



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 Course and Diploma Requirements

A student may graduate and receive a diploma only if:

1. The student successfully completes the curriculum requirements identified by the State Board of Education and complies with requirements related to financial aid applications for high school graduation and secondary-level performance on end-of-course assessments;
2. The student successfully completes the Texas First Early High School Completion Program; or
3. The student successfully completes an individualized education program.

Education Code 28.025(c), 28.0253.

Graduation Requirement.

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).*

h) Certificate of Coursework Completion

A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record shall include a notation of the date a certificate of completion was issued to the student. *19 TAC 74.5(m).*

i) Alternative Methods for Earning Credit: Credit by Examination with Prior Instruction

The principal or designee or the attendance committee, as applicable, shall have authority to offer a student the opportunity to demonstrate mastery in a subject or to earn course credit by examination when the student has had prior instruction in a subject and when:

1. The student is enrolling in the district from a nonaccredited school
2. The student has failed a subject or course; or
3. The student has earned a passing grade in a subject or course but has failed to earn credit or a

final grade because of excessive absences

The Board-approved examinations shall assess the student's mastery of the essential knowledge and skills and shall be administered according to established District procedures.

Prior to offering a student an opportunity to demonstrate mastery or exam credit by this method, an appropriate District employee shall review the student's educational records to determine whether the student has had prior instruction in the subject or course.

NFPS may allow a student who receives a certificate to participate in a graduation with students receiving high school diplomas.

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 Application Requirement

NFPS requires applicants to submit a complete TEA Charter Student Admission Application form in order to be considered for admission. The Superintendent or designee shall set a beginning and closing date for the application window for each school year.

In order to be eligible for admission, the applicant or qualifying occupant specified by Education Code 25.001(b) must generally reside in the geographic boundaries set by the NFPS charter, and satisfy any other admissions criteria specified in this policy.

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 program¹;
- 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

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

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.

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 Compulsory Attendance

A student who is at least six years of age, or who is younger than six and has previously been enrolled in first grade, and who has not yet reached his or her 19th birthday shall attend school, as well as any applicable accelerated instruction program, extended year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt. On enrollment in kindergarten or prekindergarten, a student shall attend school. Education Code 25.085(a)-(c).

SECTION 4 Students 19 and Over: Voluntary Enrollment

A student who voluntarily enrolls in school or voluntarily attends school after the student’s 19th birthday shall attend school each school day for the entire period the program of instruction is offered. If a student 19 or older has more than five unexcused absences in a semester NFPS may revoke the student’s enrollment, except that NFPS may not revoke the enrollment on a day on which the student is

physically present at school. The student's presence on school property thereafter is unauthorized and may be considered trespassing.

Prior to revoking the student's enrollment, NFPS shall issue a warning letter to the student, after the student's third unexcused absence, stating that the student's enrollment may be revoked for the remainder of the school year if the student has more than five unexcused absences in a semester. As an alternative to revoking enrollment, NFPS may impose a behavior improvement plan described by Education Code 29.0915.

Education Code 25.085(e), (g).

SECTION 5 Parental Consent for Absence

A student absent from school for any portion of a school day shall provide a note to the campus office upon return, signed by the parent or medical provider (see below) that describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted unless the student is 18 or older.

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 provide verifying the illness or condition that caused the student's absence, the absence will be unexcused.

The student shall be allowed a reasonable time to make up the schoolwork missed on the days describe above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance. The student shall not be penalized for the absence. The Superintendent or designee shall prepare procedures for acceptance of make-up work.

SECTION 6 Notice of Absences

NFPS shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
 - a. It is the parent's duty to monitor the student's school attendance and require the student to attend school,
 - b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

Education Code 25.095(b).

SECTION 7 Failure to Comply with Compulsory Attendance

NFPS employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school; from any class; from required special programs, such as additional special instruction, termed "accelerated instruction" by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, NFPS shall, within ten school days of the student's tenth absence, refer the student to a truancy court for truant conduct under Family Code 65.003(a). NFPS may also file a complaint against the student's parent in a county, justice, or municipal court for an offense under Education Code 25.093 if NFPS provides evidence of the parent's criminal negligence.

Education Code 25.0951.

NFPS may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if NFPS is applying truancy prevention measures to the student under Education Code 25.0915 and determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made. *Education Code 25.0951(d)*.

NFPS shall initiate truancy prevention measures under Education Code 25.0915 on a student, if the student fails to attend school without excuse on three or more days or parts of days within a four-week period, but does not fail to attend school for the time specified above. *Education Code 25.0915(a-4)*.

NFPS and a parent against whom a complaint for parent contributing to nonattendance has been filed may enter into a written agreement requiring the parent to complete counseling, training, or another program as required by NFPS. A parent who fulfills the terms of an agreement not later than the 30th day after the date on which the complaint was filed or within the period provided by the agreement is entitled to dismissal of the complaint. *Education Code 25.094*.

a. Truancy Prevention Measures

In an effort to prevent truancy and to reduce the need for referrals to truancy court, NFPS will take one or more of the following truancy prevention measures applicable to students identified as potential truants, designed to address student conduct related to truancy in the school setting before the student engages in truancy:

1. Impose a behavior improvement plan on the student signed by a NFPS employee, that NFPS has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:
 - a. Specific description of the behavior that is required or prohibited for the student;
 - b. The period for which the plan will be effective, not to exceed 45 school days after the date the contract; or
 - c. The penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or
2. Impose school-based community service; or
3. Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy.

Education Code 25.0915(a-1).

NFPS shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

1. Pregnancy;
2. Being in the state foster program;
3. Homelessness;
4. Severe or life-threatening illness or related treatment; or
5. Being the principal income earner for the student's family.

Education Code 25.0915(a-3).

b. Filing Requirements

Each referral to a truancy court must include a statement from NFPS certifying that NFPS applied truancy prevention measures to the student and that the truancy prevention measures failed to meaningfully address the student's school attendance. The referral must also specify whether the student is eligible for or receives special education services. *Education Code 25.0915(b)*.

