

**SAM HOUSTON STATE UNIVERSITY  
CHARTER SCHOOL POLICIES**

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Unless otherwise noted within, these policies were adopted by the Sam Houston State University Charter School Board on September 25, 2017 and updated on October 29, 2020.

## **MODULE 100 - Financial**

## **100.010. Annual Operating Budget**

### **Section 1. Budget Process.**

Section 1.1. Financial Accountability System. Resource Guide (FASRG). The Superintendent will ensure that Sam Houston State University Charter School follows a budgeting process that is consistent with the requirements in the Budgeting Module of the Texas Education Agency's ("TEA") FASRG as adopted in 19 TAC § 109.41 and Sam Houston State University Budget Procedures and Guidelines (FO-05)

<http://www.shsu.edu/intranet/policies/finop/documents/BudgetProceduresGuidelines.pdf>.

Section 1.2. Superintendent. The Superintendent is responsible for the preparation of the annual budget.

Section 1.3. Campus Improvement Plan. Each year before the annual operating budget is drafted the Superintendent shall ensure that a campus improvement plan, which is based on a needs assessment of Sam Houston State University Charter School, is drafted and finalized. The needs assessment and campus improvement plan shall be completed by March 1. The campus improvement plan shall inform the drafting of the annual budget.

Section 1.4. Adoption. The Board shall formally adopt the budget, in a meeting open to the public, before the fiscal year of September 1 begins and before the expenditure of any funds. The Charter School Budget is subject to review and approval by the Texas State University System Board of Regents.

Section 1.5. Minutes. The Superintendent will record the adoption of the budget and any amendments in the Board meeting minutes in which the adoption occurs.

Section 1.6. Post-Adoption. After the adoption of the budget the Superintendent and the Board shall review actual fund disbursements compared to the adopted budget and make proposed amendments as needed. This shall occur soon after actual student enrollment is determined.

Section 1.7. Application for Accelerated Payments. The Superintendent will determine by March 1<sup>st</sup> whether Sam Houston State University Charter School may be eligible for accelerated payments from the Foundation School Program (FSP). (Texas Constitution, Article VIII, Section 1). The Superintendent will make a recommendation to the board concerning whether the charter school should apply to the Commissioner for accelerated payments of state funding as outlined in the Texas Education Code § 30A.153.

**Section 2. Fiscal Compliance.**

The Superintendent shall ensure that Sam Houston State University Charter School complies with all state and federal laws and rules concerning the budget and related processes of the school. After final approval of the budget, the Superintendent shall ensure the adopted budget is prominently displayed on its internet website pursuant to Texas Educ. Code §§ 12.104(L) and 39.084.

Reference:

19 Tex. Admin. Code § 109.41

Tex. Educ. Code § 12.104(L)

Tex. Educ. Code § 30A.153

Tex. Educ. Code § 39.084

Texas Education Agency, Special Supplement to the Financial accountability System Resource Guide Charter Schools, Update 5.0 (January 2010)

## **100.020 Use of State Funds**

### **Section 1. Use of State Funds.**

The Superintendent of the Sam Houston State University Charter School shall ensure that the school uses state funds only for lawful purposes and in accordance with Sam Houston State University Expenditures Policy (FO-15)  
[http://www.shsu.edu/intranet/policies/finop/documents/FO-15%20-Expenditures%2011-16-16\(a\).pdf](http://www.shsu.edu/intranet/policies/finop/documents/FO-15%20-Expenditures%2011-16-16(a).pdf).

### **Section 2. Prohibition Against Co-mingling of Charter & Non-Charter Business.**

The Superintendent shall ensure that the business activities of the Sam Houston State University Charter School that are not directly related to the management and operation of the Sam Houston State University Charter School shall be separated within Sam Houston State University's accounting, auditing, budgeting, reporting, and record keeping systems from those recording the business activities of the Sam Houston State University Charter School.

### **Section 3. Recording of Interested Transactions.**

The Superintendent shall ensure that the following shall be recorded in the accounting, auditing, budgeting, reporting, and record keeping systems for the management and operation of the school:

- a. Financial transactions between the school and the non-charter activities of the charter holder;
- b. Financial transactions between the school and an officer or employee of the charter holder or the school;
- c. Financial transactions between the school and a member of the governing body of the charter holder or the school;
- d. Financial transactions between the school and a management company charged with managing the finances of a school; and
- e. Financial transactions between the school and any other person or entity in a position of influence over the charter holder or the school.

Reference:

Tex. Educ. Code § 12.107

Tex. Educ. Code § 45.105

19 Tex. Admin. Code § 100.1043(a)

## **100.030 State Fiscal Compliance**

### **Section 1. Fiscal Year.**

The Sam Houston State University Charter School Board adopts September 1st as the fiscal year for the Sam Houston State University Charter School.

### **Section 2. Financial Accounting.**

Section 2.1. Compliance. The Superintendent shall ensure that the Sam Houston State University Charter School fully complies with: generally accepted accounting principles, Texas Education Agency's ("TEA") Financial Accountability System Resource Guide (19 TAC § 109.41), TEA's Student Attendance Accounting Handbook (Texas Education Code § 44.008), Public Education Information Management System (PEIMS), and any other applicable federal or state standards for financial management systems.

Section 2.2. Financial Reporting. The Superintendent or designee, shall make an accurate, current, and complete disclosure of financially assisted activities in accordance with financial reporting requirements of each grant or subgrant.

Section 2.3. Accounting Records. The Superintendent or designee, shall maintain records that adequately identify the source and application of funds provided for activities assisted with state or federal funds.

Section 2.4. Internal Control. The Superintendent or designee, shall maintain effective control and accountability of all federal grant and sub-grant cash, real and personal property, and other assets obtained with federal funds. The Superintendent or designee, shall safeguard all such property and assure that it is used solely for authorized purposes.

Section 2.5 Source Documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents, etc.

Section 2.6 Budget Control. The Charter shall compare actual expenditures or outlays of federal funds with budget amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement.

Applicable federal cost principles, agency program regulations, and the terms of grant and



subgrant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.

Section 2.7 Cash Management. Whenever advance payment procedures are used, the Charter shall follow applicable federal procedures.

Reference:

34 C.F.R. § 80.20; 19 Tex. Admin. Code § 100.1047(b)

### **Section 3. Grant Management Standards.**

Section 3.1. Compliance. If the Sam Houston State University Charter School receives a grant directly from a state or federal agency the Superintendent shall ensure that the Sam Houston State University Charter School is in compliance with the grant requirements of that state or federal agency. All Charter school grant activity must be handled collaboratively through the Sam Houston University Grants Management Office.

Section 3.2. Employee Time Sheet. If a Sam Houston State University Charter School employee's compensation is funded by any grant, the Superintendent shall ensure that the employee maintains a time sheet on which he or she records the time spent during the work day along with a description of the service he or she performed during that time in compliance with Sam Houston State University Policy FO-ORA-03 to ensure proper effort accounting and reporting.

Section 3.3. Signature. The time sheets will contain the electronic approval or signatures of the employee that completed the time sheet, a school official, and the Sam Houston State University grant manager.

### **Section 4. Annual Audit by the Charter.**

Section 4.1. Annual Audit. Annually, the Chairperson of the Board for the Sam Houston State University Charter School shall ensure the engagement of a certified public accountant ("CPA") to have the financial and programmatic operations of the Sam Houston State University Charter School audited. The Sam Houston State University Charter School shall use only CPAs that are licensed by the Texas State Board of Public Accountancy and registered as a provider of public accounting services.

Section 4.2. Filing with TEA. The Superintendent shall ensure that the Sam Houston State University Charter School timely files a copy of the annual audit report with the TEA division responsible for school financial audits not later than the 150<sup>th</sup> day after the end of the fiscal year for which the audit was made. The report shall include a certificate of the Board which will include the original signatures of both the presiding officer and the secretary of the Board. The certificate shall indicate if the Board approved or disapproved the contents of the report along with the date of the Board's approval or disapproval. This approval or disapproval shall be supported in the Board's meeting minutes. The Superintendent shall ensure that if the Board disapproved the audit, it shall still be filed with TEA along with a statement identifying the reason(s) for Board disapproval.

Section 4.3. The audit must comply with Generally Accepted Auditing Standards and must include an audit of the accuracy of the fiscal information provided by the Charter School through the Public Education Information Management System (PEIMS).

Section 4.4 Financial statements in the audit must comply with Government Auditing Standards, and the Office of Management and Budget Circular A-133 or its successor pursuant to 19 TAC §§ 100.1047(c).

## **Section 5. Annual Financial Statement.**

Section 5.1. Annual Financial Statement. The Superintendent of the Sam Houston State University Charter School shall prepare, or cause to be prepared, an annual financial statement for each fund subject to the authority of the Board during the fiscal year showing:

- a. The total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived;
- b. The total disbursements of the fund, itemized by the nature of the expenditure; and
- c. The balance in the fund at the close of the fiscal year.

Section 5.2. Posting of Annual Financial Statement. The Superintendent or designee of the Sam Houston State University Charter School shall ensure that the annual financial statement is posted continuously on the school's Internet website.

Section 5.3. Annual Financial Management Report. The Superintendent shall ensure that the Sam Houston State University Charter School complies with the reporting procedures TEA develops for charter holders to prepare and distribute the school's annual financial management report.

## **Section 7. Audit by the Commissioner.**

Sam Houston State University Charter School and its officers, employees and agents shall fully cooperate with an audit by the commissioner of education.

## **Section 8. Attendance Accounting.**

Section 8.1. Compliance. The Superintendent shall ensure that the Sam Houston State University Charter School complies with the TEA Student Attendance Accounting Handbook and all other laws and rules concerning charter school student attending accounting, reporting, and record keeping.

Section 8.2. Responsibility. The Superintendent, chief campus leaders, and teachers of the Sam Houston State University Charter School will be responsible to the Board of Sam Houston State University Charter School and to the state to maintain accurate, current student attendance records.

Section 8.3. When Attendance is Taken. Attendance at the Sam Houston State University Charter School will be determined by the absences recorded in the second or fifth instructional hour of the day. Sam Houston State University Charter School will not change the established period in which absences are recorded during the school year.

## **Section 9. PEIMS Data Standard.**

Section 9.1. PEIMS. The Superintendent shall ensure that the Sam Houston State University Charter School's fiscal accounting system is compatible with PEIMS data standards and conforms to Generally Accepted Accounting Principles.

Section 9.2. Account Code Structure. The Superintendent shall ensure that, with the exception of the codes that may be used at local option, the Sam Houston State University Charter School shall use the account code structure described in TEA's Special Supplement to the Financial Accountability System Resource Guide, Nonprofit Charter School of Accounts.

### **References:**

19 Tex. Admin. Code § 100.1047(a)-(c)

19 Tex. Admin. Code § 109.41

19 Tex. Admin. Code § 129.1025

19 Tex. Admin. Code § 129(h)

19 Tex. Admin. Code § 100.1153(c)

Tex. Educ. Code § 44.0011

Tex. Educ. Code § 38.083

Tex. Educ. Code § 44.008

Tex. Educ. Code § 25.002

Tex. Educ. Code § 12.104

Tex. Educ. Code § 12.111

Texas Education Code § 12.1163

34 C.F.R. § 80.20

TEA's Student Attendance Accounting Handbook

<http://tea.texas.gov/WorkArea/DownloadAsset.aspx?id=51539609976>

Office of Management and Budget Circular A-133

Rule 1.7.2, 1.7.2.1, 1.7.4, 1.7.4.1 and 1.8.2.8 Texas Education Agency, Special Supplement to the Financial Accountability System resource Guide to Charter Schools, Update 5.0 (January 2010)

## **100.040 Federal Fiscal Compliance**

### **Section 1. Commitment to Compliance.**

Prior to expending federal grant funds, the Superintendent shall ensure that the Sam Houston State University Charter School consults the appropriate compliance standards. The Superintendent shall adopt and follow appropriate procedures to ensure that all grant funds are expended in accordance with applicable requirements, including where applicable, the Education Department General Administrative Regulations (EDGAR).

### **Section 2. Federal Grant Time and Effort.**

Sam Houston State University Charter School shall rely upon the Sam Houston State University electronic record keeping system that can receive, store, and reproduce electronic records and signatures of electronic transactions in their original form. The records shall be retained in accordance with Sam Houston State University records retention policy <http://library.shsu.edu/about/RecordsRetention.pdf>

Section 2.1. Employee Time Sheet. If the Sam Houston State University Charter School employee's compensation is funded by any federal grant, the Superintendent shall ensure that the employee maintains a time sheet on which he or she records the time spent during the workday along with a description of the service he or she performed during that time.

Section 2.2. Signature. The Superintendent shall ensure that the time sheets contain the electronic approval or signature of the employee who completed the time sheet, a school official, and the Sam Houston State University Charter School's grant manager.

### **Section 3. Use of Federal Grant Funds for Procurement.**

Section 3.1. Compliance. When expending federal grant funds, The Superintendent or designee, shall require compliance by Sam Houston State University Charter School's employees, officers, and agents with all applicable federal and state procurement standards and policies. Violations of applicable laws or policies may lead to disciplinary consequences including and up to termination of employment or removal from any officer position, if applicable.

Section 3.2. Shared Services. The Superintendent, in collaboration with the Sam Houston State University Procurement Department is encouraged to participate in group purchasing programs, shared services agreements, inter-local contracts and inter-entity agreements whenever possible to generate a cost savings for the charter school.

Section 3.3 Open and Free Competition. The Superintendent, in collaboration with the Sam Houston State University Procurement Department shall ensure that all procurement transactions are conducted in a manner that provides open and free competition.

Section 3.4. Conflicts of Interest: Standards of Conduct. The Superintendent shall ensure that no employee, officer, or agent of the Sam Houston State University Charter School, who has a real or apparent conflict of interest, participates in the selection, award, or administration of a contract supported by federal funds. Employees, officers, and agents may not solicit or accept favors, gratuities, or anything of monetary value from contractors or their agents. The Superintendent shall disclose in writing any potential conflict of interest to the Board of Directors, to the Texas Education Agency, and to the federal awarding agency.

Section 3.5. Disclosures of Misconduct. The Superintendent shall ensure that any evidence of fraud, bribery or a gratuity violation is promptly reported to the Board of Directors, to the Texas Education Agency, and to the federal awarding agency. The Superintendent shall also report any such evidence to local law enforcement authorities.

Section 3.6. Small and Minority Firms, Women's Businesses. The Superintendent shall ensure that the Sam Houston State University Charter School takes all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

Section 3.7. Record Documentation. The Superintendent shall maintain records sufficient to detail the history of each procurement secured with federal funds. The records must include, but not be limited to, the rationale for the procurement method, the selection of the contract type, contractor selection or rejection, and the basis of the contract price.

Section 3.8. Mandated Contract Provisions. The Superintendent shall ensure that all legally mandated provisions are included in each procurement contract.

#### **Section 4. Special Fiscal Requirements under Title I, Part A of NCLB ("Title I").**

Section 4.1. Supplement not Supplant. The Superintendent shall ensure that Title I funds will be used to supplement, not supplant regular non-federal funds.

Section 4.2. Documentation. Documentation shall be maintained, or caused to be maintained, by the Superintendent. The documentation must clearly demonstrate the supplementary nature of federal funds.

Section 4.3. Campus Improvement Plan. The Superintendent shall ensure that Title I funds used by the Sam Houston State University Charter School shall be aligned to the campus improvement plan. There shall be no costs expended that are not directly related to the campus improvement plan.

- a. A comprehensive needs assessment shall be conducted that will inform the drafting of the campus improvement plan. The campus improvement plan shall be aligned to the needs assessment and only needs that can be met with current funding levels shall be addressed in the campus improvement plan.
- b. New goals shall be added as new money is identified.
- c. The Superintendent shall ensure that the Sam Houston State University Charter School shall conduct the needs assessment and campus improvement plan prior to any grant application.

