



# TCSA Model Board Policy Series

Module 400: *Students 2015*  
Charter Board Policy for  
University of Texas Elementary School

## INTRODUCTION

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

### Overall Policy Framework

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

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

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

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws and regulations. We encourage you to renew your subscription to the policy series after each update to ensure that your school has the most recent laws and regulations.

### Scope of Service & Copyright Notice

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

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For questions concerning the Model Board Policies for Charter Schools contact:  
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## **Module 400: *Students 2015***

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

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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## **Legal Abbreviations Used In the TCSA Model Board Policy Series**

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

## 400.020. ADMISSIONS & ENROLLMENT

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of UTES.

### SECTION 1. Admissions

Section 1.1. Non-Discrimination Policy. UTES’s admissions and enrollment shall be free from discrimination based on sex, national origin, ethnicity, religion, disability, academic, artistic, athletic ability, or the district the child would otherwise attend under state law.

Section 1.2. Admission Application Deadline. UTES’s admission application period is from the first school day in January through the second Monday in April.

Section 1.4. Acceptance Procedure. The application period for student enrollment will be from the first school day in January through the second Monday in April of each school year. As part of its admissions policy UTES will conduct a lottery process. If there are more applications for admission than available positions in the school, names will be randomly selected using a lottery system. Student names that were not drawn will be placed in a “waiting list”.

If a vacancy arises, a name will be taken from the beginning of this list and that student will be offered the vacant position. This process will continue through the list, in numeric order, until a student accepts the slot. If no one accepts the vacant slot, then enrollments will be accepted on a first-come, first-served basis.

If the application deadline has passed, applications are accepted on a first-come, first-served basis if there is not a “waiting list” and there is not a vacant slot in the appropriate grade level. If there is a vacancy in the appropriate grade level, the student may enroll.

A notice of the application deadline will be placed in a newspaper of general circulation in the community in which the school is located. The notice must be published not later than seven calendar days before the application deadline and must include the date of the application deadline. We recruit students and families through Explore UT, Media Advisories, postings in local recreation centers and churches, word of mouth and through our sibling policy.

Students admitted to or attending and siblings of those students are exempted from the lottery. Siblings are given first opportunity for open slots, based first on admittance date of the enrolled sibling or, if necessary, application date of sibling.

### SECTION 2. Enrollment

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

Section 2.2. Enrollment Documentation. Upon a student’s enrollment, the

Superintendent or designee shall ensure that a bona fide effort is made to secure all records and required documentation pertaining to the student.

Section 2.3. Establishing Identification. Any of the following documents are acceptable for proof of identification and age: birth certificate; adoption records.

Section 2.4. Transfer Enrollment. The University of Texas Elementary Charter School requests to include a “transfer policy” in its charter in accordance with the 19 TAC 00.1207 (e).

Once all eligible applicants who reside within the approved geographic boundary as defined in the charter application dated September 24, 2002 have submitted a timely application and have been enrolled, the charter school will accept transfer students from outside its geographic boundary assuming the maximum enrollment cap has not been reached. Transfer students will be accepted from the following school districts:

Austin Independent School District  
Del Valle Independent School District

Section 2.5. Proof of Residency. A Proof of Residency must be supplied prior to the application being accepted. Additionally, a recent Proof of Residency is supplied at the end of each school year to maintain the student’s placement for the following school year. A Proof of Residency includes a parent/guardian’s name on one of the following:

- i. Electric bill
- ii. Official Texas lease

Section 2.5.1. Geographic Boundary. The geographic boundary served by the school will be East of Interstate Highway 35, South of U.S. Highway 290, west of U.S. Highway 183 and North of State Highway 71. Students applying to attend UTES must live in one of seven zip codes: 78702, 78721, 78722, 78723, 78724, 78741 or 78744.

Section 2.5.2. Declaration of Residency. A Declaration of Residency will be accepted if the family resides with another family member. The person whose name is on the Electric bill or Official Texas Lease must present themselves in the office with their ID and must complete the Declaration of Residency.

## 400.040. ATTENDANCE

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of UTES.

### SECTION 1. Compliance

The Superintendent or designee shall ensure UTES’s student attendance accounting system is in compliance with all laws, regulations, and Texas Education Agency (“TEA”) rules governing attendance. The Superintendent or designee shall ensure that attendance policies are distributed to staff, students, and parents/guardians.

### SECTION 2. Documented Absences

#### Section 2.1. Leaving Campus During School Hours.

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 be signed by a parent, guardian.

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

### SECTION 3. Warning Notice

The Superintendent or designee shall ensure that at the beginning of each school year the parents of students of UTES receive notice that they and the student are each subject to prosecution for violation of attendance laws.

Section 3.1. Excessive Absences. 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, on three or more days or parts of days within a six-month period in the same school year, or on three or more days or parts of days within a four-week period, the student’s parents and the student are subject to prosecution. Tex. Educ. Code §12.104(b)(1); Tex. Educ. Code §25.085(b)

### SECTION 4. School Attendance Officer

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

## 400.060. FERPA

<http://registrar.utexas.edu/students/records/ferpa>

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of UTES.

### SECTION 1. Compliance

In regards to student records, UTES 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 District Registrar is designated as agent of the Superintendent for the purposes of the receipt of requests concerning the disclosure of student records.