SECTION 8 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 or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

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.

19 TAC 89.63(c)(2).

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 NFPS. *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.

j) *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).*

k) *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 REQUIREMENTS

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).*

a) 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.

b) 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.

c) 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 of 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).

c. 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.

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.

d. 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.

e. 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.

Parent Notice and Consent

Not later than the 10th day after the LPAC's classification of a student as an emergent bilingual Student, 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, NFPS shall place the student in the recommended program, but may count only emergent bilingual students with parental approval for bilingual education allotment. *Education Code 29.056(a), (d); 19 TAC 89.1220(j).*

NFPS 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 NFPS 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).

Participation of Non-Emergent Bilingual Students

With the approval of NFPS and a student's parent, a student who is not an emergent bilingual student may participate in a bilingual education program. The number of participating students who are not emergent bilingual students may not exceed 40% of the number of students enrolled in the program. Education Code 29.058; 19 TAC 89.1233(c).

Students with Disabilities

NFPS shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with 19 Administrative Code Chapter 89, Subchapter AA, and shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because a student has a disability.

LPAC members shall meet in conjunction with admission, review, and dismissal committee members to review and provide recommendations with regard to the educational needs of each emergent bilingual student who qualifies for services in the special education program.

19 TAC 89.1230.

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 Assistance

SECTION 1 Liaison for Students who are Homeless

The Superintendent shall designate an appropriate staff person as the Liaison for Homeless Children (the "McKinney-Vento Liaison"). [School Name] will adopt procedures to ensure the Liaison's participation in professional development and other technical assistance activities provided and approved by the Statewide Coordinator for Education of Homeless Children and Youths. 42 U.S.C. 11432(g)(1)(J).

a) Required Notice

NFPS shall provide information on the McKinney-Vento Liaison's duties to school personnel, service providers, and advocates working with homeless families, parents and guardians of homeless children, and homeless children.

b) McKinney-Vento Liaison Duties

The McKinney-Vento Liaison shall ensure that:

- 1) Homeless children are identified by school personnel and through outreach and coordination activities with other entities and agencies;
- 2) Homeless children are enrolled in, and have a full and equal opportunity to succeed in, NFPS schools;
- 3) Homeless families and homeless children have access to and receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs, to the extent offered by NFPS under the Head Start Act, early intervention services under Part C of the Individuals with Disabilities Education Act, and other district

preschool programs;

- 4) Homeless families and homeless children receive referrals to health care, dental, mental health and substance abuse, housing, and other appropriate services;
- 5) The parents or guardians of homeless children are informed of the available educational and related opportunities and are provided meaningful opportunities to participate in the education of their children;
- 6) Public notice of the educational rights of homeless children is disseminated in locations frequented by parents or guardians of such children, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children, and unaccompanied youths;
- 7) Enrollment disputes are mediated;
- 8) The parent or guardian of a homeless child, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school of enrollment;
- 9) School personnel providing services under the McKinney-Vento Act receive professional development and other support; and
- 10) Unaccompanied youths:
 - a) Are enrolled in school;
 - b) Have opportunities to meet the same challenging state academic standards as the state establishes for other children; and
 - c) Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.

42 U.S.C. 11432(g)(6)(A), (B).

c) Determination of Homeless Status

The McKinney-Vento Liaison may affirm, without further action by the Department of Housing and Urban Development, that a child who is eligible for and participating in a c program, or the immediate family of such a child, who meets the eligibility requirements of the McKinney-Vento Act for an authorized program or service under Title IV of the Act, is eligible for such program or service. 42 U.S.C. 11432(g)(6)(D).

SECTION 2 Liaison for Children in State Conservatorship

The Superintendent shall designate at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in NFPS who is in the conservatorship of the state and submit the liaison's name and contact information to the Texas Education Agency in a format and under the schedule determined by the Commissioner of Education. *Education Code 33.904*

SECTION 3 Transition Assistance for Highly Mobile Students

a) Definitions

"Educational and course programs" means programs intended to provide instruction to students in conjunction with or outside of the required curriculum, which may include, but are not limited to, gifted and talented services, bilingual or special language services for emergent bilingual students, career and technical education, and early college high school.

"Enrollment conference" means a student-centered meeting between key NFPS staff and the newly enrolled student and/or the student's parent or guardian that occurs within the first two weeks of enrollment, as soon as feasible, at a new school to collaboratively ease transitions; identify the student's academic strengths and extracurricular interests; introduce school processes and

opportunities for engagement; and identify any interventions and additional support services (e.g., special education or Section 504 services, academic and/or behavioral interventions, social and emotional needs, college and career readiness). The student's attendance in the conference should be addressed on a case-by-case basis.

"Records" means documents in printed or electronic form that include, but are not limited to, student transcripts; individual course grades; academic achievement records; course credits, whether full or partial; individualized education program referrals; intervention data; immunizations; state assessment scores; student attendance data; disciplinary reports; graduation endorsements; special education/Section 504 committee records; performance acknowledgements; and personal graduation plans.

"Welcome packet" means a compilation school and community resources provided to new students within the first two weeks of enrollment at a new school that helps to familiarize the student with the school.

19 TAC 89.1601(2), (4), (9), (11)

b) Record Transfers

NFPS shall ensure that school records for students who are identified as homeless or in substitute care are transferred to the student's new school after receiving a request for records. Student records must be requested, sent, and received using the Texas Records Exchange ("TREx") system.

NFPS is required to transfer student records within ten working days of receipt of a request from a district to which a student who is homeless or in substitute care enrolls. The discretionary authority under Education Code 31.104(d) to withhold records of a student if the student has not returned or paid for instructional materials or technological equipment does not exempt NFPS from the mandatory provision to send records to another public school in which the student enrolls.