Section 4.4. Comparability Testing. Unless the charter school is exempt from Title I's comparability requirements, the Superintendent or designee shall ensure that the Sam Houston State University Charter School remains in compliance with all applicable comparability requirements. To ensure proper use of the receipt of any Title I, Part A funding, the Sam Houston State University Charter School will strive to avoid diverting state and local resources away from its Title I, Part A campus(es) by:

- a. Implementing a district-wide salary schedule. The Superintendent shall recommend for Board approval a salary schedule that indicates salary comparability across all Title I and non-Title I campuses and positions. The district wide salary schedule shall allow for fair and comparable compensation for each position based on each employee's job duties, special assignments, education, certifications, and experience. The Superintendent shall administer the compensation plan in a manner consistent with the annual budget adopted by the Board;
- b. Ensuring equivalence among campuses in teachers, administrators, and other staff. The ratio of students to teachers, administrators, and other staff at each Title I campus shall be equivalent to the ratio of students to teachers, administrators, and other staff at non-Title I campuses. Equivalence shall be determined by various reasonable and appropriate factors;
- c. Ensuring equivalence among campuses in the provision of curriculum materials and instructional supplies. Each Title I and non-Title I campus shall receive equivalent funding for curriculum and instructional materials. Equivalence shall be determined by various reasonable and appropriate factors; and
- d. Adjusting to Ensure Comparability. The Superintendent or designee shall conduct testing to measure comparability and maintain records documenting compliance. If any

instances of noncompliance are identified, the Superintendent or designee shall promptly implement adjustments as needed to ensure comparability, seeking board approval where necessary or appropriate.

**Section 5. Special Fiscal Requirements under IDEA, Part B (Special Education).**

The Superintendent shall ensure that the Sam Houston State University Charter School complies with the specific requirements applicable to the receipt of special education funding including maintenance of effort, excess costs, supplemental use, and Coordinated Early Intervening Services.

**Section 6. Charter Schools Program (CSP), NCLB Title V, Part B.**

Section 6.1. Compliance. If the Sam Houston State University Charter School receives CSP grants, the Superintendent shall ensure that the Sam Houston State University Charter School shall comply and use the federal funds in accordance with all statutes, regulations, and approved applications.

Section 6.2. Fiscal Control. The Superintendent shall directly administer or supervise the administration of any projects funding through CSP funds, and shall use fiscal control and fund accounting procedures that ensure proper disbursement of, and accounting for, federal funds.

Section 6.3. Conflicts of Interest. Sam Houston State University Charter School Board members and employees shall avoid apparent and actual conflicts of interest. An individual is prohibited from participating in an administrative decision regarding a project funded through CSP funds if the decision is likely to benefit that person or an immediate family member and the person is a public official or has a family or business relationship with the Sam Houston State University Charter School. A person is prohibited from participating in a project to use his or her position for a purpose that is, or gives the appearance of being, motivated by a desire for a private or financial gain for that person or for others.

Section 6.4. Procurement. When using CSP funds to enter into a contract for equipment or services the Superintendent or designee, shall comply with the applicable federal procurement standards. No Board member, employee, officer, or agent of the Sam Houston State University Charter School may participate in the selection, award, or administration of any contract supported by federal funds if a real or apparent conflict of interest exists.



## **Section 7. National Child Nutrition Programs.**

Section 7.1. National School Breakfast Program Participation. If at least 10 percent of enrolled students in the Sam Houston State University Charter School are eligible for free or reduced-price breakfasts under the national school breakfast program, provided for by the Child Nutrition Act of 1966, the Sam Houston State University Charter School shall either make the benefits of the program available to all eligible students or develop and implement a locally funded program to provide free or reduced-priced meals according to each student's eligibility.

Unless the Board has obtained a waiver from the Commissioner for the applicable school year, if at least 80 percent or more of the students in Sam Houston State University Charter School qualify for a free or reduced-price breakfast under the National School Breakfast Program, the Sam Houston State University Charter School Program shall provide a free breakfast to every student at the school.

The Superintendent shall ensure compliance with all federal and state rules governing administration of the National School Breakfast Program.

Section 7.2. National School Lunch Program. The Superintendent or designee shall ensure compliance with all federal and state rules governing the administration of the National School Lunch Program.

### References:

- 20 U.S.C.A. § 6314
- 42 U.S.C.A § 1773
- 34 C.F.R. § 6
- 34 C.F.R. § 75.700-75.702
- 34 C.F.R. § 77
- 34 C.F.R. § 81
- 2 C.F.R. § 200
- 2 C.F.R. § 3474
- 2 C.F.R. § 3485
- 7 C.F.R. §§ 210, 245.5
- 4 Tex. Admin. Code §§ 25 and 26

Tex. Educ. Code § 33.901

Individuals with Disabilities Education Act of 2004, Part B

Guidance for the Implementation of Title I, Part A, Texas Education Agency

## **100.050 Cash Management & Credit Card Procedures.**

School funds are public funds. Consequently, all expenditures of school funds, including cash expenditures, shall be documented and accounted for by daily receipts.

The Charter School shall not accept checks made payable to "Cash".

The Superintendent shall ensure that appropriate "separation of duties" are complied with in the handling of all money transactions, including reconciliation.

### **Section 1. Accounting for Cash Transactions.**

Section 1.1. Documentation. All cash transactions shall be recorded in writing, such as by handwritten receipt, which shall be signed and dated by the individual who receives the cash. Staff members who receive or collect money from parents or teachers shall document from whom the money was received and in what amount. A copy of the receipt shall be kept with the cash received. Such money shall be submitted to the Principal on the same school day as it is received for deposit.

Section 1.2. Depositing Cash. The Superintendent shall be responsible for ensuring that cash received is deposited in Sam Houston State University Charter School's university account, accounted for through the Controller's Office and expended through the Treasurer's Office. Deposits shall be made whenever cash receipts total \$50.00, or more must be deposited with the Sam Houston State University Bursar's Office within one (1) working day of receipt. Cumulative deposits totaling less than \$50.00 must be deposited within five (5) working days of receipt. A copy of the validated deposit slip shall be returned to the school no later than the next day after the deposit is made.

Section 1.3. Petty Cash Prohibited. The use of petty cash shall not be allowed at Sam Houston State University Charter School.

Section 1.4. Change Fund. Change funds may be established as deemed necessary.

[http://www.shsu.edu/intranet/policies/finop/documents/FO-12%20Change%20Fund amended 6 1 16.pdf](http://www.shsu.edu/intranet/policies/finop/documents/FO-12%20Change%20Fund%20amended%206%201%2016.pdf)

### **Section 2. Checks.**

Section 2.1. Sam Houston State University Charter School Checks. Any authorized check drafted on the Sam Houston State University Charter School's account shall be made in accordance with Sam Houston State University Check Printing and Disbursement Policy FO-54 located at

[http://www.shsu.edu/intranet/policies/finop/documents/FO-54-Check%20Printing%20and%20Disbursement%20Policy\\_4\\_12\\_17.pdf](http://www.shsu.edu/intranet/policies/finop/documents/FO-54-Check%20Printing%20and%20Disbursement%20Policy_4_12_17.pdf).

Section 2.2. Checks Received. Checks received shall be endorsed “for deposit only” and shall be deposited in accordance with the Sam Houston State University Funds Acceptance and Deposit Policy FO-10 [http://www.shsu.edu/intranet/policies/finop/documents/FO-10%20FINAL\\_2016\\_mjh\\_rb\\_clean12\\_7\\_16.pdf](http://www.shsu.edu/intranet/policies/finop/documents/FO-10%20FINAL_2016_mjh_rb_clean12_7_16.pdf).

Section 2.3. Check Requests. Reimbursement requests with original receipts, and mileage reimbursements shall be processed in accordance with Sam Houston State University Travel Policies.

Section 2.4. Check Acceptance Policy. Parents of students enrolled at the Sam Houston State University Charter School and employees of the Sam Houston State University Charter School must receive prior notice from the Sam Houston State University Charter School that in the event a check they have submitted to the Sam Houston State University Charter School is returned for insufficient funds, or any other reason, Sam Houston State University Returned Payment Policy FO-13 [http://www.shsu.edu/intranet/policies/finop/documents/FO-13%20-%20Check%20Cashing-Returned%20Check%20Policy%2011\\_4\\_2016.pdf](http://www.shsu.edu/intranet/policies/finop/documents/FO-13%20-%20Check%20Cashing-Returned%20Check%20Policy%2011_4_2016.pdf) shall apply.

### **Section 3. Credit Card Procedures.**

All authorized users of the Sam Houston State University Charter School credit card assume the responsibilities pertaining to the use and reconciliation of the credit card as outlined in Sam Houston State University Procurement Card Policy/Guide (FO-PUR-08) [http://www.shsu.edu/intranet/policies/finop/procurement\\_business\\_services/documents/PUR-08%20P-Card%20Policy%202015.pdf](http://www.shsu.edu/intranet/policies/finop/procurement_business_services/documents/PUR-08%20P-Card%20Policy%202015.pdf). The Sam Houston State University Charter School credit card shall only be used for school business expenditures. It may not be used for personal purchases and/or cash transactions and shall be maintained by the highest level of security as outlined in the procurement policy above.

Each credit card transaction by any user must be accompanied by appropriate documentation such as original receipts documenting each transaction.

### **Section 4. Activity Funds.**

Section 4.1. Parent/Volunteer Groups. The Superintendent or designee, shall develop procedures for parent and school volunteer groups to follow in the collection of funds. Such procedures should distinguish between what the school is collecting and what the parent group

is collecting. See Texas Education Code §12.108 for allowable fees that may be collected by the Sam Houston State University Charter School.

Section 4.2. Activity Expenditures. The following individual(s) is/are authorized to approve activity expenditures: Superintendent or Principal.

References:

Texas Education Code § 12.108

Texas Education Code § 11.158

## **100.060 Accounting for Capital Assets**

### **Section 1. Accounting for Capital Assets.**

Section 1.1. Capital Asset. A capital asset procured or otherwise acquired for the benefit of the Sam Houston State University Charter School is an asset that is:

- a. Tangible in nature;
- b. Has a life that exceeds one year;
- c. Is valued at \$5000 per unit; and
- d. Is reasonably identified and controlled through a physical inventory system.

Section 1.2. Documentation. The Superintendent shall ensure that the Sam Houston State University Charter School complies with the Sam Houston State University Policies and Procedures for Property FO-PUR-23 located at [http://www.shsu.edu/intranet/policies/finop/procurement\\_business\\_services/documents/PUR-23.pdf](http://www.shsu.edu/intranet/policies/finop/procurement_business_services/documents/PUR-23.pdf). The Superintendent shall maintain accurate records of capital assets procured or acquired by Sam Houston State University for the benefit of the Charter School. Those records must contain the following information:

- a. A description of the capital asset;
- b. Identification number (e.g. manufacturer's serial number, model number, federal stock number, national stock number);
- c. Local state, and/or federal funds used to acquire the capital asset;
- d. Who has title to the asset (charter school, state government, or the federal government);
- e. Date of acquisition or date asset was received;
- f. The cost;
- g. Information indicating the percentage of state and/or federal participation in the cost of the asset (not applicable to donated equipment);
- h. Location and condition of the capital asset and the date the information was reported (e.g. date of the last physical inventory taken by the charter school); and
- i. Information containing the ultimate disposition of the data. This should include the disposal date, sales price or method used to determine current fair market value where a charter school compensates the federal awarding agency for its share.

Section 1.3. Inventory. The Superintendent will ensure that a physical inventory of capital assets takes place annually to determine whether or not the capital asset still exists and if it is still in use.

Section 1.4. Financial and Compliance Report. For purposes of the Financial and Compliance Report, the Superintendent shall ensure that the report includes:

- a. An exhibit in the financial and compliance report identifying all capital assets and the ownership interest of local, state, and federal parties; or
- b. A statement that all property acquired during the term of the Sam Houston State University Charter School, and all property presently held by the Sam Houston State University for the benefit of the Charter School, may be considered public property.

References:

Rules 1.2.4 1.2.4.9-.10 Texas Education Agency, Special Supplement to the Financial Accountability System Resource Guide, Charter Schools, Update 5.0 (January 2010), adopted by 19 TAC § 109.41

## **100.070 Breakfast Charge**

### **Section 1. Purpose.**

With this policy Sam Houston State University Charter School (SHSU Charter School or the School) establishes a consistent policy and procedure for providing meals to students who have insufficient funds in their school meal account and for the collection of unpaid meal debt. SHSU Charter School is committed to serving its students reimbursable meals that meet all of the health and nutrition guidelines set forth by the State, with alternate options for students violating this Breakfast Charge Policy, so that every student is ensured a meal every day they attend the School.

### **Section 2. Published Meal Rates.**

Please refer to the SHSU Charter School website for the most recent published meal rates.

### **Section 3. Payment Method.**

Payments can be made on either a monthly, bi-weekly, or weekly basis. Payments made monthly are due on the first school day of each month, and payments made bi-weekly or weekly are due the Thursday of the previous week. Payments will be turned into the Lead Teacher at each site and only check or money order is an acceptable form of payment. There is no online option for making payments at this time.

### **Section 4. Free and Reduced-Prices Meals.**

Households of SHSU Charter School students may apply for free and reduced-priced meals at any point during the school year. Meal applications will be distributed on the first day a student attends SHSU Charter School, normally the first school day of the year unless a student enrolls mid-year. Meal applications will also be posted on the School's website for access at any time.

Parents/Guardians are encouraged to complete and return the meal applications as soon as possible and regardless of whether they think their child will qualify for free or reduced-priced meals. If household size changes or income changes, families may re-apply for meal benefits any time during the school year.

Households who apply for free and reduced-priced meal benefits are responsible for payment of all school meals and accumulated charges until approval is granted. Federal guidelines allow a maximum of ten days to approve a new application. No child is allowed a free or reduced-

priced meal without an approved application or direct certification information on file. Parents/Guardians will receive a notification letter of the student's eligibility showing the effective date. If a notification letter is not received within ten days, the parent should check with the approving official at the school regarding the status of the application.

Households that are receiving SNAP or TANF benefits will receive a notification of eligibility letter from the School based on Direct Certification if the School has received information about the student(s).

## **Section 5. Breakfast Services.**

Section 5.1 Breakfast for Students Attending Sam Houston State University Charter School Located at Brighton Academy and Greengate Academy The students that attend SHSU Charter School are only required to be under the charter school's supervision between 7:45am and 3:45pm. Therefore, in order for a student to be served breakfast, they will need to be dropped off at the childcare site before 7:45am and must be enrolled in the site's before-school program and pay any fees associated with the program. Students who do arrive before 7:45am will fall under the Child and Adult Care Food Program (CACFP) and can receive breakfast. The breakfast menu and breakfast prices can be obtained from the childcare site. Sam Houston State University will not file for any breakfast reimbursements at any campus with the exception of the Cypress Trails Preschool and Childcare Center.

Section 5.2. Breakfast for Students Attending Sam Houston State University Charter School Located at Cypress Trails Preschool and Childcare Center. Temporarily, our location at Cypress Trails Preschool and Childcare Center is in the process of starting their childcare center and will not be able to serve SHSU Charter School students breakfast. As a result, SHSU Charter School at Cypress Trails will provide students breakfast under the School Breakfast Program. SHSU Charter School will provide breakfast menus, prices, and collect payments for its students that attend the Cypress Trails location. Students who wish to receive breakfast will need to be dropped off at the childcare site before 7:45am. Please note, if a student is dropped off before 7:30am, they will need to be enrolled in the site's before-school program and pay any fees associated with the program. Although a student can potentially arrive early enough to enroll in the before-school program at Cypress Trails, SHSU Charter School is still responsible for feeding the students breakfast. An SHSU Charter School employee will be at Cypress Trails at 7:30am, Monday through Friday, to ensure that the charter school will have supervision over its students who receive breakfast. At 7:45am, all charter school students, including those participating in the before-school program, are under the charter school's supervision until 3:45pm.



**Section 6. Meal Charging.**

A student will be allowed to charge up to five breakfasts (separate from lunch charges), regardless of their eligibility status (paid, reduced, or free). Once this balance has been reached on a student's account, they will be served an alternate meal. This meal will vary depending on the site the student attends. All students will be provided some type of meal regardless of their meal account status.

All negative balances must be paid prior to the end of the semester.

**Section 7. Account Status Notification.**

Households are strongly encouraged to maintain sufficient meal funds for their student(s) on a weekly basis at minimum. SHSU Charter School will notify the household via postal mail and email if a student has three charged breakfast meals. Weekly emails will be sent to the parent/guardian until the negative balance is resolved. The household will be notified again in writing if the student's account reaches the maximum breakfast charging limit of five meals. Notifications to households will include the amount of unpaid breakfast meal charges, expected payment dates, the consequences of non-payment, and where to go for questions or assistance.

**Section 8. Debt Collection.**

If an account has not been reconciled after the efforts of account status notification, the principal or superintendent will contact the household to discuss the student's meal account status and formulate a payment plan (if necessary) or other plan of action in order to assist the household in paying the negative balance.

