT SAFETY

A. Discipline
   1. Student Code of Conduct
      a. The governing body of an open-enrollment charter school shall adopt a code of conduct for its district or for each campus.
      b. The code of conduct shall:
         i. Establish standards for behavior;
         ii. Outline generally the types of prohibited behaviors and their possible consequences; and
         iii. Outline the school’s due process procedures with respect to expulsion.

   2. Expulsion
      a. Gun Free Schools Act
         i. In accordance with the Gun-Free Schools Act, the open-enrollment charter school shall expel, for a period of one year, a student who brings a firearm to school. The superintendent or other chief administrative officer may modify the expulsion requirement in the case of an individual student, if such modification is in writing.
         b. A student may not be expelled solely on the basis of the student’s use, exhibition, or possession of a firearm that occurs:
            i. At an approved target range facility that is not located on a school campus; and
            ii. While participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the Department.

               (1) A student is not authorized to bring a firearm on campus to participate in or prepare for the activities described above.

      c. An open-enrollment charter school may not expel a student for a reason that is not authorized in the Education Code §37.007 or specified in the school’s code of conduct as conduct that may result in expulsion.

d. Notification of Expulsion

i. A charter holder shall notify the school district in which the student resides within three business days of any action expelling or withdrawing a student from the charter school.

19 Tex. Admin. Code §100.1211(c).

3. Students with Disabilities

a. Restraint, Seclusion, & Time Out

A student with a disability, receiving 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.

i. A school employee or volunteer, or an independent contractor of the school may not place a student into seclusion.

ii. However, the Texas Education Code does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement 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.


b. Change of Placement for Students with Disabilities

i. Any disciplinary action regarding a student with a disability who receives special education services, that would constitute a change in placement under federal law, may be taken only after the student’s admission, review, and dismissal committee conducts a manifestation determination review.

ii. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

(1) Functional behavioral assessments;

(2) Positive behavioral interventions, strategies, and supports;

(3) Behavioral intervention plans; and

(4) The manifestation determination review.

B. Transfer Option for Victims of Violent Acts

1. Each charter school must have in place a local policy to guide transfers for students who are victims of a violent criminal act while at any local education agency (“LEA”) campus or on LEA grounds. The policy must include each of the following:

   a. Timelines and procedures under which parents are offered transfers, generally within 14 calendar days of the incident;

   b. Timelines and procedures for processing and approving transfer requests within 14 calendar days of the date the request for transfer is made known to the charter school;

   c. Description of duration for which a transfer is approved and procedures for renewal of a transfer;

   d. A statement of assurance that collection and maintenance of victim data information (e.g. date the incident occurred, incident number, and identity of perpetrator, if known) will be maintained for a minimum of five years for auditing purposes;

   e. A statement of assurance that collection and maintenance of documentation to show that victims’ parents were offered the option to transfer; and

   f. A statement of assurance that documentation will be maintained reflecting when a transfer was requested and completed.

2. If there is not another charter school campus within the local educational agency to transfer the student, LEAs are encouraged, but, not required to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students.

3. Violent criminal acts include the following:

   a. Attempted murder under the Texas Penal Code;

   b. Indecency with a child;

   c. Aggravated kidnapping;

   d. Assault on a student;

   e. Aggravated assault on a student;

   f. Sexual assault or aggravated sexual assault against a student; and

   g. Aggravated robbery.

_School Safety Choice Option, Texas Education Agency, 2009-2010._
C. Child Abuse Reporting & Programs

1. Program
   Each charter holder shall provide child abuse anti-victimization programs in elementary and secondary schools.


2. Mandatory Policy
   Each open-enrollment charter school shall adopt and implement a policy addressing sexual abuse, neglect and other maltreatment of children to be included in the district improvement plan and any informational handbook provided to students and parents. The policy must address:

   a. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, neglect and other maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim of sexual abuse or other maltreatment, using resources developed by the Texas Education Agency;

   b. Actions that a child who is a victim of sexual abuse, neglect or other maltreatment should take to obtain assistance and intervention; and

   c. Available counseling options for students affected by sexual abuse, neglect or other maltreatment.

3. Training
   The methods under Section 2(a) for increasing awareness of issues regarding sexual abuse and other maltreatment of children must include training concerning prevention techniques for and recognition of sexual abuse and all other maltreatment of children. The training:

   a. Must be provided, as part of a new employee orientation, to new open-enrollment charter school employees and to existing charter school employees until all employees have taken the training; and

   b. Must include training on:

      i. Factors indicating a child is at risk for sexual abuse or other maltreatment;

      ii. Likely warning signs indicating a child may be a victim of sexual abuse or other maltreatment;

      iii. Internal procedures for seeking assistance for a child who is at risk for sexual abuse or other maltreatment, including a referral to a school counselor, a social worker, or another mental health professional;

      iv. Techniques for reducing a child’s risk of sexual abuse or other maltreatment; and
v. Community organizations that have relevant existing research-based programs that are able to provide training or other education for open-enrollment charter school staff members, students, and parents.

c. Each open-enrollment charter school shall maintain records that include the name of each charter school employee who participated in the training.

d. If an open-enrollment charter school determines that the district or charter school does not have sufficient resources to provide the required training, the charter school shall work in conjunction with a community organization to provide the training at no cost to the charter school.

e. The term “other maltreatment” means abuse or neglect as defined in the Family Code §261.001 or §261.401.


4. A charter school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign in English and in Spanish that contains the toll-free number operated by the Department of Family and Protective Services to receive reports of child abuse or neglect.

*Tex. Educ. Code §38.0042*

5. Reporting Requirements

A charter holder shall adopt and disseminate to all charter school staff and volunteers a policy governing child abuse reports required by the Texas Family Code, Chapter 261. The policy shall require that employees, volunteers, or agents of the charter holder and the charter school report child abuse or neglect directly to an appropriate entity listed in the Texas Family Code, Chapter 261.

*19 TAC §100.1211(b).*

a. General Public

i. An individual that believes that a child has been adversely affected by physical or mental abuse or neglect shall immediately make a report.

b. Licensed/Certified Professionals & Employees of Licensed/Certified/ Operated by the State Facilities

i. Definition of a Professional

(1) Individual licensed or certified by Texas; or

(2) An employee of a facility licensed, certified, or operated by Texas and who in the normal course of official duties or duties for which a license or certification is required has direct contact with children
ii. If the professional believes the child:

(1) Has been abused or neglected;

(2) May be abused or neglected; or

(3) Is a victim of Indecency with a Child, under Section 21.11 of the Penal Code, and the professional also believes that the child has been abused as defined by the Family Code §261.001 or §261.401, then the professional shall file a report within 48 hours of first suspecting such abuse or neglect.

iii. A professional may not delegate or rely on another person to make the report.

c. Confidentiality

A report under this section is confidential unless:

i. The confidentiality is waived in writing;

ii. It is disclosed as provided by the Family Code §261.201; or

iii. It is disclosed to law enforcement for the purposes of conducting a criminal investigation of the report.


5. Where to Report

a. A report shall be made to:

i. Any local or state law enforcement agency;

ii. The Department of Family and Protective Services (“DFPS”);

iii. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or

iv. The agency designated by the court to be responsible for the protection of children.

b. A report must always be made to DFPS if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.


c. Texas Juvenile Probation Commission (“TJPC”)

i. A report of alleged abuse, neglect, or exploitation in any juvenile justice program or facility shall be made to the TJPC and a local law enforcement agency.
6. Immunities and Penalties

   a. A person who acts in good faith in making such a report as required by this section is immune from civil or criminal liability that might otherwise be incurred or imposed.

   b. A person who reports their own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect is not immune from civil or criminal liability. An intentional false report is a state jail felony and may be up to a third degree felony in some cases.

   c. If a person has cause to believe that a child has been or will be abused or neglected, and knowingly fails to make a report, they commit a Class A misdemeanor. Under certain conditions, this offense may be elevated to a state jail felony.

7. Retaliation Prohibited

   An employer may not retaliate or discriminate against a person who is a professional and in good faith makes a report of suspected child abuse or neglect.

8. Interview With Students

   Authorized officials conducting a child abuse investigation shall be permitted to conduct the required interview with the child at any reasonable time at the child’s school.

D. School Visitors & Sex Offenders

   1. An open-enrollment charter school may require a person who enters a school campus to display a form of identification containing the person’s photograph and that is issued by a governmental entity.

   2. An open-enrollment charter school may verify whether a visitor to a charter school is a sex offender registered with the Department of Public Safety.

   3. The governing body shall adopt a policy regarding the action to be taken by the administration of a school campus when a visitor is identified as a sex offender.
E. **Fireworks**

1. A person may not explode or ignite fireworks within 600 feet of any school unless that person receives authorization in writing from that school.