19 TAC 89.1603.

c) Systems to Ease Transitions

NFPS shall develop systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school. These systems shall include the following:

- 1) Welcome packets containing applicable information regarding enrollment in extracurricular activities, club activities, information on fee waivers, tutoring opportunities, the student code of conduct, available student supports, and contact information for key school staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists;
- 2) Introductions for new students that maintain student privacy and confidentiality to the school environment and school processes by school faculty, campus-based student leaders, or ambassadors; and
- 3) Mechanisms to ensure that a process is in place for all students who qualify to receive nutrition benefits upon enrollment, as all students who are homeless or in substitute care are eligible for United States Department of Agriculture Child Nutrition Programs. The process must expedite communication with the NFPS nutrition coordinator to ensure that eligible students are not charged in error or experience delays in receiving these benefits.

19 TAC 89.1605(a).

NFPS must provide professional development opportunities and resources to support key staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and

transportation specialists on local processes and procedures for facilitating successful school transitions for students who are homeless or in substitute care. 19 TAC 89.1605(c).

A district must use the TReX, the Personal Identification Database (“PID”), or the Person Enrollment Tracking (“PET”) application to facilitate records transfer and expedite coordination and communication between the sending and receiving schools. In cases where records from the student’s previous school are missing or cannot be located, NFPS should use the Texas Student Data System (“TSDS”) Unique ID application to identify where the student was previously enrolled.

19 TAC 89.1605(c)–(d).

d) Enrollment Conference

NFPS shall convene an enrollment conference within the first two weeks or as soon as feasible, after a student who is homeless or in substitute care enrolls in the school. The convening of the enrollment conference shall not delay or impede the enrollment of the student.

The student’s attendance in the conference should be addressed on a case-by-case basis. The enrollment conference may be used in conjunction with an existing meeting that is designed for similar purposes for newly enrolled students.

The enrollment conference shall address the student’s credit recovery, credit completion, attendance plans and trauma-informed interventions, interests and strengths, discipline or behavior concerns, previous successes, college readiness, and social and emotional supports as well as district policies relating to transfers and withdrawals and communication preferences with parents or guardians.

The enrollment conference may be comprised of:

- 1) School administrators;
- 2) McKinney-Vento or foster care liaisons;
- 3) Social workers;
- 4) Teachers;
- 5) School counselors;
- 6) Dropout prevention specialists;
- 7) Attendance/truancy officers;
- 8) The relative caregiver, foster placement caregiver, or DFPS caseworker;
- 9) The DFPS designated educational decision-maker;
- 10) The DFPS caseworker, Court Appointed Special Advocates (“CASA”) volunteer, or other volunteers, as applicable; and
- 11) A parent or guardian, unless the caseworker indicates the parent’s or guardian’s rights to participate have been restricted by the court.

19 TAC 89.1605(b).

e) Placement in Educational Programs and Courses

NFPS must establish procedures to receive, review, and assess student records for the initial course and educational program placement for a student who is homeless or in substitute care upon enrollment at a new school.

NFPS must ensure that a student who is homeless or in substitute care has the opportunity to pursue the same endorsement categories, to the extent possible. If only one endorsement is offered, it must be multidisciplinary studies.

To the extent possible, NFPS shall ensure the continuation of a student’s course and educational

programs, if appropriate, from the previous district by placing the student in comparable courses and programs for which they are eligible.

NFPS shall promote placement in academically challenging and career preparation courses.
19 TAC 89.1609.

f) Promotion of Access to Educational and Extracurricular Programs, etc.

NFPS will develop processes to increase awareness of opportunities available to students who are homeless or in substitute care to participate in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.

NFPS must identify and remove barriers, whenever possible, to participation by students who are homeless or in substitute care in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.

Appropriate school staff must facilitate the process to complete and submit a University Interscholastic League (“UIL”) waiver of residence application form for a student who is homeless and plans to participate in varsity athletics, if NFPS participates in UIL varsity athletics.

In compliance with Education Code 25.001(f), a durational residence requirement may not be used to prohibit a student in substitute care from fully participating in any activity sponsored by NFPS.
19 TAC 89.1611.

g) Students Experiencing Homelessness

McKinney-Vento Liaisons must inform unaccompanied homeless youths of their status as independent students for the purpose of applying for financial aid for higher education and provide verification of such status for the Free Application for Federal Student Aid (“FAFSA”). School counselors must also assist and advise students experiencing homelessness with college preparation and readiness. *19 TAC 89.1613(a)–(b).*

h) Students in Substitute Care

NFPS shall ensure that a student in substitute care who is enrolled in grade 11 or 12 is provided information regarding tuition and fee exemptions under Education Code 54.366, for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit.

NFPS shall inform students in substitute care of tuition and fee exemptions under Education Code 54.367, regarding monthly payments, medical assistance benefits, and reimbursement of fees.

NFPS shall ensure students in substitute care are informed that every higher education institution in Texas has a designated foster care liaison to assist students.

Foster care liaisons are encouraged to support students in substitute care with linking to colleges to develop connections and facilitate effective transitions into postsecondary education.

Foster care liaisons, school counselors, and others must assist students with seeking and applying for all types of scholarships for which the student may qualify.
19 TAC 89.1613(c).

i) Notice to Educational Decision-Makers and Caseworkers

A district must provide notice in writing to the educational decision-maker and caseworker of a student who is in substitute care regarding events that may significantly impact the education of the student. 19 TAC 89.1617.

Events that may significantly impact the education of a child include:

1. Requests or referrals for an evaluation under Section 504 or special education under Education Code 29.003;
2. Admission, review, and dismissal committee meetings;
3. Manifestation determination reviews;
4. Any disciplinary actions under Education Code Chapter 37 for which parental notice is required;
5. Citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
6. Reports of restraint and seclusion required by Education Code 37.0021;
7. Use of corporal punishment as provided by Section 37.0021; and
8. Appointment of a surrogate parent for the child under Education Code 29.0151.

