



TCSA Model Board Policy Series

Module 2 – Instruction

Richard Milburn Academy

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PG - 2.1 INSTRUCTIONAL PROGRAM OVERVIEW

Sec. 1. ESSENTIAL KNOWLEDGE AND SKILLS

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

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

Sec. 2. GUIDELINES FOR GRADING

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

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

Sec. 3. PROGRESS REPORTING

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

Sec. 4. REPORT OF STUDENT PERFORMANCE TO PARENTS

Richard Milburn Academy shall provide a record of the comparisons of student performance made under Education Code 39.034 and provided to Richard Milburn Academy under Education Code 39.302 in a written notice to the student's parent or other person standing in parental relationship.

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

Education Code 39.303.

Sec. 5. CONFERENCES

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

Sec. 6. ACADEMIC DISHONESTY

Academic Dishonesty Definition

Students found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating, copying and/or modifying another student's work files stored on a computer, copying the work of another student or allowing another student to copy your work, plagiarism of any kind, including the use of electronic media, and unauthorized communication between students during or after an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another supervising employee, taking into consideration written materials, observation, or information from students.

PG. 2.2 EDUCATIONAL PROGRAM IN GENERAL

Sec. 1. SCHOOL YEAR

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

Sec. 2. LENGTH OF SCHOOL DAY

A school day shall be at least 240 minutes each day, including intermissions and recesses.

Sec. 3. REQUIRED INSTRUCTION

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

Sec. 4. REQUIRED CURRICULUM

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

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

1. A foundation curriculum that includes:
 - a. English language arts;
 - b. Mathematics;
 - c. Science; and
 - d. Social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
2. An enrichment curriculum that includes:
 - a. To the extent possible, languages other than English;
 - b. Health, with emphasis on:
 - i. Physical health, including the importance of proper nutrition and exercise;
 - ii. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - iii. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
 - c. Physical education;
 - d. Fine arts;
 - e. Career and technology education;
 - f. Technology applications;
 - g. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
 - h. Personal financial literacy.

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

Sec. 5. CHARACTER TRAITS INSTRUCTION

Richard Milburn Academy shall adopt a character education program that includes the following positive character traits:

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

This program shall be implemented in accordance with guidelines published by the

Commissioner of Education / State Board of Education.

Education Code 29.906.

Sec. 6. SCHOOL CALENDAR

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

Sec. 7. RECOGNITION DATES

Richard Milburn Academy will regularly observe the following recognition days, weeks, and months by appropriate activities in public schools:

Hydrocephalus Awareness Month: September is Hydrocephalus Awareness Month to:

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

Gov't Code 622.106.

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

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

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

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

1. Higher education options available to students;
2. Standard admission requirements for institutions of higher education, including:
 - a. Overall high school grade point average;

- b. Required curriculum;
 - c. College readiness standards and expectations as determined under Education Code 28.008; and
 - d. Scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;
3. Automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803; and
 4. Financial aid availability and requirement, including the financial aid information provided under Education Code 33.007(b).

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

Education Code 29.911.

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

Holocaust Remembrance Week shall include age-appropriate instruction, as determined by Richard Milburn Academy:

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

Education Code 29.9072.

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

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

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

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

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

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

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

Texas First Responders Day: September 11 is Texas First Responders Day in honor of the bravery, courage, and determination of Texas men and women who assist others in emergencies. Texas First Responders Day shall be regularly observed by appropriate ceremonies in public schools to honor Texas first responders. *Gov't Code 662.050.*

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

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

Education Code 29.9071.

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

Sec. 8. EXERCISE OF CONSTITUTIONAL RIGHT TO PRAY

Each Richard Milburn Academy student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A person shall not require, encourage, or coerce a student to engage in or refrain from such prayer or meditation during any school activity. *Education Code 25.901*

PG.-2.3 ACADEMIC ACHIEVEMENT

Sec. 1. GRADUATION REQUIREMENTS

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

Sec. 2. ACADEMIC ACHIEVEMENT RECORD

Richard Milburn Academy shall use the academic achievement record (transcript) form designated by the Commissioner of Education (“Commissioner”). This form shall serve as the academic record for each student and shall be maintained permanently by Richard Milburn Academy.

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

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

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

a) Transcript Seals

A student who completes high school graduation requirements shall have attached to the academic achievement record the State Board-approved seal. *19 TAC § 74.5(e).*

b) Endorsement

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

c) Performance Acknowledgment

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

d) Distinguished Level of Achievement

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

e) Completion of Speech Requirements

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

f) Completion of CPR Instruction

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

g) Proper Interaction with Peace Officers

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

h) Languages Other than English

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

i) Certificate of Coursework Completion

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

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

PG.-2.4 GRADUATION REQUIREMENTS

Sec. 1. COURSE AND DIPLOMA REQUIREMENTS

A student may graduate and receive a diploma only if:

1. The student successfully completes the curriculum requirements identified by the State Board of Education; or
2. The student successfully completes an individualized education program.

Education Code 28.025(c).

a) Individual Graduation Committee

Without complying with the requirements discussed above, a student may receive a diploma if the student is eligible for a diploma as determined by an individual graduation committee (IGC). *Education Code 25.025(c-6), .0258.*

For each 11th or 12th grade student who has failed to comply with end-of-course (EOC) assessment instrument performance requirements for not more than two courses, Richard Milburn Academy shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. An IGC may not qualify a student to graduate before the student's 12th grade year.

The IGC shall be composed of:

1. The Principal or Principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) described above; and
4. As applicable:
 - a. The student's parent;
 - b. A designated advocate if the parent is unable to serve; or
 - c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

Richard Milburn Academy shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)-(c), (c-2); 19 TAC 74.1025.

b) Notice

Richard Milburn Academy shall ensure a good faith effort is made to timely notify the appropriate person(s) described under Sec. 1-a, Item 4 of the time and place for concerning the IGC and the purpose of the IGC. The notice must be:

1. Provided in person or by regular mail or e-mail;
2. Clear and easy to understand; and
3. Written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person(s).

Education Code 28.0258(d).

c) Eligibility to Graduate

To be eligible to graduate and receive a high school diploma as determined by an IGC, a student must successfully complete the curriculum requirements for high school graduation identified by the State Board of Education.

A student's IGC shall also recommend additional requirements by which the student may qualify to graduate, including:

1. Additional remediation; and
2. For each EOC assessment instrument on which the student failed to perform satisfactorily:
 - a. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
 - b. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g).

The IGC will consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the State Board of Education in determining whether a student is qualified to graduate. After considering the criteria, the IGC may determine that the student is qualified to graduate. A student may graduate and receive a diploma on the basis of the IGC's decision only if the student successfully completes all additional requirements recommended by the IGC, the student meets applicable curriculum requirements, and the IGC's vote is unanimous. The IGC's decision is final and may not be appealed. *Education Code 28.0258(i).*

Sec. 2. GRADUATION REQUIREMENTS FOR STUDENTS ENTERING GRADE 9 IN OR AFTER THE 2014–2015 SCHOOL YEAR

To receive a high school diploma, a student entering grade 9 in the 2014–2015 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code

- 74.12 (see Sec. 2-a, “Foundation High School Program,” below);
2. Testing requirements for graduation under 19 Administrative Code Chapter 101; and
 3. Demonstrated proficiency, as determined by Richard Milburn Academy, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program specified in 19 Administrative Code 74.12 and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (c).

a) **Foundation High School Program**

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

19 TAC 74.12.

b) **Endorsements**

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

Richard Milburn Academy must make at least one endorsement available to students. If Richard Milburn Academy offers only one endorsement, its curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements

for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

Richard Milburn Academy shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

Richard Milburn Academy may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13

i. Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor's written permission, on a form adopted by Texas Education Agency, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(d).

c) Distinguished Level of Achievement

A student may earn a distinguished level of achievement by successfully completing the

curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*.

d) Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has successfully completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by Richard Milburn Academy; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

Richard Milburn Academy may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(i), (j).

e) College Courses

Courses offered for dual credit at or in conjunction with an institution of higher education that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(h)*.

f) Languages Other than English

Students may earn credit for language other than English in accordance with 19 Administrative Code 74.12(b)(5). A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other than English in accordance with 19 Administrative Code 74.12(b)(5)(F). *19 TAC 74.12(b)(5)*.

g) Physical Education Substitutions

To the extent permitted by state rules applicable to the student's graduation program, Richard Milburn Academy shall award state graduation credit in physical education for participation in approved activities and elective courses.

Richard Milburn Academy shall award state graduation credit in physical education for appropriate private or commercially sponsored physical activity programs conducted either on or off campus, upon approval by the Commissioner of Education ("Commissioner").

A student who is unable to participate in physical activity due to disability or illness may substitute

an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's admission, review and dismissal ("ARD") committee if the student receives special education services;
2. The student's Section 504 Committee, if the student does not receive special education services under Education but is covered by Section 504; or
3. A committee, established by Richard Milburn Academy, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 Committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6).

h) Community-Based Fine Arts Programs

In accordance with local Richard Milburn Academy policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by Richard Milburn Academy. Such credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. Richard Milburn Academy must apply to the Commissioner for approval of the community-based fine arts program;
2. The State Board of Education must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code Chapter 117, Subchapter C;
3. Richard Milburn Academy must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

Richard Milburn Academy shall require that instructors of the community-based fine arts program provide Richard Milburn Academy, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030.

i) Performance Acknowledgments

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
 - a. In a dual credit course;
 - b. In bilingualism and bi-literacy;
 - c. On a College Board advanced placement test or international baccalaureate examination;
 - d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace (PSAT/ACT-Plan); or
 - e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process (SAT/ACT); or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14.

Sec. 3. TRANSFERS FROM OUT-OF-STATE OR NONPUBLIC SCHOOLS

An out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school is eligible to receive a Richard Milburn Academy diploma, but must complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.51(f), .61(i).*

Sec. 4. STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

a) Definitions

“Modified curriculum” and “modified content” refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–118, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(l).*

“Employability and self-help skills” are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(j).*

b) Summary of Academic Achievement and Evaluation

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code

89.1070(b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(h), (i).*

c) Students Entering Grade 9 In or After the 2014-2015 School Year

A student entering grade 9 in the 2014–2015 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or Richard Milburn Academy standards if greater) in 19 Administrative Code Chapters 110-118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program specified in 19 Administrative Code 74.12 applicable to students in general education as well as satisfactory performance on the required state assessments, unless the student’s ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.
2. The student has demonstrated mastery of the required state standards (or Richard Milburn Academy standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance on the required state assessments, unless the student’s ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student’s Individualized Education Program (“IEP”) and meet one of the following conditions:
 - a. Consistent with the IEP, the student has obtained fulltime employment, based on the student’s abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of Richard Milburn Academy.
 - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of Richard Milburn Academy.
 - c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
 - d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (k).

d) Endorsements

A student enrolled in a special education program may earn an endorsement on his or her transcript by:

1. Successfully completing, with or without modification of the curriculum:
 - a. The curriculum requirements identified by the State Board of Education for the foundation high school program; and
 - b. The additional endorsement curriculum requirements prescribed by the State Board of Education; and
2. Successfully completing all curriculum requirements for the endorsement adopted by the State Board of Education:
 - a. Without modification of the curriculum; or
 - b. With modification of the curriculum, provided that the modified curriculum is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee shall determine whether the student is required to achieve satisfactory performance on an EOC instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)-(c-8).

