



**\_\_\_\_\_Module 400: Students**  
*Charter Board Policy for New Frontiers Public Schools (NFPS)*

MODULE 400: STUDENTS OPERATIONS  
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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:

Legal Abbreviations Used In the Model Board Policy Series

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

**400.000. INSTRUCTIONAL PROGRAM OVERVIEW**

**SECTION 1 Essential Knowledge and Skills**

New Frontiers Public Schools shall establish instructional objectives that relate to the essential knowledge and skills for grade-level subjects or courses. These objectives shall address the skills needed for successful performance in the next grade or next course in a sequence of courses.

Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that the student’s performance indicates the level of mastery of the designated curriculum objectives. The student’s mastery level shall be a major factor in determining the grade for a subject or course.

**SECTION 2 Guidelines for Grading**

The Superintendent or designee shall ensure that each campus or instructional level develops guidelines for teachers to follow in determining grades for students. These guidelines shall ensure that grading reflects a student’s relative mastery of an assignment and that a sufficient number of grades are taken to support the grade average assigned. Guidelines for grading shall be clearly communicated to students and parents.

In accordance with grading guidelines, a student shall be permitted a reasonable opportunity to redo an assignment or retake a test for which the student received a failing grade.

**SECTION 3 Progress Reporting**

Grade/progress reports shall be issued on a form approved by the Superintendent or designee within the time period approved by the Superintendent or designee. Supplemental progress reports may be issued at the teacher’s discretion.

**SECTION 4 Report of Student Performance to Parents**

New Frontiers Public Schools shall provide a record of the comparisons of student performance

made under Education Code 39.034 and provided to NFPS under Education Code 39.302 in a written notice to the student’s parent or other person standing in parental relationship.

For a student who failed to perform satisfactorily as determined under either performance standard under Education Code 39.0241 on an assessment instrument administered under Education Code 39.023(a), (c), or (l), NFPS shall include in the notice specific information relating to access to educational resources at the appropriate assessment instrument content level, including assessment instrument questions and answers released under Education Code 39.023(e).

*Education Code 39.303.*

### **SECTION 5 Conferences**

Conferences may be requested by a teacher or parent as needed.

### **SECTION 6 Academic Dishonesty**

Students found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another supervising professional employee, taking into consideration written materials, observation, or information from students.

## **400.010. GENERAL EDUCATIONAL PROGRAM**

### **SECTION 1 School Year**

NFPS shall operate so that it provides the minimum number of instructional days specified in the charter contract currently on file with the State of Texas and as specified by Education Code 25.081.

### **SECTION 2 Length of School Day**

A school day shall be at least 480 minutes each day, including intermissions and recesses.

### **SECTION 3 Required Instruction**

A primary purpose of NFPS’s curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. NFPS shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks.

### **SECTION 4 Required Curriculum**

NFPS shall ensure that all students enrolled participate actively in a balanced curriculum designed to meet individual needs.

NFPS shall offer to students in all grade levels the curriculum required by the charter contract currently on file with the State of Texas. This curriculum shall include, at appropriate grade levels:

1. 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, economics, with emphasis on the free enterprise system and its benefits, and geography; and
2. An enrichment curriculum that includes:
    - i. To the extent possible, languages other than English;
    - ii. Health, with emphasis on:
      - i. Physical health, including the importance of proper nutrition and exercise;
      - ii. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
      - iii. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
    - iii. Physical education;
    - iv. Fine arts;
    - v. Career and technology education;
    - vi. Technology applications;
    - vii. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
    - viii. Personal financial literacy.

*Education Code 12.111(a), 28.002(a).*

#### **SECTION 5 Character Traits Instruction**

NFPS shall adopt a character education program that includes the following positive character traits:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
8. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law;
9. School pride; and
10. Gratitude.

This program shall be implemented in accordance with guidelines published by the Commissioner of Education / State Board of Education.

*Education Code 29.906.*

#### **SECTION 6 School Calendar**

The Superintendent shall develop a school calendar reflecting NFPS's operations in accordance with the requirements of the charter contract. The Superintendent or designee shall distribute the school calendar to all students and parents.

## SECTION 7 Recognition Dates

**Hydrocephalus Awareness Month:** September is Hydrocephalus Awareness Month to:

1. Increase public awareness of hydrocephalus; and
2. Encourage the development of partnerships between the federal government, health care professionals, and patient advocacy groups to advance the public's understanding of the condition, improve the diagnosis and treatment of the condition, and support research for a cure.

*Gov't Code 622.106.*

**Texas History Month:** March is Texas History Month in honor of those Texans who helped shape the history of the State of Texas and in recognition of events throughout Texas' history. Texas History Month shall be regularly observed by appropriate celebrations and activities in public schools to promote interest in and knowledge of Texas history. *Gov't Code 662.102.*

**Celebrate Freedom Week:** To educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded, the week in which September 17 falls is designated as Celebrate Freedom Week. *Education Code 29.907.*

**Generation Texas Week:** To educate middle school and high school students about the importance of higher education, the Superintendent shall designate one week during the school year as Generation Texas Week. The Superintendent shall designate one week during the school year as Generation Texas Week for all middle school, junior high, and high school students attending NFPS.

During the designated week, each middle school and high school shall provide students with comprehensive grade-appropriate information regarding the pursuit of higher education. The information provided must include information regarding:

1. Higher education options available to students;
2. Standard admission requirements for institutions of higher education, including:
  - a. Overall high school grade point average;
  - b. Required curriculum;
  - c. College readiness standards and expectations as determined under Education Code 28.008; and
  - d. Scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;
3. Automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803; and
4. Financial aid availability and requirement, including the financial aid information provided under Education Code 33.007(b).

Additionally, each middle school, junior high school, and high school shall provide to the students during the designated week at least one public speaker to promote the importance of higher education.

*Education Code 29.911.*

**Holocaust Remembrance Week:** The governor shall designate a week to be known as "Holocaust Remembrance Week" in public schools to educate students about the Holocaust and inspire a sense of responsibility to recognize and uphold human value and to prevent future atrocities.

Holocaust Remembrance Week shall include age-appropriate instruction, as determined by NFPS:

1. Information about the history of and lessons learned from the Holocaust;
2. Participation, in person or using technology, in learning projects about the Holocaust; and
3. The use of materials developed or approved by the Texas Holocaust and Genocide Commission.

Education Code 29.9072.

***American Indian Heritage Day:*** The last Friday in September is American Indian Heritage Day in recognition of the historic, cultural, and social contributions American Indian communities and leaders have made to this state. American Indian Heritage Day shall be regularly observed by appropriate ceremonies, activities, and programs in public schools to honor American Indians in this state and to celebrate the rich traditional and contemporary American Indian culture. *Gov't Code 662.056.*

***Constitution Day:*** Upon receipt of federal funds, NFPS shall recognize September 17 as Constitution Day and hold an educational program on the United States Constitution for students served by NFPS. *Pub. L. 108-447.*

***Father of Texas Day:*** November 3 is Father of Texas Day in memory of Stephen F. Austin. Father of Texas Day shall be regularly observed by appropriate and patriotic programs in public schools to properly commemorate the birthday of Stephen F. Austin and to inspire a greater love for this state. *Gov't Code 662.045.*

***Public School Paraprofessional Day:*** The second Wednesday in May of each year is Public School Paraprofessional Day in recognition of education paraprofessionals including teacher assistants, instructional aides, educational trainers, library attendants, bilingual assistants, special education associates, mentors, and tutors. Public School Paraprofessional Day shall be regularly observed by appropriate ceremonies and activities in public schools to properly recognize the paraprofessionals who have made tremendous contributions to the educational process. *Gov't Code 662.049.*

***Sam Rayburn Day:*** January 6 is Sam Rayburn Day in memory of the Texas and American statesman, Sam Rayburn. Sam Rayburn Day shall be regularly observed by appropriate programs in public schools to commemorate the birthday of Sam Rayburn. *Gov't Code 662.041.*

***September 11:*** To commemorate the events of September 11, 2001, in each year that date falls on a regular school day, each public elementary or secondary school shall provide for the observance of one minute of silence at the beginning of the first class period of that day. Immediately before the period of observance required by this section, the class instructor shall make a statement of reference to the memory of individuals who died on September 11, 2001. The period of observance required by this section may be held in conjunction with the minute of silence required by Section 25.082. *Education Code 25.0821.*

***State of Texas Anniversary Remembrance Day:*** February 19 is State of Texas Anniversary Remembrance Day (STAR Day) in honor of Texas joining the Union and the day that James Pinckney Henderson became the first governor of the State of Texas in 1846. STAR Day shall be regularly observed by appropriate and patriotic programs in the public schools to properly commemorate the annexation of this state and to inspire a greater appreciation for the history of this state. *Gov't Code 662.047.*

***Texas First Responders Day:*** September 11 is Texas First Responders Day in honor of the bravery, courage, and determination of Texas men and women who assist others in emergencies. Texas First

Responders Day shall be regularly observed by appropriate ceremonies in public schools to honor Texas first responders. *Gov't Code 662.050.*

***Texas Girls in STEM Day:*** March 1 is designated as Texas Girls in STEM Day to celebrate and encourage the participation of girls in fields related to science, technology, engineering, and mathematics. Texas Girls in STEM Day shall be regularly observed by appropriate ceremonies, activities, and programs in public schools to:

1. Encourage girls in this state to consider career fields in science, technology, engineering, and mathematics; and
2. Celebrate and honor the women of this state who have excelled in those fields.

*Gov't Code 662.071.*

***Texas Military Heroes Day:*** The governor shall designate a day to be known as Texas Military Heroes Day in public schools to educate students about the sacrifices made by Texans who have served in the armed forces of the United States. Texas Military Heroes Day will include appropriate instruction, as determined by NFPS. Instruction may include:

1. Information about persons who have served in the armed forces of the United States and are from the community or the geographic area in which NFPS is located; and
2. Participation, in person or using technology, in age-appropriate learning projects at battlefields and gravesites associated with a person who has served in the armed forces.

*Education Code 29.9071.*

***Women's Independence Day:*** August 26 is Women's Independence Day to commemorate the ratification in 1920 of the Nineteenth Amendment to the United States Constitution, which guaranteed women the right to vote. Women's Independence Day shall be regularly observed by appropriate programs in the public schools to inspire a greater appreciation of the importance of women's suffrage. *Gov't Code 662.051.*

## **SECTION 8 Exercise of Constitutional Right to Pray**

Each NFPS 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 shall not require, encourage, or coerce a student to engage in or refrain from such prayer or meditation during any school activity. Education Code 25.901.

## **400.020. ACADEMIC ACHIEVEMENT**

### **SECTION 1 Graduation Requirements**

Credit counted toward high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course completed. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school in the state.

### **SECTION 2 Academic Achievement Record**

NFPS shall use the academic achievement record (transcript) form designated by the Commissioner of Education ("Commissioner"). This form shall serve as the academic record for each student and shall be maintained permanently by NFPS.



Any credit earned by a student must be recorded on the academic achievement record, regardless of when the credit was earned. A student’s performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c), must be included in the student’s academic achievement record.

Copies of the academic achievement record shall be made available to students transferring to another public school. NFPS shall respond promptly to all requests for student records from receiving schools.

*Education Code § 28.025(e); 19 TAC § 74.5(b)-(d).*

**a) *Endorsement***

A student who completes the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record. *19 TAC § 74.5(f).*

**b) *Performance Acknowledgment***

A student who earns a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record. *19 TAC § 74.5(g).*

**c) *Distinguished Level of Achievement***

A student who earns the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record and on the diploma. *19 TAC § 74.5(h).*

**d) *Completion of Speech Requirements***

A student who demonstrates proficiency in speech as specified in 19 Texas Administrative Code § 74.11 shall have completion of the speech requirement clearly indicated on the academic achievement record. *19 TAC § 74.5(i).*

**e) *Completion of CPR Instruction***

A student who completes instruction in cardiopulmonary resuscitation (CPR) as specified in 19 Texas Administrative Code § 74.38 in grades 9, 10, 11, or 12 shall have completion of the CPR instruction clearly indicated on the academic achievement record. *19 TAC § 74.5(j).*

**f) *Proper Interaction with Peace Officers***

A student who completes the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record. *19 TAC § 74.5(k).*

**g) *Languages Other than English***

A student who satisfies a graduation credit requirement related to a language other than English by successfully completing a dual language immersion program at an elementary school as specified in 19 Texas Administrative Code § 74.12(b)(5)(F) shall have the credit clearly indicated on the academic achievement record. *19 TAC § 74.5(l).*

**400.030. ADMISSIONS & ENROLLMENT**

The governing body (“Board”) of New Frontiers Public Schools 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**

New Frontiers Public School’s admissions and enrollment shall be free from discrimination based on sex, national origin, ethnicity, immigration status, religion, disability, academic, artistic, athletic ability, or the district the child would otherwise attend under state law.  
*Education Code 12.111(a)(5).*

### **Section 1.2 Admission Application Deadline**

NFPS requires applicants to submit a complete application form in order to be considered for admission. NFPS’s admission application period is from October 1 through November 30.