Education Code 25.007(b)(10).

SECTION 4 Child Welfare Contact

As a condition of receiving Title I, Part A funds, NFPS must collaborate with the state or local child welfare agency to designate a point of contact if the child welfare agency notifies NFPS, in writing, that the agency has designated an employee to serve as a point of contact for the school. 20 U.S.C. 6312(c)(5)(A).

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.

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

400.190 MARRIED & PREGNANT STUDENTS

SECTION 1 Married Students

Married students have the same rights and responsibilities as unmarried students. This includes the right to participate in any extracurricular activities on the same basis, and subject to the same requirements, as unmarried students.

If NFPS receives federal funds, it shall not apply any rule concerning a student's actual or potential marital status that treats students differently on the basis of sex. 20 U.S.C. 1681; 34 CFR 106.40.

Except as expressly provided by law, a student who has been married in accordance with Texas law has the capacity and power of an adult, regardless of age. Family Code 1.104.

SECTION 2 Pregnant Students

NFPS shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of NFPS's program or activity.

Pregnant students have the right to continue their education during pregnancy and may choose to exercise that right by:

1. Remaining in the regular school program.
2. Participating in any other special program NFPS may provide for pregnant students.

The student may also choose to request a leave of absence. Such request shall be accompanied by a licensed physician's certification that the leave is a medical necessity. Students who avail themselves of this option are exempt from compulsory attendance during the period certified by the physician as necessary for the leave of absence.

NFPS may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

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).

400.220 PERSONAL COMMUNICATION DEVICES

SECTION 1 DEFINITIONS

“Personal communication device” means:

- A telephone;
- A cell phone, such as a smartphone or flip phone;
- A tablet;
- A smartwatch;
- A radio device;
- A paging device; or
- Any other electronic device capable of telecommunication or digital communication.

The term “personal communication device” does not include an electronic device provided to a student by NFPS.

Education Code 37.082(d).

“School property” means anywhere on a NFPS campus or in a NFPS facility where instruction is provided, including but not limited to: classrooms, hallways, gyms, cafeterias, band halls, and all other extracurricular spaces; outdoor fields, tracks, and other athletic areas; all breezeways, courtyards, playgrounds, and other outdoor areas, specifically including all school parking lots.

“School day” means the time of day beginning with the first bell of the day and ending with the last day of the day.

“Use” is defined as a device in possession of a student that is turned on and capable of receiving or sending a communication signal.

“Possession” means being on the person of the student, directly held, in pockets, in a backpack, in a pouch, or otherwise accessible and under the control of the student directly.

SECTION 2 Student Use of Personal Communication Devices

a) Use Prohibited

NFPS prohibits students from using a personal communication device while on school property during the school day.

b) Storage Requirements

Students must secure their devices in their backpack, kept silenced and untouched throughout the day. Devices must remain stored and unused until the end of the school day unless explicitly authorized by campus administration.

c) Exceptions

The following exceptions are allowed:

Students with documented medical conditions, IEP, or 504 accommodations requiring access to a device.

d) **Confiscation and Disciplinary Consequences**

Each NFPS campus will designate an appropriate secure location in the school where confiscated student personal communication devices will be kept, and a process to ensure the school can identify which student is the owner of each device that is confiscated.

All NFPS administrators and campus staff are authorized to confiscate a personal communication device used in violation of this policy. If a staff member confiscates a device, the staff member should bring the device to the designated storage location when convenient during the day, and the staff member remains responsible for the device until then.

Disciplinary consequences for students who use a personal communication device while on school property during the school day will be in accordance with the Student Code of Conduct, including any progressive sanctions for ongoing violations.

NFPS may dispose of a confiscated personal communication device in any reasonable manner after having provided the student's parent 90 days' prior notice in writing of NFPS's intent to dispose of the device.

e) **No Responsibility for Devices**

If a personal communication device is in the possession of NFPS the school will take appropriate efforts to keep the device stored and free from damage. However, NFPS is not responsible for any damaged, lost, or stolen personal communication devices. Neither parents nor students will be compensated for devices that have been in NFPS's possession in the event those devices are lost or damaged while in possession of the school.

400.300 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 Issues Related to 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.
Education Code 38.031.

SECTION 2 Immunizations & Reportable Diseases

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis, unless exempted under applicable law. The Texas Department of State Health Services (“TDSHS”) may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school.

Education Code 38.001(a), (b).

Students in kindergarten through twelfth grade shall have the following additional vaccines, according to the immunization schedules set forth in TDSHS regulations: pertussis, hepatitis B, hepatitis A, and varicella (chickenpox). TDSHS requires students enrolling in seventh through twelfth grades to have one dose of meningococcal vaccine on or after the student’s 11th birthday. *25 TAC 97.63.*

Under Health and Safety Code Chapter 81, Subchapter E, additional vaccinations may be required by TDSHS and/or the local health authority in specific situations under the mechanism of a control order containing control measures. *25 TAC 97.72.*

Section 2.1 Immunization Awareness Program

NFPS shall post prominently on its Web site:

1. A list, in English and Spanish, of:
 - a. The immunizations required by TDSHS for admission to public school;
 - b. Any immunizations or vaccines recommended for public school students by TDSHS. The list must include the influenza vaccine, unless TDSHS requires the influenza vaccine for admission to public school; and
 - c. Health clinics in NFPS geographic boundaries that offer the influenza vaccine, to the extent those clinics are known to NFPS and
2. A link to the TDSHS Internet Web site where a person may obtain information relating to the procedures for claiming an exemption from the immunization requirements. The link must be presented in the same manner as the information provided under paragraph 1.

Education Code 38.019.