### SECTION 3. Annual Notice

The Superintendent shall ensure that all parents of students currently in attendance annually receive a notice of their rights under FERPA. (See *SAMPLE LETTER*)

### SECTION 4. Directory Information

Section 4.1. Definition. UTES has designated the following as directory information: student’s name, degrees, honors and awards received.

Section 4.2. Disclosure. Directory information will be released to the public at the discretion of UTES, in compliance with FERPA, unless a parent objects to part or all of its release in writing within 10 school days after receiving the annual notice described in Section 3 of this policy. Written objections shall be collected and maintained by the UTES Registrar.

*SAMPLE LETTER*  
**NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY SCHOOLS**

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

1. The right to inspect and review the student's education records within 45 days after the day the UTES receives a request for access.

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

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

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

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

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the UTES Management Board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school district or charter school in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or



transfer.

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

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

By law, “directory information” includes categories of information that are generally not considered harmful or an invasion of privacy if released. UTES has designated the following as directory information: student’s name, degrees, honors and awards received.

If you do not want UTES to disclose directory information from your education records without your prior written consent, you must notify UTES in writing by [insert date 10 school days after date of letter].

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

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student’s State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities

may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))

## 400.090. BILINGUAL / ESL EDUCATION PROGRAM

### SECTION 1. Program Principles

Section 1.1. Board Commitment. The Board 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 UTES operate in compliance with federal and state law.

### SECTION 2. Program Responsibilities

The Superintendent will ensure that UTES shall:

- i. Identify ELL students based on criteria established by the state;
- ii. Provide bilingual education and/or ESL programs as integral parts of the UTES
- iii. 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)

UTES 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 UTES to follow the LPAC Legal Framework developed by the Region 20 Education Service Center for the UTES LPAC procedures.

The Superintendent or designee shall ensure that a sufficient number of LPACs are established at UTES 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 UTES.

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 UTES. 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 UTES. 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 UTES LPAC for fulfilling LPAC responsibilities and duties. The UTES LPAC shall accomplish the following general responsibilities:

- i. Review of all pertinent information on ELL students upon initial enrollment and at the end of the school year;
- ii. Make recommendations concerning the most appropriate placement for the advancement of an ELL student;
- iii. Review each ELL student's progress at the end of the school year in order to determine future appropriate placement;
- iv. 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;
- v. Determine the appropriateness of a program that extends beyond the school year based on the needs of each ELL student.

#### **SECTION 4. Training**

UTES 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 UTES 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 UTES.

#### **SECTION 5. Home Language Survey**

Section 5.1 Administration of Survey. UTES shall include a Home Language Survey as part of the student enrollment documentation to determine the language normally used in the home and the language normally used by the student. The home language survey shall be conducted in English and in the home language, and signed by the student's parents. The Superintendent or designee shall ensure that an original copy of the survey is retained in the student's permanent record.

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

## SECTION 6. ELL Classification and Instructional Placement

Section 6.1. ELL Classification. The UTES LPAC may classify a student as an ELL student if:

- i. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
- ii. The student's score or relative degree of achievement on the Texas Education Agency (TEA)-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
- iii. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
- iv. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

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

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

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

- i. the academic progress in either language of the ELL students and the extent to which they are becoming English proficient;
- ii. the number of students who have been exited from the bilingual education and ESL program; and
- iii. the number of teachers and aides trained in the frequency, scope, and results of the training.

## **SECTION 7. Parental notice and consent**

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

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

Section 7.3. Parental Request for Exit. The LPAC shall facilitate the exit of the student from bilingual education or an ESL program if the student's parent or guardian makes such request in writing.

Section 7.4. Parental Notice of Exit. The UTES LPAC is responsible for informing parents in writing when their student meets the exit criteria and exits from a bilingual education or ESL program. The notice shall be made in English and the home language of the student.

Section 7.5. Annual Progress Report. The UTES LPAC is responsible for providing parents with an annual report on the progress of their ELL child in the bilingual or ESL program. The report shall be made in English and the home language of the student.

## **SECTION 8. Documentation**

The LPAC shall be responsible for ensuring that the ELL student's permanent record contains documentation of all actions impacting the ELL student, including adequate records of the educational level and progress of each ELL student enrolled in UTES.

## **SECTION 9. Personnel**

The Superintendent of UTES will ensure that teachers assigned to bilingual education and ESL programs are appropriately certified in bilingual education or ESL, respectively.

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

UTES shall offer an ESL program if UTES has an enrollment of 20 or more students classified as ELL students in any language classification in the same grade level. The Superintendent shall ensure that the ESL program offered by UTES complies with applicable regulations.

Section 10.1 Bilingual Education Program. Omitted as not applicable to UTES.

Section 10.2 Summer Programs.

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

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

## **400.100. IDEA POLICIES & PROCEDURES**

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of UTES.

### **SECTION 1. Legal Framework**

It is the policy of UTES to follow the Legal Framework for the Child-Centered Special Education Process developed through the Region 18 Education Service Center. Additional policies may be adopted by UTES to evidence UTES’s commitment to the framework and uploaded to Region 18 Education Service Center’s Legal Framework website.

### **SECTION 2. Regular Education Teacher IEP Review Request**

The Superintendent or 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 UTES to the teacher’s request; and (3) that provides for notification to the student’s parent or legal guardian of that response.



## 400.110. SECTION 504

### SECTION 1. Policy of Nondiscrimination

It is a policy of UTES not to discriminate based on disability in its educational programs as required by Section 504 of the Rehabilitation Act of 1973 (Section 504).