*Tex. Occup. Code §2154.251(a)(1).*

F. **Weapons**

1. **Firearms/Weapons**
   
a. It is a criminal offense for an individual to possess or go with a firearm, illegal knife, or prohibited weapon listed in *Penal Code 46.05(a)* onto the premises of a school, any grounds or building in which a school activity is being conducted, or a passenger transportation vehicle of a school. There is an exception pursuant to written regulations or written authorization of the school.

*Tex. Penal Code §46.03(a)(1).*

2. **Concealed Handgun License Holders**
   
a. **High School or Interscholastic Event**
   A handgun license holder commits an offense if the license holder carries the handgun on or about the license holder’s person on the premises where a high school or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event.

*Tex. Penal Code §46.035(b)(2).*

b. **Meeting of a School Board**
   A handgun license holder commits an offense if the license holder carries a handgun at a meeting of a school board, if the license holder was given effective notice under *Penal Code §30.06.*

*Tex. Penal Code §§ 46.035(c), (i).*

c. **School Property**

i. **Concealed Handguns**
   A handgun license holder commits an offense if the license holder carries a handgun onto the property of another without consent and had received notice that entry on the property with a concealed handgun was prohibited.

   (a) A person receives notice if the owner of the property, or someone with apparent authority to act for the owner, provides either oral or written notice to the person.
Legal Authority 400.140.

(b) Written notice must include the following language “Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun.”

(c) If the written notice is given in the form of a sign, the sign must have the language in both English and Spanish, appear in contrasting colors with block letters at least one inch in height; and be displayed in a conspicuous manner clearly visible to the public.

Tex. Penal Code §30.06

i. Open Carry Handgun

A handgun license holder commits an offense if the license holder carries a handgun onto the property of another without consent and had received notice that entry on the property with a handgun was prohibited.

(a) A person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

(b) Written notice a card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly or

(c) If the written notice is given in the form of a sign, the sign must have the language in both English and Spanish, appear in contrasting colors with block letters at least one inch in height; and be displayed in a conspicuous manner clearly visible to the public.

Tex. Penal Code §30.07; 84th Leg., R.S. HB 910.

G. Protective Eye Devices

Each teacher and student must wear industrial-quality eye-protective devices in appropriate situations as determined by school policy.


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2. The recommended guidelines are applicable to all staff members, students, and visitors participating in educational activities and programs that involve:

   a. the use of hazardous chemicals;

   b. the use of hot liquids or solids;

   c. the use of molten materials;

   d. performing grinding, chipping, or other hazardous activities where there is danger of flying particles;

   e. milling, sawing, turning, shaping, cutting, or stamping of any solid materials;

   f. heat treatment, tempering, or kiln firing of any metal or other materials;

   g. cutting, welding, or brazing operations;

   h. the use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;

   i. repair or servicing of any vehicle; or

   j. any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.


H. Concussions Affecting Student Athletes

1. Concussion Oversight Team

   a. The governing body of each open-enrollment charter school with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. This team must include at least one physician and, to the greatest extent practicable, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant.

   b. If an open-enrollment charter school employs an athletic trainer, the athletic trainer must be a member of the charter school concussion oversight team.

   c. Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team.
d. The concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student’s return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion.


2. Annual Concussion Information Form

a. A student may not participate in an interscholastic athletic activity for a school year until the student and the student’s parent, guardian, or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight.

b. The form must also include guidelines for safely resuming participation in an athletic activity following a concussion and it must be approved by the University Interscholastic League.

c. Concussion Acknowledgement Form


3. Removal From Play Following Concussion

a. A student shall immediately be removed from an interscholastic athletics practice or competition if either a coach, physician, licensed health care professional, or student’s parent, guardian, or another person with legal authority to make medical decisions for the student believes the student might have sustained a concussion during the practice or competition.


4. Return to Play

a. A student removed from an interscholastic athletics practice or competition under Section 3 may not practice or compete again until:

i. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student’s parent, guardian, or another person with legal authority to make medical decisions for the student and the treating physician has provided a written statement indicating that, in the physician’s professional judgment, it is safe for the student to return to play;

ii. The student has successfully completed the return-to-play protocol established by the concussion oversight team;
iii. The student and the student’s parent, guardian, or another person with legal authority to make medical decisions for the student:

(1) Have acknowledged that the student has completed the requirements of the return-to-play protocol;

(2) Have provided the treating physician’s written statement to the superintendent or the superintendent’s designee; and

(3) Have signed a consent form indicating that the person signing:

(a) Has been informed concerning and consents to the student’s participating in returning to play in accordance with the return-to-play protocol;

(b) Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;

(c) Consents to the disclosure to appropriate persons, consistent with HIPAA, of the treating physician’s written statement and, if any, the return-to-play recommendations of the treating physician; and

(d) Understands the immunity provisions under this section.

b. A coach of an interscholastic athletics team may not authorize a student’s return to play.

c. The superintendent, or the superintendent’s designee, shall supervise the person responsible for compliance with the return-to-play protocol. The person who has supervisory responsibilities under this subsection may not be a coach of an interscholastic athletics team.

d. Return to Play Form

5. Training Courses

a. The following persons must take a training course from an authorized training provider at least once every two years:

i. A coach of an interscholastic athletic activity must take a course approved by the University Interscholastic League which provides for a minimum of two hours of training on concussions, including evaluation, prevention, symptoms, risks, and long-term effects;

ii. A licensed health care professional who serves as a member of a concussion oversight team and is an employee, representative, or agent of an open-enrollment charter school; and
iii. A licensed health care professional who serves on a volunteer basis as a
member of a concussion oversight team for an open-enrollment charter school.

b. A physician who serves as a member of a concussion oversight team shall, to the
greatest extent practicable, periodically take an appropriate continuing medical
education course in concussions.

c. An athletic trainer must take a course approved by the Department of State Health
Services Advisory Board of Athletic Trainers or a course concerning concussions
that has been approved for continuing education credit by the appropriate licensing
authority for the profession.

d. A licensed health care professional, other than an athletic trainer, must take a
course approved by the University Interscholastic League which provides for a
minimum of two hours of training on concussions, including evaluation, prevention,
symptoms, risks, and long-term effects or a course concerning concussions that
has been approved for continuing education credit by the appropriate licensing
authority for the profession.

e. A coach and a licensed health care professional must submit proof of
timely completion of an approved course to the superintendent or
superintendent’s designee.

f. A licensed health care professional who is not in compliance with the training
requirements under this section may not serve on a concussion oversight team in
any capacity.

6. Immunity

a. This subchapter of the law does not:

i. Waive any immunity from liability of an open-enrollment charter school or of
charter school officers or employees;

ii. Create any liability for a cause of action against an open-enrollment charter
school or against charter school officers or employees;

iii. Waive any immunity from liability under Section 74.151, Civil Practice and
Remedies Code; or

iv. Create any cause of action or liability for a member of a concussion
oversight team arising from the injury or death of a student participating
in an interscholastic athletics practice or competition, based on service or
participation on the concussion oversight team.

I. **Internet Use**

1. **Children’s Internet Protection Act & Universal Service Discounts**

   a. Charter holders/schools that receive universal discount rates for Internet services must:

      i. Adopt an Internet Safety Policy; and

      ii. Submit to the Federal Communications Commission (“FCC”) a certification that the charter school is enforcing an Internet safety policy for minors and adults.

   b. **Certification to the FCC**

      i. Charter holder/schools that receive universal discount rates for Internet services must submit certifications to the FCC stating that:

         (1) The charter holder has adopted and is enforcing an Internet safety policy for minors that includes and addresses:

            a. Monitoring the online activities of minors;

            b. Access by minors to inappropriate matter on the Internet and World Wide Web;

            c. The operation of a technology protection measure with respect to any computer with Internet access that protects against computer access to material that is:

               (I) Obscene

               (II) Child pornography; or

               (III) Harmful to minors

            d. Safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

            e. Educating minors about appropriate online behavior, including interacting with other individuals on social networking websites, chat rooms, and cyber-bullying awareness and response;

            f. Unauthorized access, including “hacking”, and other unlawful activities by minors online; and

            g. Unauthorized disclosure, use, and dissemination of personal information regarding minors.
(2) The charter holder has adopted and is enforcing an Internet safety policy that includes the operation of a technology protection measure with respect to computers with Internet access that protects against computer access to material that is:

(a) Obscene; or

(b) Child pornography.

c. Certification Compliance

i. Charter holders/schools that receive universal discount rates must make the certification to the FCC during each year that funding is received.

ii. Any school that knowingly fails to comply with the application guidelines requiring the annual certification submission to the FCC shall not be eligible for Internet services at discounted rates.

iii. Any school that knowingly fails to ensure the use of its computers in accordance with the certification shall reimburse any funds and discounts received under the federal universal service support mechanism for the period of noncompliance.