Section 2.2 Applicability of Immunization Requirements

The vaccine requirements discussed in this policy apply to all students entering, attending, enrolling in, and/or transferring to NFPS. *25 TAC 97.61(a).*

a) Exceptions to Immunization Requirements

Immunization is not required for admission if the student submits to NFPS any of the following:

i. Medical Reasons

An affidavit or a certificate signed by the student’s physician (M.D. or D.O.) who is duly registered and licensed to practice medicine in the United States and who has examined the student. The affidavit or certificate must state that, in the physician’s opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or any member of the student’s household. Unless it is written in the statement that a lifelong condition exists, the exemption statement is valid for only one year from the date signed by the physician.

ii. Reasons of Conscience

An affidavit signed by the student or, if a minor, the student’s parent or legal guardian stating that the

student declines immunization for reasons of conscience, including a religious belief. The affidavit will be valid for a two-year period. The affidavit must be on a form obtained from the TDSHS and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized. A student who has not received the required immunizations for reasons of conscience may be excluded from school in times of emergency or epidemic declared by the commissioner of state health services.

iii. Military Duty

If the student can prove that he or she is a member of the armed forces of the United States and is on active duty.

Education Code 38.001(c), (c-1), (f); Health and Safety Code 161.004(a), (d), .0041; 25 TAC 97.62

Section 2.3 Provisional Enrollment

A student may be provisionally admitted or enrolled if the student has begun the required immunizations. The student must have an immunization record that indicates the student has received at least one dose of each age-appropriate vaccine specified in the regulations.

a) Completion of Vaccinations

To remain enrolled, the student must continue to receive the necessary immunizations as rapidly as medically feasible. The student must complete the required subsequent doses in each vaccine series on schedule and as rapidly as is medically feasible and provide acceptable evidence of vaccination to NFPS.

b) Status Review

NFPS shall review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance and NFPS shall exclude the student from school attendance until the required dose is administered.

Education Code 38.001(e); 25 TAC 97.66(a).

c) Homeless Students

A student who is homeless, as defined in the McKinney-Vento Homeless Assistance Act, shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. NFPS shall promptly refer the student to appropriate health provider to obtain the required vaccinations. *25 TAC 97.66(b); 42 U.S.C. 11302.*

d) Child in Foster Care

A student who is a “child in foster care” as defined by 45 C.F.R. 1355.20(a) shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. NFPS shall promptly refer the student to an appropriate health provider to obtain the required vaccinations. *25 TAC 97.66(c).*

e) Transfer Students

A student can be enrolled provisionally for no more than 30 days if the student transfers from one Texas school to another, and is awaiting the transfer of the immunization record. *25 TAC 97.69(a).*

f) Military Dependents

A military dependent can be enrolled provisionally for no more than 30 days if the student transfers from one school to another and is awaiting the transfer of the immunization record. The collection and exchange of information pertaining to immunizations shall be subject to confidentiality provisions prescribed by federal law. *Education Code 162.002 art. IV, C; 25 TAC 97.69(b).*

Section 2.4 Evidence of Immunization

A student shall show acceptable evidence of vaccination before entry, attendance, or transfer to NFPS

Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered. The following documentation is acceptable:

1. Documentation of vaccines administered that includes the signature or stamp of the physician or his or her designee, or public health personnel (immunization records generated from electronic health record systems must include clinic contact information and the provider's signature/stamp);
2. An official immunization record generated from a state or local health authority; or
3. An official record received from school officials including a record from another state.

25 TAC 97.68.

Serologic confirmations of immunity to measles, rubella, mumps, hepatitis A, hepatitis B, or varicella are acceptable. Evidence of measles, rubella, mumps, hepatitis A, hepatitis B, or varicella illnesses must consist of a valid laboratory report that indicates either confirmation of immunity or infection. A written statement from a parent, legal guardian, managing conservator, school nurse, or physician attesting to a child's positive history of varicella disease (chickenpox) or varicella immunity is acceptable in lieu of a vaccine record for that disease. 25 TAC 97.65.

Section 2.5 Immunization Records

NFPS 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.

a) Transfer of Records

NFPS 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).

b) Annual Report

NFPS shall submit annual reports of the immunization status of students, in a format prescribed by and at the time and in the manner indicated by TDSHS, to monitor compliance with immunization requirements. Education Code 38.002(c); 25 TAC 97.71.

Section 2.6 Communicable Diseases

Reports

NFPS authorities, including the Superintendent, Principals, teachers, school health officials, or counselors, shall report to the local health authority those students attending school who are suspected of having a notifiable condition, as defined by state law and the Texas Department of State Health Services ("TDSHS"). If there is no local health authority appointed or if PC is outside the jurisdiction of a local health authority, the report shall be made to the regional director. 25 TAC 97.2(d), .5(a); Health and Safety Code 81.041–.042.

a. Sexually Transmitted Diseases and HIV

In addition to the reporting requirements identified above, the Superintendent or designee shall report cases and suspected cases of sexually transmitted diseases in the manner outlined in 25 TAC 97.133.

25 TAC 97.132(a)(1).

b. Penalties

A person commits a Class B misdemeanor if the person knowingly fails to report a reportable disease or health condition under Health and Safety Code Chapter 81, Subchapter B. Health and Safety Code 81.049.

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.

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.

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

Alcohol

NFPS prohibits the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. Education Code 37.007(a).

Student violators are subject to possible prosecution, as allowed by law, as well as the disciplinary terms of the Student Code of Conduct.

NFPS may cooperate with local law enforcement officials and the Texas Alcoholic Beverage Commission in attempting to provide an alcohol-free environment and in enforcing the alcohol-free zone provisions in the Alcoholic Beverage Code. Education Code 38.007(b).

Drug-Free Zones

In order to provide a safe drug-free environment for students and employees, NFPS prohibits drugs and/or controlled substances (as defined in Health and Safety Code, Chapter 481) on NFPS property at any time, and at all school-sanctioned activities occurring on or off NFPS property.

A person commits an offense if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. on the grounds or in a building of a public school; or
2. entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public school of this state is being held.

Education Code 37.122.