### SECTION 2. Section 504 Coordinator

The following position is designated as Section 504 compliance coordinator:

Assistant Principal, UTES  
2200 East Sixth Street, Austin, Texas 78702  
(512) 495-3300

### SECTION 3. Section 504 Committee

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

### SECTION 4. Training

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

### SECTION 5. Notice of Nondiscrimination Policy

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

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

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

- i. Posting of notices;
- ii. Publication in newspapers and magazines;
- iii. Placing notices in school publications; and

- iv. Distributing memoranda or other written communications.

If the school publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

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

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

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

## **SECTION 7. Free and Appropriate Public Education**

Section 7.1. School Responsibility. UTES shall provide a free appropriate public education to each student with a disability who enrolls in the school or program regardless of the nature or severity of the student's disability.

Section 7.2. Appropriate Education.

Section 7.2.1. 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:

- i. Designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met; and
- ii. Based upon adherence to procedures that satisfy the requirements of Section 9.

Section 7.2.2. UTES may implement an Individualized Education Program or Individualized Section 504 Plan developed in accordance with Section 504 as a means of meeting the standard established in SECTION 7.2(a).

Section 7.2.3. UTES 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.

Section 7.2.4. 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 7.3. Free Education. For the purpose of compliance with this policy, the provision of a free education means the provision of educational and related services without cost to the student with a disability or to his or her parents or guardian, except for those fees that are imposed on students without disabilities or their parents or guardians.

## **SECTION 8. Education Setting**

Section 8.1. Academic Setting. UTES 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.

Section 8.2. Nonacademic Settings. UTES shall ensure that students with disabilities participate with students who are not disabled in nonacademic activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

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

## **SECTION 9. Evaluation and Placement**

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

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

Section 9.3. Evaluation Procedures. The Superintendent 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:

- i. 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;
- ii. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
- iii. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

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

- i. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
- ii. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
- iii. 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
- iv. Ensure that the placement decision is made in conformity with specifications for educational settings in Section 8.

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

## **SECTION 10. Procedural Safeguards**

Section 10.1. Notification Requirements.

- i. Prior to Evaluation. The Section 504 Committee chairperson shall notify parents in writing prior to any individual evaluation conducted to determine if their child

has disabilities or to determine what educational or related services should be provided to the student.

- ii. Determination of Eligibility/Ineligibility. The Section 504 Committee chairperson shall notify parents in writing when a student has been determined to be eligible or ineligible for services under Section 504.
- iii. Significant Change in Services. The Section 504 Committee chairperson shall notify parents in writing prior to a significant change in a student's status or services.
- iv. Refusal of Parental Request. The Section 504 Committee chairperson shall notify parents in writing if the school has determined that it will not evaluate a student or to provide specific aids and services the parents have requested.
- v. Right to Impartial Hearing. The Section 504 Committee chairperson shall notify in writing parents of all students with disabilities of their right to an impartial hearing under SECTION 10.3.

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

Section 10.3. Impartial Hearing.

- i. 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.
- ii. Impartial Hearing Officer. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the school or related to a member of the Board in a degree that would be prohibited under state laws and rules relating to nepotism. The impartial hearing officer is not required to be an attorney.
- iii. Timeline. UTES 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.
- iv. Appeal. If a parent or guardian is dissatisfied with the outcome of the hearing and requests an appeal, the parent or guardian must specify the objections in writing and file them with the Superintendent and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The Superintendent shall appoint an independent appeals officer to conduct a review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party

requests an extension of time.

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

## 400.120. HEALTH

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of UTES.

### SECTION 1. Immunizations & Reportable Diseases

The Superintendent or designee of UTES shall ensure compliance with immunization laws and regulations and that UTES complies with laws and regulations regarding reportable diseases.

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

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

- i. Point of Contact. The Principal shall serve as the point of contact to work with parents and healthcare providers to support students with food allergies that occur at school. The Principal shall receive ongoing training in the management of food allergies in the school setting, including the provision of administration of epinephrine. The Principal shall ensure that moderate to severe allergic reactions known to UTES that occur at 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.
- ii. Storage of Medications. The Principal 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.

- i. Food Allergy Information Upon Enrollment & After Diagnosis. The Superintendent or 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 him or her at risk for anaphylaxis.

Enrollment procedures shall include a request that a parent, or legal guardian, disclose to UTES whether his or her child has a food allergy or a severe food allergy that, in the judgment of the parent or legal guardian should be disclosed to UTES to enable the UTES 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.

- ii. Parent Consent. The Superintendent’s designee shall ensure UTES documents

and keep current parent consent for medication administration (e.g. epinephrine).

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

- i. Food Allergy Action Plan (FAAP)/Emergency Action Plan (EAP): The FAAP/EAP, developed by the healthcare provider in collaboration with the parents or legal guardians, provides information about the child's food allergy, outlines the care that the child will need in managing the food allergy, and outlines actions to be taken in case of an allergic reaction. The Superintendent or designee shall ensure that the parents and the student (when age appropriate) meet with the campus Principal 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.
- ii. Individualized Healthcare Plan ("IHP") & 504 Plans. The campus Principal 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 Principal may facilitate the process of implementing the FAAP/EAP in coordination with the residential facility, if the student is in treatment, and the student's parent or guardian. Where legally required, the school will also develop a 504 Plan to address the health and learning needs of the student. The Superintendent or designee shall ensure compliance with relevant disability laws.