2. Elementary and Secondary Education Act (“ESEA”)

a. Federal funds made available under Title II, Part D of the ESEA may only be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet if the charter holder:

i. Has adopted and enforces an Internet safety policy that includes the operation of a technology protection measure, with respect to all computers that have Internet access, which protects against access to material that is:

(1) Obscene;

(2) Child pornography; or

(3) Harmful to minors.

b. For each program year for which funds are received the charter holder must certify its compliance with this section to the Department of Education.

20 U.S.C.A §6777.
J. Prohibition Against Harassment, Intimidation, or Bullying
Some student conduct that may be considered “bullying” may trigger responsibilities under one or more of the federal antidiscrimination laws.


K. Notice Requirements for Children in Foster Care
Open-enrollment charter schools are required to provide notice to an educational decision-maker and caseworker of a child in foster care. Notice must be provided for any event that significantly impacts a student’s education, including referral for special education or 504 services, ARD committee meetings, disciplinary action that results in an MDR, citation, or corporal punishment, and the use of restraint or seclusion.

L. Truancy Referral
An open-enrollment charter school may refer a student to truancy court after 10 unexcused absences in a 6 month period, and after trying other truancy prevention measures. The referral must be made within 10 days of the 10th absence. A referral must include a statement regarding what truancy prevention measures were used, that those preventions were not successful, and whether the student is eligible for special education.

Tex. Educ. Code § 25.0951 and 25.0915; 84th Leg., R.S. HB 2398

M. Notice of Events that Significantly Impact Education of Foster Children
Open-enrollment charter schools must provide notice to the child’s educational decision-maker and caseworker regarding events that may significantly impact the education of a foster child.

Tex. Educ. Code § 25.007; 84th Leg., R.S. HB 1804

400.150. APPOINTMENT OF SCHOOL MARSHALL
A. Appointment
The Board of Directors of an open-enrollment charter school may appoint not more than one school marshal per 400 students in average daily attendance per campus.

B. Eligibility
The board of directors of an open-enrollment charter school may select for appointment as a school marshal an applicant who is

1. an employee of the charter school; and
2. who is certified as a licensed concealed handgun holder under Section 1701.260 of the Texas Occupations Code.

C. Identity
The identity of the school marshal appointed by the board of directors is confidential except as provided under Section 1701.260 of the Texas Occupations Code. The identity of the school marshal is not subject to disclosure under the Texas Public Information Act (Tex. Gov. Code §552).

D. Reimbursement
The board of directors of an open-enrollment charter school may, but is not required, reimburse the amount paid by the applicant to serve as school marshal to participate in the training program required under the Texas Occupations Code.

E. Authority of School Marshal
Subject to regulations adopted by the board of directors of the charter school and only as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or school visitors on school premises, a school marshal may make arrests and exercise all authority given peace officers under the Texas Code of Criminal Procedure.

1. A school marshal may not issue traffic citations.
2. A school marshal is not entitled to state benefits normally provided by the state to a peace officer.

F. Weapon Possession and Access
A school marshal appointed by the board of directors of a charter school may carry or possess a handgun on the physical premises of a school but only:

1. In the manner provided by written regulations adopted by the board of directors;
2. At a specific school as specified by the board of directors, if applicable;
3. If the primary duty of the school marshal involves regular, direct contact with students,
the marshal may not carry a concealed handgun on his or her person, but may possess a handgun on the physical premises of the school in a locked and secured safe within the marshal’s immediate reach when conducting his or her primary duty.

The school marshal may access the handgun only under circumstances that would justify the use of deadly force under against another or to protect a third person under Section 9.32 or 9.33 of the Texas Penal Code.

The school marshal may use only frangible ammunition designed to disintegrate on impact for maximum safety to others.

A. Religious Expression

1. Class Room Assignments
   a. Students may express their beliefs about religion in written and oral assignments free from discrimination based on the religious content of their submissions.
   b. Students may not be penalized or rewarded on account of the religious content of their work.


2. Student’s Freedom to Organize Religious Groups and Activities
   a. Students may organize religious gatherings before, during, and after school to the same extent that students are permitted to organize other non-curricular student activities and groups.
   b. Religious groups must be given the same access to school facilities, and advertising of meetings, as is given to other non-curricular groups without discrimination based on the religious content of the students’ expression.


3. Student’s Right to Pray
   a. A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A person may not require, encourage, or coerce a student to engage in or refrain from such prayer or meditation during any school activity.


B. Homeless Students

1. Liaison
   a. Each charter holder shall assign a staff person as the charter holder liaison for homeless children.
   b. The liaison shall ensure that:
      i. Homeless children are identified by charter school personnel;
      ii. Homeless children enroll in, and have an equal opportunity to succeed in, the charter holder’s schools;
iii. Homeless families and children receive educational services for which they are eligible;

iv. Public notice of the educational rights of homeless children is disseminated where such children receive services (e.g. homeless shelters); and

v. Enrollment disputes are mediated.

42 U.S.C §11432(g)(6)(A).

2. Enrollment
   
   a. Under the McKinney-Vento Homeless Education Assistance Improvements Act, a school shall immediately enroll a homeless child, even if the child is unable to produce records normally required for enrollment.

   b. The school shall promptly contact the child’s last school attended to obtain relevant academic and other records. If the child needs immunizations, the school shall refer the child and the child’s parent or guardian to the homeless liaison.

3. Segregation
   The segregation of homeless children is prohibited.

4. Notice of Rights
   
   a. During enrollment, and twice during the year while the child is enrolled in the charter school, the charter school shall provide written notice to the parent or guardian of the child that is then signed by the parent or guardian and sets forth the child’s rights under the McKinney-Vento Act.

   b. The notice must be in a manner and form understandable to the parent or guardian.

   c. Examples of notices of a child’s rights from the National Center for Homeless Education may be found at the following links:


C. Parental Involvement

1. Open-Enrollment Charter School Policy in General
   
   An open-enrollment charter school may receive funds under Title I, Part A only if such charter school implements programs, activities, and procedures for the involvement of parents in programs assisted under Title I, Part A, consistent with 20 U.S.C. 6318. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children.
2. **Written Policy**

Each open-enrollment charter school that receives funds under Title I, Part A shall develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy. The policy shall establish the charter school’s expectations for parent involvement, and describe how the charter school will:

a. involve parents in the joint development of the plan under 20 U.S. C. §6312, and the process of school review and improvement under 20 U.S. C. §6316;

b. provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;

c. build the schools’ and parents’ capacity for strong parental involvement as described in 20 U.S. C. §6318(e);

d. coordinate and integrate parental involvement strategies under Title I, Part A with parental involvement strategies under other ESEA programs;

e. conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under 20 U.S.C. §6318(a)(2)(E); and

f. involve parents in the activities of the schools served under this part.

20 U.S.C.A §6318(a)(1)-(2).

D. **Texas Virtual School Network**

1. **Enrollment in an Electronic Course through the Texas Virtual School Network (VSN)**

A charter school in which a student is enrolled as a full-time student may not deny the request of a parent to enroll a student in an electronic course through the state virtual school network unless:

a. the student attempts to enroll in a course load that is inconsistent with the student’s high school graduation plan or requirements for college admission or earning an industry certification;

b. the student seeks to enroll in an course at a time that is not consistent with the enrollment period established by the charter school providing the course;

c. the charter school offers a substantially similar course;

d. the student seeks to enroll in more than three year-long courses, or the equivalent, at the expense of the school. This subsection does not limit the ability of a student of the charter school to enroll in additional electronic courses at the student’s

2. Inducements Prohibited.
A charter school may not promise or provide equipment or any other thing of value to a student or a student’s parent as an inducement for the student to enroll in an electronic course offered through the Texas VSN.

Tex. Educ. Code §30A.1052

3. Written Policy and Annual Notice to Parents.
A charter school shall adopt a written policy that provides students with the opportunity to enroll in electronic courses provided through the Texas VSN consistent with the enrollment requirements described above.

A charter school shall, at least once per year, send to a parent of each student enrolled in the middle or high school a copy of the school's policy regarding courses provided through the Texas VSN.

Tex. Educ. Code §30A.007

4. State Funding for Enrollment in Electronic Courses

a. A charter school is entitled to state funding under Tex. Educ. Code §12.106 for a student’s enrollment in an electronic course offered through the Texas VSN in the same manner that the school is entitled to funding for a student’s enrollment in courses provided in a traditional classroom setting, provided the student successfully completes the electronic course.

b. A charter school shall receive state funding under Tex. Educ. Code §12.106 for a student’s enrollment in not more than three electronic courses during the school year. This limitation does not apply to a student enrolled in a full-time online program that was operating January 1, 2013.

Tex. Educ. Code §30A.114

5. Fees for Enrollment in Additional Courses through Texas VSN
A charter school may charge a fee for enrollment in an electronic course provided through the Texas VSN to a student who resides in Texas and:

a. is enrolled in the charter school as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other districts or open-enrollment charter schools; or

b. elects to enroll in an electronic course provided through the Texas VSN for which the charter school in which the student is enrolled as a full-time student declines to
pay the cost.

c. A charter school may not charge a fee for a course through the VSN that exceeds the lesser of the cost of providing the course or $400.