Enforcement

NFPS personnel shall enforce this policy on NFPS property. Any student found in violation of this Policy shall be subject to disciplinary action in accordance with the Student Code of Conduct.

SECTION 7 Tobacco Use and Possession

NFPS prohibits students from possessing smoking, using, selling, giving, or delivering e-cigarettes, vapor products, and tobacco products at school-related or school-sanctioned activities on or off NFPS property.

E-Cigarette or electronic cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term also includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe; a dab pen; a vapor product; or any other similar device under another product name or description. Also included is any component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device. The term does not include a prescription medical device unrelated to the cessation of smoking.

The term includes:

1. A device regardless of whether it is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and
2. A component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Health and Safety Code 161.081(1-a).

Vapor product means electronic cigarettes (e-cigarettes) or any other device that uses a mechanical heating element, battery, or electronic circuit to deliver vapor that may include nicotine to the individual inhaling from the device, or any substance used to fill or refill the device.

NFPS personnel shall enforce this policy on NFPS property. Any student found in violation of this Policy shall be subject to disciplinary action in accordance with the Student Code of Conduct. *Education Code 38.006.*

SECTION 8 Fentanyl Poisoning Awareness Week

The Governor will designate a week to be known as Fentanyl Poisoning Awareness Week in public schools to educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning, including overdose. *Education Code 29.9074.*

Fentanyl Abuse Prevention and Drug Poisoning Awareness Education

NFPS shall annually provide researched-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12. This instruction must include:

1. Suicide prevention;
2. Prevention of the abuse of and addiction to fentanyl;
3. Awareness of local school and community resources and any processes involved in accessing those resources; and
4. Health education that includes information about substance use and abuse, including youth substance use and abuse.

The instruction required under this section may be provided by an entity or an employee or agent of an

entity that is:

1. A public or private institution of higher education;
2. A library;
3. A community service organization;
4. A religious organization;
5. A local public health agency; or
6. An organization employing mental health professionals.

Education Code 38.040(a)-(c).

SECTION 9 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 10 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

An 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.

SECTION 11 Concussion Response Policy

Policy

NFPS shall adopt and implement a policy regarding how to respond to a concussion believed to have been sustained by a student while on school property or participating in a school-sponsored or school-related activity on or off school property.

It is NFPS policy to:

1. Immediately remove a student from a school-sponsored or school-related activity if a school employee or volunteer believes the student might have sustained a concussion;
2. Provide notice to the student's parent or guardian or another person with legal authority to make medical decisions for the student of the student's suspected concussion and removal; and
3. Allow the student to return to a school-sponsored or school-related activity only after the requirements under Education Code 38.157(a) have been satisfied.

Education Code 38.173.

Scope

This Policy does not apply to a concussion believed to have been sustained by a student while participating in an interscholastic athletic activity, including practice and competition, sponsored or sanctioned by:

1. A school district, including a home-rule school district, or a public school, including any school for which a charter has been granted under Chapter 12; or
2. The University Interscholastic League.

Education Code 38.172

Academic Accommodations

NFPS may provide nonmedical academic accommodations to a student diagnosed with a concussion or other brain injury in accordance with the list of accommodations and form developed by the Texas Education Agency (the “Agency”)

If NFPS provides such accommodations, NFPS shall make the form developed by the Agency available to:

1. A school employee as soon as practicable after receiving:
 - a. Notice that a student enrolled in the district has been diagnosed with a concussion or other brain injury; or
 - b. A request from the employee; and
2. A student enrolled in the School or the student’s parent or guardian as soon as practicable after receiving:
 - a. Notice that the student has been diagnosed with a concussion or other brain injury; or
 - b. A request from the student or parent or guardian.

Education Code 38.0051.

SECTION 12 Establishment of a Student Health Advisory Council

The Board shall establish a local student health advisory council (“SHAC”). *Education Code 12.104(b)(3)(DD); 28.004.*

The purposes of the SHAC are (1) to assist NFPS in ensuring that local community values are reflected in the school’s health education instruction and (2) to make recommendations before NFPS changes its health education curriculum or instruction. Education Code 28.004(a), (b).

SHAC Membership

The Board shall appoint at least five members to the SHAC. A majority of members must be persons who are parents of students enrolled in NFPS Charter and who are not employed by NFPS. One of those members shall serve as chair or co-chair of the SHAC.

The Board may also appoint one or more persons from each of the following groups or a representative from a group other than a group specified:

1. Classroom teachers employed by NFPS
2. School counselors certified under Education Code Chapter 21, Subchapter B, employed by NFPS
3. School administrators employed by NFPS
4. NFPS students;
5. Health-care professionals licensed or certified to practice in this state, including medical or mental health professionals;
6. The business community;
7. Law enforcement;
8. Senior citizens;
9. The clergy;

10. Nonprofit health organizations; and

11. Local domestic violence programs.

Education Code 28.004(d).

SHAC Duties

The duties of the SHAC include recommending:

1. The number of hours of instruction to be provided in:
 - a. Health education in kindergarten through grade eight; and
 - b. If NFPS requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12;
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
 - a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education
 - b. Physical education and physical activity;
 - c. Nutrition services;
 - d. Parental involvement;
 - e. Instruction on substance abuse prevention;
 - f. School health services including mental health services;
 - g. A comprehensive school counseling program;
 - h. A safe and healthy school environment; and
 - i. Employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction'
4. Strategies for integrating curriculum components specified in subparagraph 2 with the following elements in a coordinated school health program for the school:
 - a. School health services, including physical health service and mental health services, if provided at a campus by NFPS or a third party under a contract with the school;
 - b. A comprehensive school counseling program;
 - c. A safe and healthy school environment; and
 - d. School employee wellness;
5. If feasible, joint use agreements or strategies for collaboration between <<School Name>> and community organizations or agencies;
6. Strategies to increase parental awareness regarding:
 - a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
 - b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns;

7. Appropriate grade levels and curriculum for instruction regarding the dangers of opioids, including instruction on:
 - a. Opiate addiction and abuse, including addiction to and abuse of synthetic opioids such as fentanyl; and
 - b. Methods of administering an opioid antagonist, as defined by Health and Safety Code 483.101; and
8. Appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the SHAC's recommendations do not conflict with the essential knowledge and skills developed by the State Board of Education.