Sec. 5. GRADUATION OF MILITARY DEPENDENTS

a) Course Waiver Requirements

Richard Milburn Academy shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district, or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, Richard Milburn Academy shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

b) Transfers During Senior Year

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from Richard Milburn Academy after all alternatives have been considered, the sending district and Richard Milburn Academy shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district.

c) Passing Standard Substitutions

Richard Milburn Academy may utilize a substitute passing standard adopted by the Commissioner on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in Texas for the first time after completing the ninth grade or who reenrolls in a Texas public school at or above the tenth grade level after an absence of at least two years from Texas public schools. Each passing standard in effect when a

student first enrolls in a Texas public high school remains applicable to the student for the duration of the student’s high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, §§ A, C.

Sec. 6. GRADUATION OF A STUDENT WHO IS HOMELESS OR IN CONSERVATORSHIP OF DFPS

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to Richard Milburn Academy and the student is ineligible to graduate from Richard Milburn Academy, the public school from which the student transferred shall award a diploma at the student’s request, if the student meets the graduation requirements of the school from which the student transferred. *Education Code 28.025(i).*

PG.-2.5 END OF COURSE ASSESSMENTS

Sec. 1. END-OF-COURSE ASSESSMENTS (HIGH SCHOOL LEVEL)

Unless otherwise exempted by law, a student enrolled in a course for which an end-of-course (“EOC”) assessment exists as required by Education Code 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a).*

Sec. 2. STUDENTS IN GRADE 8 OR LOWER

A student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student’s assessment graduation requirements. *19 TAC 101.3021(d).*

Sec. 3. ASSESSMENT REQUIREMENTS FOR GRADUATION

A student must meet satisfactory performance on a required EOC assessment only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

a) Exceptions – English I or English II

A student who was administered separate reading and writing EOC assessments for the English I or English II course has met that course’s assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 TAC 101.1007.

19 TAC 101.3022(b), (c).

b) Exceptions – Credits Earned Prior to Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school and the credit has been accepted by a Texas public school, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment. 19 TAC 101.3021(e), .3022.

Sec. 4. SUBSTITUTE ASSESSMENTS

A student may use certain assessments as substitute assessments approved by the Commissioner of Education (“Commissioner”) in place of an EOC assessment to meet the student’s assessment graduation requirements. A satisfactory score on an approved substitute assessment may be used in place of only one specific EOC assessment, unless otherwise allowed under Commissioner rule.

A student at any grade level is eligible to use a substitute assessment in circumstances approved by the Commissioner if:

1. A student was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. A student received a satisfactory score on the substitute assessment as determined by the Commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a Texas Success Initiative (TSI) assessment, a student also meets the following criteria:
 - a. A student must have been enrolled in a college preparatory course for English language arts or mathematics and have been administered an appropriate TSI assessment at the end of that course.
 - i. A student under this provision who meets all TSI English language arts score requirements under Commissioner rule satisfies both the English I and English II EOC assessment graduation requirements.
 - ii. A student under this provision may satisfy an assessment graduation requirement in such a manner regardless of previous performance on an Algebra I, English I, or English II EOC assessment.
 - b. A student who did not meet satisfactory performance on the Algebra I or English II EOC assessments after retaking the assessment may use the corresponding TSI assessment in place of that EOC assessment.
 - i. For a student under this provision who took separate reading and writing assessments for the English II EOC assessment and who did not meet the English II assessment graduation requirement using those tests as specified in Commissioner rule relating to assessment requirements for graduation, the separate TSI reading or writing assessment may not be used to substitute for the corresponding English II reading or writing EOC assessment.

A student electing to substitute an assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above. If a student sits

for an EOC assessment, Richard Milburn Academy may not mark the substitute assessment bubble for that administration.

A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN, or any versions of these tests, must take the appropriate EOC assessment to meet the assessment graduation

requirements for that subject. However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT-related assessment or a pre-ACT test (or any version of these tests) is eligible to meet the requirements for using a substitute assessment.

19 TAC 101.4002.

a) **Verification of Results**

An eligible student is responsible for providing Richard Milburn Academy an official copy of the student's scores from the substitute assessment. Upon receipt of official results of an approved substitute assessment, Richard Milburn Academy must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the Commissioner.

19 TAC 101.4005.

Sec. 5. SATISFACTORY PERFORMANCE

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the Commissioner, on each EOC assessment instrument administered to the student. *Education Code 39.025(a).*

Sec. 6. INDIVIDUAL GRADUATION COMMITTEE

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). *Education Code 28.0258, 39.025(a-5).*

Sec. 7. SPECIAL EDUCATION

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 TAC 89.1070 (Graduation Requirements) and 19 TAC 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's admission, review and dismissal ("ARD") committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above.

19 TAC 101.3022(f).

A student receiving special education services who successfully completes the requirements of his or her Individualized Education Program ("IEP"), including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–2012 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 TAC 101.3011(b)(2).

19 TAC 101.3023(a)-(b).

Sec. 8. CREDIT BY EXAMINATION

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 TAC 74.24. *19 TAC 101.3021(c).*

Sec. 9. RETAKES

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. A student is not required to retake a course as a condition of retaking an EOC assessment instrument. If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course. *Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d).*

PG.-2.7 SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS

Sec. 1. DEFINITIONS

“Instructional materials” means content that conveys the essential knowledge and skills of a subject in the school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material, as defined by Education Code 31.1002(1).

“Open education resource instructional material” means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. *Education Code 31.002(1- a)*.

“Technological equipment” is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. *Education Code 31.002(4)*.

Sec. 2. LOCAL SELECTION

Richard Milburn Academy shall establish a team, as needed, to select instructional materials and technological equipment to be purchased with Richard Milburn Academy’s instructional materials allotment. The team shall make selections based upon Richard Milburn Academy’s instructional needs and in accordance with administrative regulations.

The instructional materials allotment team shall ensure that selected materials, in combination with any other materials in use by Richard Milburn Academy, allow Richard Milburn Academy to certify that all students are provided with instructional materials that cover the essential knowledge and skills, as required by law.

The Board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice. *19 TAC 66.104(a)*.

a) Notice to State Board of Education (“SBOE”)

Each year, during a period established by the SBOE, the Board shall notify the SBOE of instructional materials selected in accordance with Education Code 31.101. *Education Code 31.101(a)*.

i. Foundation Curriculum

For subjects in the foundation curriculum, the Board shall notify the SBOE of the instructional materials it selects from the instructional materials list, including the Commissioner of Education’s (“Commissioner”) instructional materials list. *Education Code 31.101(a)(1)*.

ii. Enrichment Textbooks

For a subject in the enrichment curriculum, the Board shall notify the SBOE of instructional material it selects from the instructional materials list, including the Commissioner’s instructional materials list, or that it selected materials that do not appear on the list. *Education Code 31.101(a)(2)*.

iii. Open Education Resource Instructional Materials

In selecting material each year, Richard Milburn Academy may consider the use of open education resource instructional materials. *Education Code 31.101(b)*.

Richard Milburn Academy may adopt state-developed open education resource instructional materials at any time, regardless of the instructional material review and adoption cycle. *Education Code 37.073(c)*.

b) **Supplemental Materials**

The Board may select supplemental instructional materials adopted by the SBOE, as set forth at Education Code 31.035. If the Board selects supplemental instructional materials, Richard Milburn Academy shall certify to Texas Education Agency (“TEA”) that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by Richard Milburn Academy, cover the essential knowledge and skills for the course. *Education Code 31.035(d), (f)*.

c) **Special Education**

Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student’s ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. *19 TAC 66.104(c)*.

d) **Duration of Selection**

iv. Listed Materials

If Richard Milburn Academy selects subscription-based instructional material on the SBOE instructional materials list or electronic instructional material on the Commissioner’s instructional materials list, Richard Milburn Academy may cancel the subscription and subscribe to new instructional materials on the SBOE list or electronic instructional material on the Commissioner’s list before the end of the state contract period if:

1. Richard Milburn Academy has used the instructional material for at least one school year;

and

2. TEA approves the change based on a written request to TEA by Richard Milburn Academy that specifies the reasons for changing the electronic textbook or instructional material used by Richard Milburn Academy.

Education Code 31.101(e).

v. *Other Materials*

For instructional material that is not on the instructional materials list, Richard Milburn Academy must use the instructional materials for the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the instruction material is used. *Education Code 31.101(d).*

Sec. 3. OWNERSHIP AND DISTRIBUTION OF INSTRUCTIONAL MATERIALS

Each instructional material purchased by Richard Milburn Academy is the property of Richard Milburn Academy. Electronic instructional material purchased by Richard Milburn Academy is the property of Richard Milburn Academy only to the extent of any applicable licensing agreement. The Board shall distribute printed instructional material to students in a manner that the Board determines is the most effective and economical. *Education Code 31.102.*

Sec. 4. CRIMINAL OFFENSE

A Board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

A Board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with funds from the state textbook fund.

“Gift, favor, or service” does not include:

1. Staff development, in-service, or teacher training; or
2. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152.

Sec. 5. REQUESTS FOR SUPPLIES

Employees should initiate requests for instructional supplies through the Principal.

Sec. 6. EMPLOYEE TRAINING

The Board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the Instructional Materials Allotment and the use of the instructional materials ordering system. Training shall be completed in accordance with 19 TAC 66.107(d).

PG.-2.8 MAKE UP WORK

Students shall be permitted to make up assignments and tests following any absence. Students shall receive a zero for any assignment or test not made up within the allotted time.

Teachers may assign additional work to ensure that students who have been absent have sufficient opportunity to master the Texas Essential Knowledge and Skills (TEKS) or to meet subject or course requirements. The assignments shall be based on the instructional objectives for the subject or course and may provide greater depth of subject matter than routine make-up work.

Sec. 1. TESTS AND MAKEUP WORK

Students shall be permitted to make up assignments and tests following any absence.

Teachers may assign additional work to ensure that students who have been absent have sufficient opportunity to master the TEKS or to meet subject or course requirements. The assignments shall be based on the instructional objectives for the subject or course and may provide greater depth of subject matter than routine makeup work.

A student shall be responsible for obtaining and completing the make-up work in a satisfactory manner and within the time specified by the teacher.

Sec. 2. LATE PROJECTS

Late projects will be accepted within the grading period. All late work will be graded and added to the grade book. An action plan to complete all missed assignments will be created by the teacher. Five points per week will be deducted from each assignment.