*Tex. Educ. Code §32.005; 19 Tex. Admin. Code §70.1025*
TCSA Model Board Policy Series

400.140. Student Safety
INTRODUCTION

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

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

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

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

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

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

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For questions concerning the Model Board Policies for Charter Schools contact:

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**Module 400: Students**

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

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**Module 100: Financial Operations**

**Module 200: Charter School Governance & Organization**

**Module 300: General School Operations**

**Module 500: Open Government**

**Module 600: Human Resources**

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

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<td>Texas Local Government Code</td>
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<td>U.S.C.A</td>
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400.140. STUDENT SAFETY

A. Discipline

1. Student Code of Conduct
   a. The governing body of an open-enrollment charter school shall adopt a code of conduct for its district or for each campus.
   b. The code of conduct shall:
      i. Establish standards for behavior;
      ii. Outline generally the types of prohibited behaviors and their possible consequences; and
      iii. Outline the school’s due process procedures with respect to expulsion.


2. Expulsion
   a. Gun Free Schools Act
      i. In accordance with the Gun-Free Schools Act, the open-enrollment charter school shall expel, for a period of one year, a student who brings a firearm to school. The superintendent or other chief administrative officer may modify the expulsion requirement in the case of an individual student, if such modification is in writing.
   b. A student may not be expelled solely on the basis of the student’s use, exhibition, or possession of a firearm that occurs:
      i. At an approved target range facility that is not located on a school campus; and
      ii. While participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the Department.

(1) A student is not authorized to bring a firearm on campus to participate in or prepare for the activities described above.


b. An open-enrollment charter school may not expel a student for a reason that is not authorized in the Education Code §37.007 or specified in the school’s code of conduct as conduct that may result in expulsion.

d. Notification of Expulsion

i. A charter holder shall notify the school district in which the student resides within three business days of any action expelling or withdrawing a student from the charter school.

19 Tex. Admin. Code §100.1211(c).

3. Students with Disabilities

a. Restraint, Seclusion, & Time Out

A student with a disability, receiving 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.

i. A school employee or volunteer, or an independent contractor of the school may not place a student into seclusion.

ii. However, the Texas Education Code does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement 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.


b. Change of Placement for Students with Disabilities

i. Any disciplinary action regarding a student with a disability who receives special education services, that would constitute a change in placement under federal law, may be taken only after the student’s admission, review, and dismissal committee conducts a manifestation determination review.

ii. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

(1) Functional behavioral assessments;

(2) Positive behavioral interventions, strategies, and supports;

(3) Behavioral intervention plans; and

(4) The manifestation determination review.

B. Transfer Option for Victims of Violent Acts

1. Each charter school must have in place a local policy to guide transfers for students who are victims of a violent criminal act while at any local education agency (“LEA”) campus or on LEA grounds. The policy must include each of the following:

   a. Timelines and procedures under which parents are offered transfers, generally within 14 calendar days of the incident;

   b. Timelines and procedures for processing and approving transfer requests within 14 calendar days of the date the request for transfer is made known to the charter school;

   c. Description of duration for which a transfer is approved and procedures for renewal of a transfer;

   d. A statement of assurance that collection and maintenance of victim data information (e.g. date the incident occurred, incident number, and identity of perpetrator, if known) will be maintained for a minimum of five years for auditing purposes;

   e. A statement of assurance that collection and maintenance of documentation to show that victims’ parents were offered the option to transfer; and

   f. A statement of assurance that documentation will be maintained reflecting when a transfer was requested and completed.

2. If there is not another charter school campus within the local educational agency to transfer the student, LEAs are encouraged, but, not required to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students.

3. Violent criminal acts include the following:

   a. Attempted murder under the Texas Penal Code;

   b. Indecency with a child;

   c. Aggravated kidnapping;

   d. Assault on a student;

   e. Aggravated assault on a student;

   f. Sexual assault or aggravated sexual assault against a student; and

   g. Aggravated robbery.

C. Child Abuse Reporting & Programs
   
1. Program
   Each charter holder shall provide child abuse anti-victimization programs in elementary and secondary schools.


2. Mandatory Policy
   Each open-enrollment charter school shall adopt and implement a policy addressing sexual abuse, neglect and other maltreatment of children to be included in the district improvement plan and any informational handbook provided to students and parents. The policy must address:

   a. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, neglect and other maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim of sexual abuse or other maltreatment, using resources developed by the Texas Education Agency;

   b. Actions that a child who is a victim of sexual abuse, neglect or other maltreatment should take to obtain assistance and intervention; and

   c. Available counseling options for students affected by sexual abuse, neglect or other maltreatment.

3. Training
   The methods under Section 2(a) for increasing awareness of issues regarding sexual abuse and other maltreatment of children must include training concerning prevention techniques for and recognition of sexual abuse and all other maltreatment of children. The training:

   a. Must be provided, as part of a new employee orientation, to new open-enrollment charter school employees and to existing charter school employees until all employees have taken the training; and

   b. Must include training on:

      i. Factors indicating a child is at risk for sexual abuse or other maltreatment;

      ii. Likely warning signs indicating a child may be a victim of sexual abuse or other maltreatment;

      iii. Internal procedures for seeking assistance for a child who is at risk for sexual abuse or other maltreatment, including a referral to a school counselor, a social worker, or another mental health professional;

      iv. Techniques for reducing a child’s risk of sexual abuse or other maltreatment; and
v. Community organizations that have relevant existing research-based programs that are able to provide training or other education for open-enrollment charter school staff members, students, and parents.

c. Each open-enrollment charter school shall maintain records that include the name of each charter school employee who participated in the training.

d. If an open-enrollment charter school determines that the district or charter school does not have sufficient resources to provide the required training, the charter school shall work in conjunction with a community organization to provide the training at no cost to the charter school.

e. The term “other maltreatment” means abuse or neglect as defined in the Family Code §261.001 or §261.401.

**Tex. Educ. Code §38.0041; Human Resources Code §42.002.**

4. A charter school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign in English and in Spanish that contains the toll-free number operated by the Department of Family and Protective Services to receive reports of child abuse or neglect.

**Tex. Educ. Code §38.0042**

5. Reporting Requirements
A charter holder shall adopt and disseminate to all charter school staff and volunteers a policy governing child abuse reports required by the Texas Family Code, Chapter 261. The policy shall require that employees, volunteers, or agents of the charter holder and the charter school report child abuse or neglect directly to an appropriate entity listed in the Texas Family Code, Chapter 261.

**19 TAC §100.1211(b).**

a. General Public

i. An individual that believes that a child has been adversely affected by physical or mental abuse or neglect shall immediately make a report.

b. Licensed/Certified Professionals & Employees of Licensed/Certified/ Operated by the State Facilities

i. Definition of a Professional

(1) Individual licensed or certified by Texas; or

(2) An employee of a facility licensed, certified, or operated by Texas and who in the normal course of official duties or duties for which a license or certification is required has direct contact with children.
ii. If the professional believes the child:
   
   (1) Has been abused or neglected;
   
   (2) May be abused or neglected; or
   
   (3) Is a victim of Indecency with a Child, under Section 21.11 of the Penal Code, and the professional also believes that the child has been abused as defined by the Family Code §261.001 or §261.401, then the professional shall file a report within 48 hours of first suspecting such abuse or neglect.

iii. A professional may not delegate or rely on another person to make the report.

c. Confidentiality
   A report under this section is confidential unless:

   i. The confidentiality is waived in writing;
   
   ii. It is disclosed as provided by the Family Code §261.201; or
   
   iii. It is disclosed to law enforcement for the purposes of conducting a criminal investigation of the report.


5. Where to Report

   a. A report shall be made to:

      i. Any local or state law enforcement agency;
      
      ii. The Department of Family and Protective Services (“DFPS”);
      
      iii. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
      
      iv. The agency designated by the court to be responsible for the protection of children.

   b. A report must always be made to DFPS if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.


   c. Texas Juvenile Probation Commission (“TJPC”)

      i. A report of alleged abuse, neglect, or exploitation in any juvenile justice program or facility shall be made to the TJPC and a local law enforcement agency.
6. Immunities and Penalties

   a. A person who acts in good faith in making such a report as required by this section is immune from civil or criminal liability that might otherwise be incurred or imposed.

   b. A person who reports their own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect is not immune from civil or criminal liability. An intentional false report is a state jail felony and may be up to a third degree felony in some cases.

   c. If a person has cause to believe that a child has been or will be abused or neglected, and knowingly fails to make a report, they commit a Class A misdemeanor. Under certain conditions, this offense may be elevated to a state jail felony.

7. Retaliation Prohibited

   An employer may not retaliate or discriminate against a person who is a professional and in good faith makes a report of suspected child abuse or neglect.