## **100.080 Lunch Charge**

### **Section 1. Purpose.**

With this policy Sam Houston State University Charter School (SHSU Charter School or the School) establishes a consistent policy and procedure for providing meals to students who have insufficient funds in their school meal account and for the collection of unpaid meal debt. SHSU Charter School is committed to serving its students reimbursable meals that meet all of the health and nutrition guidelines set forth by the State, with alternate options for students violating this Lunch Charge Policy, so that every student is ensured a meal every day they attend the School.

### **Section 2. Published Meal Rates.**

Please refer to the SHSU Charter School website for the most recent published meal rates.

### **Section 3. Payment Method.**

Payments can be made on either a monthly, bi-weekly, or weekly basis. Payments made monthly are due on the first school day of each month, and payments made bi-weekly or weekly are due the Thursday of the previous week. Payments will be turned into the Lead Teacher at each site and only check or money order is an acceptable form of payment. There is no online option for making payments at this time.

### **Section 4. Free and Reduced-Prices Meals.**

Households of SHSU Charter School students may apply for free and reduced-priced meals at any point during the school year. Meal applications will be distributed on the first day a student attends SHSU Charter School, normally the first school day of the year unless a student enrolls mid-year. Meal applications will also be posted on the School's website for access at any time.

Parents/Guardians are encouraged to complete and return the meal applications as soon as possible and regardless of whether they think their child will qualify for free or reduced-priced meals. If household size changes or income changes, families may re-apply for meal benefits any time during the school year.

Households who apply for free and reduced-priced meal benefits are responsible for payment of all school meals and accumulated charges until approval is granted. Federal guidelines allow a maximum of ten days to approve a new application. No child is allowed a free or reduced-

priced meal without an approved application or direct certification information on file. Parents/Guardians will receive a notification letter of the student's eligibility showing the effective date. If a notification letter is not received within ten days, the parent should check with the approving official at the school regarding the status of the application.

Households that are receiving SNAP or TANF benefits will receive a notification of eligibility letter from the School based on Direct Certification if the School has received information about the student(s).

### **Section 6. Meal Charging.**

A student will be allowed to charge up to five breakfasts (separate from lunch charges), regardless of their eligibility status (paid, reduced, or free). Once this balance has been reached on a student's account, they will be served an alternate meal. This meal will vary depending on the site the student attends. All students will be provided some type of meal regardless of their meal account status.

All negative balances must be paid prior to the end of the semester.

### **Section 7. Account Status Notification.**

Households are strongly encouraged to maintain sufficient meal funds for their student(s) on a weekly basis at minimum. SHSU Charter School will notify the household via postal mail and email if a student has three charged breakfast meals. Weekly emails will be sent to the parent/guardian until the negative balance is resolved. The household will be notified again in writing if the student's account reaches the maximum breakfast charging limit of five meals. Notifications to households will include the amount of unpaid breakfast meal charges, expected payment dates, the consequences of non-payment, and where to go for questions or assistance.

### **Section 8. Debt Collection.**

If an account has not been reconciled after the efforts of account status notification, the principal or superintendent will contact the household to discuss the student's meal account status and formulate a payment plan (if necessary) or other plan of action in order to assist the household in paying the negative balance.

## **MODULE 200 – Governance and Organization**

## **200.010 CORPORATE STRUCTURE**

### **Section 1. Applicability of Texas Education Code.**

The Sam Houston State University Charter School is an open-enrollment school subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 of the Texas Education Code relating to special education programs. The Sam Houston State University Charter School shall comply with the requirements for monitoring compliance with federal and state laws relating to special education pursuant to Texas Education Code Section 29.010.

### **Section 2. Legal Framework.**

It is the policy of Sam Houston State University Charter School to follow the Legal Framework for the Child Centered Process developed through the Region 18 Education Service Center, which can be found at <http://framework.esc18.net/display/Webforms/LandingPage.aspx>. Additional policies may be adopted by the governing board to evidence Sam Houston State University Charter School's commitment to the framework and uploaded to Region 18's Legal Framework website.

#### References:

Tex. Educ. Code § 12.104(b)(2)(F)  
Tex. Educ. Code 20.010  
20 USC § 1413(a)  
34 CFR §§ 300.220-.201

### **Section 3. Governance.**

Sam Houston State University Charter School is governed by the charter-holder, the Texas State University System Board of Regents. Authority is delegated through the Sam Houston State University President through the Provost to the Dean of the College of Education. The Dean appoints and establishes the Charter School Board of Directors who adopted the attached Bylaws and policies necessary to carry out the mission of the School.

#### References

Texas Education Code, Chp 12, Subchapter D and E  
Texas Education Code, Chps 95 and 96  
Texas State University System Rules and Regulations

**200.020 Sam Houston State University Charter School's Mission & Vision**

It is the mission of the Sam Houston State University Charter School to be the transformational learning model through a choice education system that can be replicated by school districts in Texas so young students experience academic, emotional, and social success.

## **200.030 Board Operating Procedures**

The governing body (“Board”) of the Sam Houston State University Charter School adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

### **Section 1. Composition and Operation of the Board.**

The Board of Directors shall be selected, comprised, and operate as detailed in the Sam Houston State University Charter School Bylaws found in Policy 200.020.

### **Section 2. Open Government.**

The Board shall comply with the Texas Open Meetings Act, Texas Government Code Chapter 551 and the Texas Public Information Act, Texas Government Code Chapter 552.

### **Section 3. Annual Report on Charter Governance.**

The Board of Directors directs the Superintendent to ensure that by November 1st of each year the annual report on charter governance is submitted to the Texas Education Agency.

#### Reference

Texas Education Code § 12.119

Texas Government Code Chapters 551 and 552

## **200.040 Board Member Training**

The governing body (“Board”) of the Sam Houston State University Charter School adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

### **Section 1. Board Member Training.**

Each member of the Board assumes responsibility for the required training.

### **Section 2. Record of Board Member Training.**

The Chair of the Board or the Chair’s designee shall maintain records concerning training hours.

Reference

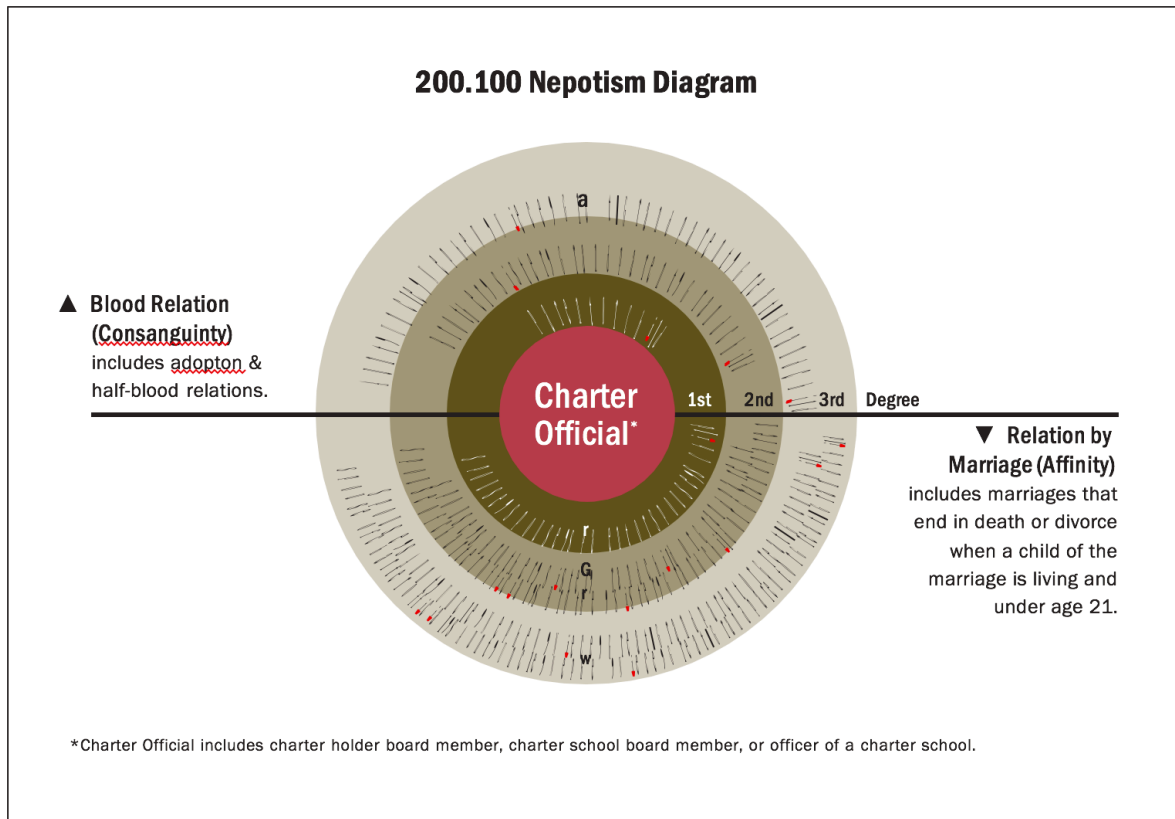
Texas Education Code § 12.123



## 200.050 Nepotism

The Board of Sam Houston State University Charter School shall comply with all applicable nepotism statutes, rules and University policies.

If a charter holder or charter school board member, an officer of the board of a charter school or charter holder, or a superintendent or chief executive officer of a school to whom the board of directors has delegated the final authority to select school employees, is related to one of the following individuals then that related individual may not be employed by the charter school:



## References

Texas Education Code §§ 11.1513(f) and 12.1055

Texas Government Code, Chp. 573

[Sam Houston State University Finance & Operations Human Resources Policy E-2](#)

## **200.060 Conflicts of Interest**

### **Section 1. Substantial Interest in Real Property or Business Entity.**

For purposes of compliance with Chapter 171 of the Texas Local Government Code, which relates to board members and other officers of the charter school doing business with the charter school, affected board members and employees must execute one or both of the attached affidavits, as appropriate.

Section 1.1. Affected board members or employees must timely file the executed affidavit with the official record keeper of the charter holder when circumstances require such a filing.

Section 1.2. The minutes of the board meeting during which a board member or employee submits an affidavit or abstains from a vote must clearly identify each person participating in the matter, each person abstaining, each person voting, and the vote of each person.

Section 1.3. An action taken subject to this Section must be approved through a written resolution adopted by the governing board and signed by the board members voting in favor of it.

### **Section 2. Managing Conflict Disclosure Form Records.**

For purposes of compliance with Chapter 176 of the Texas Local Government Code, Superintendent must maintain a list of the charter holder's local government officers and must make that list available to the public and any vendor required to file a Conflict of Interest Questionnaire (CIQ) form. Additionally, the Superintendent must maintain the completed Conflicts Disclosure Statement (CIS) forms and CIQ forms in accordance with the charter school's records retention schedule.

### **Section 3. Web Postings of CIS and CIQ Forms.**

The Superintendent must ensure that completed CIS forms and CIQ forms are posted to the charter's Internet website.

### **Section 4. Other Conflicts of Interest.**

Sam Houston State University Charter School employees and board members shall comply with the Sam Houston State University and Texas State University System conflicts and ethics

policies referenced <http://www.shsu.edu/dotAsset/eb395aa5-5aa6-41e1-ad66-f8ba2b3ab0a6.pdf>below.

**Section 5. Compliance Record Maintenance.**

The Superintendent shall maintain the compliance records for state conflict of interest standards as required by law.

**Section 6. Compliance Form.**

As a means toward complying with this policy, the *Superintendent* may require each member of the governing body of the charter holder, each officer of the charter school, each member of the governing body of charter school, and each employee of the charter school to complete the form template attached to this policy.

References

Texas Education Code § 12.1054

Texas Local Government Code Chps. 171 and 176

19 TAC § 10.1047

Sam Houston State University Finance & Operations Human Resources Policy E-8

Texas State University System Rules and Regulations Chp. 8

## **200.070 Restrictions on Serving as a Board Member or Officer**

### **Section 1. Criminal History Records.**

Section 1.1. Criminal Background Check for Members of the Board. Before an individual becomes a member of the Board, the Chair of the Board or the Chair's designee shall ensure that all criminal history record information is obtained, as frequently as the law requires, from the Texas Department of Public Safety.

Section 1.2. Criminal History Background Checks for Officers of the Charter School. Before an individual becomes an officer of the charter school, the Superintendent or Superintendent's designee shall ensure that all criminal history record information is obtained through Sam Houston State University Human Resources which, at a minimum, reviews records from the Texas Department of Public Safety. After the initial check, the Superintendent or Superintendent's designee shall ensure that such a criminal history check is conducted as frequently as the law requires.

Section 1.3. Confidentiality. The Superintendent of Sam Houston State University Charter School shall ensure that criminal history information is released only to legally authorized entities.

### **Section 2. Majority of Board Members as Qualified Voters.**

The Board shall ensure that at all times at least a majority of the members of the Board are qualified voters in the state of Texas.

#### References

19 TAC § 100.1151

Texas Education Code § 12.1202

Sam Houston State University Criminal Background Check Policy

## **200.080 Chief Executive Officer**

### **Section 1. Chief Executive Officer (“CEO”).**

The CEO is the Dean of the College of Education. The CEO is responsible for the administration of the school to the charter holder, the Texas State University System Board of Regents

### **Section 2. Powers & Duties.**

Section 2.1. Non-Delegable Powers and Duties. The following powers and duties are reserved to the Dean of the College of Education and shall not be delegated:

- a. Organizing the charter school’s central administration;
- b. Approving reports or data submissions required by law; and
- c. Selecting charter school employees or officers.

### **Section 3. Training.**

The CEO shall complete all training required by 19 Texas Administrative Code § 100.1103. The CEO shall oversee the Superintendent in maintaining compliance and keeping accurate records concerning the commissioner of education rules governing training of open-enrollment charter CEO.

### **Section 4. Posting of Salary.**

The Dean of the College of Education, shall ensure the salary of the Superintendent is posted on its Internet website.

#### References

19 TAC § 100.1

10 TAC § 100.1103

Texas Education Code § 12.136

## **200.090 Campaign Contributions to The State Board of Education**

### **Section 1. Disclosure.**

Section 1.1 Disclosure. Board members, employees, and agents of *Sam Houston State University Charter School* shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity made a campaign contribution to a candidate for or to a member of the State Board of Education (SBOE).

Section 1.2. In Writing. The disclosure will be made in writing to the commissioner of education within the timeline and in the format established by the SBOE Rule.

### **Section 2. Benefits Conferred.**

Section 2.1. Disclosure. The Board members, employees, and agents of *Sam Houston State University Charter School* shall disclose in the same manner, as stated in Section 1.2 of this policy, any benefit conferred on a candidate for or member of the SBOE during the preceding four years.

### **Section 3. Continuing Duty to Report.**

Section 3.1. *Sam Houston State University Charter School*, its employees and agents has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall, within 21 calendar days, notify the commissioner of education upon making a contribution or expenditure covered by this Section.

Section 3.2. Political Advertising. *The Superintendent* shall ensure that no state funds are expended by the *Sam Houston State University Charter School* for any political advertising.

Reference

State Board of Education Operating Rule § 4.3

## **200.100 Evaluation of Performance in Community and Student Engagement; Compliance**

### **Section 1. Evaluation of Performance.**

This policy is effective with the 2017-2018 school year. The board of directors of Sam Houston State University Charter School shall direct the Superintendent to appoint a local committee to evaluate the school's performance and the performance of each campus of the charter school in community and student engagement and in compliance. The following programs or specific categories of performance must be evaluated at each campus:

- a. Fine arts
- b. Wellness and physical education
- c. Community and parental involvement
- d. 21st Century Workforce Development Program
- e. Second Language Acquisition Program
- f. Digital Learning Environment
- g. Dropout Prevention Strategies
- h. Gifted & Talented Educational Programs
- i. The record of the charter school and each campus regarding compliance with statutory reporting and policy requirements.

After conducting the evaluation of the school and each campus's performance in the categories set forth above, the local committee shall assign a proposed rating for each category based on the criteria described below using supporting evidence from the campus or district. The local committee shall present the proposed ratings to the Board of Directors for review and approval, along with the underlying evidence to support the assignment of each rating.

### **Section 2. Method and Criteria for Evaluation.**

The Dean of the College of Education, or the Dean's designee, shall complete the TCSA Quality Framework, which provides an objective and comprehensive evaluation for each category required above.