PG.-2.9 ACADEMIC TESTING PROGRAMS

Sec. 1. LOCAL TESTING

In addition to the state-administered assessment instruments, Richard Milburn Academy may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. Any such locally adopted norm-referenced assessment instrument must be economical, nationally recognized, and state-approved.

For purposes of this Policy, “assessment instrument” means a Richard Milburn Academy-commissioned achievement test, either nationally normed or criterion-referenced, that is group administered and reported publicly (such as to the Board) in the aggregate.

A company or organization scoring an assessment instrument shall send test results to Richard Milburn Academy for verification. Richard Milburn Academy shall have 90 days to verify the accuracy of test data and report the results to the Board.

Richard Milburn Academy shall follow procedures for test security and confidentiality set forth in 19 TAC Chapter 101, Subchapter C. *Education Code 39.026, .032; 19 TAC 101.101.*

a) Limits on Local Testing

In a subject area for which a state assessment is administered, Richard Milburn Academy may not administer locally required assessments designed to prepare students for state-administered assessments to any student on more than 10% of the instructional days in any school year. A campus-level planning and decision-making committee may limit the administration of locally required assessments to 10% or a lower percentage of the instructional days in any school year. This prohibition does not apply to the administration of college preparation assessments, advanced placement tests, international baccalaureate examinations, or state assessments. *Education Code 39.0262.*

Sec. 2. BENCHMARK ASSESSMENT INSTRUMENTS

“Benchmark assessment instrument” means a Richard Milburn Academy-required assessment instrument designed to prepare students for a corresponding state-administered assessment instrument. An assessment instrument designed to prepare students for state-administered assessment instruments is one that:

1. Evaluates students’ potential performance relative to the state’s blueprint in whole for a state-administered assessment; or
2. Is primarily focused on test-taking techniques.

It does not include an assessment designed to evaluate students’ mastery of parts of the Texas Essential Knowledge and Skills or the efficacy of instructional practice.

Richard Milburn Academy may not administer to any student more than two benchmark

assessment instruments to prepare the student for a corresponding state-administered assessment instrument.

This prohibition does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, or an independent classroom examination designed or adopted and administered by a classroom teacher.

A parent of or person standing in parental relation to a student who has special needs, as determined in accordance with Commissioner of Education rule, may request administration to the student of additional benchmark assessment instruments.

Education Code 39.0263; 19 TAC 101.6003.

Sec. 3. COLLEGE PREPARATION ASSESSMENTS

Each school year, and at state cost, Richard Milburn Academy shall administer an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument:

1. To students in the spring of the eighth grade for the purpose of diagnosing the academic strengths and deficiencies of students before entrance into high school; and
2. To students in the tenth grade for the purpose of measuring a student's progress toward readiness for college and the workplace.

The provisions of Education Code 39.0261(a)(1) and (a)(2), with respect to the administration of college preparation assessment instruments at state cost, apply only if the legislature appropriates funds for those purposes.

Education Code 39.0261(a)(1)-(a)(2), (f).

High school students, in the spring of the eleventh grade or during the twelfth grade, may select and take once, at state cost:

1. One of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes; or
2. The assessment instrument designated by the Texas Higher Education Coordinating Board under Education Code 51.334.

A high school student is not prohibited from taking a test more than once, at his or her own expense.

Education Code 39.0261(a)(3), (e).

Sec. 4. ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST

Each school year, Richard Milburn Academy shall provide students in grades 10 through 12 an opportunity to take the Armed Services Vocational Aptitude Battery test ("ASVAB") test and

consult with a military recruiter.

The test must be scheduled:

1. During normal school hours; and
2. At a time that limits conflicts with extracurricular activities, to optimize student participation.

Richard Milburn Academy shall provide each student in grades 10 through 12 and the student's parent or person standing in parental relation to the student a notice of the date, time, and location of the scheduled administration of the ASVAB test.

Richard Milburn Academy may elect not to provide the ASVAB test only if it provides an alternative test that:

1. Assesses a student's aptitude for success in a career field other than a career field that requires postsecondary education;
2. Is free to administer;
3. Requires minimal training and support of Richard Milburn Academy faculty and staff to administer the test; and
4. Provides the student with a professional interpretation of the test results that allows the student to explore occupations that are consistent with the student's interests and skills and develop strategies to attain the student's career goals.

Education Code 29.9015.

PG.-2.10 CAREER AND TECHNOLOGY EDUCATION

Sec. 1. CAREER AND TECHNOLOGY PROGRAM

The Board may conduct and supervise career and technology classes and other educational programs for students and spend local maintenance funds for the cost of those classes and programs. In developing a career and technology program, the Board shall consider the state plan for career and technology education. *Education Code 29.183.*

Sec. 2. DISTINGUISHED ACHIEVEMENT IN CAREER AND TECHNOLOGY EDUCATION

The Board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may:

1. Receive specific education in a career and technology profession that leads to postsecondary education or meets or exceeds business or industry standards; and
2. Obtain from Richard Milburn Academy an award for distinguished achievement in career and technology education and a stamp or other notation on the student's transcript that indicates receipt of the award.

An award granted under this provision is not in lieu of a diploma or certificate of coursework completion.

a) Contracts with Other Entities

The Board may contract with an entity identified in Education Code 29.184(a) for assistance in developing the program or providing instruction to students participating in the program. The Board may also contract with a local business or a local institution of higher education for assistance in developing or operating a career and technology education program. A program may provide education in areas of technology unique to the local area. *Education Code 29.187.*

b) Insurance

If a business that contracts with Richard Milburn Academy obtains any insurance related to the student other than liability insurance, any proceeds of the insurance must be used for the benefit of the student and the student's family. *Education Code 29.187(g).*

Sec. 3. PROVIDING CAREER AND TECHNICAL EDUCATION

The following provisions apply only if Richard Milburn Academy receives federal career and technical education funds. *19 TAC 75.1021.*

a) Students with Disabilities

A student with a disability shall be provided career and technical education in accordance with all applicable federal law and regulations including the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations, state statutes, and rules of the State Board of Education and the Commissioner of Education ("Commissioner").

A student with a disability shall be instructed in accordance with the student's Individualized Education Program ("IEP"), in the least restrictive environment, as determined by the student's admission, review and dismissal ("ARD") committee. If a student with a disability is unable to receive a free appropriate public education (educational benefit) in a regular career and technical education program, using supplementary aids and services, the student may be served in separate programs designed to address the student's occupational/training needs, such as career and technical education for students with disabilities.

A student with a disability identified in accordance with the IDEA is an eligible participant in career and technical education when the following requirements are met:

1. The ARD committee shall include a representative from career and technical education, preferably the teacher, when considering initial or continued placement of a student in career and technical education program;
2. Planning for the student shall be coordinated among career and technical education, special education, and state rehabilitation agencies and should include a coherent sequence of courses;
3. Richard Milburn Academy shall monitor to determine if the instruction being provided to a student with a disability in career and technical education classes is consistent with the student's IEP;
4. Richard Milburn Academy shall provide supplementary services that each student with a disability needs to successfully complete a career and technical education program, such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices;
5. Richard Milburn Academy shall help fulfill the transitional service requirements of the IDEA and implementing regulations, state statutes, and rules of the Commissioner for each student with a disability who is completing a coherent sequence of career and technical education courses.
6. When determining placement in a career and technical education classroom, the ARD committee shall consider a student's graduation plan, the content of the individual transition plan, the IEP, including the consideration of transition services, and classroom supports. Enrollment numbers should not create a harmful effect on student learning for a student with or without disabilities in accordance with the provisions in the IDEA and its implementing regulations.

19 TAC 75.1023.

b) Student Organizations

Richard Milburn Academy may use federal career and technical education funds to provide opportunities for student participation in approved student leadership organizations and assist career and technical student organizations in accordance with all applicable federal and state laws, rules, and regulations. However, students shall not be required to join such an organization. Student participation in career and technical student organizations shall be governed in accordance with 19 TAC Chapter 76 (relating to extracurricular activities).

The following career and technical student organizations are recognized by the U.S. Department of Education and the TEA:

1. Business Professionals of America (BPA);
2. DECA;
3. Future Business Leaders of America (FBLA);
4. Future Educators Association (FEA);
5. FFA;
6. Family, Career, and Community Leaders of America (FCCLA);
7. Health Occupations Students of America (HOSA);
8. Technology Student Association (TSA); and
9. Skills USA.

19 TAC 75.1024.

c) Program Evaluation

Richard Milburn Academy shall annually evaluate its career and technical education programs.

19 TAC 75.1025.

d) Annual Notification

Prior to the beginning of each school year, the Superintendent shall advise students, parents, employees, and the general public that all career and technical education opportunities will be offered without regard to race, color, national origin, sex, or disability. Such notification shall comply with the guidelines provided by the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap*, published by the Office for Civil Rights.

PG.-2.11 COMPENSATORY AND ACCELERATED INSTRUCTION

Sec. 1. COMPENSATORY SERVICES IN GENERAL

Students at all grade levels who have been identified as being at-risk of dropping out of school, who are not performing at grade level, or who did not perform satisfactorily on a state-mandated assessment will be provided accelerated and/or compensatory educational services in accordance with applicable law and based on needs assessment. Principals are responsible for ensuring that each identified student receives such appropriate accelerated and/or compensatory services.

The services provided to each identified student shall be consistent with Richard Milburn Academy's goals and strategies for assisting students in need of academic assistance, and shall be reviewed for effectiveness at the close of each grading period.

Parents shall be encouraged to participate in the planning of educational services for their child and shall be kept informed regarding the child's progress toward educational goals. Parents of students who are not successful in meeting requirements for promotion shall be informed of any available options, such as an extended year program or summer school.

Sec. 2. COMPENSATORY EDUCATION ALLOTMENT

On a schedule adopted by the Commissioner of Education ("Commissioner"), Richard Milburn Academy shall report to the Texas Education Agency ("TEA") the census block group in which each student enrolled in Richard Milburn Academy who is educationally disadvantaged resides. *Education Code 48.104(i)*.

a) Use

At least 55% of Richard Milburn Academy's compensatory education funds must be used to:

1. Fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
 - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
 - b. Students at risk of dropping out of school and all other students; or
2. Support a program eligible under Title I of the ESEA and its subsequent amendments, and by federal regulations implementing the ESEA.

Education Code 48.104(i), (k).

Sec. 3. DROPOUT PREVENTION STRATEGIES

Upon request from the Commissioner, Richard Milburn Academy shall submit a plan describing the manner in which Richard Milburn Academy intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

Richard Milburn Academy shall submit its plan no later than December 1 of each school year

preceding the school year in which Richard Milburn Academy will receive the compensatory education allotment to which the plan applies.

Richard Milburn Academy may not spend or obligate more than 25% of its compensatory education or high school allotment without approval by the Commissioner.

A plan required by the Commissioner shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;
2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:
 - a. High-quality, college readiness instruction with strong academic and social supports;
 - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
 - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for that purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

Richard Milburn Academy may enter into a partnership with a public junior college in order to fulfill a plan, in accordance with Education Code 29.402.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

Education Code 29.918.