Applicants for Pre-Kindergarten program operated in conjunction with Pre-K for SA will also be required to submit a completed application form in order to be considered for admission. NFPS Pre-Kindergarten application will be established by the CEO in coordination with Pre-K 4 SA and posted on the school website and publicized in the community.

If a student applies to NF outside of the designated application period, the student will be placed on a waiting list in the order of the date in which the application is received.

Returning students (students who currently attend NFPS and intend to return the next school year) are exempted from the lottery if they notify NFPS of their intent to return for the next school year by the deadline designated by the Superintendent or designee for the then-current school year.

Siblings of returning students currently enrolled at a NFPS campus and who timely notify NFPS of their intent to return for the next school year are exempt from the lottery and, space permitting, are automatically enrolled. For this policy “sibling” shall mean a biological or legally adopted brother or sister residing in the same household as the applicant. Cousins, nieces, nephews and unrelated children sharing an address with the applicant are not siblings. Sibling enrollment is dependent on available space and does not guarantee enrollment of each listed sibling.

Children of New Frontiers Public School’s founders, teachers, and staff (so long as the total number of students allowed constitutes only a small percentage of the total enrollment) are exempt from lottery requirements, as permitted by federal guidance on the Charter Schools Program.

### **Section 1.3 Non-resident Transfer Students**

Students who reside New Frontiers Public School’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**

NFPS reserves the right to exclude from admission a student who has:

- a. Has engaged in conduct or misbehavior within the preceding year that has resulted in removal to a disciplinary alternative education program or expulsion;
- b. Has engaged in delinquent conduct or conduct in need of supervision and is on probation or other conditional release for that conduct; or
- c. Has been convicted of a criminal offense and is on probation or other conditional release.

## **SECTION 2 Enrollment**

### **Section 2.1 Eligibility**

The CEO/Superintendent or designee shall establish procedures that ensure that appropriate measures are taken to verify, on enrollment, that a student is entitled to enroll in New Frontiers Public Schools. Areas to be verified include, but are not limited to, a student's residency and grade level. NFPS does not require any documentation regarding immigration status, including social security numbers. If NFPS requests a social security number, the parent will be informed that the request is voluntary and explain how the number is used.

### **New Frontiers follows the Texas Education Code policies for kindergarten eligibility:**

- A child must be at least five years of age on September 1 of the school year and under 21 years of age, or are at least 21 years of age and under 26 years of age and admitted by New Frontiers to complete the requirements for a high school diploma.

### **Section 2.2 Enrollment Documentation**

Applicants must complete and submit the common admission application form developed and made available by the Texas Education Agency ("TEA") under Education Code 12.1173.

Applicants are not required to provide transcripts or other academic records until after they are offered admission.

If there are more eligible applicants than available seats, the school will conduct a manual lottery to determine who will be asked to register. All outlined Lottery Rules and Procedures will be enforced.

### **Section 2.3 Residency Qualifying for Enrollment**

The CEO/Superintendent or designee shall ensure upon enrollment that:

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

- the student is a foreign exchange student placed with a family that resides within the geographic boundary stated in the charter by a nationally recognized foreign exchange program<sup>1</sup>;
- the student resides at a residential facility that is located within the geographic boundary stated in the charter;
- the student resides within the geographic boundary stated in the charter and either is 18 years old or older or has had the disabilities of minority removed;
- the student does not reside within the geographic boundary stated in the charter but has a grandparent who does and who provides a substantial amount of after-school care for the student; or
- the student is placed in foster care by an agency of the state or a political subdivision, and person’s foster parents reside within the geographic boundary stated in the charter.

## **Section 2.4 Enrollment Documentation**

### **Verification of Residency and Immunization Records for Enrollment**

Verification of residency and current immunization records are required for all students enrolling. Every student enrolling for the first time must present a signed statement from a physician or documentation of immunizations as required by the Texas Department of Health, no later than 30 days after enrolling.

The CEO/Superintendent or designee may make reasonable inquiries to determine whether a student qualifies as a resident for purposes of enrollment. The CEO/Superintendent or designee may request utility bill, receipts, lease information and other items verifying that the applicable residence is within the boundary stated in the charter. If, at any time, a student's or qualifying occupant’s residence is in question, New Frontiers Public Schools may ask for additional documents for verification. If the parent or legal guardian cannot provide evidence of residency because the parent or legal guardian is living with a relative or friend, a notarized statement by the relative or friend may be accepted by New Frontiers Public Schools.

NFPS may conduct home-visits, at any time, to confirm residency of applicants and enrolled students. Falsification of residence on an enrollment form is a criminal offense.

## **400.040 STUDENT TRANSPORTATION**

The governing body (“Board”) of New Frontiers Public Schools 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 NFPS to provide public bus passes or cards to its students for transportation to and from school for all students. It is the responsibility of the Superintendent/Executive Director or designee to seek reimbursement from the State of Texas for the provision of the passes or cards.

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

## **SECTION 2 Transportation of Homeless Students and Students Receiving Special Education Services**

NFPS 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.

## **SECTION 3 Transportation of Students in Foster Care**

New Frontiers Public School's Foster Care Liaison will be the point of contact to arrange and implement an individual transportation plan for a student placed in Conservatorship of the Department of Family and Protective Services. In developing these procedures, NFPS worked with Felicia Penn, Educational Specialist, DFPS, Region XIII.

If DFPS determines the student's school of origin is in the best interest, Foster Care Liaison of NFPS and DFPS to develop an individual transportation plan. Student's safety will be the first priority in determining appropriate transportation, followed by cost effectiveness, reliability, and time and distance of commute. The following transportation options will be considered to provide transportation to the school of origin, school bus stop, or public transportation route:

- Arrange transportation by the foster parent or caregiver;
- Arrange transportation by a relative or adult approved by DFPS;
- Use existing transportation options, such as special education or homeless student transportation which include bus passes and vouchers
- Coordinate with the district the student is located in to provide transportation to a bus stop or district boundary;
- Determine whether a student needs transportation as part of an IEP;
- Contracting with a transportation service; or
- Arrange public transportation with a pass or voucher.

NFPS will also work with DFPS to determine how transportation will be funded. Foster Care Liaison will work with the Superintendent/CEO or designee to calculate the cost of transportation. To offset the cost of transportation, NFPS will consider the following funding options:

- Cost sharing agreement between DFPS and New Frontiers Public Schools;
- Offset of costs by DFPS;
- Cost sharing between New Frontiers Public Schools and local school district student is living;
- Use of Title I funds;
- Use of Medicaid reimbursement if an IEP provides transportation;
- Available grant funds;
- Other: Local unrestricted funds

## **400.050 ATTENDANCE**

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

### **SECTION 1 Compliance**

The CEO/Superintendent or designee shall ensure New Frontiers Public School's student attendance accounting system is in compliance with all laws, regulations, and Texas Education Agency rules governing attendance. The CEO/Superintendent or designee 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**

NFPS operates a closed campus. Students are not allowed to leave for any reason during the school day without properly checking out in accordance with campus rules and procedures.

### **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. Upon return to school, a student who has been absent and who fails within three days of the student's absence to bring a statement from a parent or medical provider verifying the illness or condition that caused the student's absence, the absence will be unexcused.

### **Section 2.2 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 CEO/Superintendent or designee shall ensure that at the beginning of each school year the parents of students of NFPS receive notice that they and the student is subject to prosecution for violation of attendance laws.

## **SECTION 4 School Attendance Officer**

NFPS shall have a school attendance officer (SAO). The CEO/Superintendent or designee shall determine the duties and responsibilities of the SAO, all of which should be in line with the maintenance of student attendance.

## **400.060 FERPA**

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

### **SECTION 1 Compliance**

Regarding student records, NFPS shall comply with the Family Educational Rights and Privacy Act ("FERPA").

### **SECTION 2 Custodian of Records**

The CEO/Superintendent is designated the custodian of all student records. The principal of each school is designated as an agent of the CEO/Superintendent for the purposes of the receipt of requests concerning the disclosure of student records.

### **SECTION 3 Annual Notice**

The CEO/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 New Frontiers Public Schools 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 New Frontiers Public Schools 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.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by NFPS 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))

#### **400.070. 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 New Frontiers Public Schools 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 New Frontiers Public Schools, the CEO or CEO’s designee, shall provide teachers and employees of the school an opportunity to express opinions regarding the initiative. Any opinions received by the CEO or CEO

designee shall be provided to the Board of Directors for their review and consideration.

#### **400.080. REQUIRED INSTRUCTION AND GRADUATION**

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

##### **SECTION 1 Compliance**

The CEO/Superintendent shall ensure that NFPS Schools maintains compliance with all state laws and regulations governing curriculum and graduation requirements.

##### **SECTION 1.2. Pledge of Allegiance.**

The principal, or designee, of each campus of New Frontiers Public Schools shall ensure that NFPS 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 principal, or designee, of each campus of New Frontiers Public Schools shall ensure that NFPS 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.

##### **SECTION 1.4. Commemoration of the Events of September 11, 2001.**

The principal, or designee, of each campus of NFPS shall ensure that New Frontiers Public Schools maintains compliance with state law governing the commemoration of the events of September 11, 2001.

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

NFPS will follow the prescribed graduation requirements by the State of Texas which includes successful completion of the STAAR EOC in the subjects of Algebra I, Biology, English, English II and U.S History. Qualifying results in PSAT and/or ACT-PLAN may be used as a substitute assessment for EOC (TAC) §101.4002.

#### **400.090 HOMEBOUND SERVICES**

##### **SECTION 1 General Homebound Education**

In accordance with the Texas Education Agency’s Student Attendance Accounting Handbook (SAAH), a student may be eligible for general education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound for medical reasons specifically documented by a physician licensed to practice in the United States. The weeks of confinement need not be consecutive. A parent request for such services shall be made through the Principal in accordance with the SAAH and administrative procedures.

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

## **SECTION 2 Special Education Students**

Consistent with state rule and the SAAH, a student receiving special education services may be eligible for special education homebound services if the student is to be confined for a minimum of four weeks to hospital or homebound setting for medical reasons specifically documented by a physician licensed to practice in the United States. If a student is chronically ill, the student's admission, review, and dismissal committee shall determine whether the weeks of confinement need be consecutive.

If the ARD committee determines that homebound instruction is appropriate, the committee shall determine the type and amount of instruction to be provided in accordance with law and, if applicable, the length of the transition period based on current medical information.

## **SECTION 3 Documentation of Services**

NFPS shall maintain full documentation regarding students receiving homebound services in accordance with administrative procedures, the SAAH, and the student's individualized education program, as applicable.

## **400.100 SPECIAL EDUCATION**

### **SECTION 1 Nondiscrimination Policy**

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

### **SECTION 2 Free Appropriate Public Education**

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

FAPE means special education and related services that:

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

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

### **SECTION 3 Least Restrictive Environment**

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

### **SECTION 4 Discipline**

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

### **SECTION 5 Instructional Arrangements and Settings**

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

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

*19 TAC 89.63(c), (f).*

### **SECTION 6 Related Services**

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

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

The term does not include a medical device that is surgically implanted, the optimization of the

device's functioning, or the replacement of such device.

*20 U.S.C. 1401(26); 34 CFR 300.34.*

**h) Transportation**

NFPS shall provide special transportation with federal funds only when the admission, review and dismissal (ARD) committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e).*

**i) Extended School-Year Services**

NFPS shall ensure that extended school-year (ESY) services are available as necessary to provide a student with a disability with a FAPE. ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for a FAPE. NFPS may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services. *34 CFR 300.106; 19 TAC 89.1065*

**400.110 IDENTIFICATION, EVALUATION, AND ELIGIBILITY OF SPED STUDENT  
SECTION 1 Child Find**

NFPS shall ensure that all children residing within the NFPS boundaries who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to all children with disabilities, including:

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

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

**a) Private School Students**

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

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

**b) Preschool Students**

NFPS shall develop a system to notify residents within the NFPS boundaries with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of such programs. Education Code 29.009.

**SECTION 2 Referral**

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

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

**a) *Obligation to Refer***

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

**b) *Parent Request***

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

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 CFR 300.503, a copy of the procedural safeguards notice required by 34 CFR 300.504, and an opportunity to give written consent for the evaluation; or
2. Refuse to provide the evaluation and provide the parent or legal guardian with notice of procedural safeguards under 20 USC 1415(b).

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

**SECTION 3 Notice of Rights**

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

**SECTION 4 Initial Evaluation**

NFPS shall conduct a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability. 20 U.S.C. 1414(a)(1)(A).