Education Code 28.00(c).

Any joint use agreement that NFPS and a community organization or agency enter into based on a recommendation of the SHAC must address liability for NFPS and community organization or agency in the agreement. *Education Code 28.004(n).*

The SHAC shall consider and make policy recommendations to NFPS concerning the importance of daily recess for elementary students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to NFPS. *Education Code 28.004(l).*

The SHAC shall make policy recommendations to <<School Name>> to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. *Education Code 28.004(o).*

SHAC Meetings

The SHAC shall meet at least four times each year. For each meeting, the SHAC shall:

1. At least 72 hours before the meeting:
 - a. Post notice of the date, hour, place, and subject of the meeting on a bulletin board in the central administrative office of each NFPS campus; and
 - b. Ensure that the required notice is posted on the school's Internet website, if NFPS has an Internet website;
2. Prepare and maintain minutes of the meeting that state the subject and content of each deliberation and each vote, order, decision, or other action taken by the council during the meeting;
3. Make an audio or video recording of the meeting; and
4. Not later than the tenth day after the meeting, submit the minutes and audio or video recording of the meeting to NFPS.

As soon as practicable after receipt of the minutes and audio or video recording, NFPS shall post the minutes and audio or video recording on the school's Internet website, if NFPS has an internet website. *Education Code 28.004(d-1), (d-2)*

SHAC Subcommittee

The SHAC shall establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and make policy recommendations to increase physical activity and improve fitness among students. *Education Code 28.004(l-1).*

Required Reports

In addition to performing other duties, SHAC shall submit to the Board, at least annually, a written report that includes:

- i. Any SHAC recommendation concerning NFPS's health education curriculum and instruction or related matters that the council has not previously submitted to the Board;
- ii. Any suggested modification to a SHAC recommendation previously submitted to the Board;
- iii. A detailed explanation of the SHAC's activities during the period between the date of the current report and the date of the last prior written report; and
- iv. Any recommendations made by the physical activity and fitness planning subcommittee.

Education Code 28.004(m).

Required Notifications

NFPS shall publish in the student handbook and on the NFPS Internet website, if the school has a website:

- i. A statement of the policies and procedures adopted to promote the physical health and mental health of students, the physical health and mental health resources available at each campus, contact information for the nearest providers of essential public health services under Chapter 121, Health and Safety Code, and the contact information for the nearest local mental health authority;
- ii. A statement of the policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Education Code 28.002(1);
- iii. A statement of:
 - a. The number of times during the preceding year the SHAC has met;
 - b. Whether NFPS has adopted and enforces policies to ensure that school campuses comply with Texas Education Agency vending machine and food service guidelines for restricting student access to vending machines; and
 - c. Whether NFPS has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes, as defined by Education Code 38.006, and tobacco products by students and others on school campuses or at school-sponsored or school-related activities;
 - d. A statement providing notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year; and
 - e. For each NFPS campus, a statement of whether the campus has a full-time nurse or full-time school counselor.

Education Code 28.004(k)

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
3. 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.

Section 7 Recordkeeping/Retention

NFPS will retain records to document compliance with the requirements of this policy. These records include, but are not limited to:

1. The written local school wellness policy until superseded;
2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public as required at Implementation Assessments and Updates above; and
3. Documentation of the triennial assessment of the local school wellness policy for each school.

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 Possession and Use of Weapons

Section 5.1 Scope of Policy

The purpose of this policy is to state the circumstances under which a firearm or weapon may be possessed or used on the premises of NFPS.

Section 5.2 Definitions

1. Firearm. "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter and that is: (A) an antique or curio firearm manufactured before 1899; or (B) a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition. Penal Code 46.01(3)(A)-(B).
2. Handgun. "Handgun" means any firearm that is designed, made, or adapted to be fired with one hand. Penal Code 46.01(5).

3. Location-restricted knife. "Location-restricted knife "means a knife with a blade over five and one-half inches. Penal Code 46.01(6).
4. Club. "Club "means an instrument that is specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to the following:(A)blackjack;(B)nightstick;(C)mace;(D)tomahawk. Penal Code 46.01(1)(A)-(D).
5. Prohibited Weapon. A "prohibited weapon "shall include(1) any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirements unless the item is classified as a curio or relic by the United States Department of Justice:(A) an explosive weapon;(B) a machine gun; or(C) a short-barrel firearm; (2) armor-piercing ammunition;(3) a chemical dispensing device;(4) a zip gun;(5) a tire deflation device; or(6) an improvised explosive device. Penal Code 46.05(a).
6. School Premises. "Premises "means a building or a portion of a building owned or leased by the School. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. Penal Code 46.03(c)(4)

Section 5.3 Prohibition of Firearms and Weapons Per School Policy

- A. On School Premises, NFPS prohibits the use, display or possession of firearms, handguns, location-restricted knives, clubs, and prohibited weapons on School Premises unless explicitly permitted in this policy or unless otherwise permitted by applicable federal or state law. This prohibition and related exceptions apply to all individuals on School Premises including but not limited to charter holder board members, charter school board members, employees, students, parents, vendors, contractors, and visitors.
- B. At School Board Meetings. Firearms are prohibited in the room or rooms where a public meeting of the governing body of NFPS is being held pursuant to a properly noticed meeting under the open meetings law. Penal Code§46.03(a)(14).