The following criteria shall be used to evaluate the performance of the school and each campus in the categories described above:

- a. The record of the charter school and each campus regarding compliance with statutory reporting and policy requirements; and
- b. The criteria set forth in the guidance document provided through the TCSA Quality Framework regarding performance of the school and each campus of the school in the applicable categories.

**Section 3. Final Performance Rating & Report to the Texas Education Agency.**

No later than June 1st of each year, the Board of Directors shall review and approve the proposed performance ratings as presented by the local committee. The local committee shall submit the ratings to the Public Education Information Management System (PEIMS) in accordance with the reporting requirements and timelines specified in the PEIMS Data Standards and the Texas Education Data Standards applicable for that school year. By no later than August 8th of each year, the local committee shall make the final ratings public on the school's website.

Reference

Texas Education Code § 39.023

**Section 4. Funding.**

Sam Houston State University Charter School may solicit and accept gifts, grants, and donations from any person to implement the requirements in Education Code § 29.022. Sam Houston State University Charter School is not permitted to use Individuals with Disabilities Education Act, Part B, funds or state special education funds to implement the requirements of Education Code requirements of Education Code § 29.022.

**Section 5. No Waiver of Immunity.**

The requirements described by this policy do not:

1. Waive any immunity from liability of Sam Houston State University Charter School, or of Sam Houston State University Charter School officers or employees; or
2. Create any liability for a cause of action against Sam Houston State University Charter School or against Sam Houston State University Charter School officers or employees.



## **MODULE 300 – General School Operations**

**300.010 School Year and Eligibility Status**

**Section 1. School Year.**

The Board shall annually adopt an academic calendar.

## **300.020 Instructional Facilities**

### **Section 1. Right to Occupy Facilities.**

The Superintendent shall maintain in school records a copy of the legally enforceable instrument conferring on the school the right to occupy and use facilities suitable for classroom use.

### **Section 2. Occupancy Certificate.**

If Sam Houston State University Charter School is approved for a new facility site by the commissioner of education, before commencing operations, the Superintendent shall file a certificate of occupancy or its equivalent with the Texas Education Agency, Division of Charter Schools.

Reference:

19 TAC § 100.1215

### **300.030 Emergency Management Plan**

The governing body (“Board”) of Sam Houston State University Charter School adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

The Superintendent shall, in conjunction with the Sam Houston State University Emergency Health Safety and Risk Management Department (or equivalent SHSU Department) develop and implement a multi-hazard emergency operations plan for use in Sam Houston State University Charter School’s facilities. The plan must provide for:

- a. The mitigation, preparedness, response, and recovery in regards to an emergency;
- b. Employee training in responding to an emergency;
- c. Mandatory school drill exercises to prepare students and employees for responding to an emergency; and
- d. Measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency.

Each campus of Sam Houston State University Charter School shall have a copy of the emergency management plan and all staff/personnel will be trained annually on the emergency procedures.

### **300.040 Instructional Materials**

The governing body (“Board”) of *Sam Houston State University Charter School* adopts the following policy which shall be effective on the date that the policy is adopted by the Board. The instructional material adoption process shall comport with relevant laws and regulations.

#### **Section 1. Instructional Materials Allotment.**

Section 1.1. Certification of Use. The use of Sam Houston State University Charter School’s instructional materials allotment (“IMA”) shall comport with applicable law and regulation, specifically Texas Education Code §§ 31.0211-12. The Superintendent, or designee, shall annually certify to the commissioner of education that Sam Houston State University Charter School’s IMA has been used solely for expenses allowed by law.

Section 1.2. If the number of students attending Sam Houston State University Charter School increases or decreases during the school year for which the IMA is provided, the Superintendent, or Superintendent’s designee, shall ensure that a timely request is submitted to the commissioner of education for adjustment in the number of students for which Sam Houston State University Charter School is entitled to receive an IMA.

#### **Section 2. Selection of Instructional Materials.**

##### Section 2.1. Instructional Materials Selection Committee.

- a. Appointment. The Superintendent shall appoint an instructional materials selection committee to review and consider textbooks, as well as other instructional materials for adoption by Sam Houston State University Charter School.
- b. Recommendation to the Board. The committee shall review instructional materials and make a recommendation to the Board as to which materials should be adopted by Sam Houston State University Charter School.

Section 2.2. Board Adoption and Recording. The Board will consider the committee’s recommendation for adoption at a scheduled Board meeting. If the Board chooses not to adopt any or part of the committee’s recommendation, the committee shall reconvene to determine alternate instructional materials for adoption. This process shall continue until the Board chooses to adopt all of the instructional materials recommended by the committee. Final selections of instructional materials adopted by the Board shall be recorded in the Board minutes.

Section 2.3. Supplemental Instructional Materials. If Sam Houston State University Charter School requisitions supplemental instructional materials, the Superintendent, or Superintendent's designee, shall ensure that Sam Houston State University Charter School certifies to the Texas Education Agency that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by Sam Houston State University Charter School, cover the essential knowledge and skills identified in law.

Section 2.4. Notification to SBOE. Each year, during the period established by the State Board of Education ("SBOE"), the Superintendent, or Superintendent's designee, shall notify the SBOE of the instructional materials selected for the following school year as required by law.

#### References

Tex. Edu. Code §§ 31.0211-12

### **300.050 Grievance Process**

This policy governs student and parent complaints, employee grievances, and citizen complaints.

For purposes of this policy, “days” means school calendar days.

With the exception of a complaint against a Superintendent, each complaint must initially be brought at the lowest level of review, at the Campus Principal Review level.

The Board encourages all complaints to be resolved at the lowest level possible.

#### **Section 1. Campus Principal Review of Complaint.**

Where a Sam Houston State University Charter School employee, student, guardian of a student, or a member of the public has a complaint or concern regarding Sam Houston State University Charter School, the individual shall first bring their complaint or concern in writing to the appropriate campus principal. The complaint must be brought within 15 school days of the date that the complainant knew or should have known of the alleged harm. The complaint must be specific, and where possible suggest a resolution. The principal must hear the complainant, attempt to remedy the complaint in the best interest of the affected parties, and document the outcome. The principal must respond to the complainant and issue a final decision in writing within 10 days of the principal’s receipt of the complaint.

#### **Section 2. Superintendent Review of Complaint.**

If the individual bringing the complaint is not satisfied with the campus principal’s final decision, then the individual may file a written appeal to the Superintendent of Sam Houston State University Charter School. This written appeal shall be filed with the Superintendent’s office within 10 days of the individual’s receipt of the campus principal’s final decision. The complaint shall include a copy of the written complaint to the campus principal along with a copy of the campus principal’s final decision. A copy of the appeal shall also be delivered to the campus principal.

The appeal must be specific, and where possible suggest a resolution. The complaint shall not include any new issues or complaints unrelated in the original complaint expressed to the campus principal.

The Superintendent, or Superintendent’s designee, shall respond to the complaint and

issue a final decision in writing within 15 days of receipt of the written appeal.

**Section 3. Board of Directors Review of Complaint.**

If the individual bringing the complaint is not satisfied with the Superintendent's final decision, then the individual may appeal their complaint in writing to Sam Houston State University Charter School's Board of Directors within 10 days of receiving the Superintendent's final decision. The complaint shall be directed to the President of the Board, and shall include a copy of the written complaint to the Superintendent along with a copy of the Superintendent's final decision. A copy of this appeal shall also be delivered to the Superintendent.

The President of the Board, at the next regular meeting of the Board that occurs at least five (5) days after receipt of the complaint, shall provide a copy of the complaint record to all board members. The Board's decision shall be decided on a review of the record developed at the Superintendent's level. Any action of the Board of Directors regarding the complaint shall be taken in compliance with the Texas Open Meetings Act.

The failure of the Board to act on a complaint has the effect of upholding the Superintendent's decision.

Reference:

Tex Edu. Code § 26.011



## **MODULE 400 - Students**

## **400.010 Admissions & Enrollment**

The governing body (“Board”) of Sam Houston State University Charter School 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. Sam Houston State University Charter School’s admissions and enrollment shall be free from discrimination based on race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran’s status, sexual orientation, gender identity academic, artistic, or athletic ability; or the district the child would otherwise attend under state law.

Section 1.2. Admission Application Deadline. Sam Houston State University Charter School’s admission application period begins the first Monday in February and ends 60 days thereafter. If more than 20 students apply for any class, a lottery will be used to determine the students who are admitted.

Section 1.3. Exclusion from Admission. Section 1.3. Exclusion from Admission. Sam Houston State University Charter School reserves the right to exclude from admission a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems *under subchapter A, Chapter 37 of the Texas Education Code within the last three school years, as evidenced by records received from school previously attended by the student, law enforcement, or any other relevant documentation, and may exclude the student from admission on this basis.*

Section 1.4. Acceptance Procedure. If Sam Houston State University Charter School receives more applications than it has spaces available, then the charter school shall conduct a random lottery.

Section 1.5. Falsification of Information. If a student who would otherwise be ineligible for admission to the School provides false information on an admissions application or other enrollment document and as a result of the false information is admitted to the School, the student shall be immediately withdrawn from enrollment from the School upon discovery of the falsification. Falsification of information for the purpose of gaining enrollment in a public school is a criminal offense under § 37.10 of the Texas Penal Code. The School may elect to report the falsification to law enforcement or take any other action permitted by law.

## **Section 2. Enrollment.**

Section 2.1. Eligibility. The Superintendent shall establish procedures that ensure that appropriate measures are taken to verify, on enrollment, that a student is entitled to enroll in Sam Houston State University Charter School in accordance with the Texas Education Agency, Student Attendance Accounting Handbook, § 3.3, (2010-11).

Section 2.2. Enrollment Documentation. Upon a student's enrollment, the Superintendent, or Superintendent's designee, shall secure all records and required documentation pertaining to the student.

Section 2.3. Residency Qualifying for Enrollment. The Superintendent, or Superintendent's 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, the person's presence within the boundary is not for the primary purpose of participation in extracurricular activities, and the person has not engaged in conduct for which exclusion permitted and deemed warranted by the Superintendent, or Superintendent's designee;
- The student is homeless, regardless of the residence of the student, of either parent, or of the person's guardian or other person having lawful control of the person;
- The student is a foreign exchange student placed with a family that resides within the geographic boundary stated in the charter by a nationally recognized foreign exchange program (unless the Board has received a waiver from the commissioner under);
- The student resides at a residential facility that is located within the geographic boundary stated in the charter;
- The student resides within the geographic boundary stated in the charter and either is 18 years old or older or has had the disabilities of minority removed;
- The student does not reside within the geographic boundary stated in the charter but has a grandparent who does and who provides a substantial amount of after-school care for the student; or

- The student is placed in foster care by an agency of the state or a political subdivision, and person's foster parents reside within the geographic boundary stated in the charter.

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

### **Section 3. State Conservatorship Liaison.**

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

Continued Enrollment of Student in Conservatorship of State. A student who is placed in the conservatorship of the Department of Family and Protective Services and at a residence outside the geographic boundary served by Sam Houston State University Charter School shall be entitled to continue to attend Sam Houston State University Charter School .

#### References:

42 U.S.C. § 11434a

19 Tex. Admin. Code § 100.1207(d)

Tex. Educ. Code § 12.117

Tex. Educ. Code Chapter 37, Subchapter A

Tex. Educ. Code §§ 25.001-002

Tex. Educ. Code § 5.001

Texas Education Agency, Student Attendance Accounting Handbook

U.S. Dept. of Educ., Charter Schools Program, Non-regulatory Guidance

[http://dpi.wi.gov/sms/pdf/cs\\_nonreg\\_guid\\_april\\_2011.pdf](http://dpi.wi.gov/sms/pdf/cs_nonreg_guid_april_2011.pdf)

## **400.020 Student Transportation**

### **Section 1. Transportation to and from School.**

It is the policy of Sam Houston State University Charter School not to provide public bus passes or cards to its students for transportation to and from school for all students.

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

The Sam Houston State University Charter School shall provide appropriate transportation services to any eligible homeless student and to any student with a disability whose ARD committee determines that the student needs transportation as a related service.

#### References:

42 USC § 11432(g)(4)(A)

34 CFR § 300.34(c)(16)

Tex. Educ. Code § 12.109

Tex. Educ. Code § 42.155

<http://www2.ed.gov/policy/gen/leg/recovery/guidance/homeless.pdf>.

Texas Education Agency, School Transportation Allotment Handbook

## **400.030 Attendance**

### **Section 1. Compliance.**

The Superintendent, or designee, shall ensure Sam Houston State University Charter School's student attendance accounting system is in compliance with all laws, regulations, and Texas Education Agency rules governing attendance. The Superintendent, or designee, shall ensure that attendance policies are made available to staff, students, and parents/guardians.

### **Section 2. Documented Absences.**

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

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

### **Section 3. Warning Notice.**

The Superintendent, or designee, shall ensure that at the beginning of each school year the parents of students of Sam Houston State University Charter School receive written notice that they are subject to prosecution if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year.

Sam Houston State University Charter School shall notify a student's parent if the student has been absent from school, without excuse on three days or parts of days within a four-week period.

### **Section 4. School Attendance Officer.**

The Charter School Board designates the Superintendent as the school attendance officer (SAO). The Superintendent shall determine the duties and responsibilities of the SAO, all of which should be in line with the maintenance of student attendance.

References:

Tex. Educ. Code § 12.117

Tex. Educ. Code § 25.085(b)

Tex. Educ. Code § 25.088

Tex. Educ. Code § 25.095

Texas Education Agency Student Attendance Accounting Handbook

## **400.040 FERPA**

### **Section 1. Compliance.**

In regards to student records, Sam Houston State University Charter School shall comply with the Family Educational Rights and Privacy Act ("FERPA").

### **Section 2. Custodian of Records.**

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

### **Section 3. Annual Notice.**

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

### **Section 4. Directory Information.**

Section 4.1. Definition. Directory information is the following: (1) student's name, (2) permanent mailing address, (3) telephone number, (4) date and place of birth, (5) student's electronic mail address, (6) participation in officially recognized activities, (7) honors and awards received, (8) grade level, (9) name and address of parents or legal guardians of the student.

Section 4.2. Disclosure. Directory information will be released to the public at the discretion of Sam Houston State University Charter School, in compliance with FERPA, unless a parent or student over 18 years of age objects to part or all of its release in writing within 12 class days after receiving the annual notice described in Section 3 of this policy. The Principal will notify the Superintendent of any student's refusal to permit the Sam Houston State University Charter School to designate an item of information as directory information to be released so the student's records can be marked accordingly. The Superintendent will ensure no disclosure of the items of information about the student without the student's parents' or legal guardians' prior written consent, except to parties who have legal access to student records without written consent.



**400.050 Adoption of a Major Curriculum Initiative.**

Prior to the adoption of the curriculum initiative by the Board of Directors of Sam Houston State University Charter School, the Superintendent shall provide teachers and employees of the school an opportunity to express opinions regarding the initiative. Any opinions received by the Superintendent shall be provided to the Board of Directors for their review and consideration.

Further, before the adoption of a major curriculum initiative, including the use of a curriculum management system, the Board of Directors of Sam Houston State University Charter School shall, in accordance with the Texas Open Meetings Law, hold a meeting during which

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

Reference:

- Tex. Educ. Code § 28.002(g)
- Tex. Gov't. Code Chapter 551

## **400.060 Required Instruction and Graduation**

### **Section 1. Compliance.**

The Superintendent shall ensure that Sam Houston State University Charter School maintains compliance with all state laws and regulations governing curriculum and graduation requirements.

Section 1.1. Pledge of Allegiance. The principal, or designee, of each campus of Sam Houston State University Charter School shall ensure that Sam Houston State University Charter School maintains compliance with all state laws and regulations governing recitation of the Pledge of Allegiance to the United States and Texas flags and the regulations governing proper flag display in each classroom in which the pledges of allegiance are recited.

Section 1.3 Observance of Moment of Silence. The principal, or designee, of each campus of Sam Houston State University Charter School shall ensure that Sam Houston State University Charter School maintains compliance with state law governing the observance of one minute of silence following the recitation of the pledges of allegiance to the United States and Texas flags.

Section 1.3. Commemoration of the Events of September 11, 2001. The principal, or designee, of each campus of Sam Houston State University Charter School shall ensure that Sam Houston State University Charter School maintains compliance with state law governing the commemoration of the events of September 11, 2001.