**a) *Consent for Initial Evaluation***

NFPS shall, after providing notice consistent with 34 CFR 300.503 and 300.504, obtain informed consent, consistent with 34 CFR 300.9, from the parent of the child before conducting the evaluation.

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

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

**b) *Wards of the State***

If the child is a ward of the state and is not residing with the child's parent, NFPS shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. NFPS cannot discover the whereabouts of the parent, despite reasonable efforts to do so;
2. The rights of the parent have been terminated in accordance with State law; or
3. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

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

**c) *Completion of Written Report***

NFPS must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which NFPS in accordance with 20 USC 1414(a) receives written consent for the evaluation signed by the student’s parent or legal guardian. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which NFPS receives written consent for the evaluation signed by the student’s parent or legal guardian.

If NFPS receives written consent for the evaluation from the student’s parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student’s parent not later than June 30 of that year.

If NFPS receives written consent signed by a student’s parent less than 35 school days before the last instructional day of the school year or if NFPS receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later than the 45th school day following the date NFPS received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the official NFPS attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the Board and is under the direction of a professional staff member of NFPS or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

“School day” does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

**d) *Transfer Students***

NFPS shall ensure that evaluations of children who transfer from one public school to another in the same academic year are coordinated with the children’s prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by another public school and enrolls in NFPS before the previous school completed the full individual and initial evaluation, NFPS must coordinate with the previous school as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R. 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school agree to a specific time when the evaluation will be completed.

*20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)–(e); Education Code 29.004; 19 TAC 89.1011.*

### **SECTION 5 Psychological Exams**

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

The time required for NFPS to provide information and seek consent may not be counted toward the 60 calendar days for completion of an evaluation. *Education Code 29.0041.*

### **SECTION 6 Eligibility and Reevaluations**

A student is eligible to participate in NFPS's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student is not more than 21 years of age and has a visual or auditory impairment that prevents the student from being adequately or safely educated in the public schools without the provision of special services.

*20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035, .1040.*

#### **a) Determination of Initial Eligibility**

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

NFPS shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. *20 U.S.C. 1414(b)(4)(B); 34 CFR 300.306(a).*

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



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

**b) *Consent: Initial Provision of Services***

NFPS must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, NFPS:

1. May not use the procedures in 34 CFR part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which NFPS requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

**c) *Consent: Revoking Consent***

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, NFPS:

1. May not continue to provide services to the child, but must provide prior written notice in accordance with 34 CFR 300.503 before ceasing services;
2. May not use the procedures in 34 CFR part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and
4. Is not required to convene an IEP Team meeting or develop an IEP for further provision of services.

*34 CFR 300.300(b).*

**d) *Reevaluations***

NFPS shall ensure that each child with a disability is reevaluated if NFPS determines that the educational or related service needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and NFPS agree otherwise; and
2. At least once every three years, unless the parent and NFPS agree that a reevaluation is unnecessary.

NFPS shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if NFPS can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond. *20 U.S.C. 1414(a)(2), (c)(3); 34 CFR 300.303.*

**e) *Evaluation for Change in Eligibility***

NFPS shall evaluate a child before determining that the child is no longer a child with a disability.

However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law; a summary of academic achievement and functional performance must be provided in these circumstances. *20 U.S.C. 1414(c)(5); 34 CFR 300.305(e); 19 TAC 89.1070(g).*

**f) *Independent Evaluation***

Parents have a right to obtain an independent educational evaluation of their child. Upon such a request, NFPS shall provide the parents with information regarding where one can be obtained and NFPS's criteria for independent evaluations.

**i. *At Public Expense***

If a parent requests an independent evaluation at public expense, NFPS shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless NFPS demonstrates in a hearing pursuant to 34 CFR 300.507 through 300.513 that the evaluation obtained by the parent did not meet NFPS's criteria for independent evaluations.

**ii. *At Private Expense***

If NFPS initiates a hearing, and the final decision is that NFPS's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense. If the parent obtains an independent evaluation at private expense, NFPS shall consider the results of the evaluation, if it meets NFPS's criteria, in any decision made with respect to providing FAPE to the child. *34 CFR 300.502.*

**SECTION 7 Requiring Prescription Medication**

NFPS employees are prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 *et seq.*) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

NFPS employees are not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services. *20 U.S.C. 1412(a)(25).*

**400.110. SPECIAL EDUCATION PROCEDURAL REQUIRMENTS**

**SECTION 1 Procedural Safeguards**

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

These procedures shall include:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 CFR 300.501.*
2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 CFR 300.502.*
3. Assignment of an individual to act as a surrogate for the parent when no parent can be identified, NFPS cannot locate the parents, or the child is a ward of the state. *34 CFR 300.519.*

4. Prior written notice to the parents whenever NFPS proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 CFR 300.503.*
5. Procedures to allow parties to resolve disputes through a mediation process. *34 CFR 300.506.*
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 CFR 300.507.*
7. Procedures that require either party, or the attorney representing a party, to provide the other party a due process complaint (which shall remain confidential). *34 CFR 300.508.*

## **SECTION 2 Consent**

Consent means that:

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

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

*34 CFR 300.9.*

## **SECTION 3 Language of Notices**

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

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

A parent who has a child with a disability may elect to receive required notices required by *34 CFR 300.503, 300.504 and 300.508* by electronic mail, if NFPS makes that option available. *34 CFR 300.505.*

### **d) *Notice of Procedural Safeguards***

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

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

NFPS may also place a current copy of the procedural safeguards notice on its Internet Web site.

**e) Contents of Notice**

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

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;
5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
  - a. The time period in which to file a complaint,
  - b. The opportunity for NFPS to resolve the complaint; and
  - c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

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

**SECTION 4 Prior Notice and Consent**

NFPS shall provide prior written notice to the parents within a reasonable time before the school proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of a FAPE to the child. 34 CFR 300.503(a).

Notice must be provided to the parent in the parent's native language or other mode of communication at least five school days before NFPS proposes or refuses the action, unless the parent agrees to a shorter time frame. 19 TAC 89.1050(h).

**a) Contents of Notice**

The notice must include:

1. A description of the action proposed or refused by NFPS;
2. An explanation of why NFPS proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report NFPS used as a basis for the proposed or refused action;
4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the Individuals with Disabilities Education Act ("IDEA") rules;

6. A description of other options the admission, review and dismissal (“ARD”) committee considered and the reasons why those options were rejected; and
7. A description of other factors relevant to NFPS’s proposal or refusal.

34 CFR 300.503(b).

**b) Consent to Initial Evaluation**

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

**c) Consent to Services**

NFPS shall seek informed consent from the parent before providing special education and related services to a child. 20 U.S.C. 1414(a)(1)(D).

**d) Consent to Reevaluation**

NFPS shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if NFPS can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. 20 U.S.C. 1414(c)(3).

**e) Psychological Examinations and Tests**

On request of a child’s parent, before obtaining the parent’s consent under 20 U.S.C. Section 1414 for the administration of any psychological examination or test to the child as part of the evaluation of the child’s need for special education, NFPS shall provide to the child’s parent:

1. The name and type of the examination or test; and
2. An explanation of how the examination or test will be used to develop an appropriate Individualized Education Program (“IEP”) for the child.

If NFPS determines that an additional examination or test is required for the evaluation of a child’s need for special education after obtaining consent from the child’s parent, NFPS shall provide the information above to the parent regarding the additional examination or test and shall obtain additional consent for the examination or test. *Education Code 29.0041(a), (b).*

**SECTION 5 Dispute Resolution**

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

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

300.514.

19 TAC 89.1150.

## **SECTION 6 Due Process Complaint**

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

### **a) Time Limit**

A due process complaint must set forth an alleged violation that occurred not more than one year before the date the parent or NFPS knew or should have known about the alleged action that forms the basis of the complaint. *20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(c).*

### **b) Exception**

This timeline shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by NFPS that it had resolved the problem forming the basis of the complaint; or
2. NFPS's withholding of information from the parent that NFPS was required by the IDEA to provide.

*20 U.S.C. 1415(f)(3)(D); 34 CFR 300.511(f).*

### **c) "Stay Put"**

During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, the child shall remain in the then-current educational placement unless NFPS and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 CFR 300.518, 300.533.*

### **d) Exception**

When a due process hearing has been requested by a parent or NFPS concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the parent and NFPS agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 CFR 300.533.*

### **e) Resolution Process**

Within 15 days of receiving notice of a parent's due process complaint, and before initiating a due process hearing under 34 CFR 300.511, NFPS shall convene a meeting with the parent and the relevant member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that NFPS has the opportunity to resolve the dispute.

The meeting need not be held if the parent and NFPS agree in writing to waive the meeting, or the parent and NFPS agree to use the mediation process.

If NFPS has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. If NFPS is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, NFPS may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint. *34 CFR 300.510.*

## **SECTION 7 Transfer of Rights to Adult Students**

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

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student. *34 CFR 300.520; Education Code 29.017(a)–(b); 19 TAC 89.1049(c).*

## **400.130. REQUIRED ARD COMMITTEES AND IEPs**

### **SECTION 1 Admission, Review, and Dismissal Committees**

NFPS shall establish an admission, review, and dismissal (“ARD”) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted pursuant to 19 TAC 89.1011. The ARD committee shall be the individualized education program (“IEP”) team defined at 34 CFR 300.321.

### **SECTION 2 ARD Committee Responsibilities**

NFPS is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the following:

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

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

### **SECTION 3 Committee Members**

NFPS shall ensure that each ARD committee meeting includes:

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

- education provider of the child;
- 4. A representative of NFPS who:
  - a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of NFPS’s resources;
- 5. An individual who can interpret the instructional implications of evaluation results, who may be a member of team described in Section 3(2)-(6);
- 6. At the discretion of the parent or NFPS, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- 7. The child, whenever appropriate;
- 8. To the extent appropriate, with the consent of the parent(s) or a student who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
- 9. A representative from career and technical education (“CTE”), preferably the teacher, when considering initial or continued placement of a student in CTE;
- 10. For a child with limited English proficiency, a member of the child’s language-proficiency assessment committee (“LPAC”);
- 11. For a child with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of children with auditory impairments; and
- 12. For a child with a visual impairment, including deaf-blindness, a teacher who is certified in the education of children with visual impairments.

*19 TAC 89.1050.*

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

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

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

**f) Transition Meeting Membership**

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

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

*34 CFR 300.321(b).*

**SECTION 4 Parental Involvement**

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



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

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that NFPS will invite the student, and identify any other agency that will be invited to send a representative.

*34 CFR 300.322(a)–(b).*

### **SECTION 5 Alternative Participation Methods**

If neither parent can attend an ARD committee meeting, NFPS must use other methods to ensure parent participation, including individual or conference telephone and video calls.

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

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

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

*34 CFR 300.322(d).*

### **SECTION 6 ARD Committee Meetings**

NFPS shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability. The committee shall review each student’s IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child’s placement once per year. A regular education teacher of the child, as a member of the ARD committee, must participate in the review and revision of the IEP of the child.

A meeting does not include informal or unscheduled conversations involving NFPS personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that NFPS personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

*20 U.S.C. 1414(d)(4); 34 CFR 300.116(b)(1), 300.324(b), (c)(1); 300.501(b)(3).*

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

A parent may request an ARD committee meeting at any mutually agreeable time to address specific concerns about his or her child’s special education services. NFPS must respond to the request by holding the meeting or within five school days, providing the parent with written notice explaining why NFPS refuses to convene a meeting.

*19 TAC 89.1050(e).*

#### **b) Transfer Students**

If a student transfers to NFPS, and the student had a previous IEP in place, NFPS shall provide the student with a FAPE, including services comparable to those described in the previous IEP, in

consultation with the parents, until:

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

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

**c) *Transfer of Records***

NFPS shall take reasonable steps to promptly obtain the child’s records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school in which the child was enrolled.

*20 U.S.C. 1414(d)(2)(C)(ii); 34 CFR 300.323(g).*

**d) *Military Dependents***

NFPS shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude NFPS from performing subsequent evaluations to ensure appropriate placement of the student.

*Education Code 162.002 art. V, § C.*

**SECTION 7 Individualized Education Program (IEP)**

NFPS shall develop, review, and revise an IEP for each child with a disability. 20 U.S.C. 1412(a)(4); 34 CFR 300.320(a).

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

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

1. A statement of the child’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the child’s progress toward the annual goals will be measured and when periodic reports on the progress of the child will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child;
5. A statement of the program modifications or supports for school personnel that will be provided for the child;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state or system-wide assessments;
9. If the ARD committee determines that the child must take an alternative assessment

instead of a particular regular state or system-wide assessment, a statement of why the child cannot participate in the regular assessment and why the particular assessment selected is appropriate for the child;

10. Beginning not later than the first IEP to be in effect when the child is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the child in reaching those goals; and
11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

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

### **SECTION 8 Translating IEPs**

If the child's parent is unable to speak English, NFPS shall:

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

*Education Code 29.005(d).*

### **SECTION 9 Autism/Pervasive Development Disorders**

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

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

10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

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

### **SECTION 10 Visual Impairment**

NFPS shall adopt written procedures as required in Education Code 30.002(c)(10) for providing special education services to students with visual impairments. 19 TAC 89.1075(b).