Section 5.4 Prohibition of Firearms in a School Zone under Federal Law and Exceptions

- A. prohibition of Firearms under Federal Law. Per the federal Gun Free School Zones Act, NFPS prohibits the possession of firearms on or near school property. Thus, an individual may not knowingly possess a firearm in a school zone. For purposes of this federal law, the term "school zone" means property in, or on the grounds of, or within1,000 feet from the grounds of a public, parochial, or private school.
- B. Exception to the Federal Prohibition: The federal prohibition does not apply to the possession of a firearm: a. When the carrier is licensed to carry under state law;b. When the firearm is unloaded and stored in a locked container or a locked firearms rack that is in a vehicle; c. If the firearm is carried for use in a program approved by the schooled the firearm is carried as allowed by a written contract between the school and the licensed individual; or e. If the firearm is carried by a law enforcement officer acting in his or her official capacity.

Section 5.5 Prohibition of Firearms and Weapons Under State Law

- A. It is a criminal offense for an individual to exhibitor threaten to use a firearm on school property or in a school vehicle in a manner intended to cause alarm or personal injury to another person or to damage school property. Education Code37.125(a).
- B. It is a criminal offense for an individual to intentionally, knowingly, or recklessly possesses or go with a firearm, location-restricted knife, club, or prohibited weapon on the premises of the school,on any grounds or building owned by or under the control ofa school on which an activity sponsored by the school is being conducted, or on a passenger transportation vehicle

of the school unless pursuant to written regulations or written authorization of the school. Penal Code 46.03(a)(1).

- C. It is a criminal offense for an individual to intentionally, knowingly, or recklessly possesses or go with a firearm, location-restricted knife, club, or prohibited weapon on the premises where a high school or interscholastic event is taking place, unless the person is a participant in a high school or interscholastic event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event. Penal Code 46.03(a)(8)

Section 5.6 Prohibition of Firearms and Weapons Under State Law

- c. Federal and State Officials Permitted Firearms Under State Law. Per state law, it is not a violation of this policy or state law for the following individuals to carry a firearm on the premises of NFPS
- d. A member of the armed forces or national guard, a guard employed by a penal institution, or an officer of the court, while in the conduct of official duties;
- e. On or off duty peace officers or special criminal investigators;
- f. Authorized and on-duty parole officers;
- g. Authorized and on-duty community supervision and corrections department officers;
- h. Active judicial officers licensed to carry handguns;
- i. Honorably retired peace officers, qualified retired law enforcement officers, federal criminal investigators, or former reserve law enforcement officers, with proper identification;
- j. U.S. attorneys and assistant U.S. attorneys, district attorneys and assistant district attorneys, criminal district attorneys, county attorneys, the attorney general and assistant attorneys general, or municipal attorneys licensed to carry handguns;
- k. Bailiffs designated to escort active judicial officers and licensed to carry handguns;
- l. Juvenile probation officers authorized to carry firearms
- m. Volunteer emergency services personnel if the person is carrying a handgun under the authority of his or her license and is engaged in providing emergency services;
- n. Appropriately licensed district or county clerks; and
- o. Appropriately licensed retired judges and justices

Penal Code 46.03(b), 46.15(a).

- A. Individuals Permitted to Carry Firearms Per State Law. No violation of this policy or state law occurs when:
- c. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area on School Premises if the handgun or other firearm is not in plain sight. *Education Code 37.0815;*
 - d. The use, possession, or display of an otherwise prohibited weapon takes place as part of a school-approved activity or sports competition supervised by proper authorities;
 - e. A firearm is possessed by a licensed campus school marshal who is appointed by the Board and approved by the Texas Commission on Law Enforcement, provided that the campus school marshal's possession and use of the firearm is in accordance with written board regulations. *Education Code 37.0811; 37 TAC 227.1–227.9;* or
 - f. A person possess a firearm on school premises in accordance with written regulations or written authorization of the Board. *Penal Code 46.03(a)(1)(A)*
- B. Conduct by Persons Permitted to Carry Firearms. An individual permitted to carry a firearm on school premises under this policy or state law must not possess, transport, or store a handgun, a firearm, or ammunition in violation of Section 37.125, Education Code (i.e., to exhibit or threaten to use a firearm on school property or in a school vehicle in a manner intended to cause alarm or

personal injury to another person or to damage school property) or otherwise in violation of Section 46.03, Penal Code, or other law. *Education Code 37.081.*

Section 5.7 Resources on Safe Firearm Storage

NFPS shall distribute the information and other resources provided by the Texas School Safety Center and the Department of Public Safety regarding the safe storage of firearms to the parent or guardian of each student enrolled in NFPS. *Education Code 37.222.*

Section 5.8 Signs providing Notice of Prohibited Firearms

The Superintendent must provide notice that firearms are prohibited on school premises by posting a sign at each entrance to the premises as indicated below.

| <i>Prohibiting Concealed Carry²</i> | <i>Prohibiting Open Carry³</i> |
|--|---|
| Sign posted on school premises that includes the following language: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.” The sign must include the quoted language in English and Spanish, appear in contrasting colors with block letters at least one inch in height, and be displayed in a conspicuous manner clearly visible to the public. | Sign posted on premises that includes the following language: “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.” The sign must include the quoted language in English and Spanish, appear in contrasting colors with block letters at least one inch in height, and be displayed in a conspicuous manner clearly visible to the public at each entrance to the property. |

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;

² Penal Code § 30.06

³ Penal Code § 30.07

- 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

a. 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

b. 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:

- a. 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;
- b. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- c. 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:

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

The administration will investigate allegations of bullying and related misconduct. The district will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying:

- a. a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
- b. a parent or guardian of the alleged bully within a reasonable amount of time after the incident;

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 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. The District will prohibit the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying

Upon recommendation of the administration, the board may transfer a student found to have engaged in bullying to another classroom at the campus.

The parent of a student who has been determined to be a victim of bullying may request that the student be transferred to another classroom or campus within the district.

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 - 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 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 20, 2025 and will be in effect for the period of the 2025-2026 Academic School Year.