Reference:

4 U.S.C. Sections 4, 5-10

Subchapter C, Chapter 3100, Texas Government Code

Tex. Educ. Code § 25.082(d)

Tex. Educ. Code § 25.0821

## **400.070 Bilingual / ESL Education Program**

### **Section 1. Program Principles.**

Section 1.1. Board Commitment. The Board of Sam Houston State University Charter School is Committed to meeting the needs of non-English speaking students who are English Language Learners (ELL) or students of limited English proficiency (LEP) and to providing every ELL student with a full opportunity to participate in a bilingual education or English as a Second Language (ESL) program. Throughout this Policy ELL students and LEP students shall have the same meaning.

Section 1.2. Compliance with State and Federal Requirements. The Superintendent, or designee, shall ensure that the bilingual and/or ESL programs of Sam Houston State University Charter School operate in compliance with federal and state law.

### **Section 2. Program Responsibilities.**

The Superintendent will ensure that Sam Houston State University Charter School shall:

1. Identify ELL students based on criteria established by the state;
2. Provide bilingual education and/or ESL programs as integral parts of the Sam Houston State University Charter School regular program;
3. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for ELL students.

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

Sam Houston State University Charter School shall establish and operate Language Proficiency Assessment Committee(s) in accordance with this policy and the LPAC procedures established by the Superintendent. It is the policy of Sam Houston State University Charter School to follow the LPAC Legal Framework developed by the Region 6 Education Service Center for the Sam Houston State University Charter School LPAC procedures.

The Superintendent or designee shall ensure that a sufficient number of LPACs are established at Sam Houston State University Charter School to discharge LPAC duties within 20 school days of enrollment of an ELL student. The Superintendent shall ensure that this policy and all LPAC procedures are on file in the records of Sam Houston State University Charter School.

Section 3.1. Selection of LPAC Members. The Superintendent shall establish procedures for the selection, appointment, and training of members of the LPAC for the special language

program(s) operated by Sam Houston State University Charter School in accordance with Tex. Educ. Code § 29.063. Selection of parent members of LPAC(s) shall be made after soliciting volunteers and upon the recommendation of professionals involved in the bilingual/ESL programs. No parent serving on the LPAC shall be an employee of Sam Houston State University Charter School. Professional staff members of the LPAC(s) shall be assigned those duties by the Superintendent or designee, in accordance with the LPAC procedures.

Section 3.2. General Responsibilities of LPAC. The Superintendent shall establish procedures governing the Sam Houston State University Charter School LPAC for fulfilling LPAC responsibilities and duties. The Sam Houston State University Charter School LPAC shall accomplish the following general responsibilities pursuant to Tex. Educ. Code § 29.063(c):

1. Review of all pertinent information on ELL students upon initial enrollment and at the end of the school year;
2. Make recommendations concerning the most appropriate placement for the advancement of an ELL student;
3. Review each ELL student's progress at the end of the school year in order to determine future appropriate placement;
4. Monitor the progress of former ELL students who have transferred out of the special language program and designate the most appropriate placement for such student;
5. Determine the appropriateness of a program that extends beyond the school year based on the needs of each ELL student.

#### **Section 4. Training.**

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

#### **Section 5. Home Language Survey.**

Section 5.1 Administration of Survey. Sam Houston State University Charter School shall include a Home Language Survey as part of the student enrollment documentation to determine the language normally used in the home and the language normally used by the student. Pursuant to 19 Tex. Admin. Code § 89.1215, the home language survey shall be

conducted in English and in the home language, and signed by the student's parents if the student is in pre-kindergarten through grade 8. The Superintendent or designee shall ensure that an original copy of the survey is retained in the student's permanent record to comply with Tex. Educ. Code § 29.056(a)(1).

Section 5.2 Language Classification. The Sam Houston State University Charter School LPAC shall use the home language survey to establish the student's language classification for determining whether the school is required to provide a bilingual education or ESL program. If a student is identified through the home language survey as normally speaking a language other than English, the LPAC will ensure that the student is tested in accordance with 19 Administrative Code §89.1225 (Testing and Classification of Students) and additionally for students with disabilities, 19 Administrative Code §89.1230 (Eligible Students with Disabilities), within 20 school days of the student's enrollment in Sam Houston State University Charter School.

## 400.080 Health

### Section 1. Immunizations & Reportable Diseases.

The Superintendent, or designee, of Sam Houston State University Charter School shall ensure compliance with immunization laws and regulations and that Sam Houston State University Charter School complies with laws and regulations regarding reportable diseases.

#### Section 1.1. HIV/AIDS STATUS.

- a. Equitable Treatment. Students with HIV/AIDS have the right to attend school and expect equitable treatment. HIV/AIDS is not a communicable condition for which a child must be excluded from school. A student may not be excluded from attendance at school or school-related activities solely because of the child's known or suspected HIV status.
- b. Confidentiality. Disclosure of a student's HIV status is a violation of federal and state law. Knowledge of the HIV status of a child shall be kept confidential by school personnel and shall not be released without the consent of the parent or legal guardian of the child except where release is required or authorized by law. A teacher does not have a right to know the HIV/AIDS status of a student and may not ask the HIV/AIDS status of a student. Administrators and nurses should help teachers to understand the district's policy regarding students with HIV/AIDS.
- c. Reporting. The school superintendent or school's designee shall determine if the school has an obligation to report a student's HIV status. The school superintendent or school's designee must make a report to the Department of State Health Services or other local health authority if he or she determines that the school has an obligation to report a student's HIV status.

Section 1.2. Reportable Diseases. School authorities, including a superintendent, principal, or teacher, school health official, or counselor shall report those students who are suspected of having a reportable condition as required by and under procedures established by the Texas Executive Commissioner for Health and Human Services.

### Section 2. Care for Students At-Risk for Anaphylaxis.

#### Section 2.1. Food Allergy Management in the School Setting.

- a. Food Allergy Management Team. The Superintendent shall create a food allergy management team to implement, coordinate, and monitor food allergy management at each Sam Houston State University Charter School campus. Members of the team may include: a school nurse, the principal, food service staff, a counselor, and/or a

classroom teacher. The food allergy management team will work with parents in supporting students with food allergies on the campus as well as assist campus staff in implementing procedures and student specific strategies.

- b. Point of Contact. The Superintendent shall designate an employee, which is knowledgeable about food allergies, to serve as the point of contact for parents, healthcare providers, and the campus food allergy management team. The designee shall receive ongoing training in the management of food allergies in the school setting, including the provision of administration of epinephrine. The Superintendent's designee shall ensure that moderate to severe allergic reactions known to Sam Houston State University Charter School shall be documented and submitted in an annual report to the Superintendent; the Superintendent shall present this report to the Board during the annual review of the policies and procedures concerning food allergies and anaphylaxis.
- c. Storage of Medications. The Superintendent, or Superintendent's designee, shall develop procedures, in accordance with applicable laws, for the storage of medications that are relevant to food allergies and anaphylaxis.

#### Section 2.2. Identification of Students with Food Allergy At-Risk for Anaphylaxis.

- a. Food Allergy Information Upon Enrollment & After Diagnosis. The Superintendent, or the Superintendent's designee, shall develop, implement, and monitor standardized procedures that will be utilized in obtaining information from a parent/legal guardian, as well as the child's healthcare provider, upon registration and as soon as possible after a child is diagnosed with a food allergy that places them at risk for anaphylaxis. Enrollment procedures shall include a request that a parent, or legal guardian, disclose whether their child has a food allergy or a severe food allergy that, in the judgment of the parent, or legal guardian, should be disclosed to Sam Houston State University Charter School to enable the Sam Houston State University Charter School to take any necessary precautions regarding the child's safety. Such information shall be kept confidential according to law and maintained in accordance with law.
- b. Parent Consent. The Superintendent's designee shall ensure Sam Houston State University Charter School documents and keep current parent consent for medication administration (e.g. epinephrine).
- c. Students Whose Disabilities Restrict Their Diets. The Superintendent, or Superintendent's designee, shall develop procedures to ensure that a student receives substitutions or modifications in school meals whenever Sam Houston State University Charter School receives a licensed physician's assessment indicating that food substitutions or modifications must be made for a student because of food allergies that may result in severe, life-threatening (anaphylaxis) reactions. Sam Houston State University Charter School must receive a signed statement by a license physician that identifies: (1) the child's disability; (2) an explanation of why the disability restricts the

child's diet; (3) the major life activity affected by the disability; and (3) the food or foods to be omitted from the child's diet and the food or choice of foods that must be substituted.

Section 2.3. Food Allergy Action Plan, Emergency Care Plans, and Individualized Health Care Plans.

- a. Food Allergy Action Plan (FAAP)/Emergency Action Plan (EAP): The FAAP/EAP, developed by the healthcare provider in collaboration with the parents or legal guardians, provides information about the child's food allergy, outlines the care that the child will need in managing the food allergy, and outlines actions to be taken in case of an allergic reaction. TCSA Note: See Appendix B in the Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis for sample FAAP/EAP forms. The Superintendent, or Superintendent's designee, shall ensure that the parents and the student (when age appropriate) meet with the campus food allergy management team to review the FAAP/EAP. This meeting should occur prior to the child attending school, after returning to school after an absence related to the diagnosis, and anytime there are changes to the student's FAAP/EAP.
- b. Individualized Healthcare Plan ("IHP") & 504 Plans. The school nurse will utilize the FAAP/EAP to develop and monitor an IHP which outlines day to day care for managing the student's food allergy. The school nurse may facilitate the process of implementing the FAAP/EAP in coordination with the campus food allergy management team and the parents. Where legally required, the school will also develop a 504 Plan to address the health and learning needs of the student. The ED, or ED's designee, shall ensure compliance with relevant disability laws.

Section 2.4. Reducing the Risk of Exposure in the School Setting.

- a. Procedures. The food allergy management team shall develop procedures that outline district-wide, campus-wide, classroom-wide, and individual strategies that are to be utilized for managing students with food allergies at-risk for anaphylaxis. In developing these procedures, consideration shall be given in promoting safety in the following areas, including, but not limited to: the cafeteria, all classrooms, hallways, common areas in the school, on the bus, and during all school-sponsored activities, including field trips, athletic events, on-campus, off-campus, and before and after school activities. The Superintendent's designee, serving as the point of contact, working in collaboration with the campus food allergy management team, and parents may help in developing individual campus strategies to support students with food allergies at-risk for anaphylaxis.
- b. Environmental Controls. The food allergy management team shall develop and implement appropriate environmental controls to help minimize the risk of exposure to



a food allergen. Environmental controls include, but are not limited to, consideration of the following:

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

Section 2.5. Training for School Staff on Anaphylaxis and Emergency Response.

- a. Training Schedule. The Superintendent, or Superintendent's designee, shall establish a training schedule that ensures that, at a minimum annually, all school staff is trained to recognize and manage a life threatening anaphylactic reaction. The training schedule may implement a tiered approach including an "awareness training" for all staff and a more "comprehensive training" for the campus food allergy management team and school staff members that will be responsible for the care of individual students.

- b. Awareness training. Awareness training is intended to give an overview of food allergies and anaphylaxis including the signs and symptoms of an allergic reaction, as well as treatment of anaphylaxis. At a minimum the training must include information about the most common food allergens, the hazards related to the use of food for instructional purposes, and the importance of environmental controls in protecting the health of students at risk for food allergy related to anaphylaxis. Additionally, the training must provide information about how to respond when a child exhibits the signs and symptoms of an allergic reaction to food, provide information on implementing the FAAP/EAP, including the skills needed in administration of epinephrine, and notifying the local EMS utilizing the school's emergency response policy and procedures.
- c. Comprehensive training. Comprehensive training, at a minimum, should include training on: identifying students at-risk for anaphylaxis and planning for students that do not have epinephrine at school; the signs and symptoms of anaphylaxis; implementing FAAPs/EAPs; the administration and storage of epinephrine; development and implementation of IHPs/504 Plans; communication procedures for initiating emergency protocols, including substitute staff; environmental control measures, to reduce the risk of exposure to a food allergen, including safe food handling, hand washing, and cleaning procedures; working with local EMS; and post anaphylaxis debriefing and monitoring of the food allergy management plans on the campus.

Section 2.6. Post-Anaphylaxis Reaction Review. In the event that a student has a moderate to severe reaction, to prepare for the child's return to school, the Superintendent's designee and the campus food allergy management team shall collaborate with the student's parents in collecting and reviewing information and implementing the following activities in order to prepare for the child's return to the classroom:

- a. Identify, if possible, the source of allergen exposure and take steps to prevent future reactions.
- b. Review accurate and updated information on the allergic reaction including any new medication(s) which would require new consent forms to be signed by the parents.
- c. Identify and interview those who were involved in the emergency care of the student and those that witnessed the event.
- d. Meet with school staff to review the implementation of procedures.
- e. If the allergic reaction is thought to be from food provided by the school food service, work with the school food service department to ascertain what potential food item was served/consumed, how to reduce risk in the cafeteria by reviewing food labels, minimizing cross-contamination and other strategies.
- f. Review of the FAAP/EAP, IHP, and/or 504 Plan and amend to address any changes that were made by the student's healthcare provider.

- g. If an epinephrine auto-injector was utilized during the reaction, ensure that the parent/guardian replaces it with a new one.

### **Section 3. Administration of Prescription Medication.**

Section 3.1. Written Request Required. Unless otherwise authorized by this policy, employees, agents, and volunteers are prohibited from administering any medication to students, including vitamins and food supplements.

The principal of each Sam Houston State University Charter School campus shall ensure that a written request to administer prescription medication to a student is received from the student's parent, legal guardian, or person having legal control of the student before prescription medication may be administered by a Sam Houston State University Charter School employee.

Section 3.2. Authorized Employees. Employees authorized by Sam Houston State University Charter School to administer prescription medication include:

- a. A registered nurse;
- b. School Administrator
- c. Lead Teacher

Section 3.3. Prescription Medication Dispenser. Employees authorized to administer prescription medication to a student shall ensure that the medication is administered from either:

- a. A container that appears to be in the original container and properly labeled; or
- b. From a properly labeled unit dosage container filled by an authorized employee from a container described by Section 2.3(a).

Section 3.4. Self-Administration of Prescription Asthma or Anaphylaxis Medicine. The principal of each campus shall ensure that a student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine in accordance with legal requirements.

Section 3.5. Non-Prescription Medication. The Sam Houston State University Charter School shall administer non-prescription medication to a student only with the parent's permission.

Section 3.6. Sunscreen. A student may use and possess sun-screen for the protection of overexposure to the sun.

#### **Section 4. Psychotropic Medication.**

Section 4.1. Employee Prohibition: An employee may not:

- a. Recommend that a student use a psychotropic drug;
- b. Suggest any particular diagnosis; or
- c. Preclude a student from attending class or participating in a school related activity if the parent refuses to consent to the administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of the student.

Section 4.2. Exceptions to Prohibition: Section 3.1 does not prevent an employee from:

- a. Making an appropriate referral under the Individuals with Disabilities Education Act;
- b. Recommending that a child be evaluated by an appropriate medical practitioner if the employee is a registered nurse, advance nurse practitioner, physician, or certified/credentialed mental health professional
- c. Discussing any aspect of a student's behavior or academic progress with the student's parent/guardian or another charter school employee.

#### **Section 5. Prohibition of Tobacco and Alcohol**

Smoking, using e-cigarettes, using tobacco products, and the use of alcoholic beverages at school-related or school-sanctioned activities, by any student, parent, employee or other individual is strictly prohibited. Sam Houston State University Charter School students are also prohibited from possessing e-cigarettes or tobacco products at a school-related or school-sanctioned activity, on or off school property.

#### **References**

Tex. Educ. Code § 22.052  
Tex. Educ. Code § 38.001  
Tex. Educ. Code § 38.006  
Tex. Educ. Code § 38.007  
Tex. Educ. Code § 38.0151  
Tex. Educ. Code § 38.016  
Tex. Health & Safety Code, Chap. 81  
20 U.S.C § 1412

## **400.090 Wellness**

### **Section 1. Purpose.**

Sam Houston State University Charter School (SHSU Charter School or the School) is committed to the optimal development of every student. SHSU Charter School believes that for students to have the opportunity to achieve personal, academic, developmental, and social success, we need to foster positive, safe, and health-promoting learning environments at every level, in every setting, throughout the school year. Through this policy and the Wellness Plan, SHSU Charter School shall support the general wellness of all students by implementing measurable goals to promote sound nutrition, student health, and reduce childhood obesity.