### **SECTION 11 Collaborative Process**

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions concerning the required elements of the IEP shall be made by agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration. 19 TAC 89.1050(g).

#### **a) Recess**

When agreement about all required elements of the IEP is not achieved, the parent or adult student who disagrees shall be offered a single opportunity to have the committee recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting shall not exceed ten school days, unless the parties mutually agree otherwise. This recess is not required when:

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

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

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

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

*19 TAC 89.1050 (g).*

#### **b) No Agreement Reached**

If, after the ten-day recess, the ARD committee still cannot reach agreement, NFPS shall implement the IEP it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements. *19 TAC 89.1050 (g).*

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

Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point, when they disagree with ARD committee decisions. *19 TAC 89.1050(h)*.

### **SECTION 12 IEP Modification**

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

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

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

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

## **400.140 DYSLEXIA AND RELATED DISORDERS**

### **SECTION 1 Dyslexia and Related Disorders**

The Board shall ensure that procedures are implemented for identifying and providing appropriate, evidence-based instructional services to students for dyslexia and related disorders. These procedures shall be implemented in accordance with the State Board of Education's Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook 2018 Update). *19 TAC 74.28*. NFPS shall provide a copy or a link to the electronic version of the Dyslexia Handbook to parents of children suspected to have dyslexia or a related disorder.

### **SECTION 2 Identification and Testing**

Students enrolling in NFPS shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. This program includes a screening at the end of each school year for each student in kindergarten and each student in first grade.

NFPS must make available a process for early identification, intervention, and support for students at risk for dyslexia and related disorders in accordance with the Dyslexia Handbook. NFPS may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

Screening and further evaluation should only be done by individuals or professionals who are trained to assess students for dyslexia and related disorders.

*19 AC 74.28(d), (j)*.

#### **a) Parent Notification**

At least five school days before any identification or evaluation procedure is used with an individual service, NFPS must provide written notification of the proposed identification or evaluation to the student's parent. The notice must be in English, or to the extent practicable, the individual's native language. The notice must include:

1. A reasonable description of the evaluation procedure to be used with the individual student;

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

**g) IDEA Notice**

Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (“IDEA”), NFPS must notify the student’s parent of its proposal to conduct an evaluation consistent with 34 CFR 300.503, provide all the information required in the above notice, and provide an opportunity for written consent for the evaluation. NFPS must also provide a copy of the IDEA procedural safeguards notice required under 34 CFR 300.504 and a copy of Section 504 information required under Education Code 26.0081.

**h) Options and Services**

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

*19 TAC 74.28(f)-(h).*

**SECTION 3 Treatment**

NFPS shall provide each identified student access at his or her campus to instructional programs and to the services of a teacher trained in dyslexia and related services. NFPS may, with the approval of each student’s parents or guardians, offer additional services at a centralized location, so long as such centralized services do not preclude each student from receiving services at his or her campus. 19 TAC 74.28(i).

**a) Reading Program**

NFPS shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the *Dyslexia Handbook*.

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

*19 TAC 74.28(e).*

**b) Reassessment**

Unless otherwise provided by law, a student determined to have dyslexia during testing or accommodated because of dyslexia may not be retested for dyslexia for the purpose of reassessing the student’s need for accommodations until NFPS reevaluates the information obtained from previous testing of the student.

**SECTION 4 Parent Education Program**

NFPS shall provide a parent education program for parents of students with dyslexia and related disorders. This program must include:

1. Awareness of characteristics of dyslexia and related disorders;
2. Information on testing and diagnosis of dyslexia;
3. Information on effective strategies for teaching dyslexic students;

4. Information on qualifications of those delivering services to students with dyslexia and related disorders;
5. Awareness of information on modification, especially modifications allowed on standardized testing;
6. Information on eligibility, evaluation requests, and services available under IDEA and Section 504; and
7. Contact information for the relevant regional and/or district specialists.

*Education Code 38.003; 19 TAC 74.28(l).*

## **400.150 Bilingual/ESL Program**

### **SECTION 1 Program Principles**

**Section 1.1 Board Commitment:** The Board of New Frontiers Public Schools 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 CEO/Superintendent, or designee, shall ensure that the bilingual and/or ESL programs of New Frontiers Public Schools operate in compliance with federal and state law.

### **SECTION 2 Program Responsibilities**

The Director of Curriculum will ensure that New Frontiers Public Schools Shall:

1. Identify English learners based on criteria established by the state;
2. Provide bilingual education and ESL programs, as integral parts of its regular program;
3. Seek certified teaching personnel to ensure that English learners students are afforded full opportunity to master the essential skills and knowledge required by the state; and
4. Assess achievement for essential knowledge and skills in accordance with Chapter 29, Education Code to ensure accountability for English learners and the schools that serve them.

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

New Frontiers Public Schools shall establish and operate Language Proficiency Assessment Committee(s) in accordance with this policy and the LPAC procedures established by the Executive Director. It is the policy of New Frontiers Public Schools to follow the LPAC Legal Framework developed by the Region 20 Education Service Center for the New Frontiers Public Schools LPAC procedures.

The Executive Director or designee shall ensure that a sufficient number of LPACs are established at New Frontiers Public Schools to discharge LPAC duties within 20 school days of enrollment of an ELL student. The Executive Director shall ensure that this policy and all LPAC procedures are on file in the records of New Frontiers Public Schools.

#### **Section 3.1 LPAC Membership:**

Each LPAC shall include:

1. An appropriately certified bilingual educator (for students served through bilingual education);
2. An appropriately certified English as a second language (ESL) educator (for students served through an ESL program);
3. A parent of the English learner participating in a bilingual or ESL program; and
4. A campus administrator.

New Frontiers Public Schools may add other trained members to the committee in any of the required categories. If New Frontiers Public Schools does not have an individual in one or more of the job classifications required, another professional staff member shall be designated to serve on the LPAC.

No parent serving on the LPAC shall be an employee of New Frontiers Public Schools.

All members of the LPAC, including parents, shall observe all laws and guidelines concerning student confidentiality. New Frontiers Public Schools will provide orientation and training for all members of the LPAC, including parents.

*Education Code 29.063; 19 TAC 89.1220(a)-(f).*

**Section 3.2. Duties of LPAC:**

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 TAC 89.1220(g)–(j), (l).

**SECTION 4 Training**

New Frontiers Public Schools 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 New Frontiers Public Schools and shall observe requirements regarding confidentiality of student records. The Executive Director of Curriculum or designee shall ensure that each LPAC member receives a Certificate of Training and that such certificates are retained on file by New Frontiers Public Schools.

**SECTION 5 Home Language Survey**

**Section 5.1 Administration of Survey:**

Within four weeks of each student’s enrollment, New Frontiers Public Schools shall conduct a home language survey to determine the language normally used in the home and the language normally used by the student, whenever possible. 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 prekindergarten through grade 8, or by the student if the student is in grades 9 through 12. The original copy of the survey shall be kept in the student’s permanent record.

New Frontiers Public Schools shall conduct only one home language survey of each student.

The home language survey shall be administered in English, Spanish, and Vietnamese; for students of other language groups, the home language survey shall be translated into the



primary language whenever possible. The home language survey shall contain the following questions:

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

If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with 19 Texas Administrative Code § 89.1226.

*19 TAC 89.1215.*

**Section 5.2 Language Classification:** The New Frontiers Public Schools 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 New Frontiers Public Schools.

## **SECTION 6 ELL Classification**

**Section 6.1 ELL Classification:** New Frontiers Public Schools 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 scores 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 New Frontiers Public Schools LPAC shall determine and report to the New Frontiers Public Schools 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 New Frontiers Public Schools 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 New Frontiers Public Schools LPAC shall conduct periodic assessments of the special language programs of New Frontiers Public Schools 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 New Frontiers Public Schools 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:**

Not later than the 10th day after the LPAC's classification of a student as an English learner, the LPAC shall give written notice of the classification to the student's parent. The notice must be in English and in the parent's primary language. The parents of students eligible to participate in the required bilingual education program shall be informed of the benefits of the bilingual education or special language program and that it is an integral part of the school program.

Placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent.

Education Code 29.056(a); 19 TAC 89.1040(a).

Pending parent approval, New Frontiers Public Schools shall place the student in the recommended program, but may count only English learner students with parental approval for bilingual education allotment. Education Code 29.056(a), (d); 19 TAC 89.1220(j).

New Frontiers Public Schools may identify, exit, or place a student in a program without written parent approval if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. The parent provides approval by telephone or email that is documented in writing and retained; or
3. An adult recognized by New Frontiers Public Schools as standing in parental

relation to the student provides written approval. This may include a foster parent, or employee of a state or governmental agency with temporary possession or control of the student.

*19 TAC 89.1220(j), (m), .1240(a).*

### **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 New Frontiers Public Schools.

### **SECTION 9 Personnel**

Teachers assigned to bilingual education and ESL programs must be appropriately certified in bilingual education or ESL, respectively. Education Code 29.061(b), (c).

If New Frontiers Public Schools is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates, New Frontiers Public Schools may file an application for exception with TEA in accordance with 19 TAC 89.1207. Education Code 29.054; 19 TAC 89.1207.

### **SECTION 10 Bilingual/ESL Program**

New Frontiers Public Schools shall offer a ESL program if New Frontiers Public Schools has an enrollment of 20 or more students classified as ELL students in any language classification in the same grade level. The Executive Director of Curriculum shall ensure that the ESL program offered by New Frontiers Public Schools complies with applicable regulations.

**Section 10.1(a) ESL Program:** New Frontiers Public Schools shall offer an ESL program for students in Grades 9-12 using the ESL/content-based and ESL/pull-out program model.

## **400.160 IDEA POLICIES & PROCEDURES**

### **SECTION 1 Legal Framework**

It is the policy of New Frontiers Public Schools 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 New Frontiers 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 CEO/Superintendent or the designee shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting: (1) to request a review of the student’s individualized education program; (2) that provides for a timely response from New Frontiers Public Schools to the teacher’s request; and (3) that provides for notification to the student’s parent or legal guardian of that response.

## **400.170 SECTION 504**

### **SECTION 1 Policy of Nondiscrimination**

New Frontiers Public Schools does not exclude from participation in, deny the benefits of, or subject to discrimination on the basis of race, religion, color, national origin, sex, age, disability, or relationship or

association with an individual with a disability in providing educational services, activities, and programs, including vocational and career technology programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; the Individuals with Disabilities Education Act, as amended; Title IX of the Educational Amendments of 1972, as amended; the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

## **SECTION 2 Section 504 Coordinator**

The following position is designated as Section 504 compliance coordinator:

Principal and/or Principal's designee  
Frank L. Madla Early College High School  
1400 W. Villaret SATX 78204210-486-3686

## **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:** New Frontiers Public Schools shall take appropriate steps to notify the parents or guardian of students and students seeking enrollment, and employees of New Frontiers Public Schools, 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 New Frontiers Public Schools 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 New Frontiers Public Schools 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 New Frontiers Public Schools 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 New Frontiers Public Schools 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 Executive Director of Curriculum or designee shall facilitate accommodations for a Section 504 student taking the state-mandated assessments when the accommodations have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom and are approved by TEA.

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

## **SECTION 8 Education Setting**

**Section 8.1 Academic Setting:** The New Frontiers Public Schools 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 Executive Director of Curriculum or designee shall take into account the proximity of the alternate setting to the student's home.

**Section 8.2 Nonacademic Settings:** The New Frontiers Public Schools 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 New Frontiers Public Schools, 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 New Frontiers Public Schools 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 Executive Director of Curriculum or designee shall establish standards and procedures for the evaluation and placement of students who, because of disability need or are believed to need special education or related services that ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately

reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

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

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

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

## **SECTION 10 Procedural Safeguards**

### **Section 10.1 Notification Requirements:**

1. Prior to Evaluation- The Section 504 Committee chairperson shall notify parents in writing prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student.
2. Determination of Eligibility/Ineligibility- The Section 504 Committee chairperson shall notify parents in writing when a student has been determined to be eligible or ineligible for services under Section 504.
3. Significant Change in Services – The Section 504 Committee chairperson shall notify parents in writing prior to a significant change in a student’s status or services.
4. Refusal of Parental Request – The Section 504 Committee chairperson shall notify parents in writing if the school has determined that it will not evaluate a student or to provide specific aids and services the parents have requested.
5. Right to Impartial Hearing – The Section 504 Committee chairperson shall notify in writing parents of all students with disabilities of their right to an impartial hearing under SECTION

10.3.