8. Interview With Students

   Authorized officials conducting a child abuse investigation shall be permitted to conduct the required interview with the child at any reasonable time at the child’s school.

D. School Visitors & Sex Offenders

   1. An open-enrollment charter school may require a person who enters a school campus to display a form of identification containing the person’s photograph and that is issued by a governmental entity.

   2. An open-enrollment charter school may verify whether a visitor to a charter school is a sex offender registered with the Department of Public Safety.

   3. The governing body shall adopt a policy regarding the action to be taken by the administration of a school campus when a visitor is identified as a sex offender.

E. **Fireworks**
   1. A person may not explode or ignite fireworks within 600 feet of any school unless that person receives authorization in writing from that school.

   *Tex. Occup. Code §2154.251(a)(1).*

F. **Weapons**
   1. **Firearms/Weapons**
      a. It is a criminal offense for an individual to possess or go with a firearm, illegal knife, or prohibited weapon listed in *Penal Code 46.05(a)* onto the premises of a school, any grounds or building in which a school activity is being conducted, or a passenger transportation vehicle of a school. There is an exception pursuant to written regulations or written authorization of the school.

   *Tex. Penal Code §46.03(a)(1).*

   2. **Concealed Handgun License Holders**
      a. **High School or Interscholastic Event**
         A handgun license holder commits an offense if the license holder carries the handgun on or about the license holder’s person on the premises where a high school or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event.

      *Tex. Penal Code §46.035(b)(2).*

      b. **Meeting of a School Board**
         A handgun license holder commits an offense if the license holder carries a handgun at a meeting of a school board, if the license holder was given effective notice under *Penal Code §30.06.*

      *Tex. Penal Code §§ 46.035(c), (i).*

      c. **School Property**
         i. **Concealed Handguns**
            A handgun license holder commits an offense if the license holder carries a handgun onto the property of another without consent and had received notice that entry on the property with a concealed handgun was prohibited.

            (a) A person receives notice if the owner of the property, or someone with apparent authority to act for the owner, provides either oral or written notice to the person.
Legal Authority 400.140.

(b) Written notice must include the following language “Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun.”

(c) If the written notice is given in the form of a sign, the sign must have the language in both English and Spanish, appear in contrasting colors with block letters at least one inch in height; and be displayed in a conspicuous manner clearly visible to the public.

*Tex. Penal Code §30.06*

i. Open Carry Handgun

A handgun license holder commits an offense if the license holder carries a handgun onto the property of another without consent and had received notice that entry on the property with a handgun was prohibited.

(a) A person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

(b) Written notice a card or other document on which is written language identical to the following: “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly or

(c) If the written notice is given in the form of a sign, the sign must have the language in both English and Spanish, appear in contrasting colors with block letters at least one inch in height; and be displayed in a conspicuous manner clearly visible to the public.

*Tex. Penal Code §30.07; 84th Leg., R.S. HB 910.*

(d) Parking Lots, Driveways, and Sidewalks

The prohibition of weapons on school premises does not include parking lots, driveways, or sidewalks surrounding campuses, unless there is a school-sponsored activity taking place.

Weapons are not permitted during any school-sponsored activities, including those taking place in parking lots, driveways, or sidewalks.

*Tex. Penal Code §46.035(f)(3); Attorney General Opinion, KP-0050*
G. Protective Eye Devices
Each teacher and student must wear industrial-quality eye-protective devices in appropriate situations as determined by school policy.


2. The recommended guidelines are applicable to all staff members, students, and visitors participating in educational activities and programs that involve:

   a. the use of hazardous chemicals;

   b. the use of hot liquids or solids;

   c. the use of molten materials;

   d. performing grinding, chipping, or other hazardous activities where there is danger of flying particles;

   e. milling, sawing, turning, shaping, cutting, or stamping of any solid materials;

   f. heat treatment, tempering, or kiln firing of any metal or other materials;

   g. cutting, welding, or brazing operations;

   h. the use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;

   i. repair or servicing of any vehicle; or

   j. any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.


H. Concussions Affecting Student Athletes

1. Concussion Oversight Team

   a. The governing body of each open-enrollment charter school with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. This team must include at least one physician and, to the greatest extent practicable, must also include one or more of the following:
an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant.

b. If an open-enrollment charter school employs an athletic trainer, the athletic trainer must be a member of the charter school concussion oversight team.

c. Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team.

d. The concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student’s return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion.


2. Annual Concussion Information Form

a. A student may not participate in an interscholastic athletic activity for a school year until the student and the student’s parent, guardian, or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight.

b. The form must also include guidelines for safely resuming participation in an athletic activity following a concussion and it must be approved by the University Interscholastic League.

c. **Concussion Acknowledgement Form**


3. Removal From Play Following Concussion

a. A student shall immediately be removed from an interscholastic athletics practice or competition if either a coach, physician, licensed health care professional, or student’s parent, guardian, or another person with legal authority to make medical decisions for the student believes the student might have sustained a concussion during the practice or competition.


4. Return to Play

a. A student removed from an interscholastic athletics practice or competition under Section 3 may not practice or compete again until:
i. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student’s parent, guardian, or another person with legal authority to make medical decisions for the student and the treating physician has provided a written statement indicating that, in the physician’s professional judgment, it is safe for the student to return to play;

ii. The student has successfully completed the return-to-play protocol established by the concussion oversight team;

iii. The student and the student’s parent, guardian, or another person with legal authority to make medical decisions for the student:

   (1) Have acknowledged that the student has completed the requirements of the return-to-play protocol;

   (2) Have provided the treating physician’s written statement to the superintendent or the superintendent’s designee; and

   (3) Have signed a consent form indicating that the person signing:

       (a) Has been informed concerning and consents to the student’s participating in returning to play in accordance with the return-to-play protocol;

       (b) Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;

       (c) Consents to the disclosure to appropriate persons, consistent with HIPAA, of the treating physician’s written statement and, if any, the return-to-play recommendations of the treating physician; and

       (d) Understands the immunity provisions under this section.

b. A coach of an interscholastic athletics team may not authorize a student’s return to play.

c. The superintendent, or the superintendent’s designee, shall supervise the person responsible for compliance with the return-to-play protocol. The person who has supervisory responsibilities under this subsection may not be a coach of an interscholastic athletics team.

d. Return to Play Form

5. Training Courses

   a. The following persons must take a training course from an authorized training
provider at least once every two years:

i. A coach of an interscholastic athletic activity must take a course approved by the University Interscholastic League which provides for a minimum of two hours of training on concussions, including evaluation, prevention, symptoms, risks, and long-term effects;

ii. A licensed health care professional who serves as a member of a concussion oversight team and is an employee, representative, or agent of an open-enrollment charter school; and

iii. A licensed health care professional who serves on a volunteer basis as a member of a concussion oversight team for an open-enrollment charter school.

b. A physician who serves as a member of a concussion oversight team shall, to the greatest extent practicable, periodically take an appropriate continuing medical education course in concussions.

c. An athletic trainer must take a course approved by the Department of State Health Services Advisory Board of Athletic Trainers or a course concerning concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

d. A licensed health care professional, other than an athletic trainer, must take a course approved by the University Interscholastic League which provides for a minimum of two hours of training on concussions, including evaluation, prevention, symptoms, risks, and long-term effects or a course concerning concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

e. A coach and a licensed health care professional must submit proof of timely completion of an approved course to the superintendent or superintendent’s designee.

f. A licensed health care professional who is not in compliance with the training requirements under this section may not serve on a concussion oversight team in any capacity.

6. Immunity

a. This subchapter of the law does not:

i. Waive any immunity from liability of an open-enrollment charter school or of charter school officers or employees;

ii. Create any liability for a cause of action against an open-enrollment charter school or against charter school officers or employees;
iii. Waive any immunity from liability under Section 74.151, Civil Practice and Remedies Code; or

iv. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.


I. **Internet Use**

1. Children’s Internet Protection Act & Universal Service Discounts

   a. Charter holders/schools that receive universal discount rates for Internet services must:

      i. Adopt an Internet Safety Policy; and

      ii. Submit to the Federal Communications Commission (“FCC”) a certification that the charter school is enforcing an Internet safety policy for minors and adults.

   b. Certification to the FCC

      i. Charter holder/schools that receive universal discount rates for Internet services must submit certifications to the FCC stating that:

         (1) The charter holder has adopted and is enforcing an Internet safety policy for minors that includes and addresses:

             (a) Monitoring the online activities of minors;

             (b) Access by minors to inappropriate matter on the Internet and World Wide Web;

             (c) The operation of a technology protection measure with respect to any computer with Internet access that protects against computer access to material that is:

                 (I) Obscene

                 (II) Child pornography; or

                 (III) Harmful to minors

             (d) Safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
(e) Educating minors about appropriate online behavior, including interacting with other individuals on social networking websites, chat rooms, and cyber-bullying awareness and response;

(f) Unauthorized access, including “hacking”, and other unlawful activities by minors online; and

(g) Unauthorized disclosure, use, and dissemination of personal information regarding minors.