### **Section 2. School Health Advisory Committee (SHAC).**

SHSU Charter School will convene a representative School Health Advisory Committee (SHAC) that shall review and consider evidence-based strategies and techniques and shall develop nutrition guidelines and wellness goals as required by law.

The SHAC shall permit, but not be limited to, participation by representatives of the School's food service provider(s), teachers, other employees of the school site, members of the Board, school administrators, students, parents, and members of the public. The SHAC will meet at least four times per year.

### **Section 3. Wellness Plan.**

The School Health Advisory Committee shall develop a Wellness Plan to implement the School's nutrition guidelines and wellness goals. The Wellness Plan shall, at minimum, address:

- Strategies for soliciting involvement by and input from persons interested in the Wellness Plan and Wellness Policy;
- Objectives, benchmarks, and activities, for implementing the wellness goals.
- Methods for measuring implementation of the wellness goals;
- The School's standards for foods and beverages provided, but not sold, to students during the school day on a school campus; and
- The manner of communicating to the public applicable information about the School's Wellness Plan and Wellness Policy.

The SHAC shall review and revise the plan on a regular basis and also recommend revisions to the Wellness Policy when necessary.

#### **Section 4. Nutrition.**

SHSU Charter School aims to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns, and support healthy choices while accommodating cultural food preferences and special dietary needs.

#### **Section 5. Food and Beverages Provided.**

Section 5.1 Food and Beverages Provided. SHSU Charter School shall establish standards for all foods and beverages provided, but not sold, to students during the school day. These standards shall be addressed in the School's Wellness Plan.

Section 5.2 Food and Beverages Sold. SHSU Charter School's nutrition guidelines for reimbursable school meals and all other foods and beverages sold or marketed to students during the school day shall be designed to promote student health and reduce childhood obesity and shall be at least as restrictive as federal regulations and guidelines, except when the School allows an exemption for fundraising activities as authorized by state and federal rules.

#### **Section 6. Wellness Goals.**

Section 6.1 Nutrition Promotion and Education. Nutrition promotion and education can positively influence lifelong eating behaviors through using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and encourage participation in school meal programs. Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive and multi-channel approach by school staff, teachers, parents, students and the community.

SHSU Charter School nutrition promotion activities shall encourage participation in the National School Lunch Program.

Section 6.2 Physical Activity. SHSU Charter School shall implement, in accordance with law, a coordinated health program with physical education and physical activity components and shall offer at least 235 minutes of physical activity each week, including recess and PE.

The School establishes the following goal for physical activity: SHSU Charter School shall provide an environment that fosters safe, enjoyable, and developmentally appropriate fitness activities for all students.

Section 6.3 Other School-Based Activities. SHSU Charter School shall integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues, or physical activity facilities. The School shall coordinate and integrate other initiatives related to physical activity, nutrition, and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives.

### **Section 7. Implementation.**

The School Health Advisory Committee Coordinator shall oversee the implementation of this Wellness Policy and the development and implementation of the Wellness Plan and appropriate administrative procedures.

### **Section 8. Evaluation.**

Section 8.1 Triennial Progress Assessment. At least once every three years, SHSU Charter School will evaluate compliance with the Wellness Policy to assess the implementation of the policy and include:

- The extent to which the sites are in compliance with the Wellness Policy; and
- A description of the progress made in attaining the goals of the School's Wellness Policy.

The SHAC, in collaboration with individual schools, will monitor each site's compliance with the Wellness Policy. The School will actively notify households/families of the availability of the triennial progress report.

Section 8.2 Revisions and Updates. The School Health Advisory Committee will update or modify the Wellness Policy based on the results of the triennial assessments and/or as the School's priorities change, community needs change, wellness goals are met, new health science, information, and technology emerges, and new Federal or state guidance or standards are issued. The Wellness Policy will be assessed and updated as indicated at least every three years, following the triennial assessment.

**Section 9. Public Notification.**

SHSU Charter School will actively inform families and the public each year of basic information about this policy, including its content, and any updates to the policy and implementation status. The School will make this policy, the Wellness Plan, and the required implementation assessment available on the district website. The School will provide as much information as possible about the school nutrition environment.



## **400.100 Student Safety**

The governing body (“Board”) of Sam Houston State University Charter School adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

### **Section 1. Discipline.**

Section 1.1. Student Code of Conduct. The Board shall adopt a student code of conduct in accordance with law. Annually, the Board shall review the student code of conduct and make changes as necessary.

Section 1.2. Distribution of Code of Conduct. The principal of the Sam Houston State University Charter School shall ensure that the student code of conduct is distributed to each student at the beginning of the school year. Transfer students shall receive a student code of conduct upon enrollment.

Section 1.3. Students with Disabilities. The change in placement and/or any disciplinary action regarding a student with a disability, who needs or is believed to need special education and related services under the Individuals with Disabilities and Education Act, shall be in compliance with applicable federal and state laws and regulations.

### **Section 2. Transfer Option for Victims of Violent Acts.**

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

Section 2.1. School Safety Data. The Superintendent or designee shall ensure that the Sam Houston State University Charter School complies with TEA guidelines for the collection and maintenance of data regarding:

1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property , and
2. Any student who becomes a victim of one of the following violent criminal offenses, as defined by the Penal Code, 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.

Section 2.2. School Safety Transfers. The parent of a student who becomes a victim of a violent criminal offense as described above or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to another Sam Houston State University Charter School campus.

For each transfer requested, the Sam Houston State University Charter School shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.

Section 2.3. From a Persistently Dangerous School. The parent of a student attending a school identified as persistently dangerous shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.

The parent must submit to the Superintendent or designee an application for transfer. The Superintendent or designee shall complete the transfer prior to the beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.

Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.

The Sam Houston State University Charter School shall maintain, in accordance with the District's record retention schedule, documentation of notification to parents of the transfer option, transfer applications submitted, and action taken.

Section 2.4. For a Victim of a Violent Criminal Offense. Within 14 calendar days after a violent criminal offense described above occurs in or on the grounds of the school the student attends, the Sam Houston State University Charter School shall notify the parent of a student who is a victim of the offense of the parent's right to request a transfer. The parent must submit to the Superintendent or designee an application for transfer. The Superintendent or designee shall approve or disapprove the request within 14 calendar days of its submission.

Any transfer arranged for a student who was a victim of a violent crime as described above shall be renewed so long as the threat to the student exists at the campus to which the student would typically be assigned.

For each offense, the Sam Houston State University Charter School shall maintain for at least five years documentation of the nature and date of the offense, notification to the parent of the transfer option, transfer applications submitted, action taken, and other relevant information regarding the offense.

Section 2.5. Additional Transfer Options. In circumstances described by Education Code 25.0341, a parent of a student who has been the victim of a sexual assault, regardless of whether the offense occurred on or off school property, may request a transfer of the parent's child or the student assailant from the same campus.

### **Section 3. Child Abuse, Maltreatment and Neglect**

Section 3.1. Sexual Abuse of Children, Neglect and Maltreatment of Children.

- a. The Superintendent, or designee, shall develop and implement procedures detailing methods to increase staff, student, and parent awareness of the sexual abuse, neglect and other maltreatment of children, including prevention techniques and knowledge of likely warning signs.
- b. The Superintendent, or designee, shall be responsible for having a safety plan developed that details action that a child who is a victim of sexual abuse, neglect or other maltreatment should take to obtain assistance and intervention. This plan shall also provide for available counseling options

**Section 3.2. Required Training.**

- a. As part of new employee orientation, new open-enrollment charter school employees and those existing charter school employees who have not yet received such training, shall receive training concerning prevention techniques for, and recognition of, sexual abuse, neglect and all other maltreatment of children. At the discretion of the Superintendent or designee, any charter school staff member may annually receive training in these areas.
- b. The Superintendent, or designee, shall ensure that training under this Section shall comport with legally mandated criteria.

**Section 3.3. Reporting Child Abuse.** A Sam Houston State University Charter School employee, volunteer, or agent that believes a child has been adversely affected by physical or mental abuse or neglect shall make a report within 48 hours of first suspecting such abuse or neglect. The report shall be made to law enforcement or the Department of Family and Protective Services, Child Protective Services.

The Superintendent, or designee, shall ensure notice of this requirement is disseminated to all employees, volunteers, and agents.

The Superintendent, or designee, shall ensure that Sam Houston State University Charter School posts a sign in English and in Spanish that contains the toll-free number operated by the Department of Family and Protective Services to receive reports of child abuse or neglect in a clearly visible location in a public area of the school that is readily accessible to students.

**Section 4. School Visitors**

**Section 4.1. Visitors.** The Superintendent, or designee, shall ensure conspicuous signs are posted at each site entrance requiring all visitors to sign-in at the school site administrative office. All visitors must present a form of identification or at a minimum their name and date of birth. Sam Houston State University Charter School or the child care center personnel shall process each visitor through the Texas Department of Public Safety's Sex Offender Registry Search or other database system which checks for sex offender status. All visitors will be issued a badge that is to be worn at all times while visiting the school campus. Upon their departure they must sign-out at the administrative office and return the visitor's badge.

Visitors who do not submit a form of identification or their name and date of birth for the purpose of checking sex offender status shall not be allowed on site grounds. However, a

parent/legal guardian of a student enrolled at Sam Houston State University Charter School, who has previously established with the school that they are the parent/guardian of the student, but does not provide identification or their name and date of birth at the time of the site visit, shall follow the policy outlined in Section 2.2(a) and (b).

Section 4.2. Registered Sex Offenders. Registered sex offenders are prohibited from entering school grounds.

- a. Exception. A parent/guardian registered sex offender may enter school grounds for the following limited purposes:
  - i. To attend a conference at the school with school personnel to discuss the academic and/or social progress of the parent/guardian's child;
  - ii. When the principal has requested the parent/guardian's presence for any other reason concerning the parent/guardian's child; or
  - iii. To pick up their child from school.
- b. Requirements for the Exception to Apply:
  - i. The parent/guardian must notify the principal of the purpose of the visit and when the visit will occur, including date and time, before the parent/guardian enters the school grounds.
  - ii. The principal shall notify the administrative offices of the parent/guardian's intent to visit.
  - iii. The parent/guardian must check in at the campus administrative office upon arrival and departure from the school.
  - iv. The parent/guardian must remain under the direct supervision of staff at all times.

Section 4.3. Protective Orders. Sam Houston State University Charter School personnel shall comply with all legal restraining and protective orders pertaining to students enrolled in Sam Houston State University Charter School.

## **Section 5. Weapon and Handgun Prohibition**

Section 5.1. Administrative Offices at the Sam Houston State University. The Charter School Administrative offices are located on the Sam Houston State University campus and are governed by the University's Concealed Carry Campus Policy located at <http://www.shsu.edu/katsafe/documents/SHSU%20ccl%20policy%20final%20Revised%2003-23-16.pdf>. Under this policy, licensed individuals may carry concealed handguns on the University's campus including in the administrative offices, or in non-disciplinary meetings or hearings held at the University.

Section 5.2. Weapons Prohibited. Other than as noted in 3.1 Sam Houston State University Charter School prohibits the use or possession of any firearm, illegal knife, club, or other weapon while on the premises of any Charter School campus grounds or building in which a school-sponsored activity is being conducted. Use or possession of any firearm is also prohibited while school-sponsored activities are taking place in the parking lots, sidewalks, or driveways.

Section 5.3. Handgun Prohibition. Sam Houston State University Charter School prohibits the use or possession of a handgun on all Sam Houston State University Charter School campuses and property, even if the handgun is carried by a licensed handgun holder. The Superintendent shall ensure signs, containing the following language are conspicuously placed on school campuses and property: "Pursuant to Section 30.06, Penal Code (trespass by holder of a license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a handgun." Or: "Pursuant to Section 30.07, Penal Code (trespass by holder of a license to carry a handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun law), may not enter this property with a handgun."

## **Section 6. Internet Use**

Section 6.1. Computer System Access. Access to all of Sam Houston State University Charter School's computers, computer networks, electronic mail, and the Internet is for educational and administrative purposes. The Superintendent, or designee, shall require all users to agree in writing to comply with Sam Houston State University Charter School's policies and procedures in regards to such access. Failure to comply may result in disciplinary action.

Section 6.2. Internet Safety. The Superintendent, or designee, shall implement a safety plan that ensures:

- a. Online activities of minors are monitored at the discretion of the Superintendent or designee;
- b. Students' Internet access to inappropriate material is controlled;
- c. Students' safety is ensured when using electronic communication, including, but not limited to electronic mail, social networking sites, and chat rooms;
- d. The prevention of unauthorized access, including hacking, and other unlawful activities;
- e. The prevention of the unauthorized disclosure, use, and dissemination of personal information regarding minors; and

- f. Students are educated about appropriate online behavior including interacting with other individuals on social networking websites and chat rooms, and cyber-bullying awareness and response.

Section 6.3. Monitored Computer Use. The use of Sam Houston State University Charter School's computers and/or Internet system is not confidential and may be monitored by designated Sam Houston State University Charter School personnel to ensure appropriate use.

## **Section 7. Prohibition Against Harassment, Intimidation, or Bullying**

Sam Houston State University Charter School strives to provide students and staff with a school environment free from harassment, intimidation and bullying. The administration of the SHSU Charter School works in coordination with the Title IX Coordinator of Sam Houston State University to administer the TSUS Title IX policy at <https://www.shsu.edu/titleix/SexualMisconduct.pdf>

Section 7.1. Prohibition. Sam Houston State University Charter School explicitly prohibits harassment, intimidation, and/or bullying on the basis of race, color, national origin, sex, disability, age, sexual orientation, gender identity and/or religion. Sam Houston State University Charter School prohibits harassment, intimidation, or bullying in any form at school, school-related events, including off-campus events, school-sponsored activities, school buses or any event related to school business.

Section 7.2. Definition. Harassment, intimidation, or bullying means engaging in written or verbal expression, expression through electronic means, through the use of cell phones, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the school and that:

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

Section 7.3. Reporting. Sam Houston State University Charter School encourages students who believe they are being subjected to harassment, intimidation, or bullying and students who have first-hand knowledge of such harassment, to report the matter promptly to any Sam Houston State University Charter School employee, who is not involved in the alleged harassment, intimidation or bullying. Any Sam Houston State University Charter School employee, adult volunteer, contractor or agent who witnesses, overhears or receives a report,

formal or informal, written or oral, of harassment, intimidation, or bullying shall report it in accordance with procedures developed under this policy.

Section 7.4. Superintendent Responsibilities. The Superintendent shall take appropriate actions to ensure Sam Houston State University Charter School's Harassment, Intimidation and Bullying policy and procedures are enforced.

These procedures include:

- a. An absolute prohibition against harassment, intimidation, or bullying;
- b. A method to ensure initial and annual dissemination of this policy and associated procedures to all students, parents, teachers, administrators and all other Sam Houston State University Charter School employees, volunteers, contractors, and agents;
- c. Annually disseminating age-appropriate information to students on the recognition and prevention of harassment, intimidation, or bullying;
- d. Annual staff development training in harassment, intimidation, and bullying prevention, awareness, and reporting.
- e. Identification of school officials responsible for investigating reports and making decisions based on the outcome of the investigation;
- f. Procedures for reporting incidents and the immediate, appropriate, and impartial investigation of incidents which includes:
  - i. conducting interviews of all students involved;
  - ii. conducting interviews of witnesses; and
  - iii. investigating the circumstances of the incident, including events or incidents that preceded the incident;
- g. Prompt notification of the parents of all students involved;
- h. Procedures for resolving complaints that include proper application of consequences consistent with Sam Houston State University Charter School policy and with consideration for state and federal IDEA requirements;
- i. Procedures for parties to appeal the determination of the investigation;
- j. Sets out available counseling options for a student who is a victim of harassment, intimidation, and/or bullying; and
- k. Sets out available counseling options for a student who engaged in conduct that was harassing, intimidating, and/or bullying.

If an investigation reveals that harassment, intimidation, or bullying has occurred, the Superintendent, or Superintendent's designee, must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent harassment from recurring. Any steps taken to remediate the situation should not penalize the student who was harassed, intimidated, and/or bullied.



Section 7.5. Consequences. Any person found to have engaged in harassment, intimidation, and/or bullying in violation of this policy may be subject to disciplinary action up to and including expulsion. Any staff member who permits harassment, intimidation, or bullying of a student may be subject to disciplinary action up to and including termination of employment. Any staff member who receives complaints of harassment, intimidation, and bullying and does not act promptly or does not forward the complaint to the staff member's supervisor shall be subject to disciplinary action up to and including termination of employment.