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

**Section 10.3 Impartial Hearing:**

1. Right to a Hearing- The Executive Director of Curriculum or designee shall establish a process that ensures that a parent or guardian has the opportunity for an impartial hearing if they have a concern or complaint about the school's actions regarding the identification, evaluation, or educational placement of a student with disabilities.
2. Impartial Hearing Officer- The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the school or related to a member of the Board in a degree that would be prohibited under state laws and rules relating to nepotism. The impartial hearing officer is not required to be an attorney.
3. Timeline - The New Frontiers Public Schools 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 Executive Director of Curriculum and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The Executive Director of Curriculum 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.

**SECTION 11 Students with Diabetes**

**Section 11.1 Diabetes Management and Treatment Plan (DMNT)**

If a student needs diabetic care while at school, New frontiers Charter School must have a Diabetes Management and Treatment Plan (DMTP) on file at school. The DMTP must:

1. Identify the health-care services the student may receive at school;
2. Evaluate the student's ability to manage and level of understanding of the student's diabetes; and
3. Be signed by the parent or guardian and the physician. The parent or guardian must submit the DMTP to the school.

Once a DMTP is received by the school, New frontiers Public Schools, open-enrollment charter



school must review and update the plan prior to the beginning of the school year, upon enrollment, or as soon as practicable following a diagnosis of diabetes for the student.

**Section 11.2 Individual Health Plan (IHP):** An individual health plan (IHP) for the student will be developed by the School Nurse. The IHP must be developed in collaboration with the student’s parent or guardian and, to the extent practicable, the physician responsible for the student’s diabetes treatment and one or more of the student’s teachers. A student’s IHP will incorporate components of the student’s DMTP.

In accordance with the student’s IHP, student is permitted to attend to the management and care of the student’s diabetes, which may include:

1. Performing blood glucose level checks;
2. Administering insulin through the insulin delivery system the student uses;
3. Treating hypoglycemia and hyperglycemia;
4. Possessing on the student’s person at any time any supplies or equipment necessary to monitor and care for the student’s diabetes; and
5. Otherwise attending to the management and care of the student’s diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

**Section 11.3 Trained Personnel:** New Frontiers Public Schools will ensure that a [Select or designate appropriate personnel: school nurse, trained individual or at least one unlicensed diabetes care assistant (UDCA)] is present and available to provide the required care to a student with diabetes during the regular school day.

**Section 11.4 Placement:** New Frontiers Public Schools may not restrict the placement of a student with diabetes to a particular setting on the basis that the campus does not have the required personnel.

**Section 11.5 Extracurricular Activities:** Students with diabetes may not be excluded from extracurricular activities or school programs because of their diagnosis. Additionally, a student with diabetes may attend field trips and New Frontiers Public Schools cannot require the student’s parent to attend.

## 400.180 Transition Services

### SECTION 1 Definitions

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

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and includes:
  - a. Instruction;

- b. Related services;
- c. Community experiences;
- d. The development of employment and other post-school adult living objectives; and
- e. If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

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

## **SECTION 2 Individual Transition Planning**

In accordance with Education Code 29.011 and 29.0111, not later than when a student reaches 14 years of age, the admission, review, and dismissal (“ARD”) committee must consider, and if appropriate, address the following issues in the individualized education program (“IEP”):

1. Appropriate student involvement in the student’s transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate involvement in the student’s transition by the student’s parents and other persons, if the parent or other persons invited to participate by the student’s parents or New Frontiers Public Schools.
3. If the student is at least 18 years of age, involvement in the student’s transition and future by the student’s parents and other persons, if the parent or other person is invited to participate by the student or New Frontiers Public Schools or has the student’s consent to participate pursuant to a supported decision-making agreement under Texas Estates Code, Chapter 1357;
4. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
5. An appropriate functional vocational evaluation;
6. Appropriate employment goals and objectives;
7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student’s transition goals and objectives;
8. Appropriate independent living goals and objectives;
9. Appropriate circumstances for facilitating a referral of a student or the student’s parents to a governmental agency for services or public benefits; and
10. The use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills and supports and services to foster the student’s independence and self-determination, including a supported decision-making agreement under Texas Estates Code, Chapter 157.

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

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

The student’s ARD committee shall annually review and, if necessary, update relevant portions of the student’s IEP.

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

### **SECTION 3 Transition and Employment Guide**

New Frontiers Public Schools shall utilize the transition and employment guide developed by the Texas Education Agency for use with students enrolled in special education programs and their parents, as appropriate. Specifically, New Frontiers Public Schools shall:

1. Post the transition and employment guide on the New Frontiers Public Schools website;
2. Provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:
  - a) The first ARD committee meetings at which transition is discussed; and
  - b) The first ARD committee meeting at which transition is discussed that occurs after the guide is updated; and
3. On request, provide a printed copy of the guide to a student or parent.

*Education Code 29.0112(a)(3).*

### **SECTION 4 Graduation**

Graduation with a regular high school diploma under 19 TAC 89.1070(b)(1), (b)(2)(D), (g)(1), (g)(2), or (g), or (g)(4)(D) terminates a student’s eligibility for special education services. For students who receive a diploma according to 19 TAC 89.1070(b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C), the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements.

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

New Frontiers Public Schools is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a free appropriate public education under state law.

New Frontiers Public Schools shall provide the child with a summary of the child’s academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s postsecondary goals.

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

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## 400.190 TITLE I SERVICES

### SECTION 1 Receipt of Title I Funds

New Frontiers Public Schools (NFPS) may receive funds under Title I, Part A only if NFPS conducts outreach to all parents and family members and 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. 20 U.S.C. 6318(a)(1).

#### **a) *New Frontiers Public Schools Policy***

If NFPS receives Title I, Part A funds, NFPS shall develop jointly with, agree on with, and distribute to parents and family members of participating children a written parent and family engagement policy. The policy shall be incorporated into a school plan developed under 20 U.S.C. 6312, establish NFPS's expectations and objectives for meaningful parent and family involvement, and describe how NFPS will:

1. Involve parents and family members in jointly developing the district plan under 20 U.S.C. 6312, and the development of support and improvement plans under paragraphs (1) and (2) of 20 U.S.C. 6311(d);
2. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within NFPS in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
3. Coordinate and integrate parent and family engagement strategies under Title I, Part A with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant federal, state, and local laws and programs;
4. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under Title I, Part A, including identifying:
  - a. Barriers to greater participation by parents in activities authorized by section 6318 (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);
  - b. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
  - c. Strategies to support successful school and family interactions;
5. Use the findings of the above evaluation to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in section 6318; and
6. Involve parents in the activities of the schools served under Title I, Part A, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by NFPS to adequately represent the needs of the population served by NFPS for the purposes of developing, revising, and reviewing the parent and family engagement policy.

20 U.S.C. 6318(a)(2).

#### **b) *Campus Policy***

Each NFPS campus served under Title I, Part A shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family involvement policy, agreed

on by such parents, that shall describe the means for carrying out the requirements of 20 U.S.C. 6318(c)–(f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. 20 U.S.C. 6318(b).

**c) *Comparability of Services***

NFPS may receive Title I, Part A funds for any fiscal year only if the Texas Education Agency (TEA) finds that NFPS has maintained its fiscal effort in accordance with 20 U.S.C. 7901. 20 U.S.C. 6321(a).

NFPS shall use federal funds received under Title I, Part A only to supplement, not supplant, the funds that would, in the absence of such federal funds, be made available from state and local sources for the education of students participating in programs assisted under Part A. *20 U.S.C. 6321(b)*.

NFPS may receive Title I, Part A funds only if state and local funds will be used in Title I, Part A schools to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I, Part A funds. NFPS may meet this requirement on a grade-span basis or a school-by-school basis.

For purposes of determining comparability, NFPS may exclude state and local funds expended on language instruction educational programs and the excess costs of providing services to children with disabilities as determined by NFPS.

NFPS will be considered to have met the comparability requirements if NFPS has filed with TEA a written assurance that NFPS has established and implemented:

1. A district-wide salary schedule;
2. A policy to ensure equivalence among schools in teachers, administrators, and other staff; and
3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

*20 U.S.C. 6321(c)*.

**d) *Prohibited Use of Funds***

No funds received through the Elementary and Secondary Education Act (ESEA) may be used:

1. For construction, renovation, or repair of any school facility, except as authorized under ESEA;
2. For transportation unless otherwise authorized under ESEA;
3. To develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
4. To distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;
5. To provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
6. To operate a program of contraceptive distribution in schools.

*20 U.S.C. 7906*.

## **SECTION 2 Homeless Children**

As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, NFPS shall serve homeless children according to their best interests. *42 U.S.C. 11432.*

## **SECTION 3 Foster Care Transportation**

As a condition to receiving funds under Title I, Part A, NFPS shall collaborate with the state or local child welfare agency to:

1. Ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with 42 U.S.C. 675(4)(A) and to the extent required by law; and
2. Ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, NFPS will, to the extent required by law, provide transportation to the school of origin if:
  - a. The local child welfare agency agrees to reimburse NFPS for the cost of transportation;
  - b. NFPS agrees to pay the cost of transportation; or
  - c. NFPS and the local welfare agency agree to share the cost of such transportation.

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

## **400.200 HEALTH**

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

### **SECTION 1 Head Lice**

When a student is suspected of having head lice, the school nurse shall inspect the child. Students shall be inspected by the school nurse or other school official with consideration for privacy and confidentiality.

When the school nurse determines or otherwise becomes aware that a child enrolled in an elementary grade has lice, NFPS shall:

1. Provide written/electronic notice and call the parent of the child with lice as soon as possible, but not later than 48 hours after the administrator or nurse, as applicable, determines or becomes aware of that fact. Educational materials about treatment and prevention may be given to the parent/guardian as well as discounted treatments.
2. The parent of each child assigned to the same classroom as the child with lice not later than the fifth school day after the date on which <<School Name>> determines or becomes aware of that fact.

The notices provided to parents will include the recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of lice, and the notice to the parent of each child assigned to the same classroom as the child with lice (as described in item 2 above) may not identify the child with lice.

### **SECTION 2 Immunizations & Reportable Diseases**

The CEO/Superintendent, or designee, of New Frontiers Public Schools shall ensure compliance with immunization laws and regulations and that NFPS complies with laws and regulations regarding

reportable diseases.

### **Section 2.1 Immunization Records**

New Frontiers Public Schools shall keep an individual immunization record during the period of attendance for each student admitted. The records shall be sufficient for a valid audit or other assessment to be completed. The records shall be open for inspection at all reasonable times by the Texas Education Agency, local health departments, or the TDSHS. Immunization records may be maintained in paper and/or electronic form. *Education Code 38.002(a); 25 TAC 97.67.*

New Frontiers Public Schools shall cooperate in transferring students' immunization records to other schools. Specific approval from students, parents, or guardians is not required before transferring those records. *Education Code 38.002(b).*

### **Section 2.2 HIV/AIDS Status:**

a. Equitable Treatment - Students with HIV/AIDS have the right to attend school and expect equitable treatment. HIV/AIDS is not a communicable condition for which a child must be excluded from school. A student may not be excluded child from attendance at school or school-related activities solely because of the child's known or suspected HIV status.

b. Confidentiality - Disclosure of a student's HIV status is a violation of federal and state law. Knowledge of the HIV status of a child shall be kept confidential by school personnel and shall not be released without the consent of the parent or legal guardian of the child except where release is required or authorized by law. A school teacher does not have a right to know the HIV/AIDS status of a student and may not ask the HIV/AIDS status of a student. Administrators and nurses should help teachers to understand the district's policy regarding students with HIV/AIDS.

c. Reporting - The school superintendent or school's designee shall determine if the school has an obligation to report a student's HIV status. The school superintendent or school's designee must make a report to the Department of State Health Services or other local health authority if he or she determines that the school has an obligation to report a student's HIV status.

### **Section 2.3 Exclusion from School**

Principals shall exclude from attendance any student suffering from a communicable condition listed in 25 TAC 97.7(a) until the readmission criteria for the condition are satisfied. 25 TAC 97.7(a).

Additionally, Principals shall exclude from attendance any student having or suspected of having a communicable disease designated by the Commissioner of State Health Services as a cause for exclusion. A child excluded for such reason may be readmitted, as determined by the health authority, by:

1. Submitting a certificate of an attending physician, advanced practice nurse, or physician assistant attesting that the child does not currently have signs or symptoms of a communicable disease or to the disease's non-communicability in a school setting;
2. Submitting a permit for readmission issued by a local health authority; or
3. Meeting readmission criteria set by the Commissioner of State Health Services.

### **Section 2.4 Bacterial Meningitis**

In accordance with guidelines provided by the Texas Education Agency, New frontiers Public Schools shall provide information relating to bacterial meningitis to its students and their parents each school year in a manner ensuring that the information is reasonably likely to come to the attention of the parents of each student. Education Code 38.0025.