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

- i. Procedures. The Principal shall develop procedures that outline 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: all classrooms, hallways, common areas in the school building, and during all school-sponsored activities, including field trips, athletic events, on-campus, off-campus, and before and after school activities.
- ii. Environmental Controls. The Principal 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:
  - a. 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.
  - b. Limiting, reducing, and/or eliminating food from the classroom(s) and other learning environments used by children with food allergies at-risk for anaphylaxis.
  - c. Notifying and educating school staff and parents, as appropriate, of the need to limit foods as needed on the campus, in the classroom or at school sponsored



activities.

- d. 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.
- e. Implementing appropriate cleaning protocols in the school with special attention to identified high-risk areas.
- f. Providing training on food allergy awareness to teachers, staff and parents.
- g. Posting of visual reminders promoting food allergy awareness.
- h. Educating children about not trading or sharing food, snacks, drinks, or utensils.
- i. 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.
- j. Provide ready access to epinephrine in an accessible, secure but unlocked area.
- k. Consider risk reduction strategies during extracurricular activities, on field trips, during before- and after-school activities, and at sporting events.
- l. 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.

- i. Training Schedule. The Superintendent shall establish a training schedule that ensures that, at a minimum annually, all school staff are 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 Principal and school staff members that will be responsible for the care of individual students.
- ii. 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.

- iii. 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 Principal shall collaborate with the student's parents and appropriate staff in collecting and reviewing information and implementing the following activities in order to prepare for the child's return to the classroom:

- i. Identify, if possible, the source of allergen exposure and take steps to prevent future reactions.
- ii. 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.
- iii. Identify and interview those who were involved in the emergency care of the student and those that witnessed the event.
- iv. Meet with school staff to review the implementation of procedures.
- v. 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.
- vi. If an epinephrine auto-injector was utilized during the reaction, ensure that the parent/guardian replaces it with a new one.

Section 2.7. Review of Policies & Procedures. Policies and procedures associated with food allergies and anaphylaxis shall be reviewed and updated, when necessary, at least annually. The review shall include, but is not limited to, looking at the following information: the current science on management of food allergies in the school setting; a review of UTES's annual incident report summaries; a review of current policies and procedures; and recommendations brought forth by the campus Principals.

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

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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 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 UTES employee.

Section 3.2. Authorized Employees. Employees authorized by UTES to administer prescription medication to a student include individuals designated by the Principal and approved by the Superintendent.

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

- i. A container that appears to be in the original container and properly labeled; or
- ii. From a properly labeled unit dosage container filled by an authorized employee from a container described by Section 3.3(a).

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

## **SECTION 4. Psychotropic Medication**

Section 4.1. Employee Prohibition: An employee may not:

- i. Recommend that a student use a psychotropic drug;
- ii. Suggest any particular diagnosis; or
- iii. 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 4.1 does not prevent an employee from:

- i. Making an appropriate referral under the Individuals with Disabilities in Education Act;
- ii. 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; or
- iii. 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 tobacco products, and the use of alcoholic beverages at school-related or school-sanctioned activities, on or off school property, including within 30 feet of a school building, is strictly prohibited.

school-sanctioned activity, on or off school property. The Superintendent shall ensure that this prohibition is enforced by school personnel.

## **SECTION 6. Posting of Steroid Notice**

The Superintendent shall ensure that the legally required steroid notice shall be posted in a conspicuous location in the school gym or in another place in a building where physical education classes are conducted.

## **SECTION 7. Wellness Policy**

Federal Public Law (PL 108.265 Section 204) states that beginning July 1, 2006 all schools must develop a local wellness policy that involves parents, students, a representative from the School Food Authority, school Board, school administrators, and the public. The Local Education Authority (LEA) will establish a plan for measuring implementation of the local wellness policy. The Local policy indicated herein took effect the school year beginning August 1<sup>st</sup>, 2006.

Section 7.1. Mission Statement. UTES is committed to providing a school environment that enhances learning and development of lifelong wellness practices. In harmony with teaching to the mind, body and spirit of each child, our mission is to encourage healthy eating habits and regular physical activity to that each child is equipped to achieve his or her potential academically and socially.

Section 7.2. Purpose. The purpose of the local wellness policy is to ensure that our mission is realized by addressing the following components of school wellness:

- i. School-wide nutritional guidelines
- ii. Nutrition education
- iii. Physical activity
- iv. Other school-based activities

Section 7.3. Development. UTES shall adopt nutritional guidelines and wellness goals in consultation with the following school and community representatives:

- i. Teachers (classroom, health and physical education)
- ii. Administrators
- iii. Students
- iv. Food Service
- v. School Management Board
- vi. Parents
- vii. Healthcare Professionals
- viii. Public

## **SECTION 8. Nutritional Guidelines**

UTES shall ensure that nutritional guidelines for reimbursable school meals shall be at least as restrictive as federal regulations and guidance and that all foods available on campus are in accordance with the Texas Public School Nutrition Policy.

Section 8.1. Food as a Reward. Food shall not be used as a reward or a punishment for student behavior, unless it is detailed in a student's Individualized Education Plan (IEP)

Section 8.2. Classroom Snacks and Parties. Food and beverages provided in the classroom shall comply with the fat and sugar limits of the Public School Nutrition Policy. They may not contain any Foods of Minimal Nutritional Value (FMNV's) or consist of candy or dessert type items (cookies, cakes, cupcakes, pudding, ice cream, etc.) except in circumstances found in the policy exemptions.