(2) The charter holder has adopted and is enforcing an Internet safety policy that includes the operation of a technology protection measure with respect to computers with Internet access that protects against computer access to material that is:

(a) Obscene; or

(b) Child pornography.

c. Certification Compliance

i. Charter holders/schools that receive universal discount rates must make the certification to the FCC during each year that funding is received.

ii. Any school that knowingly fails to comply with the application guidelines requiring the annual certification submission to the FCC shall not be eligible for Internet services at discounted rates.

iii. Any school that knowingly fails to ensure the use of its computers in accordance with the certification shall reimburse any funds and discounts received under the federal universal service support mechanism for the period of noncompliance.


2. Elementary and Secondary Education Act (“ESEA”)

a. Federal funds made available under Title II, Part D of the ESEA may only be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet if the charter holder:

i. Has adopted and enforces an Internet safety policy that includes the operation of a technology protection measure, with respect to all computers that have Internet access, which protects against access to material that is:

(1) Obscene;

(2) Child pornography; or
(3) Harmful to minors.

b. For each program year for which funds are received the charter holder must certify its compliance with this section to the Department of Education.

20 U.S.C.A §6777.

J. Prohibition Against Harassment, Intimidation, or Bullying

1. Anti-bullying

   a. Some student conduct may be considered “bullying” and may trigger responsibilities under one or more of the federal antidiscrimination laws.


2. Sexual Harassment or Violence

   a. Definition

      i. Sexual harassment of students is discrimination on the basis of sex under Title IX.

         Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)

   b. Students Protected

      i. Title IX protects all students attending public charter schools from sex discrimination, including sexual harassment and sexual violence. Any student can experience sexual violence: from elementary to professional school students; male and female students; straight, gay, lesbian, bisexual and transgender students; part-time and full-time students; students with and without disabilities; and students of different races and national origins.

         U.S. Department of Education Office for Civil Rights, Revised Sexual Harassment Guidance: Harassment Of Students by School Employees, Other Students, or Third Parties (Jan. 19, 2001)
c. Student-on-Student Harassment and Hostile Environment

i. A charter school may violate these civil rights statutes and the Office for Civil Rights’ implementing regulations [34 C.F.R. parts 100, 104, and 106] when peer harassment based on race, color, national origin, sex, gender or gender identity, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by charter school employees, officers or agents. A charter school is responsible for addressing harassment incidents about which it knows or reasonably should have known.

ii. Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, humiliating.

iii. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a charter school. When such harassment is based on race, color, national origin, sex, gender or gender identity or disability, it violates the civil rights laws that OCR enforces.


d. Investigation

i. Charter schools should have well-publicized policies prohibiting bullying and harassment and procedures for reporting and resolving complaints that will alert the school to incidents of bullying or harassment.

ii. A charter school must take immediate and appropriate action to investigate bullying or harassment. The specific steps in a school’s investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial.

e. Title IX Coordinator

i. A charter school must designate at least one employee to coordinate its efforts to comply with Title IX, Section 504, the Age Act, and the ADA. The school must notify all students and employees of the name, office address, and telephone number of the employee(s) so designated.

f. Grievance Procedures

i. The charter school must adopt and publish grievance procedures for prompt and equitable resolution of student complaints alleging discrimination under Title IX, Section 504, the Age Act, and the ADA.

34 C.F.R. §106.8 ("Title IX"); 34 C.F.R. §110.25 ("Age Act"); 34 C.F.R. 104.7 ("Section 504"); 28 C.F.R. 35.107 ("ADA").

g. Duty to Investigate

i. A charter school’s obligation to respond appropriately to sexual harassment or sexual violence complaints is the same irrespective of the sex or sexes of the parties involved. Title IX protects all students from sexual violence, regardless of the sex of the alleged perpetrator or complainant, including when they are members of the same sex. A school must investigate and resolve allegations of sexual violence involving parties of the same sex using the same procedures and standards that it uses in all complaints involving sexual violence.


h. Knowledge of Bullying

i. Harassment may be in plain sight, widespread, or well-known to students and staff, such as harassment occurring in hallways, during academic or physical education classes, during extracurricular activities, at recess, on a school bus, or through graffiti in public areas. In these cases, the obvious signs of the harassment are sufficient to put a charter school on notice. In other situations, a charter school may become aware of misconduct, triggering an investigation that could lead to the discovery of additional incidents that, taken together, may constitute a hostile environment.


i. Prompt and Effective Steps

i. If an investigation reveals that discriminatory bullying or harassment has occurred, a charter school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. These duties are a charter
school’s responsibility regardless of whether a student has complained, asked the school to take action, or identified the bullying or harassment as a form of discrimination.

ii. Appropriate steps to end harassment may include separating the accused harasser and the target, providing counseling for the target and/or harasser, or taking disciplinary action against the harasser. These steps should not penalize the student who was harassed. For example, any separation of the target from an alleged harasser should be designed to minimize the burden on the target’s educational program (e.g., not requiring the target to change his or her class schedule).


j. Retaliation

i. A charter school must make sure that students who are harassed and their families know how to report any subsequent issues after an investigation. The school must conduct follow-up investigations to ensure no new incidents have occurred and that the student is not retaliated against. Each charter school must respond promptly and appropriately to any new or continuing problems.

ii. Each open-enrollment charter should take steps to stop further harassment and prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses.


k. Counseling Services

i. A school should ensure that staffs are capable of providing culturally competent counseling to all complainants. Thus, a charter school should ensure that its counselors and other staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and hearing board members, receive appropriate training about working with LGBT and gender-nonconforming students and same-sex sexual violence.


K. Discrimination in Non-Charter Operations

1. Civil Rights Restoration Act

a. Federal law defines a charter school as a public school that must comply with the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], Title IX of the Education Amendments of

20 U.S. Code § 7221i(1)(G).

b. The Civil Rights Restoration Act of 1987 ("CRRA") imposed these obligations on the charter holder in its non-charter operations as well as public school activities.

2. Entity-wide Coverage of Civil Rights Statutes

a. Under the CRRA, the entire non-profit corporation or other legal entity that holds an open-enrollment charter is subject to broad, institution-wide coverage under the four major civil rights statutes that prohibit discrimination in federally assisted programs. The receipt of federal funds results in entity-wide coverage under these statutes. The CRRA applies Title IX, Title VI, Section 504, and the Age Act – but not the IDEA – to "all of the operations of" the entire corporation or other legal entity that is "principally engaged in the business of providing education, health care, housing, social services, or parks and recreation" any part of which receives federal funds.


3. Title IX “Education” Program or Activity.

a. Under Title IX, Congress prohibits recipients of federal financial assistance from discriminating on the basis of sex in “educational” programs or activities. So while the institution-wide coverage mandated by the CRRA clearly applies Title IX to the entire corporation or other legal entity that holds an open-enrollment charter, the Title IX itself only bans sex discrimination in the “education” programs or activities that take place outside the charter school.

b. As applied to charter school operations, CRRA definition of “programs or activities” clearly encompasses all of the charter school operations including, but not limited to, “traditional educational operations, faculty and student housing, campus shuttle bus service, campus restaurants, the bookstore, and other commercial activities.”


c. But a charter holder may have non-charter operations that are not related to the open-enrollment charter school operated by the charter holder. In its non-charter operations, the corporation or other legal entity that holds the open-enrollment charter may be deemed to be engaged in “education” activities as well. Title IX regulations are designed to eliminate discrimination on the basis of sex in any
education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution . . ."

_Jeldness v. Pearce_, 30 F.3d 1220, 1226 (9th Cir. 1994); _45 C.F.R. § 86.1_.

d. The question what constitutes a covered “education” program for purposes of Title IX requires a factual determination as to whether the relevant portion of a recipient’s program is educational in nature. Such inquiries must be made as broadly as possible.

_United States Department of Justice, Title IX Legal Manual, Chapter III (2001); United States Department of Justice, Title VI Legal Manual, Chapter VII (1998)._

4. Religious Exemption Inapplicable.

a. The CRRA also expanded an exemption for entities controlled by religious organizations. Title IX provides for exempting an educational institution that is controlled by a religious organization to the extent Title IX would be inconsistent with the religious tenets of the organization. See _34 C.F.R. § 106.12; OCR Policy Determination, 43 Fed. Reg. 84 (1978)._ But because a religious organization cannot control a charter school, this exemption procedure is not available to charter holders.

_19 TAC §100.1015(b)(2)(A)_.

L. Notice Requirements for Children in Foster Care

1. Open-enrollment charter schools are required to provide notice to an educational decision-maker and caseworker of a child in foster care. Notice must be provided for any event that may significantly impacts a student’s education, including referral for special education or 504 services, ARD committee meetings, disciplinary action that results in an MDR, citation, or corporal punishment, and the use of restraint or seclusion.