### **SECTION 3 Care for Students At-Risk for Anaphylaxis**

#### **Section 3.1 Students at Risk for Anaphylaxis**

##### **a. Welfare Plan**

The Board shall adopt and implement a plan for the care of students with a diagnosed food allergy at risk for anaphylaxis based on “*Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis*,” as developed by the Commissioner of State Health Services.

The Board shall annually review and, as necessary, revise its policy for the care of students with a diagnosed food allergy risk for anaphylaxis to ensure the policy is consistent with the most current version of the “*Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis*.”

The adoption and implementation of such plan does not waive any liability or immunity of New Frontiers Public Schools or its officers or employees, or create any liability for or cause of action against New Frontiers Public Schools or its officers or employees.

##### **b. Required Website Posting**

Each school year, New Frontiers Public Schools shall post a summary of the “*Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis*” on the New Frontiers Public Schools website, including instructions on obtaining access to the complete guidelines document. The New Frontiers Public Schools website must be accessible by each enrolled student and a parent or guardian of each student.

Any forms used by New Frontiers Public Schools requesting information from a parent or guardian enrolling a child with a food allergy must include information to access on New Frontiers Public School’s website a summary of the guidelines and instructions on obtaining access to the complete guidelines document.

Education Code 38.0151(b).

#### **Section 3.2 Food Allergy Management**

The Superintendent or designee shall develop and implement a student food allergy management plan for students at risk for anaphylaxis that incorporates the following components:

##### **a. General Procedures**

Procedures to limit the potential health risks to students with food allergies will include:

1. Specialized training for the employees responsible for the development, implementation, and monitoring of New Frontiers Public Schools’ food allergy management plan;
2. Training for employees regarding signs and symptoms of food allergies and emergency response in the event of an anaphylactic reaction;
3. General strategies to reduce the risk of exposure to common food allergies;



4. Methods for requesting and obtaining food allergy information from the parent of a student with a diagnosed food allergy; and
5. The annual review of New Frontiers Public School’s food allergy management plan.

b. Students at Risk for Anaphylaxis

1. Procedures for the care of students with diagnosed food allergies who are at risk for anaphylaxis will include: Development and implementation of food allergy action plans, emergency action plans, and Section 504 plans, as appropriate;
2. Training, as necessary, for employees, including strategies for reducing student risk of exposure to diagnosed allergens; and
3. Periodic review of general procedures to limit the potential health risks to students.

c. Distribution

The Superintendent shall distribute information regarding this policy and New Frontiers Public School’s food allergy management plan annually in the student handbook. Information will also be made available at each New Frontiers Public Schools campus.

### **Section 3.3 Seizure Management and Treatment Plans**

a. General Requirements

The parent or guardian of a student with a seizure disorder may seek care for the student’s seizures while the student is at school or participating in a school activity by submitting to New Frontiers Public Schools a copy of a seizure management and treatment plan developed by the student’s parent or guardian and the physician responsible for the student’s seizure treatment. The plan must be submitted to and reviewed by New Frontiers Public Schools:

1. Before or at the beginning of the school year;
2. On enrollment of the student if the student enrolls after the beginning of the school year; or
3. As soon as practicable following a diagnosis of a seizure disorder for the student.

*Education Code 38.032(a).*

b. Seizure Management and Treatment Plan Requirements

A seizure management and treatment plan must:

1. Identify the health care services the student may receive at school or while participating in a school activity;
2. Evaluate the student’s ability to manage and level of understanding of the student’s seizures; and
3. Be signed by the student’s parent or guardian and the physician responsible for the student’s seizure treatment.

Education Code 38.032(b).

c. Immunity Protections

The care of a student with a seizure disorder by a New Frontiers Public Schools employee under a seizure management plan is incident to or within the scope of the duties of the employee’s position of employment and involves the exercise of judgment or discretion on the part of the

employee for purposes of Education Code 22.0511. Education Code 38.032(c).

The immunity from liability provided by Education Code 22.0511 applies to an action or failure to act by a New Frontiers Public Schools employee in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure management plan submitted for the student. Education Code 38.032(d).

## **SECTION 4 Administration of Prescription Medication**

All medications administered to students shall be FDA-approved pharmaceuticals administered within their approved dosage and within standards of acceptable medical regimen. Research pharmaceuticals may be administered if they are a part of a University Institutional Review Board-approved protocol. Intravenous (IV) medications and treatments shall not be administered by NFPS personnel.

### **Section 4.1 Authorized Employees**

NFPS employees shall not give any student prescription medication, nonprescription medication, herbal substances, or dietary supplements of any type, except as provided below. Employees authorized by the Superintendent or designee may administer to students:

#### **a) Administering Prescription Medication**

Prescription medication upon written request to administer the medication from the student's parent, guardian, or other person having legal control of the student. When administering prescription medication, the medication must be administered either:

1. From a container that appears to be from the original container and properly labeled; or
2. From a properly labeled unit dosage container filled by a registered nurse from a container that appears to be the original container and to be properly labeled.

All prescription medications shall have been prescribed by a physician licensed to practice medicine in the United States. All medications shall have been manufactured in the United States.

*Texas Department of State Health Services Guide to Medication Administration in the School Setting*

#### **b) Administering Nonprescription Medication**

##### **i. Nonprescription Medication Administered upon Parent Request**

When properly labeled and in the original container; nonprescription medication may be administered by authorized NFPS personnel upon a parent's written request, or if required by the individualized education program ("IEP") or Section 504 plan of a student with disabilities.

##### **ii. Nonprescription Medication Administered on Emergency Basis**

Authorized NFPS personnel may administer nonprescription medication on an emergency basis and consistent with protocols established by NFPS's medical adviser.

1. **Parental Consent and Parental Notice.** Parental consent is not required for the administration of nonprescription medication on an emergency basis under this policy, but a parent or guardian may provide written notice to a campus principal or designee if conditions exist in which their child should not receive epinephrine or an opioid

antagonist medication. The School shall provide notice to parents regarding this policy, including notice of any change to or discontinuation of this policy.

2. Epinephrine. The Board authorizes school personnel who have agreed in writing and been adequately trained to administer an unassigned epinephrine auto-injector in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.
3. Opioid Antagonist Medication. The Board authorizes school personnel who have agreed in writing and been adequately trained to administer an Opioid Antagonist Medication in accordance with law and this policy. Administration of an Opioid Antagonist Medication, such as Narcan, shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing an opioid-related overdose.
4. Purchase of Non-Assigned Emergency Medication. The Board authorizes purchase of Epinephrine and Opioid Antagonist Medication for use in a manner consistent with this policy and determines that such purchases are necessary in the conduct of the public school.
5. Administrative Regulations Required. The Superintendent shall develop administrative regulations to manage the implementation of this policy in accordance with law and best practices disseminated by medical professionals, law enforcement, state and federal health agencies, and other credible health organizations. The administrative regulations shall address administering the authorized medication, training requirements for authorized staff, the process for the acquisition or purchase of the authorized medication, and the maintenance, expiration, disposal, and availability of the authorized medication at each campus.

c) Herbal Substances or Dietary Supplements

Herbal substances or dietary supplements may be administered by authorized NFPS personnel only if required by the IEP or Section 504 plan of a student with disabilities.

d) Provision of Medication Off-Campus at School-Sponsored Events

For any NFPS student attending a field trip or off-campus school-sponsored event, any prescription medication that NFPS is required to administer under this policy shall be sent with the student's teacher or another staff member trained in the proper administration of medication and who has been authorized to administer medication by the Superintendent or designee, along with instructions on the administration of the medication.

In addition to trained and authorized NFPS teacher(s) and/or nurse(s), a licensed physician in Texas, a registered nurse licensed in Texas, or a vocational nurse licensed in Texas may serve as a NFPS volunteer to administer prescription and non-prescription medication in accordance with this policy when on field trips and/or off-campus or on school-sponsored events. Prior to being allowed to do so, such individuals must meet with the school nurse for instruction and training on administration of medication for applicable students.

Nonprescription medication(s) generally are not administered by NFPS during field trips and/or off-campus or on school-sponsored events.

In the event of an emergency medical situation involving a NFPS student for which no NFPS

employee was previously aware and that occurs during a field trip and/or during an off-campus, school-sponsored event when no school nurse is present, emergency medical services shall immediately be notified by any NFPS employee in attendance

#### **Section 4.2 Reporting**

The Executive Director 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 4.3 Training for Authorized Personnel**

The Executive Director shall ensure that all authorized persons complete mandatory training on an annual basis.

Frank L. Madla ECHS campus will maintain a record of completed trainings.

#### **Section 4.4 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 5 Psychotropic Medication**

#### **Section 5.1 Employee Prohibition**

Except as permitted by Education Code 38.016, a NFPS employee shall not:

1. Recommend to a student, parent that the student use a psychotropic drug;

2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

## **SECTION 6 Prohibition of Tobacco and Alcohol**

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

New Frontiers Public School's students are also prohibited from possessing tobacco products at a school-related or school-sanctioned activity, on or off school property. The CEO/Superintendent shall ensure that this prohibition is enforced by school personnel.

## **SECTION 7 Posting of Steroid Notice**

The Superintendent or designee shall ensure that the notice regarding legal restrictions on anabolic steroids required by Education Code 38.008 is posted in a conspicuous location in the gymnasium of each school in which there is a grade level of seven or higher and in each other place in a building where physical education classes are conducted.

## **SECTION 8 Medical Treatment**

### **Consent to Medical Treatment**

NFPS may consent to medical, dental, psychological, and surgical treatment of an enrolled student provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4).

#### a) Form of Consent

Consent to medical treatment shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student;
2. The name of one or both parents or legal guardians, if known, and the name of the managing conservator or guardian of the student, if either has been appointed;
3. The name of the person giving consent and the person's relation to the student;
4. A statement of the nature of the medical treatment to be given; and
5. The date on which the treatment is to begin.

*Family Code 32.002.*

#### b) Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is on active duty with the armed services of the United States of America;
2. Is 16 years of age and residing separate and apart from the minor's parents,

- managing conservator, or guardian, with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
- 3. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services, including all reportable diseases under Health and Safety Code 81.041;
- 4. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy;
- 5. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use; or
- 6. Is unmarried, is the parent of a child, and has actual custody of his or her child and consents to medical, dental, psychological, or surgical treatment for the child.

*Family Code 32.003.*

c) Purchasing Medication

NFPS shall not purchase nonprescription medication to administer to a student except as permitted under Board Policy 3.15 relating to the purchase of Epinephrine or Opioid Antagonist Medication for administration on emergency basis.

**Sunscreen Products**

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. Education Code 38.021.

**Self-Administration of Asthma or Anaphylaxis Medicine**

A student with asthma or anaphylaxis may 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 NFPS.
  - 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, signed by the student’s physician or other licensed health care 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 for 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.

The physician’s statement must be kept on file in the school nurse’s office, or, if there is no school nurse, in the office of the Principal of the school the student attends.

*Education Code 38.015.*

**Dietary Supplements**

A NFPS employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee’s school duties; or
2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee’s school duties.

*Education Code 38.011(a), (c).*

**Prescription Medication and Special Education Students**

An NFPS employee is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services. An employee is not prohibited from consulting or sharing classroom-based observations with parents or guardians regarding a student’s academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services. 20 U.S.C. 1412(a)(25).

**Student Illness**

The Superintendent or designee shall establish procedures to ensure that proper attention is given to a student who becomes ill during the school day.

**400.210. WELLNESS**

New Frontiers Public Schools shall follow nutrition guidelines that advance student health and reduce childhood obesity and shall promote the general wellness of all students by implementing measurable goals to promote sound nutrition and health through nutrition education, physical activity, and other school-based activities.

**Section 1 Development of Local Wellness Plan**

The Superintendent or designee shall appoint a school wellness council (“SWC”) to review and consider evidence-based strategies and techniques and to develop nutrition guidelines and wellness goals as required by law. In developing, implementing, and reviewing the guidelines and goals of the local wellness plan, the SWC will allow participation by parents; students; representatives of New Frontiers Public School’s food service provider; New Frontiers Public Schools physical education teachers, campus and/or district-level administrators, and school health professionals; Board members; and community members.

The SWC shall develop a wellness policy to implement New Frontiers Public School’s nutrition guidelines and goals. The local wellness plan must address, at a minimum:

1. Strategies for soliciting involvement by and input from individuals interested in the wellness plan and policy;
2. Activities, benchmarks, and objectives for implementing wellness goals;
3. Methods for measuring implementation of wellness goals;
4. New Frontiers Public School’s standards for foods and beverages provided (but not sold) to students during the school day and while on campus; and
5. Methods for communicating to the public information about New Frontiers Public School’s local wellness plan.