Section 8.3. School-Related Events and Fundraisers. Healthy food and beverage options shall be included at concessions at school-related event and fundraising activities during school hours.

The following guidelines are specifically adopted by UTES and approved by the Board, to be enforced beginning in the 2006-2007 school year.

Section 8.4. Restricted Hours. Foods with Minimal Nutritional Value (FMNV) are restricted during the school day from 7:30 am until 3:30 pm. This includes candy, gum, soda and popsicles (unless they contain fruit juice).

Section 8.5. Competitive Foods. Competitive foods are restricted during breakfast and lunch periods. Fried food such as French fries or fried chips are restricted to once a week. Chips are restricted during breakfast. This would include fries in a "Happy Meal" type lunch. We recommend juice or milk for the drink option for these types of meals. The school may decide on three school events to be designated as a special time for consuming FMNV.

Section 8.6. Snacks. UTES supports the "Square Meal" recommended snack list.

Section 8.7. Exceptions. Campus-approved field trips are exempt from the nutrition policy.

## **SECTION 9. Nutrition Education**

UTES shall implement, in accordance with the Texas Education Code 38.014 and 28.002, a coordinated school health program with a nutrition education component and shall use health course curriculum that emphasizes the importance of proper nutrition.

Section 9.1. Goals. UTES establishes the following goals for nutrition education:

- i. The staff responsible for nutrition education shall be adequately prepared and participate regularly in professional development activities to effectively deliver an accurate nutrition education program as planned. Preparation and professional development activities will provide basic knowledge of nutrition, combined with skill practice in program-specific activities and instructional techniques and strategies designed to promote healthy eating habits.

- ii. All members of the coordinated school health program team, including teachers, food

- service staff, parents and administrators shall be trained yearly to properly implement the selected coordinated school health program, including its nutrition education piece.
- iii. The school cafeteria shall serve as a “learning laboratory” to allow students to apply critical thinking skills taught in the classroom.
  - iv. Nutrition education shall involve sharing information with families and the broader community to positively impact students and the health of the community.
  - v. Faculty, staff and administrators shall strive to be appropriate role models for students and demonstrate healthy eating habits.

## **SECTION 10. Physical Education and Activity**

*It is the unique role of quality physical education programs to develop the health-related fitness, physical competence and cognitive understanding about physical activity for all students so that they can adopt healthy and physically active lifestyles.*  
**National Association for Sport and Physical Education (NASPE)**

NASPE and the Texas Essential Knowledge and Skills (TEKS) for Physical Education provide the curricular framework for our program. UTES shall implement, in accordance with education code 38.014, a coordinated school health program with physical education and physical activity components and shall offer at least the required amount of physical activity for all grade levels.

Section 10.1. Goals. In addition to the TEKS, UTES establishes the following goals for physical activity:

- i. Time allotted for physical activity will be consistent with research, nation and state standards. NASPE includes recommendations for at least 60 minutes and up to several hours of physical activity per day or children 5 to 12 years of age. Children should have several opportunities for physical activity lasting 15 minutes or more approximately every two hours, especially during the daytime hours.
- ii. Physical activity shall be integrated across curricula and throughout the school day. Movement may be made part of science, math, social studies and language arts.
- iii. Policies ensure that state-certified physical education instructors teach all physical education classes.
- iv. A minimum of one daily recess period shall be provided, which is not used as a punishment or a reward.
- v. Adequate equipment shall be available for all students to participate in physical education.
- vi. Students and community members shall be educated about the importance of moderate to vigorous physical activity, and students shall be encouraged to

participate in recreational activities outside of the normal school day.

- vii. Faculty, staff and administrators shall strive to be appropriate role models for students and demonstrate active lifestyles.

Section 10.2. Other school-based activities. In addition, UTES establishes the following goals for other school-based activities:

- i. Afterschool programs shall be offered that encourage healthy eating habits and physical activity.
- ii. Special school-wide events that explicitly promote student wellness shall be implemented at least twice a year.

### **SECTION 11. Healthy Families Initiative (HFI), A Coordinated School Health Program**

Section 11.1. Mission. The mission of UTES is three-fold: (1) to develop students into lifelong learners through rigorous, research-based curricula, individualized instruction, high expectations, and a nurturing environment that includes parental and community involvement; (2) to provide opportunities for professional development and outreach for The University of Texas at Austin's academic units; and (3) to serve as a model of an exemplary educational program for diverse learners.

Section 11.2. Vision. The vision of the UTES Healthy Families Initiative is to build a community of dedicated students, families, teachers, companies, and organizations to create an environment that not only promotes a healthy and active lifestyle, but provides opportunities for students to actively explore the benefits of this way of life.

Section 11.3. Staff. The following staff positions will participate in the HFI Council:

- i. Head Chef
- ii. Sous Chef
- iii. Physical Education Teacher
- iv. Wellness Teacher
- v. School Nurse
- vi. School Counselor

Section 11.4. School Health Advisory Council (SHAC). The School Health Advisory Council is a requirement by Texas Law. Focus areas of the UTES SHAC include:

- i. Health and Physical Education
- ii. Health, nutrition and counseling services
- iii. Campus health and safety
- iv. Staff Health

Meetings are held quarterly with sufficient notices to UTES families.