Section 7.6. Retaliation Prohibited. Sam Houston State University Charter School prohibits retaliation against any person who in good faith reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with Sam Houston State University Charter School policies and procedures. Individuals who intentionally fabricate allegations of harassment, intimidation or bullying may be subject to disciplinary action in accordance with Sam Houston State University Charter School policies and procedures.

**Section 8: Notice of Events that Significantly Impact the Education of Foster Children.**

Sam Houston State University Charter School welcomes all students and works to maintain open communication between our schools and families. The Superintendent or designee will develop procedures to ensure that a child's educational decision-maker and caseworker are notified of:

- a. A request or referral for an evaluation under Section 504 or special education;
- b. An admission, review, and dismissal (ARD) committee meeting;
- c. A manifestation determination review is scheduled;
- d. Any disciplinary actions under Chapter 37 and parent notice is required;
- e. Class C misdemeanor citations for offenses on school property or at school sponsored events;
- f. Reports of restraint and seclusion; and
- g. Use of corporal punishment

## **Section 9. Truancy Prevention and Referral.**

The Superintendent, or designee, of Sam Houston State University Charter School shall adopt truancy prevention measures designed to address student conduct related to truancy. Those measures shall include one or more of the following: behavior intervention plans, school-based services, or refer student to other services aimed at addressing the student's truancy.

The Superintendent, or designee, of Sam Houston State University Charter School shall develop procedures for providing notice to parents and referring a student to truancy court or referring parent to a county, justice, or municipal court.

### References:

Tex. Educ. Code § 12.131

Tex. Educ. Code § 25.007

Tex. Educ. Code § 25.0915

Tex. Educ. Code § 38.022

Tex. Educ. Code § 38.0041-.0042

Tex. Educ. Code § 37.083 - .0832

Tex. Family Code Chap. 261

Tex. Penal Code § 30.06 -.07

Tex. Penal Code § 46.035

#### **400.110 Miscellaneous Provisions Relating to Students**

The governing body (“Board”) of Sam Houston State University Charter School adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

##### **Section 1. Religious Discrimination Prohibited.**

Sam Houston State University Charter School prohibits discrimination, harassment, or retaliation on the basis of religion. A student enrolled at Sam Houston State University Charter School has the right to silently pray or meditate at Sam Houston State University Charter School so long as it does not disrupt the instructional or other activities of the school. Sam Houston State University Charter School shall not require, encourage, or coerce any student to engage in or to refrain from prayer or meditation during any school activity.

##### **Section 2. Homeless Children.**

Section 2.1. Homeless Liaison. The Superintendent is appointed the homeless liaison of Sam Houston State University Charter School.

Section 2.2. Compliance. The Superintendent shall ensure legal compliance with applicable federal and state laws and regulations regarding homeless children.

##### References:

20 U.S.C. § 4017

20 U.S.C. § 6314

42 USC § 11432(g)(A)

42 USC § 11434a

Tex. Educ. Code § 25.153

Tex. Educ. Code § 25.154

Tex. Educ. Code § 25.901

Tex. Educ. Code § 26.0031

Tex. Educ. Code § 30A.1052

Tex. Admin. Code § 70.1025

## **MODULE 500 – Open Government**

## **500.010 Texas Open Meetings Act**

### **Section 1. Compliance.**

Sam Houston State University Charter School shall comply with the Texas Open Meetings Act. The Superintendent shall ensure compliance pursuant to the Charter School Bylaws.

### **Section 2. Meetings.**

Section 2.1 All meetings of the Board shall be open to the public and publicly announced as required by the Open Meetings Act. A majority of the members of the Board shall constitute a quorum, and no formal action shall be taken by the Board in the absence of a quorum. Proxies shall not be recognized. Parliamentary procedures in Board meetings shall conform to Robert's Rules of Order when not in conflict with SHSU/TSUS rules.

Section 2.2. Location. Unless otherwise provided in the notice for a meeting, regular board meetings shall be held at the Garrett Teacher Education Center (Room 218), 1908 Bobby K. Marks Drive, Huntsville, TX 77341.

Section 2.3 Meetings. Regular meetings of the Board of Directors shall be held monthly during the academic year in accordance with Article 10 of the Charter School Bylaws. Special called meetings of the Board may be called by the Chair, or by a majority of the members of the Board. Business not stated in the agenda for a special called meeting may be transacted only by consent of a majority of the members of the Board. Meetings may be held by telephone as permitted by statute. When there is a quorum of directors physically present at an in-person meeting, an individual director may attend and participate in board actions by telephone or video conference.

Section 2.4 Executive Session. In accordance with Texas Government Code, Chapter 551, the Board of Regents may go into executive session to discuss legal and personnel matters. Executive sessions of the Board may be held with the consent of the majority of those members present. No action will be taken by the Board while it is in executive session.

Section 2.5 Agenda. The Superintendent shall prepare the agenda for all board meetings and provide a copy of the Board Agenda and materials for review or action seven (7) days in advance of a regular meeting of the Board.

Section 2.6 Public Appearances Before the Board. Any person wishing to address the Board shall file a request in writing with the Charter School Superintendent's Office, stating the

subject matter to be discussed with the Board not less than five (5) working days before the date of the requested appearance, so as to permit sufficient time to effect an Open Meetings Act posting. Customarily, such appearances are limited to five (5) minutes, although the Chair may extend or limit the time. This subSection notwithstanding, the Board will not grant appearances to faculty, staff or student grievants who have not exhausted their administrative remedies or appeals.

#### Reference

Texas Government Code, Chpt. 551

#### References:

Texas Government Code, Chapter 551.

Texas Education Code § 12.1051

Charter Bylaws

## **500.020 Texas Public Information Act**

### **Section 1. Compliance.**

Sam Houston State University Charter School shall comply with the Texas Public Information Act (PIA) and it shall be the policy of Sam Houston State University Charter School to provide a responsive copy of public information in accordance with the Texas Government Code, Chapter 552. (See also, Texas Education Code § 12.1051.) The Superintendent shall ensure compliance pursuant to the Charter School Bylaws and in accordance with Sam Houston State University Open Records Policy (PRE-20).

### **Section 2. Electronic Communications Policy.**

Section 2.1. Electronic Communications as Public Information. Absent any applicable exception established under Texas law, electronic communications that pertain to official business of the school that are created by, transmitted to, received by, or maintained by a board member, officer, or employee of the school, are presumed to be public information under the Public Information Act, regardless of whether the device used to create, transmit, maintain or receive the electronic communication is a personal electronic communication device or an electronic device provided by the school to the board member, officer or employee to use in his or her official capacity, and regardless of the form of the electronic communication. Electronic communications in the form of e-mail, internet postings, text messages, and instant message pertaining to official business of the school are considered Public Information under Texas law and under this Policy. Nothing in this Policy waives any applicable exception to disclosure under the Public Information Act of such electronic communications.

Section 2.2. School Accounts. Only school email accounts should be used to create, transmit or receive school business. If a board member, officer or employee conducts school business on a non-school account, he or she shall promptly forward the electronic communication to his or her school email account. Board members, officers and employees of the school shall not communicate regarding official business of the school using text messages, instant messages, or posting on the internet.

If the board has established an online message board or similar internet application purposed to allow an electronic communication exchange between board members, officers and employees, then board members, officers, and employees shall use the online message board or similar internet application in a manner consistent with school policy and state law.

## **MODULE 600 – Human Resources**



## **600.010 Equal Opportunity**

### **Section 1. Anti-Discrimination Policy.**

Sam Houston State University Charter School employees shall not engage in discrimination or harassment of employees or students based on race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity. Retaliation against employees or students who report discrimination and/or harassment is strictly prohibited. Acts of retaliation may result in disciplinary action up to and including termination.

### **Section 2. Investigation.**

Any allegations of discrimination or harassment of students or employees shall be investigated and addressed in accordance with Sam Houston State University Discrimination and Equal Employment Opportunity Policy

[http://www.shsu.edu/intranet/policies/finop/human\\_resources/documents/ER-7.pdf](http://www.shsu.edu/intranet/policies/finop/human_resources/documents/ER-7.pdf).

### **Section 3. Coordinator.**

The Title IX Coordinator for Sam Houston State University is Jeanine Bias Nelson – Office of Equity and Inclusion Student Services Annex 109 | Phone: 936.294.3080 | Email: [jbias@shsu.edu](mailto:jbias@shsu.edu)

### **Section 4. Complaints.**

The Coordinator shall be responsible for the investigation of discrimination complaints filed by employees and citizens. Complaints regarding any type of alleged discrimination shall be made in accordance with Sam Houston State University's Discrimination and Equal Employment Policy and Texas State University System's Sexual Misconduct Policy and Procedures. <https://www.shsu.edu/titleix/SexualMisconduct.pdf>

#### References:

Sam Houston State University Policy ER-7 Discrimination and Equal Employment Policy

Texas State University System Sexual Misconduct Policy and Procedures

Texas Education Code § 12.111

Tex. Labor Code §§21.051, 21.059, 21.101, 21.108, 21.119, 21.402

## **600.020 Drug Free Workplace**

The governing body (“Board”) of *Sam Houston State University Charter School* adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

### **Section 1. Drug-Free Policy.**

*Sam Houston State University Charter School* is committed to maintaining a drug-free workplace and shall make a good faith effort to maintain such an environment. The unlawful manufacture, distribution, possession, or use of a controlled substance in the workplace is strictly prohibited. In addition to any consequences established by law, violation of this policy may lead to disciplinary consequences up to and including termination. Sam Houston State University Charter School employees shall comply with Sam Houston State University’s policy on a Drug Free Workplace.

[http://www.shsu.edu/intranet/policies/finop/human\\_resources/documents/ER-8.pdf](http://www.shsu.edu/intranet/policies/finop/human_resources/documents/ER-8.pdf)

### **Section 2. Alcohol & Drug Testing.**

Section 2.1. Establishment of Testing Program & Procedures. In an effort to promote safety and help prevent accidents resulting from alcohol and/or drug misuse, *the Superintendent, or the Superintendent’s designee*, shall establish an alcohol and drug and controlled substance testing program and procedures for the following:

1. Employees who are drivers of charter school-owned or rented vehicles;
2. Employees who perform safety-sensitive functions;
3. Applicants for positions in the above-referenced categories; and
4. Any employee when there is reasonable suspicion of use of alcohol or controlled substances in the workplace.

The Superintendent shall designate a charter school official who shall be responsible for ensuring that information is provided to all employees regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

#### References:

Sam Houston State University Policy ER-8 Drug Free Workplace

41 U.S. C. § 8103

49 C.F.R. Part 382

References:  
Sam Houston State University Policy ER-8

## **600.030 Training: Campus Administrative Officers & Business Managers**

### **Section 1: Staff Development.**

The Superintendent, or designee, will adopt a policy to provide annual training on suicide prevention for all new staff and a schedule for returning staff to renew their training in line with rules adopted by TEA.

All SHSU Charter School employees will meet the minimum training requirements for SHSU staff according to their job classifications.

## **600.040 Claims Against Employees**

### **Section 1. Exhaustion of Administrative Claims.**

Prior to filing a lawsuit against a professional employee hired by Sam Houston State University Charter School, potential claimants shall exhaust administrative remedies in accordance with state law. Administrative remedies must be pursued through the Board's grievance process set forth in Board Policy 300.120.

### **Section 2. Written Notice of Legal Claims.**

Written notice of a potential legal claim against a professional employee of the Sam Houston State University Charter School shall be provided in accordance with state law and shall be mailed or hand-delivered to the employee's attention at the charter school's administrative office at the following address: SHSU Human Resources Department, Box 2356, 1901 Ave. I, Suite 410, Huntsville, TX 77341-2356

#### References:

Tex. Educ. Code §12.1056.

Tex. Educ. Code §22.051-.0514

Tex. Loc. Gov't Code § 271.151 – 271.160

**600.050 Benefits**

With the exception of work schedules and employee leave as described in policy 600.080, Sam Houston State University Charter School employees shall receive the same retirement, medical and other benefits provided to University employees. Employees should review policies on the Human Resources website.

## **600.060 Teacher Credentials & Qualifications**

### **Section 1. Compliance.**

The Superintendent shall ensure that each teacher employed by the Sam Houston State University Charter School is properly credentialed and qualified as required by state and federal law, including for children with disabilities, as appropriate. Further, the Superintendent shall ensure that the appropriate notices are sent to parents concerning the credentials and qualifications of the student's teachers.

#### References:

19 Tex. Admin. Code §89.1131

Tex. Educ. Code §12.104(b)(2)(G)

Tex. Educ. Code § 12.129

Tex. Educ. Code §29.061(b)

## **600.070 Complaints by School Employees**

### **Section 1. Process for Employee Complaints.**

Employees of Sam Houston State University Charter School who have a complaint about their terms or conditions of work are encouraged to resolve their concerns informally with their co-workers and/or supervisors at the lowest level possible. If the employee is not satisfied with the outcome of the informal resolution, the employee may file a formal complaint in accordance with the grievance process set forth in Board Policy Section 300.120.

### **Section 2. Exception for Sexual Misconduct Complaints.**

All formal complaints by charter employees must be pursued in accordance with the process set forth in Board Policy 300.120 unless the complaint is a sexual misconduct complaint. Under these circumstances, the employee shall follow the procedures established in the Texas State University System's Sexual Misconduct Policy (<http://www.shsu.edu/titleix/Sexual%20Misconduct%20Policy.pdf>).

#### References:

Sam Houston State University Policy ER-1 Dispute Resolution and Formal Grievance Procedure  
TSUS Rules and Regulations Chapter V, § 2.15  
TSUS Sexual Misconduct Policy  
Texas Gov't Code § 617.005

## **600.080 Leaves and Absences**

### **Section 1. Sick Leave.**

All School Administrators, Teachers, and Instructional Paraprofessionals accrue five (5) days of sick leave awarded on the first day of each academic year. A day of earned sick leave is equivalent to an assigned workday. There is no limit on the accumulation of sick leave. Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty or when a member of the employee's immediate family is actually ill. Employees taking sick leave must contact their supervisor at the earliest possible opportunity so the school can arrange substitute employees for the day, as necessary. For these purposes, immediate family is defined as those individuals related by kinship, adoption or marriage, which are living in the same household or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis. An employee who is the legal guardian of a child by court appointment may use sick leave to care for the child. Sick leave may be used for the adoption of a child under the age of three.

### **Section 2. Personal Leave.**

All School Administrators, Teachers, and Instructional Paraprofessionals accrue six (6) days of personal leave awarded in four (4) hour increments on the first day of each month of employment. This leave is taken at an employee's discretion and is to be scheduled and approved by the employee's supervisor in advance. An employee must submit a personal leave request to his or her supervisor five (5) days in advance of the anticipated absence. Personal leave is approved on a first-come, first-served basis, as the needs of the Charter School permit. Prior to approval, the supervisor shall consider the effect of the employee's absence on the educational program and the availability of substitutes. Any personal time remaining at the end of a school year shall roll to the employee's personal leave balance for the following year. There is no limit on the accumulation of personal leave.

### **Section 3. Other Leave.**

With the exception of sick and vacation leave, SHSU Charter School employees are entitled to leaves described in SHSU Human Resources Policy B-1.

### **Section 4. SHSU Main Campus Employees.**

SHSU Human Resources Policies govern all leave benefits for SHSU Charter School employees assigned to the SHSU main campus in Huntsville, Texas.



## **MODULE 700 – Special Education**

## **700.010 IDEA/Section 504**

### **Section 1. Regular Education Teacher Individualized Education Plan Review Request.**

The Superintendent, or Superintendent's 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 Sam Houston State University Charter School to the teacher's request; and (3) that provides for notification to the student's parent or legal guardian of that response.

References:

Tex. Educ. Code § 29.001(11)

### **Section 2. Policy of Nondiscrimination.**

It is a policy of Sam Houston State University Charter School not to discriminate based on disability in its educational programs as required by Section 504 of the Rehabilitation Act of 1973 (Section 504). A person with a disability means any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment under Section 504.