The SWC will review and revise the wellness plan on a regular basis, and recommend revisions to the plan when necessary.

### **Section 2 Nutrition Guidelines**

New Frontiers Public School’s nutrition guidelines for reimbursable school meals and other foods and beverages sold or marketed to students during the school day will be designed to promote student health and reduce childhood obesity and shall be at least as restrictive as federal regulations and guidance, except when New Frontiers Public Schools allows an exemption for allowable fundraising activities.

New Frontiers Public Schools shall also establish standards for all foods and beverages provided (but not sold) to students during the school day; these standards must be included in the school wellness plan.

### **Section 3 Wellness Goals**

#### **a. Nutrition Education**

New Frontiers Public Schools shall implement, in accordance with law, a coordinated health program with a nutrition education component and shall use health course curriculum that emphasizes the importance of proper nutrition. This program will encourage participation in the National School Lunch Program, the School Breakfast Program, and any other supplemental nutrition and food programs offered by New Frontiers Public Schools.

Additionally, New Frontiers Public Schools establishes the following goals for nutrition education:

1. Students will receive nutrition education that fosters the adoption and maintenance of healthy eating behaviors.
2. Nutrition education will be a New Frontiers Public Schools-wide priority and will be integrated into other areas of the curriculum, as appropriate.
3. Staff responsible for nutrition education will be adequately prepared and will participate in professional development activities to effectively deliver the program as planned.
4. The food service staff, teachers, and other school personnel will coordinate the promotion of nutrition messages in the cafeteria, the classroom, and other appropriate settings.
5. Educational nutrition information will be shared with families and the general public to positively influence the health of students and community members.



b. Physical Activity

New Frontiers Public Schools shall implement, in accordance with law, a coordinated health program with physical education and physical activity components and shall offer at least the amount of physical activity for all grades required by the Texas Education Code or Commissioner Rule.

In addition, New Frontiers Public Schools establishes the following goals for physical activity:

1. New Frontiers Public Schools will provide an environment that fosters safe and enjoyable fitness activities for all students, including those who are not participating in competitive sports.
2. Physical education classes will regularly emphasize moderate to vigorous activity.
3. New Frontiers Public Schools will encourage teachers to integrate physical activity into the academic curriculum where appropriate.
4. New Frontiers Public Schools will encourage parents to support their children’s participation, to be active role models, and to include physical activity in family events.

c. Other School-Based Activities

New Frontiers Public Schools establishes the following goals for creating an environment conducive to healthy nutrition and physical activity and to promote a consistent wellness message to the school community:

1. New Frontiers Public Schools shall allow sufficient time for students to eat meals in facilities that are clean, comfortable, and safe.
2. New Frontiers Public Schools shall promote employee wellness activities and involvement at suitable school activities.

**Section 4 Implementation**

The Superintendent or designee shall oversee the implementation of this policy and the development of the local wellness plan and appropriate administrative procedures related to this wellness policy.

**Section 5 Evaluation**

New Frontiers Public Schools shall comply with federal requirements for evaluating this policy and the wellness plan. Generally, New Frontiers Public School’s compliance with the local wellness plan shall be assessed at least once every three years. The Superintendent or designee shall conduct the assessment, which will consider:

1. The extent to which each school is in compliance with the local school wellness policy;
2. The extent to which the local school wellness policy aligns with model local school wellness policies; and

A description of the progress made toward attaining the goals described in the local wellness plan.

**Section 6 Public Notification**

New Frontiers Public Schools must annually inform and update the public about the content and implementation of this wellness policy, and make the policy and any updates, along with the local wellness plan and program assessments, available to the public.

**400.220. STUDENT SAFETY**

The governing body (“Board”) of New Frontiers Public Schools 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 and Student/Parent Handbook**

The principal of each New Frontiers Public Schools campus shall ensure that the handbooks shall be made available on the NFPS website at the beginning of the school year; hard copy shall be provided upon request. Amendments to the handbook shall be communicated promptly to students and parents.

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

### **Section 2.1 Transfers for School Safety Purposes**

A parent of a student who becomes a victim of a violent criminal offense, as defined below, or who is assigned to a campus assigned by the Texas Education Agency (“TEA”) as persistently dangerous shall be offered an opportunity to transfer to a safe public or charter school within New Frontiers Public Schools.

For each school safety transfer request, New Frontiers shall explore appropriate transfer options. These options may include a transfer agreement with or enrollment in a neighboring school district or, if New Frontiers Public Schools operates more than one campus, a transfer to another New Frontiers campus or school that serves the appropriate grade level.

### **Section 2.2 Transfers for Victims of Violent Criminal Offenses**

A student is considered to be a victim of a violent criminal offense if the student is a victim of one of the following Penal Code offenses while in or on the grounds of the school the student attends:

- a) Attempted murder;
- b) Indecency with a child;
- c) Aggravated kidnapping;
- d) Assault resulting in bodily injury or aggravated assault;
- e) Sexual assault or aggravated sexual assault; or
- f) Aggravated robbery

Within 14 calendar days after a violent criminal offense occurs in or on the grounds of the

school the student attends, New Frontiers Public Schools will notify the parent of the student victim of the parent's right to request a transfer. The parent must then submit a written application for transfer to the CEO/Superintendent or designee. The CEO/Superintendent or designee will approve or disapprove the request within 14 calendar days after receipt.

A transfer arranged for any student who is the victim of a violent criminal offense will be renewed for as long as the threat to the students exists at the campus from which the student transferred. The parent of the student victim shall be notified of the parent's right to request renewal of the transfer. Such notice shall be provided a least 14 calendar days prior to the start of the school year. The parent must then submit a written renewal application for the transfer to the CEO/Superintendent or designee. The CEO/Superintendent or designee will approve or disapprove the renewal within 14 calendar days after receipt.

For each violent criminal offense, New Frontiers Public Schools shall maintain, for at least 5 years, documentation reflecting the date and nature of the offense, notice provided to the parent concerning the transfer option, any submitted transfer application, action taken in response to a transfer application, and other relevant victim data information concerning the offense.

### **Section 2.3 Transfer from a Persistently Dangerous School**

A parent of a student attending a school identified by the TEA as persistently dangerous shall be notified of the parent's right to request a transfer. Such notice shall be provided at least 14 calendar days prior to the start of the school year or, if a student enrolls after the school year begins, upon the student's enrollment.

In order to request a transfer for safety reasons, a parent must submit a written transfer application to the CEO/Superintendent or designee. The CEO/Superintendent or designee will complete the transfer prior to the start of the school year or, if applicable, within 14 calendar days of the request for a student who enrolls after the school year begins.

A transfer arrangement for a student from a campus identified by the TEA as persistently dangerous will be renewed so long as the campus from which the student transferred remains identified by the TEA as persistently dangerous. The parent of the student shall be notified of the parent's right to request renewal of the transfer. Such notice shall be provided at least 14 calendar days prior to the start of the school year. The parent must then submit a written renewal application for the transfer to the CEO/Superintendent or designee. The CEO/Superintendent or designee will approve or disapprove the renewal within 14 calendar days after receipt.

New Frontiers Public Schools shall maintain, in accordance with its adopted record retention schedule and/or the state's record retention schedule for school records, documentation of notice to parents of the transfer options, transfer applications submitted, and actions taken in response to transfer applications.

## **SECTION 3 Child Abuse, Maltreatment and Neglect**

### **Section 3.1 Sexual Abuse of Children, Neglect and Maltreatment of Children**

- a. The CEO/Superintendent or designee shall develop and implement procedures detailing methods to increase staff and, student and parent awareness of sexual abuse and other maltreatment of children, including prevention techniques and knowledge of likely warning signs.
- b. The CEO/Superintendent or designee shall be responsible for having a safety plan develop 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 CEO/Superintendent or designee, any charter school staff member may annually receive training in these areas.
- b. The CEO/Superintendent or designee shall ensure that training under this section shall comport with legally mandated criteria.

### **Section 3.3 Reporting Child Abuse**

A New Frontiers Public Schools 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 CEO/Superintendent or designee shall ensure notice of this requirement is disseminated to all employees, volunteers, and agents.

The CEO/Superintendent, or designee, shall ensure that New Frontiers Public Schools 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**

All NFPS personnel will be trained in visitor procedures at the beginning of each school year during staff development prior to students arriving for the school year. All personnel in attendance will be required to confirm their attendance by confirming that training was received by using their signature on specific training form.

This type of training will be afforded to new personnel and/or anyone that missed the required training. Training will be conducted and/or organized by the Human Resources department.

The CEO/Superintendent or designee shall ensure conspicuous signs are posted at each campus entrance requiring all visitors to sign-in at the school campus administrative office. All visitors, including law enforcement, must present one of the following before school personnel can offer any visitor a pass and/or badge. Those are as follows:

- State issued Identification Card (ID)
- State issued Driver's License (DL)
- Valid Military Identification Card (MID)
- Valid Passport

New Frontiers Public Schools 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. If no issues arise, visitor(s) will be issued dated identification pass and/or badge and shall be worn during the visit. The dated identification pass/ badge will list the destination/reason being visited. The pass/ badge will only provide limited access to avoid the disruption of instruction. A designated area will be provided by the school administration where the visitor may visit with the identified person/ student.

#### **Section 4.2 Visitor Conduct**

New Frontiers Public Schools invites and welcomes parents and other members of the public to its schools. New Frontiers Public Schools is committed to treating parents and other community members with respect and expects the same in return. To that end, New Frontiers Public Schools must keep schools and administrative offices free from disruptions and prevent unauthorized persons from entering the schools and school grounds.

Accordingly, this policy promotes mutual respect, civility, and orderly conduct among New Frontiers Public Schools employees, parents, students, volunteers and the public. New Frontiers Public Schools seeks to maintain to the extent possible and reasonable, a safe, harassment-free workplace for students and staff. In the interest of presenting teachers and other employees as positive role models, New Frontiers Public Schools encourages positive communication and discourages volatile, hostile, or aggressive actions. New Frontiers Public Schools seeks and encourages patrons to cooperate with this endeavor.

New Frontiers Public Schools recognizes the importance of employees, students, and parents engaging, collaborating, and sharing in digital environments. Accordingly, the use of technology on New Frontiers Public Schools property and at school-sponsored events shall be appropriate, not disruptive to the educational environment, and not detrimental to the safety of employees and students. It must also be in compliance with other applicable New Frontiers Public Schools policies.

An individual engaging in disruptive behavior shall be required to leave New Frontiers Public Schools property. Any individual who disrupts or threatens to disrupt school or office operations, threatens the health and safety of students or staff, willfully causes property damage, uses loud and/or offensive language that could provoke a violent reaction, or who has otherwise established a pattern of unauthorized entry on New Frontiers Public Schools property shall be directed to leave New Frontiers Public Schools property by the Principal or other administrator. In certain circumstances, a criminal trespass warning may also be issued, or law enforcement contacted. This trespass notice may be appealed pursuant to the district's student and parent grievance policy Module 300 - General School Operations, section 300.080.

#### **Section 4.3 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:

- To attend a conference at the school with school personnel to discuss the academic and/or social progress of the parent/guardian’s child;
- When the principal has requested the parent/guardian’s presence for any other reason concerning the parent/guardian’s child; or
- To pick up their child from school.

b. Requirements for the Exception to Apply:

- 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.
- The principal shall notify the administrative offices of the parent/guardian’s intent to visit.
- The parent/guardian must check in at the campus administrative office upon arrival and departure from the school.
- The parent/guardian must remain under the direct supervision of staff at all times.

**Section 4.3 Protective Orders**

New Frontiers Public School personnel shall comply with all legal restraining and protective orders pertaining to students enrolled in New Frontiers Public Schools.

**SECTION 5 Weapon and Concealed Handgun Prohibition**

**Section 5.1 Weapons Prohibited**

New Frontiers Public Schools prohibits the use or possession of any firearm, illegal

**Section 5.2 Handgun Prohibition**

New Frontiers Public Schools prohibits the use or possession of a handgun on all campuses and property, even if the handgun is carried by a licensed handgun holder. The CEO/Superintendent or designee 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 handgun.”

Or: “Pursuant to Section 30.07, Penal Code (trespass by holder of a license to carry a handgun), a person licensed under Subchapter H, Chapter 411, Government Code (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:

- the use of hazardous chemicals;
- the use of hot liquids or solids;
- the use of molten materials;
- performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
- milling, sawing, turning, shaping, cutting, or stamping of any solid materials’
- heat treatment, tempering, or kiln firing of any metal or other materials;
- cutting, welding, or brazing operations;
- the use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
- repair or servicing of any vehicle; or
- 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 New Frontiers Public School’s concussion oversight team:

1. Coach
2. School Nurse

### **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 inter- scholastic athletics practice or competition following the force or impact believed to have caused a concussion.