## 400.140. STUDENT SAFETY

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of UTES.

### 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 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 1.4. Due Process. Charter schools have considerable autonomy in the development for discipline programs with a few important exceptions. Procedures for the use of time-out, seclusion and restraint, as well as the requirements for gun-free, alcohol and drug free schools, are clearly delineated in 19 TAC 89-1053.

UTES shall perform due process in the case of expulsion from school. UTES shall provide an opportunity for students and their parents to be heard, and shall provide written notice of the charges and proposed sanctions, including a written invitation for the student’s parent/guardian to attend the expulsion hearing. We understand that the student and parent/guardian has a right to a full hearing before the Board and shall have the opportunity to testify and present evidence and witnesses in his/her behalf, in addition to examine the evidence presented by the school and to question the administration’s witnesses.

At the hearing, the student shall be entitled to an adult representative or legal counsel who can provide guidance to the student and who is not an employee of the school. If our school makes a good-faith effort to inform the student and the student’s parent/guardian of the time and place of the hearing, the school may hold the hearing regardless of whether the student, the student’s parent/guardian, or another adult representing the student attends.

Due process requires, in connection with a suspension of 10 days or less, that the student be given oral or written notice of the charges against him/her and, if s/he denies them, an explanation of the evidence the school authorities have and an opportunity to present his/her version prior to removal if possible.



## SECTION 2. Transfer Option for Victims of Violent Acts

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

## SECTION 3. Child Abuse

### Section 3.1. Sexual Abuse of Children and Maltreatment of Children.

- i. The Superintendent or designee shall develop and implement procedures detailing methods to increase staff, student and parent awareness of the sexual abuse and other maltreatment of children, including prevention techniques and knowledge of likely warning signs.
- ii. 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 or other maltreatment should take to obtain assistance and intervention. This plan shall also provide for available counseling options.

### Section 3.2. Required Training.

- i. As part of new employee orientation, educators, counselors, coaches and other professional staff members shall receive training concerning prevention techniques for, and recognition of, sexual abuse 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.
- ii. The Superintendent or designee shall ensure that training under this section shall comport with legally mandated criteria.

### Section 3.3. Reporting Child Abuse.

A UTES employee, volunteer or agent who 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.

## SECTION 4. School Visitors

Section 4.1. Visitors. In conjunction with the campus facilities, the Superintendent or designee shall ensure that the campus adopts a procedure requiring visitors to UTES to sign in at the office. All visitors may be required to present a form of identification or, at a minimum, their name and date of birth. UTES staff may process a 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 departure, the visitor must sign out 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 may not be allowed to visit a UTES school building or campus area. However, a parent/legal guardian of a student enrolled at UTES, who has previously established with the school that he or she is the parent/guardian of the student, but does not provide identification or their name and date of birth at the time of the school visit, shall follow the policy outlined in Section 4.2(a) and (b).

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

- a. Exception.
 

A parent/guardian registered sex offender may enter school grounds for the following limited purposes:

  - i. To attend a conference at the school with school personnel to discuss the academic and/or social progress of the parent/guardian's child;
  - ii. When the Principal has requested the parent/guardian's presence for any other reason concerning the parent/guardian's child; or
  - iii. To bring the parent/guardian's child to, or pick up the child up 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 UTES and the campus facility (if the facility has not arranged the visit) 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 UTES staff at all times.

Section 4.3. Protective Orders. UTES personnel shall comply with all legal restraining and protective orders pertaining to students enrolled in UTES.

## **SECTION 5. Weapon and concealed handgun prohibition**

Section 5.1. Weapons Prohibited. UTES prohibits the use or possession of any firearm, illegal knife, club or other weapon while on the premises of the school or any school

grounds or building in which a school activity is being conducted. See Texas Education Code 37/007(a)1.

Section 5.2. Concealed Handgun Prohibition. UTES prohibits the use or possession of a concealed handgun on UTES campus, even if the handgun is carried by a licensed handgun holder. The Superintendent shall ensure signs containing the following language are conspicuously placed at all campus facilities: “Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun.”

## **SECTION 6. Protective Eye Devices**

Industrial-quality eye-protective devices meeting the recommended guidelines adopted by the Texas Department of Health shall be worn by all employees, students and visitors participating in activities and programs that involve:

- i. the use of hazardous chemicals;
- ii. the use of hot liquids or solids;
- iii. the use of molten materials;
- iv. performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
- v. milling, sawing, turning, shaping, cutting or stamping of any solid materials;
- vi. heat treatment, tempering or kiln firing of any metal or other materials;
- vii. cutting, welding or brazing operations;
- viii. the use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
- ix. repair or servicing of any vehicle; or
- x. any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

## **SECTION 7. Internet Use**

### **Section 7.1. Computer System Access**

Access to all of UTES’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 UTES’s policies and procedures in regards to such access, including, but not limited to, the acceptable use policies of the University of Texas. Failure to comply may result in disciplinary action.

<https://www.utexas.edu/cio/policies/>

### **Section 7.2. Protection Measure**

The Superintendent or designee shall ensure that UTES utilizes a filtering device or software that prevents any UTES computer, and prevents UTES’s Internet service, from accessing material that is obscene, child pornography or harmful to minors.