Sec. 4. ACCELERATED INSTRUCTION – STATE ASSESSMENT PERFORMANCE

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c) in the Richard Milburn Academy shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after

normal school hours and may include participation at times of the year outside normal school operations.

A student who fails to perform satisfactorily on an assessment instrument required for promotion to the ninth grade and who is promoted to the next grade level must complete accelerated instruction before placement in the next grade level. A student who fails to complete required accelerated instruction may not be promoted.

For each student who fails to perform satisfactorily on an assessment identified above, Richard Milburn Academy shall allow attempts to re-take the assessment and perform satisfactorily as required under Education Code 28.0211.

Education Code 28.0211.

Sec. 5. ACCELERATED READING INSTRUCTION PROGRAM

Richard Milburn Academy shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The Superintendent shall determine the form, content, and timing of the program.

Richard Milburn Academy shall provide additional reading instruction and intervention to each student given the seventh-grade reading assessment, as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Education Code 28.006(g), (g-1), (k).

Sec. 6. INTENSIVE PROGRAM OF INSTRUCTION

a) State Assessments

Richard Milburn Academy shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by Richard Milburn Academy. The program shall be designed to:

1. Enable the student to:
 - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
 - b. Attain a standard of annual growth specified by Richard Milburn Academy and reported by Richard Milburn Academy to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211.

b) Students Receiving Special Education Services

For a student in a special education program who does not perform satisfactorily on a state assessment instrument, the student's admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program; and
2. If applicable, carry out the purposes of Education Code 28.0211.

c) Graduation Requirements

Richard Milburn Academy shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.

d) Final Determination

Richard Milburn Academy's determination of the appropriateness of an intensive program of instruction for a student is final.

Education Code 28.0213.

Sec. 7. END-OF-COURSE EXAM

A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course ("EOC") assessment instruments, as applicable, as prescribed by Education Code 39.023(c), even if the student did not perform satisfactorily on a previous administration of the applicable EOC assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate EOC assessment instrument.

Education Code 39.025(a-1).

PG.-2.12 CREDIT BY EXAMINATION

Sec. 1. CREDIT BY EXAMINATION (WITH PRIOR INSTRUCTION)

The Principal (or a student's attendance committee, as applicable) has authority to offer a student in any of grades 9–12 credit for an academic subject in which the student had some prior instruction if the student scores 70% on a criterion-referenced test approved by the Board for the particular course. In order to obtain credit by examination with prior instruction, a student in any of grades 9–12 must also satisfy the following local requirements:

1. A student who has previously taken a course – but did not receive credit for it – may, in circumstances determined by the Principal and Response to Intervention (RTI) committee, be permitted to earn credit by passing an exam on the essential knowledge and skills defined for that course or subject. Prior instruction may include, for example, incomplete coursework due to a failed course or excessive absences, homeschooling, or coursework by a student transferring from a non-accredited school. The student must score at least 70 on the exam to receive credit for the course or subject.

Any criterion-referenced test approved by the Board shall assess the student's mastery of the essential knowledge and skills and shall be administered according to established Richard Milburn Academy procedures.

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

19 TAC 74.24(c)(12).

Sec. 2. CREDIT BY EXAMINATION (WITHOUT PRIOR INSTRUCTION)

With Board approval, Richard Milburn Academy shall develop or purchase examinations for acceleration that thoroughly test the essential knowledge and skills for credit for secondary school academic subjects.

19 TAC 74.24(b)(1).

a) Grade 9 through Grade 12

Richard Milburn Academy shall give a student in grades 9-12 for an academic subject in which he or she has not had prior instruction if the student scores:

1. A three or higher on a College Board advanced placement examination that has been approved by the Board for the applicable course;
2. A scaled score of 50 or higher on an examination administered through the College-Level Examination Program and approved by the Board for the applicable course; or
3. 80% on any other criterion-referenced test approved by the Board for the applicable course.

19 TAC 74.24(c)(8).

For each high school course, the Board shall approve at least four examinations that shall include College Board advanced placement examinations and examinations administered through the College-Level Examinations Program. The approved examinations may include those developed by:

1. Texas Tech University;
2. The University of Texas at Austin;
3. Richard Milburn Academy; or
4. Another entity if the assessment meets all requirements under 19 TAC 74.26(c)(2).

19 TAC 74.24(c)(1)-(2).

A student may not attempt to earn credit by examination for a specific high school course more than two times. If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with Richard Milburn Academy's prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course. *19 TAC 74.24(c)(9)-(10).*

b) Fees

Richard Milburn Academy shall not charge for a Board-approved examination for acceleration for credit for secondary school academic subjects. If a parent requests an alternative examination, Richard Milburn Academy may administer and recognize results of a test purchased by the parent or student from Texas Tech University or the University of Texas at Austin. *19 TAC 74.24(a)(3).*

PG.-2.13 DUAL CREDIT

Sec. 1. COLLEGE CREDIT PROGRAM

a) Program Requirements

If allowed by its open-enrollment charter, Richard Milburn Academy may implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

The program may provide a student the opportunity to earn credit for a course or activity, including apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board (“THECB”); and
2. For which a student may earn credit concurrently toward both the student’s high school diploma and postsecondary academic requirements.

A dual credit course must be:

1. In the core curriculum of the public institution of higher education providing college credit;
2. A career and technical education course; or
3. A foreign language course.

These requirements do not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Richard Milburn Academy is not required to pay a student’s tuition or other associated costs for taking a course under this policy.

Education Code 28.009.

b) Eligible Course Requirements

To be eligible for high school credit, a dual credit course must be provided by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools;
2. Middle States Association of Colleges and Schools;
3. New England Association of Schools and Colleges;

4. North Central Association of Colleges and Schools;
5. Western Association of Schools and Colleges; or
6. Northwest Association of Schools and Colleges.

Additionally, the course shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

19 TAC 74.25.

Sec. 2. STUDENT ELIGIBILITY FOR DUAL CREDIT COURSES

A high school student is eligible to enroll in academic dual credit courses and workforce education dual credit courses as permitted by 19 Administrative Code 4.85(b). To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.). An institution may impose additional requirements for enrollment in courses for dual credit. *19 TAC 4.85(b).*

a) Partnership Programs

An eligible student may enroll in a partnership program with a Texas college or university in accordance with an agreement between Richard Milburn Academy and the college or university. Richard Milburn Academy shall award credit toward high school graduation in accordance with the agreement between Richard Milburn Academy and the college or university.

b) Other College-Level Courses

Richard Milburn Academy may award a student credit for completing a college-level course at an accredited college or university that is not in a partnership program with Richard Milburn Academy. Award of credit shall be based on administrator approval in accordance with guidelines established by the Superintendent or designee.

c) Texas Virtual School Network

According to guidelines established by the Texas Virtual School Network (TxVSN) and the course provider, Richard Milburn Academy may enroll a student in college-level courses through the TxVSN. When the student successfully completes a course, credit shall be applied toward graduation requirements.

Sec. 3. ATTENDANCE ACCOUNTING

The time that a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(g).*

Additionally, the Commissioner of Education may approve instructional programs provided off

campus by an entity other than Richard Milburn Academy in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*.

Richard Milburn Academy may adopt a policy that allows a student to participate in an off- campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 TAC 74.25.

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the Student Attendance Accounting Handbook;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the Principal or other school official designated by Richard Milburn Academy.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031.

Sec. 4. ANNUAL REPORTS

Richard Milburn Academy shall annually report to the TEA:

1. The number of Richard Milburn Academy students, including career and technical students, who have participated in the program and earned college credit; and
2. The cumulative number of courses in which participating students have enrolled and college credit hours the students have earned.

Education Code 28.009(c).

PG.-2.14 GIFTED AND TALENTED PROGRAM

Sec. 1. GIFTED AND TALENTED PROGRAM

If allowed by the Richard Milburn Academy/Texas, Inc. Charter, the Superintendent shall develop a gifted and talented program that is approved by the Board and disseminated to parents. The program shall provide an array of learning opportunities for gifted/talented students in kindergarten 9 through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently;
2. A continuum of learning experiences that leads to the development of advanced-level products and performances;
3. In-school and, when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year; and
4. Opportunities to accelerate in areas of strength.

19 TAC 89.1, 89.3.

For purposes of this policy, "gifted and talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. Exhibits high performance capability in an intellectual, creative, or artistic area;
2. Possesses an unusual capacity for leadership; or
3. Excels in a specific academic field.

Education Code 29.121.

Sec. 2. PROGRAM REQUIREMENTS

The program developed by the Superintendent shall incorporate the following requirements:

a) Nomination

Students may be nominated or referred for the gifted and talented program at any time by teachers, counselors, parents, or other interested persons.

b) Conferences

Conferences shall be held with nominated students and their parent(s), if appropriate, to determine if the students are interested in the program.

c) Screening and Identification Process

Assessment opportunities related to the screening and identification process for nominated and referred students shall be conducted at least once per school year.

d) Parental Consent

Written parental consent shall be obtained before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections of the Family Educational Rights and Privacy Act.

e) Identification

The program shall establish criteria to identify gifted and talented students. The criteria shall conform to the state definition of gifted and talented, and shall ensure the fair assessment of students with special needs, including the culturally different, the economically disadvantaged, and students with disabilities.

f) Assessments

Individual eligibility for the program shall be determined from data collected through both objective and subjective assessments measured against the criteria approved by the Board. Assessment tools may include, but are not limited to, achievement tests, creativity tests, behavioral checklists completed by teachers and parents, teacher nominations, student/parent conferences, and available student work product.

g) Selection

Each Richard Milburn Academy campus shall establish a selection committee to evaluate each nominated student according to the established criteria. The selection committee shall be composed of at least three educators who have received training in the nature and needs of gifted students. The selection committee shall select those students for whom the gifted and talented program is the most appropriate educational setting.

h) Selection Notification

Parents and students shall be notified in writing upon selection of the student for the gifted and talented program. Participation in any program or services provided for gifted students is voluntary. Richard Milburn Academy shall obtain written permission from the parent(s) before placing a student in the program.

i) Reassessment

Richard Milburn Academy shall reassess students to determine appropriate program placement when a student moves from the elementary level to the middle school level, and from the middle school level to high school.

j) Transfer Students

When a student identified as gifted by a previous Texas public school enrolls in Richard Milburn Academy, the student's records shall be reviewed by the appropriate selection committee to

determine if placement in the Richard Milburn Academy gifted and talented program is appropriate. If the transferring student's records are limited or not available, or if the identification criteria for placement in the program for gifted and talented students at the previous school are not comparable to Richard Milburn Academy's, the standard procedures for identifying gifted and talented students shall be employed.

The selection committee shall make its determination within 30 days of the student's enrollment in Richard Milburn Academy, and shall base its decision on the transferred records, observation reports of Richard Milburn Academy teachers who instruct the student, and student and parent conferences.

k) Furloughs

Any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the gifted and talented program may be placed on furlough. Richard Milburn Academy, a parent, or the student may initiate a furlough.