### **Section 7.3 Training**

The CEO/Superintendent or designee 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 New Frontiers Public School’s computers, computer networks, electronic mail, and the Internet is for educational and administrative purposes. The CEO/Superintendent or designee shall require all users to agree in writing to comply with New Frontiers 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 CEO/Superintendent or designee shall ensure that New Frontiers Public Schools utilizes a filtering device or software that prevents any New Frontiers Public Schools computer, and New Frontiers Public School's Internet service, from accessing material that is obscene, child pornography, or harmful to minors.

### **Section 8.3. Internet Safety**

The CEO/Superintendent or designee shall implement a safety plan that ensures:

- Online activities of minors are monitored at the discretion of the CEO/Superintendent or designee;
- Students' Internet access to inappropriate material is controlled;
- Students' safety is ensured when using electronic communication, including, but not limited to electronic mail, social networking sites, and chat rooms;
- The prevention of unauthorized access, including hacking, and other unlawful activities;
- The prevention of the unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- 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 New Frontiers Public School's computers and/or Internet system is not confidential and may be monitored by designated New Frontiers Public Schools personnel to ensure appropriate use.

## **SECTION 9 Prohibitions Against Harassment, Intimidation, or Bullying**

New Frontiers Public Schools strives to provide students and staff with a school environment free from harassment, intimidation and bullying.

### **Section 9.1 Prohibition**

New Frontiers Public Schools explicitly prohibits harassment, intimidation, and/or bullying on the basis of race, color, national origin, sex, disability, age, sexual orientation, and/or religion. New Frontiers Public Schools 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**

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**

New Frontiers Public Schools 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 New Frontiers Public Schools employee, adult volunteer, contractor, or agent who is not involved in the alleged harassment, intimidation or bullying. Any New Frontiers Public Schools 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 Conduct Requiring Action**

The Superintendent/CEO or designee shall ensure that New Frontiers Public Schools and, if applicable, New Frontiers Public Schools, protects its students from bullying, intimidation and discriminatory harassment.

### **Section 9.5 CEO/Superintendent Responsibilities**

The CEO/Superintendent shall take appropriate actions to ensure New Frontiers Public Schools L's Harassment, Intimidation and Bullying policy and procedures are enforced.

The CEO/Superintendent or Designee shall develop procedures to implement this policy that include:

- An absolute prohibition against harassment, intimidation, or bullying;
- A method to ensure initial and annual dissemination of this policy and associated procedures to all students, parents, teachers, administrators and all other New Frontiers Public Schools employees, volunteers, contractors, and agents;
- Annually disseminating age-appropriate information to students on the recognition and prevention of harassment, intimidation, or bullying;
- Annual staff development training in harassment, intimidation, and bullying prevention, awareness, and reporting.
- Identification of school officials responsible for investigating reports and making decisions based on the outcome of the investigation;
- Procedures for reporting incidents and the immediate, appropriate, and impartial investigation of incidents which includes:
- Prompt notification of the parents of all students involved;
- Procedures for resolving complaints that include proper application of consequences consistent with New Frontiers Public Schools Student Code of Conduct and with consideration for state and federal IDEA requirements;

- Procedures for parties to appeal the determination of the investigation;
- Sets out available counseling options for a student who is a victim of discrimination, harassment, intimidation, and/or bullying; and
- Sets out available counseling options for a student who engaged in conduct that was harassing, intimidating, and/or bullying.

Investigating the circumstances of the incident, including events or incidents that preceded the incident;

- Prompt notification of the parents of all students involved;
- Procedures for resolving complaints that include proper application of consequences consistent with New Frontiers Public Schools policy and with consideration for state and federal IDEA requirements;
- Procedures for parties to appeal the determination of the investigation;
- Sets out available counseling options for a student who is a victim of harassment, intimidation, and/or bullying; and
- 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 CEO/Superintendent or designee must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent harassment from recurring. Any steps taken to remediate the situation should not penalize the student who was harassed, intimidated, and/or bullied.

### **Section 9.6 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 9.7 Compensatory Services**

New Frontiers Public Schools 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 9.8 Retaliation Prohibited**

New Frontiers Public Schools 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 CEO after

consideration of the nature and circumstances of the act, in accordance with New Frontiers Public Schools policies and procedures. Individuals who intentionally fabricate allegations of harassment, intimidation or bullying may be subject to disciplinary action in accordance with New Frontiers Public Schools policies and procedures.

#### **400.230 MISCELLANEOUS PROVISIONS RELATING TO STUDENTS**

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

##### **SECTION 1 Religious Discrimination Prohibited**

New Frontiers Public Schools prohibits discrimination, harassment, or retaliation on the basis of religion. A student enrolled at NFPS has the right to silently pray or meditate at NFPS so long as it does not disrupt the instructional or other activities of the school. NFPS 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**

School Counselor is appointed the homeless liaison of New Frontiers Public Schools.

###### **Section 2.2 Compliance**

The CEO/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**

###### **1. Middle School - NFCS Family & Community Engagement Policy, Title 1 Program**

New Frontiers Public Schools (NFPS) will follow the parent involvement policy guidelines in accordance with Every Student Succeeds Act (ESSA). NFPS will distribute and make this Family and Community Engagement Policy readily available to the parents of each student participating in the School-wide Title 1 program and with parent input, update the policy annually.

The Family and Community Engagement Policy will support student achievement and incorporate all level of involvement to include: parenting, communication, volunteering, learning at home, decision making, and collaborating with the community (Epstein, 2006).

- NFPS will convene an annual meeting in the fall of each school year in a public setting. The purpose of this meeting will be to share the information in the Annual Report which describes the school improvement plan, its goal statements, the strategies used to meet those goals, and the progress made by our students on state and local assessments. Title 1 data will also be used to share, discuss, and evaluate the school-wide Title 1 Plan including highly qualified teachers/status, which was developed by the staff, parents, and community members.
- Title 1 provisions state that parents have the right to be involved in decisions related to their child’s education, and the school is required to seek input from parents in a variety of ways. NFPS will meet these requirements by: 1) adding parental representation to school

improvement meetings where budget, student assessment data, and instructional strategies are discussed, developed, and or revised, where the expenditure of funds for a variety of programs related to school improvement goals (such as family involvement/academic nights, parent education programs, community outreach efforts, and additional instruction outside the classroom are discussed.; 2) offering individual parent-teacher conferences a minimum of twice yearly at a variety of times allowing flexibility for working parents; 3) collecting parent surveys and evaluation to determine parental satisfaction or dissatisfaction with the academic program, school climate, school improvement plan and other important key issues involving parent-teacher partnerships including homework and communication between home and school.

- NFPS will offer a flexible schedule of meetings and conferences to encourage parents' attendance. School improvement meetings will rotate between mornings and afternoons.
- Parent input will be sought specifically through parent surveys, parent evaluation feedback sheets, and parent participation in committees and activities for the development and revision of our Family and Community Engagement Policy, our Parent-School Compact, and our School-wide Title 1 Plan.
- Parents will be provided, in a timely manner, information in the following ways: Principal's Monthly Newsletter, Monthly Calendar, Principal's Coffee, school website, school messenger system, student and parent handbook, message board at the entrance of the building, teacher or administrative initiated conference/meeting as requested, parent-teacher conferences, progress report card, and report card. New Frontiers Public Schools will communicate in a language parents can understand.
- Parents will be given materials and training on how they can improve their child's achievement. Examples include: curriculum nights, parent-teacher conferences, parent education classes, literacy training, and nutrition and fitness classes.
- The staff at NFPS will continually collaborate on how best to build positive relationships between home and school.
- NFPS will continue to coordinate and integrate with outside resource programs to prepare middle school students for high school by hosting high school orientation and college sure night.
- NFPS has a Family Specialist on campus that provides access to resources to assist parents with locating the appropriate governmental, social service, health, or educational program within the community.
- NFPS has a Parent Compact that was developed jointly by staff and parents. The compact is used annually at parent conferences and signed by the parents, teachers, students, and principal. The compact will be reviewed each year, and the necessary revisions will be made according to suggestions by parents, students, and staff.
- NFPS provides reasonable support for family and community engagement by encouraging parents to volunteer in any capacity. Parents are encouraged to participate in a variety of ways. This allows for a rich partnership with parents and benefits the students and staff. Volunteer surveys are sent to parents to determine interest and talents. Parents will be offered many avenues for volunteering (before, during, after school, and/or home). They may also choose to participate by attending any activities, meetings, workshops, or joining a NFPS committee. All students and their families are invited to attend academic nights, special events, assemblies, committees, and other meetings held throughout the year.

## **2. Elementary - NFPS Family & Community Engagement Policy, Title 1 Program**

New Frontiers Public Schools (NFPS) will follow the parent involvement policy guidelines in accordance with Every Student Succeeds Act (ESSA). NFPS will distribute and make this Family and Community Engagement Policy readily available to the parents of each student participating in the School-wide Title 1 program and with parent input, update the policy annually.

The Family and Community Engagement Policy will support student achievement and incorporate all level of involvement to include: parenting, communication, volunteering, learning at home, decision making, and collaborating with the community (Epstein, 2006).

- NFPS will convene an annual meeting in the fall of each school year in a public setting. The purpose of this meeting will be to share the information in the Annual Report which describes the school improvement plan, its goal statements, the strategies used to meet those goals, and the progress made by our students on state and local assessments. Title 1 data will also be used to share, discuss, and evaluate the school-wide Title 1 Plan including highly qualified teachers/status, which was developed by the staff, parents, and community members.
- Title 1 provisions state that parents have the right to be involved in decisions related to their child's education, and the school is required to seek input from parents in a variety of ways. NFPS will meet these requirements by: 1) adding parental representation to school improvement meetings where budget, student assessment data, and instructional strategies are discussed, developed, and or revised, where the expenditure of funds for a variety of programs related to school improvement goals (such as family involvement/academic nights, parent education programs, community outreach efforts, and additional instruction outside the classroom are discussed.; 2) offering individual parent-teacher conferences a minimum of twice yearly at a variety of times allowing flexibility for working parents; 3) collecting parent surveys and evaluation to determine parental satisfaction or dissatisfaction with the academic program, school climate, school improvement plan and other important key issues involving parent-teacher partnerships including homework and communication between home and school.
- NFPS will offer a flexible schedule of meetings and conferences to encourage parents' attendance. School improvement meetings will rotate between mornings and afternoons.
- Parent input will be sought specifically through parent surveys, parent evaluation feedback sheets, and parent participation in committees and activities for the development and revision of our Family and Community Engagement Policy, our Parent-School Compact, and our School-wide Title 1 Plan.
- Parents will be provided, in a timely manner, information in the following ways: Principal's Monthly Newsletter, Monthly Calendar, Principal's Coffee, school website, school messenger system, student and parent handbook, message board at the entrance of the building, teacher or administrative initiated conference/meeting as requested, parent-teacher conferences, progress report card, and report card. New Frontiers Public Schools will communicate in a language parents can understand.
- Parents will be given materials and training on how they can improve their child's achievement. Examples include: curriculum nights, parent-teacher conferences, parent education classes, literacy training, and nutrition and fitness classes.
- The staff at NFPS will continually collaborate on how best to build positive relationships between home and school.

- NFPS has a Family Specialist on campus that provides access to resources to assist parents with locating the appropriate governmental, social service, health, or educational program within the community.
- NFPS has a Parent Compact that was developed jointly by staff and parents. The compact is used annually at parent conferences and signed by the parents, teachers, students, and principal. The compact will be reviewed each year, and the necessary revisions will be made according to suggestions by parents, students, and staff.
- NFPS provides reasonable support for family and community engagement by encouraging parents to volunteer in any capacity. Parents are encouraged to participate in a variety of ways. This allows for a rich partnership with parents and benefits the students and staff. Volunteer surveys are sent to parents to determine interest and talents. Parents will be offered many avenues for volunteering (before, during, after school, and/or home). They may also choose to participate by attending any activities, meetings, workshops, or joining a NFPS committee. All students and their families are invited to attend academic nights, special events, assemblies, committees, and other meetings held throughout the year.

## **PART I. GENERAL EXPECTATIONS**

New Frontiers Public Schools agrees to implement the following statutory requirements:

- New Frontiers Public Schools 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, New Frontiers Public Schools 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.
- New Frontiers Public Schools 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, New Frontiers Public Schools 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 New Frontiers Public Schools plan for Title I, Part A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, New Frontiers Public Schools will submit any parent comments with the plan when New Frontiers Public Schools submits the plan to the Texas Education Agency.
- New Frontiers Public Schools 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.

- New Frontiers Public Schools 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.

- For States where a Parental Information and Resource Center is established] New Frontiers Public Schools will inform parents and parental organizations of the purpose and existence of the Parental Information and Resource Center in the State.

## **PART II. 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 the attached documentation from the Parent Advisory Committee.

This policy was adopted by New Frontiers Public Schools on August 24, 2022 and will be in effect for the period of the 2022-2023 Academic School Year.