### **Section 7.3. Internet Safety**

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

- i. Online activities of minors are monitored at the discretion of the Superintendent or designee;
- ii. Students' Internet access to inappropriate material is controlled;
- iii. Students' safety is ensured when using electronic communication, including, but not limited to electronic mail, social networking sites and chat rooms;
- iv. The prevention of unauthorized access, including hacking and other unlawful activities;
- v. The prevention of the unauthorized disclosure, use and dissemination of personal information regarding minors; and
- vi. 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 7.4. Monitored Computer Use

The use of UTES's computers and/or Internet system is not confidential and may be monitored by designated UTES personnel to ensure appropriate use.

### **SECTION 8. Prohibition Against Harassment, Intimidation, or Bullying**

UTES strives to provide students and staff with a school environment free from harassment, intimidation and bullying.

Section 8.1. Prohibition. UTES explicitly prohibits harassment, intimidation, and/or bullying on the basis of race, color, national origin, sex, disability, age, sexual orientation, and/or religion. UTES prohibits harassment, intimidation, or bullying in any form at school, school-related events, including off-campus events, school-sponsored activities, or any event related to school business.

Section 8.2. 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 and that:

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

Section 8.3. Reporting. UTES 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 UTES employee, adult volunteer, contractor or agent who is not involved in the alleged harassment, intimidation or bullying. Any UTES 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 8.4. Superintendent Responsibilities. The Superintendent shall take appropriate actions to ensure UTES's Harassment, Intimidation and Bullying policy and procedures are enforced.

The Superintendent or designee shall develop procedures to implement this policy that include:

- a. An absolute prohibition against harassment, intimidation, or bullying;
- b. A method to ensure initial and annual dissemination of this policy and associated procedures to all students, parents, teachers, administrators and all other UTES 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 UTES policy and with consideration for state and federal IDEA requirements;
- i. Procedures for parties to appeal the determination of the investigation;

- j. Available counseling options for a student who is a victim of harassment, intimidation and/or bullying; and
- k. 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 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 8.5. 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, in accordance with the UTES Student Code of Conduct. 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/or 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 8.6. Retaliation Prohibited. UTES 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 UTES policies and procedures. Individuals who intentionally fabricate allegations of harassment, intimidation or bullying may be subject to disciplinary action in accordance with UTES policies and procedures.

## 400.160. MISCELLANEOUS PROVISIONS RELATING TO STUDENTS

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of UTES.

### SECTION 1. Religious Discrimination Prohibited

<http://policies.utexas.edu/policies/nondiscrimination-policy>

UTES prohibits discrimination, harassment or retaliation on the basis of religion. A student enrolled at UTES has the right to silently pray or meditate at UTES so long as it does not disrupt the instructional or other activities of the school. UTES 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 Director of Curriculum and Instruction is appointed the homeless liaison of UTES.

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

### SECTION 3. Parental Involvement

#### PART I. GENERAL EXPECTATIONS

UTES agrees to implement the following statutory requirements:

- a. UTES will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title I, Part A programs, consistent with section 1118 of the Elementary and Secondary Education Act (“ESEA”). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.
- b. Consistent with section 1118, UTES will work with its schools to ensure that the required school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA, and each include, as a component, a school-parent compact consistent with section 1118(d) of the ESEA.
- c. UTES will incorporate this district wide parental involvement policy into its Local Education Agency (“LEA”) plan developed under section 1112 of the ESEA.
- d. In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, UTES and its schools will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language

parents understand.

- e. If the UTES plan for Title I, Part A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, UTES will submit any parent comments with the plan when UTES submits the plan to the Texas Education Agency (“TEA”).
- f. UTES will involve the parents of children served in Title I, Part A schools in decisions about how the 1 percent of Title I, Part A funds reserved for parental involvement is spent, and will ensure that not less than 95 percent of the one percent reserved goes directly to the schools.
- g. UTES will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities and procedures in accordance with this definition:

Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

- i. that parents play an integral role in assisting their child’s learning;
- ii. that parents are encouraged to be actively involved in their child’s education at school;
- iii. that parents are full partners in their child’s education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;
- iv. the carrying out of other activities, such as those described in section 1118 of the ESEA.

## **PART II. DESCRIPTION OF HOW UTES WILL IMPLEMENT REQUIRED DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS**

Parents/guardians/caregivers/parental surrogate/house parents are an integral part of the education of their child. The more elements of good parenting, good teaching and good schooling that children experience, the greater the likelihood that children will achieve their potential.

To work with parents in accomplishing this goal, UTES shall:

- a. Train staff with parental assistance, in the value and contributions of parents and in how to involve and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school.