_Tex. Educ. Code § 25.007; 84th Leg., R.S. HB 1804_

M. Truancy Referral

1. An open-enrollment charter school may refer a student to truancy court after 10 unexcused absences in a 6 month period, and after trying other truancy prevention measures. The referral must be made within 10 days of the 10th absence. A referral must include a statement regarding what truancy prevention measures were used, that those preventions were not successful, and whether the student is eligible for special education.

_Tex. Educ. Code § 25.0951 and 25.0915; 84th Leg., R.S. HB 2398_
TCSA Model Board Policy Series

400.150. Appointment of School Marshall
INTRODUCTION

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lgordon@txcharterschools.org
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400.150. APPOINTMENT OF SCHOOL MARSHALL

A. Appointment
The Board of Directors of an open-enrollment charter school may appoint not more than one school marshal per 400 students in average daily attendance per campus.

B. Eligibility
The Board of Directors of an open-enrollment charter school may select for appointment as a school marshal an applicant who is

1. an employee of the charter school; and

2. who is certified as a licensed concealed handgun holder under Section 1701.260 of the Texas Occupations Code.

C. Identity
The identity of the school marshal appointed by the Board of Directors is confidential except as provided under Section 1701.260 of the Texas Occupations Code. The identity of the school marshal is not subject to disclosure under the Texas Public Information Act (Tex. Gov. Code §552).

If a parent makes a written inquiry asking if the open-enrollment charter school has appointed an employee to be a school marshal, the school must provide written notice indicating whether an employee has been appointed. The identity of the school marshal cannot be shared and all notices are confidential.

Tex. Educ. Code § 37.0811; 84th Leg., R.S. SB 996

D. Reimbursement
The Board of Directors of an open-enrollment charter school may, but is not required to reimburse the amount paid by the applicant to serve as school marshal to participate in the training program required under the Texas Occupations Code.

E. Authority of School Marshal
Subject to regulations adopted by the Board of Directors of the charter school and only as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or school visitors on school premises, a school marshal may make arrests and exercise all authority given peace officers under the Texas Code of Criminal Procedure.

1. A school marshal may not issue traffic citations.

2. A school marshal is not entitled to state benefits normally provided by the state to a peace officer.
F. Weapon Possession and Access
A school marshal appointed by the Board of Directors of a charter school may carry or possess a handgun on the physical premises of a school but only:

1. In the manner provided by written regulations adopted by the Board of Directors;
2. At a specific school as specified by the board of directors, if applicable;
3. If the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun on his or her person, but may possess a handgun on the physical premises of the school in a locked and secured safe within the marshal’s immediate reach when conducting his or her primary duty.

The school marshal may access the handgun only under circumstances that would justify the use of deadly force under against another or to protect a third person under Section 9.32 or 9.33 of the Texas Penal Code.

The school marshal may use only frangible ammunition designed to disintegrate on impact for maximum safety to others.


G. Inactive School Marshal
A school marshal’s status becomes inactive on:

1. Expiration of the employee’s school marshal license;
2. Suspension or revocation of employee’s license to carry a handgun, issued under subchapter H, Chapter 411, Government Code;
3. Termination of the employee’s employment; or
4. Notice from the Board of Directors that the employee’s services as school marshal are no longer needed.

TCSA Model Board Policy Series

400.160. Miscellaneous Provisions Relating to Students
Charter Board Policy for RAPOPORT ACADEMY PUBLIC SCHOOL
Module 400: Students

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400.160. MISCELLANEOUS PROVISIONS RELATING TO STUDENTS

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

Section 1. Religious Discrimination Prohibited

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

Section 2. Homeless Children

Section 2.1. Homeless Liaison. The Parent Liaison is appointed the homeless liaison of RAPOPORT ACADEMY PUBLIC SCHOOL.

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

Section 3. Parental Involvement

DISTRICT WIDE PARENTAL INVOLVEMENT POLICY

PART I. GENERAL EXPECTATIONS

RAPOPORT ACADEMY PUBLIC SCHOOL agrees to implement the following statutory requirements:

- RAPOPORT ACADEMY PUBLIC SCHOOL will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title I, Part A programs, consistent with section 1118 of the Elementary and Secondary Education Act (ESEA). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.

- Consistent with section 1118, RAPOPORT ACADEMY PUBLIC SCHOOL will work with its schools to ensure that the required school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA, and each include, as a component, a school-parent compact consistent with section 1118(d) of the ESEA.

- RAPOPORT ACADEMY PUBLIC SCHOOL will incorporate this district wide parental involvement policy into its LEA plan developed under section 1112 of the ESEA.

- In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, RAPOPORT ACADEMY PUBLIC SCHOOL and its schools will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.
• If the RAPOPORT ACADEMY PUBLIC SCHOOL plan for Title I, Part A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, RAPOPORT ACADEMY PUBLIC SCHOOL will submit any parent comments with the plan when RAPOPORT ACADEMY PUBLIC SCHOOL submits the plan to the Texas Education Agency.

• RAPOPORT ACADEMY PUBLIC SCHOOL will involve the parents of children served in Title I, Part A schools in decisions about how the 1 percent of Title I, Part A funds reserved for parental involvement is spent, and will ensure that not less than 95 percent of the one percent reserved goes directly to the schools.

• RAPOPORT ACADEMY PUBLIC SCHOOL will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities and procedures in accordance with this definition:

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

  i. that parents play an integral role in assisting their child’s learning;

  ii. that parents are encouraged to be actively involved in their child’s education at school;

  iii. that parents are full partners in their child’s education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;

  iv. the carrying out of other activities, such as those described in section 1118 of the ESEA.

PART II. DESCRIPTION OF HOW RAPOPORT ACADEMY PUBLIC SCHOOL WILL IMPLEMENT REQUIRED DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS

1. RAPOPORT ACADEMY PUBLIC SCHOOL will take the following actions to involve parents in the joint development of its district wide parental involvement plan under section 1112 of the ESEA and in the process of school review and improvement under section 1116 of the ESEA:

   Parent Academies
   Parent Representative on the Board of Directors
   Parent Involvement in Campus/District Improvement Process
   Parent Compact
   Parent/Teacher Conferences every quarter
   Guardian Educator Organizations (GEO)
   Campus and District Family events
2. RAPOPORT ACADEMY PUBLIC SCHOOL will provide the following necessary coordination, technical assistance, and other support to assist Title I, Part A schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance:

Collaboration with Region 12 ESC for training
Parent Liaison
Active GEO support
Orientations
Budget planning and monitoring sessions
Parent surveys for feedback
Parent/Teacher conferences
Campus leader trainings and monthly team meetings
Collaborative meeting for campus/district improvement
Active parent representative on the Board of Directors

3. RAPOPORT ACADEMY PUBLIC SCHOOL will coordinate and integrate parental involvement strategies in Part A with parental involvement strategies under the following other programs by:

Operating a high-quality pre-kindergarten program.

4. RAPOPORT ACADEMY PUBLIC SCHOOL will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I, Part A schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). RAPOPORT ACADEMY PUBLIC SCHOOL will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.

Involvement of parents in Campus and District Improvement process
Parent Representative on Board of Directors
Annual survey of parents and students
Parent Liaison position

5. RAPOPORT ACADEMY PUBLIC SCHOOL will build the schools’ and parent’s capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, through the following activities specifically described below:
a. RAPOPORT ACADEMY PUBLIC SCHOOL will, with the assistance of its Title I, Part A schools, provide assistance to parents of children served by RAPOPORT ACADEMY PUBLIC SCHOOL, as appropriate, in understanding topics such as the following, by undertaking the actions described in this paragraph:

- the State’s academic content standards,
- the State’s student academic achievement standards,
- the State and local academic assessments including alternate assessments,
- the requirements of Part A,
- how to monitor their child’s progress, and
- how to work with educators.

b. RAPOPORT ACADEMY PUBLIC SCHOOL will, with the assistance of its schools, provide materials and training to help parents work with their children to improve their children’s academic achievement, such as literacy training, and using technology, as appropriate, to foster parental involvement, by:

Hosting Parent Academies
Ensuring participation in quarterly parent/teacher conferences
Offering online support programs
Hosting parent training sessions
Providing supplemental materials, especially during summer break

c. RAPOPORT ACADEMY PUBLIC SCHOOL will, with the assistance of its schools and parents, educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by:

Attending training sessions at Region 12 ESC
Offering support through parent sessions
Providing feedback from parent/student surveys
Hosting within district/campus professional development
Utilizing campus leaders to mentor/guide/facilitate as needed

d. RAPOPORT ACADEMY PUBLIC SCHOOL will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children.
e. RAPOPORT ACADEMY PUBLIC SCHOOL will take the following actions to ensure that information related to the school and parent programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand:

Offering on-site translation  
Providing all core written materials in both English and Spanish  
Offering translation services on the campus and district websites  
Providing electronic access to materials and printed access to the same materials when needed.