The selection committee shall document the specific reasons for granting the furlough and the time period for which the furlough shall last. At the end of a furlough, the student may reenter the program, be placed on another furlough, or be exited from the program.

l) Program Exit

Student performance in the program shall be monitored. The selection committee may exit a student from the program at any time if the selection committee determines it is in the student's best interest and his or her educational needs. If a student or parent requests removal from the program, the selection committee shall meet with the parent and student before granting the request.

m) Appeals

A parent or student may appeal a final decision of the selection committee regarding selection for or removal from the gifted and talented program. Appeals shall first be made to the selection

committee. Any subsequent appeals shall be made in accordance with the policy on Parent and Student Complaints, beginning at Level One.

Sec. 3. GIFTED AND TALENTED TEACHERS

The Superintendent shall ensure that:

1. Prior to assignment in the program, teachers who provide instruction and services that are part of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students;
2. Teachers without the required training who provide instruction and services that are part

of the gifted and talented program complete the 30-hour training requirement within one semester;

3. Teachers who provide instruction and services that are part of the program receive a minimum of six hours annually of professional development in gifted education; and
4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

19 TAC 89.2.

Sec. 4. PROGRAM EVALUATION

The gifted and talented program shall be evaluated annually, and evaluation information shall be shared with Board members, administrators, teachers, counselors, students in the gifted and talented program, and the community. Evaluation information shall also be used to modify and update the program.

Sec. 5. COMMUNITY AWARENESS

The Superintendent shall ensure that information about the Richard Milburn Academy gifted and talented program is available to parents and community members, and that they have an opportunity to develop an understanding of and support for the program.

PG.-2.15 HOMEBOUND SERVICES

Sec. 1. GENERAL HOMEBOUND EDUCATION

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

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

19 TAC 89.63(c)(2).

Sec. 2. SPECIAL EDUCATION STUDENTS

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

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

Sec. 3. DOCUMENTATION OF SERVICES

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

PG.-2.16 STATE VIRTUAL SCHOOL NETWORK

Sec. 1. TEXAS VIRTUAL SCHOOL NETWORK

The Texas Virtual School Network (“TxVSN”) is a state-led initiative for online learning authorized by Education Code Chapter 30A. The TxVSN is a partnership network administered by the Texas Education Agency (“TEA”) in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, institutions of higher education, and other eligible entities. *19 TAC 70.1001(4)*.

Sec. 2. PROHIBITION ON REQUIRED ENROLLMENT

Richard Milburn Academy shall not require a student to enroll in an electronic course. *Education Code 30A.107(d)*.

Sec. 3. STUDENT ELIGIBILITY FOR TXVSN COURSES

A student is eligible to enroll in a course provided through the TxVSN only if the student:

1. On September 1 of the school year is younger than 21 years of age or younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 48.003;
2. Has not graduated from high school; and
3. Is otherwise eligible to enroll in a Texas public school.

A student is eligible to enroll full-time in courses provided through the TxVSN only if the student:

1. Was enrolled in a Texas public school in the preceding school year;
2. Is a dependent of a member of the United States military who has been deployed or transferred to the State of Texas and was enrolled in a publicly funded school outside of Texas in the preceding school year; or
3. Has been placed in substitute care in Texas, regardless of whether the student was enrolled in a Texas public school in the preceding school year.

a. Exception for Military Dependents

A student is eligible to enroll in one or more courses provided through the TxVSN or enroll full-time in courses provided through the TxVSN if the student:

1. Is a dependent of a member of the United States military;
2. Was previously enrolled in high school in Texas; and
3. No longer resides in the State of Texas due to a military deployment or transfer.

Education Code 30A.002; 19 TAC 70.1013.

b. Enrolled Students

A student who is enrolled in Richard Milburn Academy as a full-time student may take one or more electronic courses through the TxVSN. *Education Code 30A.107(b)*.

c. Unenrolled Students

A student who resides in Texas but is not enrolled in Richard Milburn Academy as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TxVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TxVSN;
2. Is not considered to be a public school student;
3. Must obtain access to a course provided through the TxVSN through the school district or open-enrollment charter school attendance zone in which the student resides;
4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the TxVSN; and
5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

Education Code 30A.107(c).

d. Compulsory Attendance

Students are not required to be in physical attendance while participating in a TxVSN course. Students are considered to have met attendance requirements for a course upon successful completion of a TxVSN course. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible. Richard Milburn Academy shall maintain documentation to support a student's successful completion to support verification of compulsory attendance. *19 TAC 70.1001(9), .1017*.

Sec. 4. STUDENT PARTICIPATION IN THE TXVSN

The Superintendent or designee shall establish procedures for students to enroll in courses provided by the TxVSN.

Enrollment in courses through the TxVSN shall not be subject to limitations Richard Milburn Academy may impose for other distance learning courses.

Sec. 5. NOTICE

At the time and in the manner that Richard Milburn Academy informs students and parents about courses that are offered in Richard Milburn Academy's traditional classroom setting, Richard Milburn Academy shall notify parents and students of the option to enroll in an electronic course offered through the TxVSN. *Education Code 26.0031(a)*.

Sec. 6. REQUESTS TO ENROLL

Except as provided below, Richard Milburn Academy may not deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TxVSN.

Richard Milburn Academy may deny a request to enroll a student in an electronic course if:

1. A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;
2. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the course provider; or
3. Richard Milburn Academy offers a substantially similar course.

The course provider shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

If a parent of a student requests permission to enroll the student in a TxVSN course, Richard Milburn Academy has discretion to select a course provider approved by TEA for the course in which the student will enroll based on factors including the informed choice report required by Education Code 30A.108(b). *Education Code 26.0031*.

a. Appeals

A parent may appeal to the Commissioner of Education (the "Commissioner") Richard Milburn Academy's decision to deny a request to enroll a student in an electronic course offered through the TxVSN. The Commissioner's decision is final and may not be appealed. *Education Code 26.0031; 19 TAC 70.1008, .1035*.

b. Students with Disabilities

The determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal ("ARD") committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act and Section 504, Rehabilitation Act of 1973. *Education Code 30A.007(b)*.

Sec. 7. STUDENT ASSESSMENT

All students enrolled in the TxVSN are required to take the statewide assessments as required in Education Code 39.023. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.

Richard Milburn Academy shall report to the Commissioner through the Public Education Information Management System ("PEIMS") the results of assessment instruments administered to students enrolled in an electronic course offered through the TxVSN separately from the results of assessment instruments administered to other students.

Education Code 30A.110; 19 TAC 70.1023.

Sec. 8. FEES

Richard Milburn Academy may charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in Texas and:

1. Is enrolled in Richard Milburn Academy as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other public schools; or
2. Elects to enroll in a TxVSN course for which Richard Milburn Academy declines to pay the cost as authorized by Education Code 26.0031(c-1).

Richard Milburn Academy may charge a fee for enrollment in a TxVSN course during the summer.

Richard Milburn Academy shall charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in Texas and is not enrolled in a school district or open-enrollment charter school as a full-time student.

A TxVSN course cost may not exceed the lesser of the cost of providing the course or \$400.

If Richard Milburn Academy is not the provider school, Richard Milburn Academy may charge a student enrolled in Richard Milburn Academy a nominal fee, not to exceed the amount specified by the Commissioner, if the student enrolls in an electronic course provided through the TxVSN that exceeds the course load normally taken by students in the equivalent grade level. *Education Code 30A.155.*

Richard Milburn Academy may decline to pay the course costs for a student who chooses to enroll in more than three year-long electronic courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional electronic courses offered through the TxVSN at the student's expense.

Richard Milburn Academy, if it is not the course provider, may charge a student enrolled in Richard Milburn Academy a nominal fee, not to exceed \$50, if the student enrolls in a TxVSN course that exceeds the course load normally taken by students in the equivalent grade level.

Education Code 30A.155(a)–(c-1); 19 TAC 70.1025.

Sec. 9. PROVISION OF COMPUTER EQUIPMENT AND INTERNET SERVICE

This policy does not:

1. Require Richard Milburn Academy to provide a student with home computer equipment or Internet access for a course provided through the TxVSN; or
2. Prohibit Richard Milburn Academy from providing a student with home computer

equipment or Internet access for a course provided through the TxVSN.

Education Code 30A.003.

Sec. 10. APPLICABILITY

This policy does not affect the provision of a course to a student while the student is located on the physical premises of Richard Milburn Academy, unless Richard Milburn Academy chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of Richard Milburn Academy.

This policy does not apply to a virtual course provided by Richard Milburn Academy only to students enrolled in Richard Milburn Academy if the course is not provided as part of the TxVSN.
Education Code 30A.004.

Sec. 11. RICHARD MILBURN ACADEMY AS PROVIDER

Richard Milburn Academy is eligible to act as a course provider only if Richard Milburn Academy is rated acceptable under Education Code 39.054. Additionally, Richard Milburn Academy may serve as a course provider only:

1. To a student within its service area; or
2. To another student in the state:
 - a. Through an agreement with the school district in which the student resides; or
 - b. If the student receives educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice, through an agreement with the applicable agency.

Education Code 30A.101(a).

Sec. 12. CONTRACTS WITH VIRTUAL SCHOOL SERVICE PROVIDERS

Each contract between Richard Milburn Academy and an administering authority (as that term is defined by Education Code 30A.001(1)) must:

1. Provide that the administering authority may cancel the contract without penalty if legislative authorization for Richard Milburn Academy through the TxVSN is revoked; and
2. Be submitted to the Commissioner.

A contract submitted under this provision is public information for purposes of Chapter 552, Government Code. *Education Code 30A.056.*

PG.-2.17 CONTRACTS WITH OUTSIDE AGENCIES

Sec. 1. STUDENTS WITH DISABILITIES

Richard Milburn Academy may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. *Education Code 29.008(a)*.

PG.-2.18 STATE ASSESSMENTS

Sec. 1. STUDENT TESTING REQUIREMENTS

All Richard Milburn Academy students receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code, Chapter 39, Subchapter B. *19 TAC 101.5(a)*.

Unless exempted by applicable law, a student may not receive a high school diploma until the student has performed satisfactorily on applicable end-of-course (“EOC”) assessment instruments. *Education Code 39.025(a); 19 TAC 101.4001*.

Sec. 2. ENGLISH LEARNER STUDENTS

In grades 9–12, English learner¹ students shall participate in the state assessment in accordance with the Commissioner of Education’s (“Commissioner”) rules at 19 TAC Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)*.

Sec. 3. SPECIAL EDUCATION

The student’s admission, review and dismissal (“ARD”) committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma. *Education Code 39.025(a-4)*.