- b. Hold an annual meeting with parents, teachers, paraprofessionals and facility representatives to discuss:
- i. Campus Instructional Plan, which includes the Parental Involvement Policy and frequency of parental involvement meetings
  - ii. Federal programs and requirements, including eligibility and participation in the Title I, Part D program, Adequate Yearly Progress (“AYP”), and the Title I school improvement process
  - iii. State standards and assessments
  - iv. School Parent Compact, which is designed by parents and school staff and outlines how parents, staff and students share the responsibility for improvement in student academic achievement
  - v. Evaluation of Parental Involvement Program and Policy
- c. Disseminate information to parents in a timely manner, in a uniform format, and in the language the parents can understand, including, but not limited to:
- i. Parent Handbook
  - ii. Campus Parental Involvement Policy
  - iii. Qualifications of teachers
  - iv. Timely information about Title I, Part D programs
  - v. The options and requirements for providing assistance to students who have learning difficulties or who need, or may need, special education
  - vi. Information regarding how parents of limited English proficient students can be actively involved in their children’s education and attainment of English proficiency
  - vii. Annual notice of confidentiality of records and parental rights under the Family Educational Rights and Privacy Act (“FERPA”)
  - viii. Annual notice of parental rights under the Protection of Pupil Rights Amendment (“PPRA”)
  - ix. Student Code of Conduct
  - x. Student Information Guide
  - xi. School-Parent Compact
  - xii. Complaint procedures for resolving issues of violation of a Federal statute or regulation that applies to Title I, Part D programs
  - xiii. Information about school curriculum, standards and assessments, and proficiency levels that students are expected to meet
  - xiv. School and LEA Report Cards, including AYP status
  - xv. Individual student assessment results and progress reports
  - xvi. Information regarding child’s participation in state supplemental programs, as appropriate, including, but not limited to: Texas Primary Reading Inventory (“TPRI”) and Accelerated Reading Instruction (“ARI”); Dyslexia services; and English as a Second Language (“ESL”)/Bilingual Program
- d. Arrange for parent conferences held at different times during the day to accommodate the needs of the parents to discuss:

- i. student progress
  - ii. School-Parent Compact and how the Compact relates to the individual child's achievement
  - iii. Measures of Academic Progress ("MAP") testing results
- e. Provide parent training/information on how to:
- i. coordinate literacy efforts that will help parents work with their children to improve their children's achievement
  - ii. provide opportunities as appropriate and feasible for parents to learn about child development and child-rearing issues designed to help parents
  - iii. monitor a child's progress and work with educators to improve the achievement of their children and
  - iv. build bridges between home and school
- f. Ensure coordination by coordinating and integrating parental involvement programs and activities with other grant programs, as appropriate.
- g. Offer a flexible number of meetings, such as morning, evening or weekend times, in order for parents to have more opportunities to participate in various workshops and meetings pertaining to various topics concerning parenting and academics
- h. Provide parental involvement opportunities through collaboration with the facility in the following ways:
- i. Providing informational sessions for parents, surrogate parents, and facility staff on subjects of interest, such as Attention Deficit Hyperactivity Disorder ("ADHD"), brain research, study skills and communications skills.
  - ii. Encouraging parent visits to the school whenever they are visiting the facility.
  - iii. Weekly Progress Reports that communicate concerns with academics and behavior.
  - iv. Team meetings to discuss progress and/or educational needs and solutions for student success.
  - v. Parental participation in Admissions, Review and Dismissal ("ARD") committee meetings.
  - vi. Parental participation in Language Proficiency Assessment Committee ("LPAC") meetings.
  - vii. Training for surrogate parent(s) to assure that students are participating in the least restrictive environment and are receiving all appropriate educational services.
  - viii. Parental participation in awards programs held by the school.
- i. Include the community through collaboration with the facility and as appropriate by developing partnerships with community-based organizations and businesses in parental involvement activities.

- i. Education Council – The UTES Education Council shall serve as a site-based decision-making bod for the purpose of improving the educational outcomes of our students. It shall consist of 3 professional staff (at a minimum), 3 parents, 3 university faculty, 1 community member, 1 business representative and the Principal/CEO of the school or designee. Nominations for membership are accepted as openings develop. The final approval of new council members will be made by the Principal/CEO of UTES.
- ii. Purpose – the purpose of the Education Council is to:
  - a. involve the school community members in a meaningful manner
  - b. allow input into academic achievement areas
  - c. help determine the Education Plan
  - d. encourage input into the use of staff at the school
  - e. promote understanding and communication
  - f. provide community support
- iii. Objectives
  - a. Present TEA “School Report Card” to parents and community
  - b. Review school programs and services
  - c. help establish goals for academic improvement
  - d. Develop the Education Plan and Staff Development Plan
  - e. Review student achievement data
  - f. Inform the community of school progress
  - g. Review and provide recommendations on the use of budget and federal dollars
  - h. Share meeting dates, agendas and minutes with school community members
- iv. Procedures - All Education Council meetings shall be required to give notice, follow an agenda, and take minutes. The discussion shall be limited to: planning, curriculum, budgeting, staffing patters, school organizations and staff development (TEC 11.251)
- j. Conduct an annual evaluation/survey with the involvement of parents, on the parental involvement policy and the parental involvement program to determine their effectiveness, to identify barriers to greater participation, and their impact on improving student academic performance. These findings are used to design strategies for program improvement.

### PART III. ADOPTION

This District-wide Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A programs as evidenced by the following components of the UTES Parental Involvement Policy, which are

described in more detail above:

- a. Annual meeting with parents, teachers, paraprofessionals, and facility representatives where parents learn about the requirements of the school's Title I program and are given an opportunity to help review, plan and make suggestions to improve the Title I program, the Parental Involvement Policy and the School Parent Compact.
- b. Annual evaluation/survey with the involvement of parents, on the content and effectiveness of the UTES District-Wide Parental Involvement Policy. The findings of the annual evaluation/survey are used to design strategies for program improvement.

This policy was adopted by UTES on November 15, 2016 and will be in effect pending the annual evaluation in the following school year. UTES will distribute this policy to all parents of participating Title I, Part A children on or before September 1<sup>st</sup>.