PART III. DISCRETIONARY DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS

NOTE: The District wide Parental Involvement Policy may include additional paragraphs listing and describing other discretionary activities that the LEA, in consultation with its parents, chooses to undertake to build parents’ capacity for involvement in the school and school system to support their children’s academic achievement, such as the following discretionary activities listed under section 1118(e) of the ESEA:

• involving parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training;
• paying reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
• training parents to enhance the involvement of other parents;
• in order to maximize parental involvement and participation in their children’s education, arranging school meetings at a variety of times
• establishing a district wide parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs;
• developing appropriate roles for community-based organizations and businesses, including faith-based organizations, in parental involvement activities; and
• providing other reasonable support for parental involvement activities under section 1118 as parents may request.]

PART IV. ADOPTION

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

This policy was adopted by RAPOPORT ACADEMY PUBLIC SCHOOL on the date below and will be in effect until subsequent approval of amendment. RAPOPORT ACADEMY PUBLIC SCHOOL will distribute this policy to all parents of participating Title I, Part A children on or before the first day of school.
Section 4. The Texas Virtual School Network (VSN).
The governing body ("Board") of RAPOPORT ACADEMY PUBLIC SCHOOL adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 4.1. Enrollment in VSN Courses. Students of RAPOPORT ACADEMY PUBLIC SCHOOL shall have the opportunity to enroll in courses through the Texas Virtual School Network (VSN) in accordance with this Policy. A student enrolled full-time in RAPOPORT ACADEMY PUBLIC SCHOOL student shall not be denied enrollment in an electronic course through the VSN unless RAPOPORT ACADEMY PUBLIC SCHOOL determines:

a. The student requests to enroll in a VSN course(s) that is inconsistent with the student’s graduation plan, the requirements for college admission or the requirements for earning an industry certification (as applicable to the student);

b. The student seeks to enroll in a VSN course prior to, or after the expiration of, the course enrollment period of Rapoport Academy Public School;

c. RAPOPORT ACADEMY PUBLIC SCHOOL offers a substantially similar course;

Section 4.2. Inducements Prohibited. No employee, board member or other representative of RAPOPORT ACADEMY PUBLIC SCHOOL shall promise or provide equipment or any other thing of value to a student or a student’s parent as an inducement for the student to enroll in an electronic course offered through the Texas VSN.

Section 4.3 Fees for Enrollment in Additional VSN Courses. RAPOPORT ACADEMY PUBLIC SCHOOL shall charge a fee for a student seeking to enroll in a course through the VSN if the Executive Director, or designee, determines:

a. The student seeks to enroll in a course through the VSN that is beyond the normal course load taken by students in the equivalent grade level; or

b. The student is currently enrolled in three (3) full-time courses through the VSN and the student seeks to enroll in an additional course through the VSN.

c. The fee charged by RAPOPORT ACADEMY PUBLIC SCHOOL for enrollment in a course through the VSN under this policy shall not exceed the lesser of the cost of providing the course or $400.

Section 4.4 Parental Notification. The principal, or designee of each RAPOPORT ACADEMY PUBLIC SCHOOL middle school or high school campus shall be responsible for annually distributing a copy of this policy to a parent of each student enrolled in the school.
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400.160. MISCELLANEOUS PROVISIONS RELATING TO STUDENTS

A. Religious Expression
   1. Class Room Assignments
      a. Students may express their beliefs about religion in written and oral assignments free from discrimination based on the religious content of their submissions.
      b. Students may not be penalized or rewarded on account of the religious content of their work.
   2. Student’s Freedom to Organize Religious Groups and Activities
      a. Students may organize religious gatherings before, during, and after school to the same extent that students are permitted to organize other non-curricular student activities and groups.
      b. Religious groups must be given the same access to school facilities, and advertising of meetings, as is given to other non-curricular groups without discrimination based on the religious content of the students’ expression.
   3. Student’s Right to Pray
      a. A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A person may not require, encourage, or coerce a student to engage in or refrain from such prayer or meditation during any school activity.

B. Homeless Students
   1. Liaison
      a. Each charter holder shall assign a staff person as the charter holder liaison for homeless children.
      b. The liaison shall ensure that:
         i. Homeless children are identified by charter school personnel;
         ii. Homeless children enroll in, and have an equal opportunity to succeed in, the charter holder’s schools;
iii. Homeless families and children receive educational services for which they are eligible;

iv. Public notice of the educational rights of homeless children is disseminated where such children receive services (e.g. homeless shelters); and

v. Enrollment disputes are mediated.

42 U.S.C §11432(g)(6)(A).

2. Enrollment

   a. Under the McKinney-Vento Homeless Education Assistance Improvements Act, a school shall immediately enroll a homeless child, even if the child is unable to produce records normally required for enrollment.

   b. The school shall promptly contact the child’s last school attended to obtain relevant academic and other records. If the child needs immunizations, the school shall refer the child and the child’s parent or guardian to the homeless liaison.

3. Segregation
   The segregation of homeless children is prohibited.

4. Notice of Rights
   a. During enrollment, and twice during the year while the child is enrolled in the charter school, the charter school shall provide written notice to the parent or guardian of the child that is then signed by the parent or guardian and sets forth the child’s rights under the McKinney-Vento Act.

   b. The notice must be in a manner and form understandable to the parent or guardian.

   c. Examples of notices of a child’s rights from the National Center for Homeless Education may be found at the following links:
      


C. Parental Involvement

1. Open-Enrollment Charter School Policy in General
   An open-enrollment charter school may receive funds under Title I, Part A only if such charter school implements programs, activities, and procedures for the involvement of parents in programs assisted under Title I, Part A, consistent with 20 U.S.C. 6318. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children.

2. Written Policy
Each open-enrollment charter school that receives funds under Title I, Part A shall develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy. The policy shall establish the charter school’s expectations for parent involvement, and describe how the charter school will:

a. involve parents in the joint development of the plan under 20 U.S. C. §6312, and the process of school review and improvement under 20 U.S. C. §6316;

b. provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;

c. build the schools' and parents' capacity for strong parental involvement as described in 20 U.S. C. §6318(e);

d. coordinate and integrate parental involvement strategies under Title I, Part A with parental involvement strategies under other ESEA programs;

e. conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under 20 U.S.C. §6318(a)(2)(E); and

f. involve parents in the activities of the schools served under this part.

20 U.S.C.A §6318(a)(1)-(2).

D. Texas Virtual School Network

1. Enrollment in an Electronic Course through the Texas Virtual School Network (VSN)

A charter school in which a student is enrolled as a full-time student may not deny the request of a parent to enroll a student in an electronic course through the state virtual school network unless:

a. the student attempts to enroll in a course load that is inconsistent with the student’s high school graduation plan or requirements for college admission or earning an industry certification;

b. the student seeks to enroll in a course at a time that is not consistent with the enrollment period established by the charter school providing the course;

c. the charter school offers a substantially similar course;

d. the student seeks to enroll in more than three year-long courses, or the equivalent, at the expense of the school. This subsection does not limit the ability of a student of the charter school to enroll in additional electronic courses at the student’s own cost.
2. **Inducements Prohibited.**
   A charter school may not promise or provide equipment or any other thing of value to a student or a student’s parent as an inducement for the student to enroll in an electronic course offered through the Texas VSN.

3. **Written Policy and Annual Notice to Parents.**
   A charter school shall adopt a written policy that provides students with the opportunity to enroll in electronic courses provided through the Texas VSN consistent with the enrollment requirements described above.

   A charter school shall, at least once per year, send to a parent of each student enrolled in the middle or high school a copy of the school’s policy regarding courses provided through the Texas VSN.

4. **State Funding for Enrollment in Electronic Courses**
   a. A charter school is entitled to state funding under Tex. Educ. Code §12.106 for a student’s enrollment in an electronic course offered through the Texas VSN in the same manner that the school is entitled to funding for a student’s enrollment in courses provided in a traditional classroom setting, provided the student successfully completes the electronic course.

   b. A charter school shall receive state funding under Tex. Educ. Code §12.106 for a student’s enrollment in not more than three electronic courses during the school year. This limitation does not apply to a student enrolled in a full-time online program that was operating January 1, 2013.

5. **Fees for Enrollment in Additional Courses through Texas VSN**
   A charter school may charge a fee for enrollment in an electronic course provided through the Texas VSN to a student who resides in Texas and:

   a. is enrolled in the charter school as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other districts or open-enrollment charter schools; or

   b. elects to enroll in an electronic course provided through the Texas VSN for which the charter school in which the student is enrolled as a full-time student declines to pay the cost.
c. A charter school may not charge a fee for a course through the VSN that exceeds
the lesser of the cost of providing the course or $400.

*Tex. Educ. Code §32.005; 19 Tex. Admin. Code §70.1025*