Sec. 4. MILITARY DEPENDENTS

If a student is a military dependent, Richard Milburn Academy shall accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated for a military dependent transferring in his or her senior year, then the provisions of Education Code 162.002 art. VII, Section C shall apply.

a. Substitute Passing Standard

A substitute passing standard adopted by the Commissioner may be applied only for a qualified military dependent who enrolls in a Texas public school in this state for the first time after completing the ninth grade or who reenrolls in a Texas public school at or above the tenth grade

¹ In this policy, the term “English learner” is synonymous with “limited English proficient (LEP)” student, as that term is used in Subchapter B, Chapter 29, Education Code.

level after an absence of at least two years from Texas public schools. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student’s high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, §§ B–C.

Sec. 5. ADMINISTRATION OF ASSESSMENTS

Richard Milburn Academy shall follow the test administration procedures established by the Texas Education Agency (“TEA”) in the applicable test administration materials. The Superintendent shall be responsible for administering tests. *19 TAC 101.25, 101.27.*

a. Assessment Schedule

The Commissioner shall specify the schedule for testing and field testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs. The Commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state. *19 TAC 101.25.*

b. Alternate Test Dates

Richard Milburn Academy or a campus may request from the Commissioner an alternate test date. Alternate test dates will only be allowed if Richard Milburn Academy or campus is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect Richard Milburn Academy’s or campus’ ability to administer an assessment or the students’ performance on an assessment. “Exceptional circumstances” include:

1. Inclement weather or natural disasters that would cause Richard Milburn Academy or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the Commissioner may prohibit

Richard Milburn Academy or campus from participating in UIL competition on the new

test date if that is determined to be in the best interest of Richard Milburn Academy, campus, and students.

19 TAC 101.5003.

Sec. 6. NOTICE TO STUDENTS AND PARENTS

The Superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of the topics addressed below:

a. Graduation Testing

The testing requirements for graduation and the dates, times, and locations of testing. The Superintendent shall also provide such notice for students in grades 9–12 who are new to Richard Milburn Academy. Notice of the dates, times, and locations of testing shall be provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012.

Sec. 7. END-OF-COURSE ASSESSMENTS

Students in grade 9 and above who are enrolled in a course for which an EOC assessment exists as required by Education Code 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a).*

a. Students Enrolled Below High School Level

A student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 TAC 101.3022. *19 TAC 101.3021(d).*

b. Assessment Requirements for Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

i. Exceptions: English I or English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for

- that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
 3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English learners who meet the criteria in 19 TAC 101.1007.

ii. Exceptions: Credits Earned Prior to Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school and the credit has been accepted by a Texas public school, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–2012 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022.

a. Substitute Assessments

A student may use certain assessments as substitute assessments in place of an EOC assessment, to meet the student’s assessment graduation requirements in accordance with the Commissioner’s chart at 19 TAC 101.4002(b). An approved substitute assessment may be used in place of only one specific EOC assessment.

A student is eligible to use a substitute assessment if the student meets all eligibility criteria listed in 19 TAC 101.4002(c)-(d).

A student electing to substitute an assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above.

A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN as indicated in the chart at 19 TAC 101.4002(b) must take the appropriate EOC assessment to meet the assessment graduation requirements for that subject.

iii. Verification of Results

An eligible student is responsible for providing Richard Milburn Academy an official copy of the student’s scores from the substitute assessment. Upon receipt of official results of an approved substitute assessment, Richard Milburn Academy must:

1. Verify the student’s score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the Commissioner.

19 TAC 101.4002, .4005.

b. Satisfactory Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the Commissioner, on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*.

c. Individual Graduation Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (“IGC”). *Education Code 28.0258, 39.025(a-2)*.

d. Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 TAC 89.1070 (Graduation Requirements) and 19 TAC 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. *19 TAC 101.3022(f)*.

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

All students in grades 9–12 with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 TAC 101.3011(b)(2).

19 TAC 101.3023(a)-(b).

e. Credit by Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of

credit by examination under 19 TAC 74.24. *19 TAC 101.3021(c)*.

f. Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. A student is not required to retake a course as a condition of retaking an EOC assessment instrument. If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course. *Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)*.

Sec. 8. REPORTING RESULTS

a. Public Reports

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of the Board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*.

b. Reports to the Board

The Superintendent shall accurately report all test results, with appropriate interpretations, to the Board according to the schedule in the applicable test administration materials.

c. Reports to Students, Parents, and Teachers

Richard Milburn Academy shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated in Section 12-c below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, Richard Milburn Academy shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. *19 TAC 101.3014*.

The TEA has adopted a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. Richard Milburn Academy shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. Richard Milburn Academy may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*.

d. Parent's Right-to-Know Under ESSA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), Richard Milburn Academy shall provide to each individual parent of a child who is a student in such school, with respect to such student

information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. 20 U.S.C. 6312(e)(1)(B)(i).

Sec. 9. OUT-OF-STATE TRANSFERS

Richard Milburn Academy shall accurately report to TEA whether that student transferred into Richard Milburn Academy from out of state during the current school year. Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. Richard Milburn Academy shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to Richard Milburn Academy from the results of its other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014.

Sec. 10. ACCELERATED INSTRUCTION

Richard Milburn Academy shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1).*

Sec. 11. ASSESSMENT SECURITY AND CONFIDENTIALITY

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

The Superintendent and campus principals in all Richard Milburn Academy schools shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as Richard Milburn Academy becomes aware of any alleged or suspected violation of the security or confidential integrity of an assessment;
3. Report all confirmed testing violations to TEA within 10 working days of Richard Milburn Academy becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure assessment materials are Richard Milburn Academy employees who have:
 - a. Met the requirements to participate in the student assessment program;
 - b. Received annual training in test security and test administration procedures; and
 - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information,

- acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of assessment materials by:
 - a. Verifying that all boxes of testing materials have been accounted for and match Richard Milburn Academy shipping notices upon receipt from the state's testing contractor(s);
 - b. Requiring campuses to immediately inventory all testing materials received and to notify the Richard Milburn Academy testing coordinator of any shortages or discrepancies;
 - c. Immediately notifying the state's testing contractor(s) of any discrepancies between the materials received and Richard Milburn Academy's shipping notices;
 - d. Placing test booklets and answer documents in secure, limited-access, locked storage when not in use;
 - e. Collecting and destroying any scratch paper, graph paper, or reference materials that students have written on, as well as any recordings, after the completion of a test administration;
 - f. Requiring that all secure materials assigned to individual campuses have been accounted for and packaged in accordance with the procedures for returning materials as detailed in the test administration materials;
 - g. Requiring that all test item image cards and photocopies or reproductions of secure test materials have been collected and returned to the Richard Milburn Academy testing coordinator for return to the testing contractor(s); and
 - h. Maintaining inventory and shipping records for five years.

19 TAC 101.3031(a)(1)-(a)(2).

a. Security and Confidentiality Violations

Violations of the security and confidential integrity of an assessment include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described in subparagraphs (1)-(10) above or in any other serious violation of security and confidentiality;

12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in conduct described in subparagraphs (1)-(11) above or in any other serious violation of security and confidentiality under this section;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

i. Consequences / Penalties

If Richard Milburn Academy determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, Richard Milburn Academy shall invalidate the student's test results. Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Education Certification for sanctions; and
3. Lowering Richard Milburn Academy's accreditation status Richard Milburn Academy's or campus's accountability ratings, or appointment of a monitor, conservator, or a management team in accordance with Education Code Chapter 39A.

ii. Test Administration Procedures and Training Activities

Test administration procedures shall be delineated in the test administration materials provided to Richard Milburn Academy annually. Richard Milburn Academy must comply with all of the applicable requirements specified in the test administration materials.

Richard Milburn Academy shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

iii. Record Retention

Richard Milburn Academy shall maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a-3)-(d).

iv. Development of Procedures

The Superintendent and each Principal must develop procedures to ensure the security and confidentiality of state assessments, and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of an assessment.

b. Minimize Disruptions

In implementing the Commissioner's procedures for the administration of assessment instruments

adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, Richard Milburn Academy shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*.

c. Assessment Confidentiality Results

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA). *Education Code 39.030(b)*

PG.-2.19 READING ASSESSMENTS

Sec. 1. SELECTION OF READING INSTRUMENTS

The Commissioner of Education (“Commissioner”) shall adopt a list of reading instruments that Richard Milburn Academy may use to diagnose student reading development and comprehension. Richard Milburn Academy may adopt a list of reading instruments for use in addition to the reading instruments on the Commissioner’s list. Each reading instrument adopted must be based on scientific research concerning reading skills development and reading comprehension. A list of adopted reading instruments must provide for diagnosing the reading development and comprehension of students participating in a bilingual education or special language program. *Education Code 28.006(b)*.

Sec. 2. ACCELERATED READING INSTRUCTION PROGRAM

Richard Milburn Academy shall implement an accelerated reading instruction program that provides reading instruction addressing reading deficiencies to students identified as at risk for dyslexia or other reading difficulties, and shall determine the form, content, and timing of that program. The ARD committee of a student who participates in Richard Milburn Academy’s special education program and who does not perform satisfactorily on a reading instrument shall determine the manner in which the student will participate in an accelerated reading instruction program. *Education Code 28.006(g)*.

PG.-2.21 STATE ASSESSMENT OF ENGLISH LEARNERS

Sec. 1. LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE (LPAC)

The language proficiency assessment committee (“LPAC”) shall select the appropriate assessment option for English learners¹, in accordance with 19 TAC 101.1005. LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by the Texas Education Agency (“TEA”).

The LPAC shall document in the student’s permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 TAC 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 TAC 101.1005; and
3. In conjunction with the admission, review, and dismissal (“ARD”) committee, the need for allowable testing accommodations under 19 TAC 101.1003 and .1005.

19 TAC 101.1003(b), (c), .1005(a), (c).

Sec. 2. DEFINITIONS

“Recent unschooled immigrant” means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. *Education Code 39.027(g).*

“Unschooled asylee or refugee” means a student who:

1. Initially enrolled in a school in the United States as:
 - a. An asylee as defined by 45 C.F.R. 400.41; or
 - b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with “Asylee,” “Refugee,” or “Asylum”; and
3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

Education Code 39.027(a-1); 19 TAC 101.1005(c).

¹ In this policy, the term “English learner” is synonymous with “limited English proficient (LEP)” student, as that term is used in Subchapter B, Chapter 29, Education Code.

“Inadequate schooling outside the United States” is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*.

Sec. 3. ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS

In 9 through grade 12, an English learner shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state requirements under Education Code, Chapter 39, Subchapter B, and applicable federal requirements. *19 TAC 101.1003(a)*.

Sec. 4. LIMITATIONS ON EXEMPTIONS

a. First Year after Enrollment

An English learner may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of an English learner. *Education Code 39.027(a)(1)*.

b. Subsequent Years

An English learner granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or
2. An additional four years if the student’s initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student’s academic progress in a valid, reliable manner.

c. Minimum Days for Enrollment

Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).

Education Code 39.027(a)(1)–(2), (a-1), (a-2), (g).

Sec. 5. END-OF-COURSE ASSESSMENTS

An English learner shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*.

An English learner shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

a) Exception

If an English learner enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above and has been enrolled in U.S. schools for three school years or less, or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment.