References:

42 USC § 12132

29 USC § 794(a)

34 CFR § 104.4(a).

### **Section 3. Section 504 Coordinator.**

The following position is designated as Section 504 compliance coordinator:

Dr. Ronny D Knox, Superintendent  
Sam Houston State University Charter School  
1908 Bobby K. Marks Blvd.  
Box 2119  
Huntsville, TX 77341-2119  
(936) 294-3347

**Section 4. Notice of Nondiscrimination on Basis of Disability.**

The Sam Houston State University Charter School shall take appropriate steps to notify the parents or guardian of students and students seeking enrollment, and employees of Sam Houston State University Charter School, that it does not discriminate on the basis of disability.

**Section 5. Identification of Students with Disabilities under Section 504 (Child Find).**

In compliance with 34 C.F.R. § 104.32, the Sam Houston State University Charter School will undertake to annually identify every student with a disability qualifying under Section 504 who is enrolled in the school or has contacted the school about enrollment. Identification will occur through routine and periodic screening as well as other means. The school will take appropriate steps to notify the parents or guardians of such students of the school's duty under Section 504.

**Section 5. Private School Students.**

Sam Houston State University Charter School shall coordinate with home school districts, who are primarily responsible for consulting with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools within Sam Houston State University Charter School's boundaries.

Sam Houston State University Charter School shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending the public schools within Sam Houston State University Charter School's boundaries.

References:

20 USC § 1412(a)(3)(A)

34 CFR § 300.111(a)(1)(i), (c)

20 USC § 1412(a)(10)(A)(ii)–(iv)

**Section 6. Preschool Students.**

Sam Houston State University Charter School shall develop a system to notify residents within Sam Houston State University Charter School's boundaries with children who are at least three but younger than six and who are eligible for enrollment in a special education program of the availability of such programs.

References:

Tex. Educ. Code § 29.009.

### **Section 7. STUDENT RECORDS.**

After each student is enrolled in Sam Houston State University Charter School, Sam Houston State University Charter School will promptly request all student records from the student's previous school.

### **Section 8. Free and Appropriate Public Education**

Section 8.1. School Responsibility. The Sam Houston State University Charter School shall provide a free appropriate public education to each student with a disability who enrolls in the school or program regardless of the nature or severity of the student's disability. Instruction shall be supplemented by the provision of related services when appropriate.

References:

Tex. Educ. Code § 29.003(a)

Section 8.2. 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 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 any medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device.

Reference:

20 USC § 1401(26)

34 CFR § 300.34

Section 8.3. 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 8.
2. The Sam Houston State University Charter School may implement an Individualized Education Program or Individualized Section 504 Plan developed in accordance with Section 504 as a means of meeting the standard established in Section 8.2.1(a).
3. The Sam Houston State University Charter School may place a student with a disability or refer such a student for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of Section 504. The school remains responsible for ensuring that the requirements of Section 504 met with respect to any student so placed or referred.

References:

20 USC § 1401(9)

34 CFR § 300.13, 300.17, 300.36

The Superintendent, 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 8.3. 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. Any disagreement between a parent or guardian and a recipient regarding provision of a free appropriate public education or otherwise regarding the question of financial responsibility are subject to the due process procedures of 34 C.F.R. § 104.36.

References:

20 SC § 1412(a)(5)

34 FR § 300.114(a)(2)

Section 8.4. Extended School Year Services Sam Houston State University Charter School shall ensure that ESY services are available as necessary to provide a student with a disability with a FAPE.

**Section 9. Transportation of Students Receiving Special Education Services.**

The Sam Houston State University Charter School shall provide appropriate transportation services to any eligible homeless student and to any student with a disability whose Section 504 Coordinator determines that the student needs transportation as a related service.

References:

42 USC § 11432(g)(4)(A)

34 CFR § 300.34(c)(16)

Tex. Educ. Code § 12.109

Tex. Educ. Code § 42.155

<http://www2.ed.gov/policy/gen/leg/recovery/guidance/homeless.pdf>.

Texas Education Agency, School Transportation Allotment Handbook

**Section 10. Instructional Arrangements and Settings.**

Section 10.1. Academic Setting. The Sam Houston State University Charter School shall provide for the education of each enrolled disabled student, within the meaning Section 504, in the same setting with students who are not disabled to the maximum extent appropriate to the needs of the disabled student. A disabled student shall be placed in the regular educational environment operated by the school unless it is demonstrated by the school that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever the school places a student in a setting other than the regular educational environment pursuant to this paragraph, the Superintendent or designee shall take into account the proximity of the alternate setting to the student's home. Instructional arrangements and settings shall be based on the individual needs and IEPs of eligible students receiving special education services.

References:

20 U.S.C. § 1412(a)(5)

34 CFR § 300.114(a)(2)

19 TAC § 89.63

Section 10.2. 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 10.2. Nonacademic Settings. The Sam Houston State University Charter School shall ensure that students with disabilities participate with students who are not disabled in nonacademic activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

Section 10.3. Comparable Facilities. If the Sam Houston State University Charter School, in compliance with Section 8.1, operates a facility that is identifiable as being for handicapped persons, the school shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the school.

References:

Tex. Educ.. Code Chapter 37

19 TAC § 89.1053

19 TAC § 89.1050(g)

## **Section 11. Evaluation and Placement.**

Section 11.1. Preplacement Evaluation. The Sam Houston State University Charter School shall conduct an evaluation in accordance with the requirements of Section 9.2 and Section 9.3 of any student who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement.

Section 11.2. Parental Consent. In accordance with Section 8.1, the Superintendent/Section 504 Coordinator 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 11.3. Evaluation Procedures. The Superintendent 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 needs 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 11.4. Placement Procedures. In interpreting evaluation data and in making placement decisions, the ARD 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 11.5. Reevaluation. The Superintendent or designee shall establish procedures, in accordance with Section 10.3, 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 12. Procedural Safeguards.**

Section 12.1. Notification Requirements.

1. Prior to Evaluation. The Superintendent/Section 504 Coordinator 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 Superintendent/Section 504 Coordinator 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 Superintendent/Section 504 Coordinator shall notify parents in writing prior to a significant change in a student's status or services.
4. Refusal of Parental Request. The Superintendent/Section 504 Coordinator 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 Superintendent/Section 504 Coordinator shall notify in writing parents of all students with disabilities of their right to an impartial hearing under Section 11.3.

Section 12.2. Parental Review of Records. The Superintendent/Section 504 Coordinator 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 12.3. Impartial Hearing

1. Right to a Hearing. The Superintendent 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 Special Education/Section 504 and who is not employed by the Sam Houston State University Charter School or related to a member of its 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. The Superintendent/Section 504 Coordinator will provide a list of qualified Impartial Hearing Officers.
3. Timeline. The Sam Houston State University Charter School shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.
4. Appeal. If a parent or guardian is dissatisfied with the outcome of the hearing and requests an appeal, the parent or guardian must specify the objections in writing and file them with the Superintendent/Section 504 Coordinator and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The Superintendent/Section 504 Coordinator 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 12.4. 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.

#### References

34 CFR § 104.3

34 CFR § 104.32-.38

34 CFR § 105.52

29 USC § 794

## **700.020 FACILITIES AND EQUIPMENT**

### **Section 1. Facilities.**

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

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

### **SECTION 2 Administration of Equipment.**

The ARD Committee must consider whether the student needs assistive technology devices (“ATDs”) as part of the student’s special education, related services, or supplementary aids and services. On a case-by-case basis, the use of school-purchased ATDs in the student’s home or in other settings is required if the student’s ARD Committee/Section 504 Committee determines that the student needs access to those devices in order to receive free appropriate public education.

Assistive technology means any device or equipment used to improve or maintain the function capabilities of a student with a disability. Assistive technology does not include a medical device that is surgically implanted.

Sam Houston State University Charter School shall provide assistive technology devices to students under Section 504 and may transfer an ATD in accordance to TEC § 30.0015.

References:

34 CFR §§300.105; 300.324(a)(2)(v)

20 USC §1414(d)(3)(B)(v)

34 CFR §§300.5-300.6

TEC § 30.0015

## **700.030 ADMISSION, REVIEW AND DISMISSAL COMMITTEES (ARD) Section**

### **SECTION 1. COMPLIANCE WITH FEDERAL AND STATE PERSONNEL STANDARDS FOR INDIVIDUALS SERVING**

### **CHILDREN WITH DISABILITIES.**

Sam Houston State University Charter School shall ensure that personnel standards for all individuals serving children with disabilities are met in accordance with the IDEA and its procedures.

References:

20 U.S.C. §1401(10)(B)(i)

### **SECTION 2. ARD COMMITTEES.**

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

### **SECTION 3. ARD COMMITTEE RESPONSIBILITIES.**

The ARD committee and Sam Houston State University Charter School are responsible for:

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

References:

19 TAC § 89.1050(a)

34 CFR §§ 300.116(a), 300.321(a)

#### **SECTION 4. COMMITTEE MEMBERS.**

Sam Houston State University Charter School shall ensure that each ARD committee meeting includes all of the following:

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

A Sam Houston State University Charter School member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and Sam Houston State University Charter School agree in writing that the attendance is not necessary because the

member's area of the curriculum or related services is not being modified or discussed during the meeting.

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

References:

20 U.S.C. § 1414(d)(1)(B)

34 CFR § 300.321

19 TAC §§ 75.1023(d)(1), 89.1131(b)(3)–(4), 101.1009

20 U.S.C. § 1414(d)(1)(C)

34 FR § 300.321(e)

#### **Section 5. 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, Sam Houston State University Charter School shall invite:

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

References:

34 FR § 300.321(b).

#### **SECTION 6. PARENTAL INVOLVEMENT.**

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

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

References:

34 FR § 300.322(a)–(b)  
19 TAC § 89.1050.

**SECTION 7. ALTERNATIVE PARTICIPATION METHODS.**

If neither parent can attend an ARD committee meeting, Sam Houston State University Charter School must use other methods to ensure parent participation, including individual or conference telephone calls.

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

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

References:

20 .S.C. § 1414(f)  
34 CFR § 300.322(c)  
34FR § 300.322(d)

**SECTION 8. ARD COMMITTEE MEETINGS.**

Sam Houston State University Charter School shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability. The committee shall review each student’s IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child’s placement once per year.

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

References:

20 U.S.C. § 1414(d)(4)

34 FR §§ 300.116(b)(1), 300.324(b), (c)(1); 300.501(b)(3).

### **Section 9. Meeting at Parent Request.**

Upon request of a written request for an ARD committee meeting from a parent, the Sam Houston State University Charter School must (1) schedule and convene a meeting; or (2) within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting.

References:

19 AC § 89.1050(e)

### **Section 10. Transfer Students.**

If a student transfers to Sam Houston State University Charter School, and the student had a previous IEP in place, Sam Houston State University Charter School shall provide the student with a free appropriate public education (“FAPE”), including services comparable to those described in the previous IEP, in consultation with the parents, until:

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

References:

20 U.S.C. § 1414(d)(2)(C)(i)

34 FR § 300.323(e), (f)



**Section 11. Transfer of Records.**

Sam Houston State University Charter School shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the child's previous district.

References:

20 U.S.C. § 1414(d)(2)(C)(ii)

34 CFR § 300.323(g)

**Section 12. Military Dependents.**

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

References:

Education Code 162.002 art. V, § C

## **700.040 ELIGIBILITY DETERMINATIONS**

### **SECTION 1. ELIGIBILITY DETERMINATIONS.**

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.

Sam Houston State University Charter School shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

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

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

#### References:

20 U.S.C. § 1414(b)(4)(B)

34 CFR § 300.306(a)

19 TAC § 89.1011(d), (e)

### **SECTION 2. INDIVIDUALIZED EDUCATION PROGRAM.**

Sam Houston State University Charter School shall develop, review, and revise an IEP for each child with a disability.

Sam Houston State University Charter School shall have an IEP in effect for each child with a disability at the beginning of each school year.

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.

References:

- 20 U.S.C. § 1412(a)(4)
- 34 CFR § 300.320(a)
- 20 U.S.C. § 1414(d)(2)(A)
- 34 CFR § 300.323(a)
- 20 U.S.C. § 1414(d)

34 CFR § 300.320  
19 TAC § 89.1055

**SECTION 3. TRANSLATING IEPs.**

If the child's parent is unable to speak English, Sam Houston State University Charter School shall:

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

References:  
TEC § 29.005(d)

**SECTION 4. AUTISM/PERVASIVE DEVELOPMENTAL DISORDERS.**

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

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

References:

19 TAC § 89.1055(e)–(f).

#### **SECTION 5. VISUAL IMPAIRMENT.**

Sam Houston State University Charter School shall adopt written procedures as required in Education Code 30.002(c)(10) for providing special education services to students with visual impairments, if such services are necessary.

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

References:

19 TAC § 89.1075(b).

Tex. Educ. Code § 30.002.

#### **SECTION 6. STUDENTS WHO ARE DEAF OR HARD OF HEARING.**

Sam Houston State University Charter School must develop an IEP for students who are deaf or hard of hearing in which the students have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency.

References:

Tex. Educ. Code § 29.303.

**SECTION .7 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.

**SECTION 8. Recess.**

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

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

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

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

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

**SECTION 9. No Agreement Reached.**

If, after the ten-day recess, the ARD committee still cannot reach agreement, Sam Houston State University Charter School shall implement the IEP that it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. The ARD committee members who disagree shall be offered the opportunity to write their own statements.

When Sam Houston State University Charter School implements an IEP with which the parents, or an adult student disagree, it shall provide prior written notice in compliance with applicable regulations and Sam Houston State University Charter School policy.

References:

19 TAC § 89.1050

**SECTION 10. 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 Sam Houston State University Charter School may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

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

To the extent possible, Sam Houston State University Charter School shall encourage the consolidation of reevaluation meetings for the child and other ARD committee meetings for the child.

References:

20 U.S.C. § 1414(d)(3)(D)–(F)

34 CFR § 300.324(a)(4)–(a)(6)

## **700.050 TRANSITIONING SERVICES**

### **SECTION 1. Definitions.**

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

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

References:

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

### **SECTION 2. Individual Transition Planning.**

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

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
3. If the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or Sam Houston State University Charter School;
4. Any postsecondary education options;
5. A functional vocational evaluation;



6. Employment goals and objectives;
7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments;
8. Independent living goals and objectives; and
9. Appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

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

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.

Sam Houston State University Charter School shall post the transition and employment guide on the Sam Houston State University Charter School website if Sam Houston State University Charter School maintains a website; provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at: (A) the first meeting of the student's ARD committee at which transition is discussed; and (B) the first committee meeting at which transition is discussed that occurs after the date on which the guide is updated. Upon request, Sam Houston State University Charter School shall provide a printed copy of the guide to a student or parent.

References:

20 U.S.C. §§ 1414(d)(1)(A)(i)(VIII), 1414(d)(6)  
34 C.F.R. § 300.320(b)  
Tex. Educ. Code § 29.0111  
19 TAC § 89.1055(h), (j)  
Tex. Educ. Code § 29.0112

## **700.060 Special Education Dyslexia and Related Disorders**

### **SECTION 1. DYSLEXIA AND RELATED DISORDERS.**

The Board shall ensure that procedures for identifying and providing appropriate instructional services to students for dyslexia and related disorders are implemented by Sam Houston State University Charter School. These procedures shall be implemented in accordance with the State Board of Education's *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)*.

### **SECTION 2. IDENTIFICATION AND TESTING.**

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

Before an identification or assessment procedure is used selectively with an individual student, Sam Houston State University Charter School must notify the student's parent or guardian or another person standing in parental relation to the student.

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

Sam Houston State University Charter School may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

### **SECTION 3. TREATMENT.**

Sam Houston State University Charter School shall provide each identified student access at his or her campus to instructional programs and to the services of a teacher trained in dyslexia and related services. Sam Houston State University Charter School may, with the approval of each student's parents or guardians, offer additional services at a centralized location, so long as such centralized services do not preclude each student from receiving services at his or her campus.

#### **SECTION 4. Reading Program.**

Sam Houston State University Charter School shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the *Dyslexia Handbook*.

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.

#### **SECTION 5. 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 Sam Houston State University Charter School reevaluates the information obtained from previous testing of the student.

#### **SECTION 6. PARENTAL NOTIFICATIONS.**

Sam Houston State University Charter School shall inform parents and guardians of students eligible under IDEA/Section 504 of all services and options available to the student under that law. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:

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

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

**SECTION .7 PARENT EDUCATION PROGRAM.**

Sam Houston State University Charter School shall develop and provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program should include:

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

References:

Tex. Educ. Code § 38.003

19 TAC § 74.28.