19 TAC 101.1007(a), (b).

Sec. 6. NON-ENGLISH LEARNER STUDENTS

Richard Milburn Academy may administer the assessment of academic skills in Spanish to a student who is not identified as an English learner but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(g)*.

Sec. 7. SPECIAL EDUCATION

For each English learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

a. Selecting Assessments

The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP). *19 TAC 101.1005(a)*.

b. English Language Proficiency Tests

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an English learner who receives special education services to participate in an

English language proficiency assessment required above for reasons associated with the student's particular disability. The ARD committee shall document the decisions and justifications in the

student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b)*.

In the case of an English learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c)*.

c. Alternative Assessment Instruments

In certain cases, an English learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. *19 TAC 101.1005(b)*.

An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c)*.

d. Testing Accommodations

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*.

Sec. 8. GRADE ADVANCEMENT REQUIREMENTS

The LPAC shall determine appropriate assessment and accelerated instruction for an English learner who is administered a grade advancement test in English or Spanish, except as provided by 19 TAC 101.1005. The grade placement committee for an English learner shall make its decisions in consultation with a member of the student's LPAC. *19 TAC 101.2003(e)*.

PG.-2.22 NONDISCRIMINATION POLICY

Sec. 1. NONDISCRIMINATION POLICY

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

Sec. 2. FREE APPROPRIATE PUBLIC EDUCATION

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

FAPE means special education and related services that:

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

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

Sec. 3. LEAST RESTRICTIVE ENVIRONMENT

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

Sec. 4. DISCIPLINE

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

Sec. 5. INSTRUCTIONAL ARRANGEMENTS AND SETTINGS

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

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

19 TAC 89.63(c), (f).

Sec. 6. RELATED SERVICES

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

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

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device.

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

a. Transportation

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

b. Extended School-Year Services

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

PG.-2.23 IDENTIFICATION, EVALUATION, AND ELIGIBILITY OF SPECIAL EDUCATION STUDENTS

Sec. 1. CHILD FIND

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

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

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

a. Private School Students

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

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

Sec. 2. REFERRAL

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

Referral of students for a full and individual initial evaluation for possible special education services shall be a part of Richard Milburn Academy's overall general education referral or

screening system. Either a parent, the Texas Education Agency ("TEA"), another state agency, or Richard Milburn Academy may initiate a request for an initial evaluation.

a. Obligation to Refer

Before referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students. If a student continues to experience difficulty in the

general classroom after the provision of interventions, Richard Milburn Academy personnel must refer the student for a full and individual initial evaluation. 20 U.S.C. § 1414(a)(1); 34 C.F.R. § 300.301; 19 TEX. ADMIN. CODE § 89.1011

b. Parent or Adult Student Request

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

1. Provide the parent or adult student with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. § 300.503, a copy of the procedural safeguards notice required by 34 CFR 300.504, and an opportunity to give written consent for the evaluation; or
2. Provide the parent or adult student with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. § 300.503, and a copy of the procedural safeguards notice required by 34 C.F.R. § 300.504.

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

Sec. 3. NOTICE OF RIGHTS

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

Sec. 4. INITIAL EVALUATION

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

a. Consent for Initial Evaluation

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

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

b. Wards of the State

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

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

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

c. Completion of Written Report

Richard Milburn Academy must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which Richard Milburn Academy in accordance with 20 USC 1414(a) receives written consent for the evaluation signed by the student's parent, adult student or legal guardian. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or

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

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

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

“School day” does not include a day that falls after the last instructional day of the spring school

term and before the first instructional day of the subsequent fall school term.

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

d. Transfer Students

Richard Milburn Academy shall ensure that evaluations of students who transfer from one public school to another in the same academic year are coordinated with the student's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

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

The time lines above do not apply in such a situation if:

1. The new school is making sufficient progress to ensure a prompt completion of the evaluation; and

The parent and the new school agree to a specific time when the evaluation will be completed.

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

Sec. 5. PSYCHOLOGICAL EXAMS

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

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

Sec. 6. ELIGIBILITY AND REEVALUATIONS

A student is eligible to participate in Richard Milburn Academy's special education program if:

1. The student is between the ages of 13 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student is not more than 21 years of age and has a visual or auditory impairment that

prevents the student from being adequately or safely educated in the public schools without the provision of special services.

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

a. Determination of Initial Eligibility

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

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

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

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

b. Consent: Initial Provision of Services

Richard Milburn Academy must obtain informed consent from the parent or adult student for the initial provision of special education and related services. If the parent or adult student of a student fails to respond to a request for, or refuses to consent to, the initial provision of services, Richard Milburn Academy:

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

c. Consent: Revoking Consent

If, at any time after the provision of initial services, the parent of a child or adult student revokes consent in writing for the continued provision of services, Richard Milburn Academy:

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

34 CFR 300.300(b).

d. Reevaluations

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

Reevaluation shall occur:

1. No more than once a year, unless the parent and Richard Milburn Academy agree otherwise; and
2. At least once every three years, unless the parent or adult student and Richard Milburn Academy agree that a reevaluation is unnecessary.

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

e. Evaluation for Change in Eligibility

Richard Milburn Academy shall evaluate a child or adult student before determining that the child or adult student is no longer a child or adult student with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law; a summary of academic achievement and functional performance must be provided in these circumstances. *20 U.S.C. 1414(c)(5); 34 CFR 300.305(e); 19 TAC 89.1070(g).*

f. Independent Evaluation

Parents or adult student have a right to obtain an independent educational evaluation of the student. Upon such a request, Richard Milburn Academy shall provide the parents or adult student with information regarding where one can be obtained and Richard Milburn Academy's criteria for independent evaluations.

i. At Public Expense

If a parent or adult student requests an independent evaluation at public expense, Richard Milburn Academy shall, without unnecessary delay, either:

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

ii. At Private Expense

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

Sec. 7. REQUIRING PRESCRIPTION MEDICATION

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

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

PG.-2.24 SPECIAL EDUCATION PROCEDURAL REQUIREMENTS

Sec. 1. PROCEDURAL SAFEGUARDS

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

These procedures shall include:

1. An opportunity for the parents or adult student to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the student and the provision of FAPE to the student. *34 CFR 300.501*.
2. An opportunity for the parents or adult student to obtain an independent educational evaluation of the student. *34 CFR 300.502*.
3. Assignment of an individual to act as a surrogate for the parent when no parent can be identified, Richard Milburn Academy cannot locate the parents, or the child is a ward of the state. *34 CFR 300.519*.
4. Prior written notice to the parents or adult student whenever Richard Milburn Academy proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the student, or the provision of FAPE to the student. *34 CFR 300.503*.
5. Procedures to allow parties to resolve disputes through a mediation process. *34 CFR 300.506*.
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student. *34 CFR 300.507*.
7. Procedures that require either party, or the attorney representing a party, to provide the other party a due process complaint (which shall remain confidential). *34 CFR 300.508*.

Sec. 2. CONSENT

Consent means that:

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

If the parent or adult student revokes consent in writing for student’s receipt of services after the student is initially provided special education and related services, Richard Milburn Academy is

not required to amend the student's education records to remove any references to the student's receipt of services because of the revocation of consent.

34 CFR 300.9.

Sec. 3. LANGUAGE OF NOTICES

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

a. Electronic Delivery of Notices

A parent or adult student who has a student with a disability may elect to receive required notices required by 34 CFR 300.503, 300.504 and 300.508 by electronic mail, if Richard Milburn Academy makes that option available. *34 CFR 300.505.*

b. Notice of Procedural Safeguards

Richard Milburn Academy shall provide a copy of the procedural safeguards to parents or adult student only once per year, except that a copy also shall be given to the parents or adult student:

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

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

c. Contents of Notice

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

1. Independent educational evaluations;
2. Prior written notice;
3. Parental or adult student consent;
4. Access to educational records;
5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
 - a. The time period in which to file a complaint,
 - b. The opportunity for Richard Milburn Academy to resolve the complaint; and
 - c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and

decisional timelines, and relevant procedures.

6. The availability of mediation;
7. The student's placement during pendency of any due process proceedings;
8. Procedures for students who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children or adult student in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

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

Sec. 4. PRIOR NOTICE AND CONSENT

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

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

a. Contents of Notice

The notice must include:

1. A description of the action proposed or refused by Richard Milburn Academy;
2. An explanation of why Richard Milburn Academy proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report Richard Milburn Academy used as a basis for the proposed or refused action;
4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the Individuals with Disabilities Education Act ("IDEA") rules;
6. A description of other options the admission, review and dismissal ("ARD") committee considered and the reasons why those options were rejected; and
7. A description of other factors relevant to Richard Milburn Academy's proposal or refusal.

34 CFR 300.503(b).

b. Consent to Initial Evaluation

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

c. Consent to Services

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

d. Consent to Reevaluation

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

e. Psychological Examinations and Tests

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

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

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

Sec. 5. DISPUTE RESOLUTION

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

1. ARD committee meetings, including IEP facilitation if offered by Richard Milburn Academy, under 19 TAC 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to Richard Milburn Academy policies, with the principal, special education director, Superintendent, or Board;
4. Requesting state IEP facilitation in accordance with 19 TAC 89.1197 (relating to State Individualized Education Program Facilitation);

5. Requesting mediation through the Texas Education Agency (“TEA”) in accordance with 34 CFR 300.506;
6. Filing a complaint with TEA in accordance with 34 CFR 300.153; or
7. Requesting a due process hearing through TEA in accordance with 34 CFR 300.507-300.514.

19 TAC 89.1150.

Sec. 6. DUE PROCESS COMPLAINT

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

a. Time Limit

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

b. Exception

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

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

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

c. “Stay Put”

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

d. Exception

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

e. Resolution Process

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

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

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

Sec. 7. TRANSFER OF RIGHTS TO ADULT STUDENTS

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

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

PG.-2.25 REQUIRED ARD COMMITTEE AND IEPS

Sec. 1. ADMISSION, REVIEW, AND DISMISSAL COMMITTEES

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

Sec. 2. ARD COMMITTEE RESPONSIBILITIES

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

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

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

Sec. 3. COMMITTEE MEMBERS

Richard Milburn Academy shall ensure that each ARD committee meeting includes:

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student’s IEP;
3. At least one special education teacher, or where appropriate, at least one special education provider of the child;
4. A representative of Richard Milburn Academy who:
 - a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

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

19 TAC 89.1050.

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

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

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

a. Transition Meeting Membership

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

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

34 CFR 300.321(b).

Sec. 4. PARENTAL INVOLVEMENT

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

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

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

34 CFR 300.322(a)–(b).

Sec. 5. ALTERNATIVE PARTICIPATION METHODS

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

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

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

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

34 CFR 300.322(d).

Sec. 6. ARD COMMITTEE MEETINGS

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

A meeting does not include informal or unscheduled conversations involving Richard Milburn

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

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

a. Meeting at Parent Request

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

19 TAC 89.1050(e).

b. Transfer Students

If a student transfers to Richard Milburn Academy, and the student had a previous IEP in place, Richard Milburn Academy shall provide the student with a FAPE, including services comparable to those described in the previous IEP, in consultation with the parents, until:

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

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

c. Transfer of Records

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

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

d. Military Dependents

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

Education Code 162.002 art. V, § C.

Sec. 7. INDIVIDUALIZED EDUCATION PROGRAM (IEP)

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

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

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

1. A statement of the child’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the child’s progress toward the annual goals will be measured and when periodic reports on the progress of the child will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child;
5. A statement of the program modifications or supports for school personnel that will be provided for the child;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state or system- wide assessments;
9. If the ARD committee determines that the child must take an alternative assessment instead of a particular regular state or system-wide assessment, a statement of why the child cannot participate in the regular assessment and why the particular assessment selected is appropriate for the child;
10. Beginning not later than the first IEP to be in effect when the child is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the child in reaching those goals; and
11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

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

Sec. 8. TRANSLATING IEPS

If the child’s parent is unable to speak English, Richard Milburn Academy shall:

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

Education Code 29.005(d).

Sec. 9. AUTISM/PERVASIVE DEVELOPMENTAL DISORDERS

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

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

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

Sec. 10. VISUAL IMPAIRMENT

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

Sec. 11. COLLABORATIVE PROCESS

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

a. Recess

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

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

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

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

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

19 TAC 89.1050 (g).

b. No Agreement Reached

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

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

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

Sec. 12. IEP MODIFICATION

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

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

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

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

PG.-2.26 TRANSITION SERVICES

Sec. 1. DEFINITIONS

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

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

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

Sec. 2. INDIVIDUAL TRANSITION PLANNING

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

1. Appropriate student involvement in the student’s transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate involvement in the student’s transition by the student’s parents and other persons, if the parent or other persons invited to participate by the student’s parents or Richard Milburn Academy;
3. If the student is at least 18 years of age, involvement in the student’s transition and future by the student’s parents and other persons, if the parent or other person is invited to participate by the student or Richard Milburn Academy or has the student’s consent to participate pursuant to a supported decision-making agreement under Texas Estates Code, Chapter 1357;
4. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
5. An appropriate functional vocational evaluation;
6. Appropriate employment goals and objectives;
7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for

- postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives;
8. Appropriate independent living goals and objectives;
 9. Appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits; and
 10. The use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills and supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Texas Estates Code, Chapter 157.

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

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

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

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

Sec. 3. TRANSITION AND EMPLOYMENT GUIDE

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

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

Education Code 29.0112(a)(3).

Sec. 4. GRADUATION

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

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

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

Richard Milburn Academy shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

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

PG.-2.27 DYSLEXIA AND RELATED DISORDERS

Sec. 1. DYSLEXIA AND RELATED DISORDERS

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

Sec. 2. IDENTIFICATION AND TESTING

Students enrolling in Richard Milburn Academy shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education.

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

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

19 TAC 74.28(d), (j).

a. Parent or Adult Student Notification

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

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

b. IDEA Notice

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

c. Options and Services

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

19 TAC 74.28(f)-(h).

Sec. 3. TREATMENT

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

a. Reading Program

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

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

19 TAC 74.28(e).

b. Reassessment

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

Sec. 4. PARENT EDUCATION PROGRAM

Richard Milburn Academy shall provide a parent education program for parents of students or adult students with dyslexia and related disorders. This program must include:

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

Education Code 38.003; 19 TAC 74.28(l).

PG.-2.28 BILINGUAL EDUCATION AND ESL

Sec. 1. REQUIREMENTS UNDER TITLE III OF ESEA

Richard Milburn Academy shall comply with the statutory requirements regarding English learners¹ and immigrant students upon receipt of funds under Title III of the Every Student Succeeds Act. *20 U.S.C. 6801–7014.*

Sec. 2. STATE POLICY

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

Sec. 3. RICHARD MILBURN ACADEMY/TEXAS, INC. RESPONSIBILITIES

Richard Milburn Academy shall:

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

19 TAC 89.1201(a).

Sec. 4. IDENTIFYING ENGLISH LEARNER STUDENTS

Within the first four weeks following the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the Board the number of English learner students at each campus and shall classify each student according to the language in which the student possesses primary proficiency. The Board shall report that information to the Texas Education Agency (“TEA”) before November 1 every year. *Education Code 29.053(b).*

Sec. 5. LANGUAGE PROFICIENCY ASSESSMENT COMMITTEES

Richard Milburn Academy shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of English learner students.

¹ In this policy, the term “English learner” is synonymous with “limited English proficient (LEP)” student, as that term is used in Subchapter B, Chapter 29, Education Code.

a. LPAC Membership

Each LPAC shall include:

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

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

No parent serving on the LPAC shall be an employee of Richard Milburn Academy.

All members of the LPAC, including parents, shall observe all laws and guidelines concerning student confidentiality. Richard Milburn Academy will provide orientation and training for all members of the LPAC, including parents.

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

b. Duties of LPAC

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

c. Home Language Survey

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

Richard Milburn Academy shall conduct only one home language survey of each student.

The home language survey shall be administered in English, Spanish, and Vietnamese; for students of other language groups, the home language survey shall be translated into the primary language whenever possible. The home language survey shall contain the following questions:

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

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

19 TAC 89.1215.

d. Classification as an English Learner

The LPAC may classify a student as an English learner if:

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

Education Code 29.056(c).

e. Parent Notice and Consent

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

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

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

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

Richard Milburn Academy may identify, exit, or place a student in a program without written parent approval if:

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

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

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

f. Participation of Non-English Learner Students

With the approval of Richard Milburn Academy and a student's parent, a student who is not an English learner may participate in a bilingual education program. The number of participating students who are not English learners may not exceed 40% of the number of students enrolled in the program.

Education Code 29.058; 19 TAC 89.1233(c).

g. Students with Disabilities

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

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

19 TAC 89.1230.

Sec. 6. BILINGUAL AND ESL PROGRAMS

Upon the enrollment of 20 or more English learner students in any language classification in the same grade, Richard Milburn Academy shall offer a bilingual education or special language program as follows:

1. Instruction in English as a second language in grades 9–12.

Education Code 29.053(c)-(d), 29.054(a).

a. Program Content

Richard Milburn Academy's bilingual education program shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills. An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. The bilingual or ESL program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects

of the students' backgrounds.

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

Education Code 29.055, .057(b); 19 TAC 89.1210(f).

b. Classes and Facilities

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

Bilingual education and special language programs shall be located in each regular Richard Milburn Academy campus rather than in separate facilities. Richard Milburn Academy may concentrate the programs at a limited number of schools. Recent immigrant English learners shall not remain enrolled in newcomer centers for longer than two years.

Education Code 29.057; 19 TAC 89.1235.

Sec. 7. COOPERATION AMONG DISTRICTS

Richard Milburn Academy may join with one or more other public schools to provide the required bilingual and special language programs. The availability of the programs shall be publicized throughout the schools involved.

Richard Milburn Academy may allow a nonresident English learner student to enroll in or attend its bilingual education or special language program if the student's district of residence does not provide an appropriate program. The district of residence shall pay the tuition for the student.
Education Code 29.059; 19 TAC 89.1205(e).

Sec. 8. PERSONNEL

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

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

Sec. 9. ENGLISH LEARNERS AND STATE ASSESSMENTS

In 9 through grade 12, an English learner student shall participate in state assessments in accordance with Commissioner's rules at 19 TAC Chapter 101, subchapter AA.

Sec. 10. PROGRAM EXIT

Richard Milburn Academy may transfer an English learner out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;
2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g).

a. Notice to Parents

Richard Milburn Academy shall notify the student's parent or adult student in writing of the student's reclassification as English proficient and his or her exit from the bilingual education or English as a second language program and acquire written approval as required under Education Code 29.056(a). Students meeting exit requirements may continue in the bilingual or English as a second language program with parental approval but are not eligible for inclusion in Richard Milburn Academy's bilingual education allotment. *19 TAC 89.1240(b).*

b. Evaluation of Transferred Students and Reenrollment

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

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

1. The total amount of time the student was enrolled in bilingual education or special language programs;

2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under the Student Code of Conduct.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program. *Education Code 29.0561*.

Sec. 11. PEIMS REPORTING REQUIREMENTS

If required to offer bilingual education or special language programs, Richard Milburn Academy shall include the following information in its PEIMS report as required by Education Code 29.006(a):

1. Demographic information on students enrolled in Richard Milburn Academy's bilingual education or special language programs;
2. The number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by Richard Milburn Academy; and
3. The number and percentage of students identified as English learners who do not receive specialized instruction.

Sec. 12. PROGRAM EVALUATION

If Richard Milburn Academy is required to conduct a bilingual education or ESL program, it shall conduct an annual evaluation in accordance with Education Code 29.053, collecting a full range of data to determine program effectiveness to ensure student academic success. The annual evaluation report shall be presented to the Board before November 1 of each school year, and the report shall be retained at the administrative level in accordance with Education Code 29.062.

Richard Milburn Academy shall report to parents the progress of their child in acquiring English as a result of participation in the program offered to English learners.

19 TAC 89.1265.

PG.-2.29 TITLE I SERVICES

Sec. 1. RECEIPT OF TITLE I FUNDS

Richard Milburn Academy may receive funds under Title I, Part A only if Richard Milburn Academy conducts outreach to all parents and family members and implements programs, activities, and procedures for the involvement of parents in programs assisted under Title I, Part A, consistent with 20 U.S.C. 6318. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. *20 U.S.C. 6318(a)(1).*

a. Richard Milburn Academy Policy

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

1. Involve parents and family members in jointly developing the district plan under 20 U.S.C. 6312, and the development of support and improvement plans under paragraphs (1) and (2) of 20 U.S.C. 6311(d);
2. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within Richard Milburn Academy in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
3. Coordinate and integrate parent and family engagement strategies under Title I, Part A with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant federal, state, and local laws and programs;
4. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under Title I, Part, A, including identifying:
 - a. Barriers to greater participation by parents in activities authorized by section 6318 (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
 - b. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
 - c. Strategies to support successful school and family interactions;
5. Use the findings of the above evaluation to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in section 6318; and

6. Involve parents in the activities of the schools served under Title I, Part A, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by Richard Milburn Academy to adequately represent the needs of the population served by Richard Milburn Academy for the purposes of developing, revising, and reviewing the parent and family engagement policy.

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

b. Campus Policy

Each Richard Milburn Academy campus served under Title I, Part A shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of 20 U.S.C. 6318(c)–(f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. *20 U.S.C. 6318(b).*

c. Comparability of Services

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

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

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

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

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

1. A district-wide salary schedule;
 2. A policy to ensure equivalence among schools in teachers, administrators, and other staff;
- and

3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

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

d. Prohibited Use of Funds

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

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

20 U.S.C. 7906.

Sec. 2. HOMELESS CHILDREN

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

Sec. 3. FOSTER CARE TRANSPORTATION

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

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

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