

**Texas Education Agency**

**2010-2011  
Student Attendance Accounting Handbook  
Version 2**

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*than 60%, in the attendance accounting system because 50% (151/300 = 50%) of the student's instructional day is spent in special education.*

#### 4.14.5 Code 08 - Vocational Adjustment Class (VAC) Examples

A student works half of the school day and attends classes the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTED classes. After 3 weeks, the student loses his job but remains in the special education job training class he has been enrolled in from the beginning of the school year.

*For the time the student is gainfully employed, the instructional arrangement/setting code for the student should be 08, and the career and technical education code should be V2 (see **Section 5 Career and Technical Education**). As soon as the student loses his job, the student's instructional arrangement/setting code should be changed to reflect the appropriate code for the interim placement determined by the ARD committee, but the career and technical education code will remain V2 if the student remains enrolled in two vocational classes. Note that CTED classes are career and technical education classes and not special education classes.*

*A student who loses a job must be provided with a full instructional day during the time he or she is without a job. A student may not stay at home during the time in which he or she was previously on the job.*

#### 4.14.6 Codes 91-98 - Off Home Campus Examples

**Example 1:** A student attends special education classes on a campus designated as a campus that serves only special education students.

*The instructional arrangement/setting code for this student should be entered as **96, off home campus - separate campus**, in the attendance accounting system.*

**Example 2:** A student attends the entire instructional day in another school district because the home district does not offer the special education services the ARD committee determined are required for the student to have an appropriate education.

There should be an agreement between the home district and the receiving district regarding the reporting of PEIMS and attendance data for this student. Only one district can report PEIMS data for an individual student. If the home district reports these data, it may report this student as being enrolled in the home district, even though the student attends the entire instructional day in the serving/receiving district. However, it is possible that the receiving district may report this student in the PEIMS, instead of the home district. Absences must be reported by the serving district and either submitted to the home district (if responsible for reporting PEIMS data) or entered by the serving district (if responsible for reporting PEIMS data for the student). The district that reports PEIMS data is responsible for recording student absences and attendance.

*If the student attends three general education classes and three special education classes, the instructional arrangement/setting would be determined according to which entity reports PEIMS/attendance data for the student. If reported by the home district, the instructional arrangement/setting code for this student should be entered as **94, off home campus - self-contained, mild/moderate/severe, regular campus - at least***

**50% and no more than 60%**, (3/6 = 50%) in the attendance accounting system. If reported by the receiving district, the instructional arrangement/setting code for this student should be **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, in the attendance accounting system.

If the student attends five special education classes and one general education class in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports PEIMS data for the student, then the instructional arrangement/setting code for this student should be entered as **95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%**, (5/6 = 83%) in the attendance accounting system. If the receiving district reports PEIMS data for the student, the instructional arrangement/setting code should be **44, self-contained, mild/moderate/severe, regular campus - more than 60%**.

If the student receives special education services and support in mainstream classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district enters PEIMS data for this student, then the instructional arrangement/setting code for this student should be entered as 91, off home campus - mainstream, in the attendance accounting system. If the receiving district reports PEIMS data for this student, the instructional arrangement/setting code should be **40, mainstream**.

If the student attends three special education classes and four general education classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports PEIMS data for this student, then the instructional arrangement/setting code for this student should be entered as **93, off home campus - resource room/services - at least 21% and less than 50%**, (3/7 = 43%) in the attendance accounting system. If the receiving district reports PEIMS data for this student, the instructional setting code should be **42, resource room/services - at least 21% and less than 50%**.

**Example 3:** A student legally transferred into the serving district attends classes for the entire school day, in the special education classroom that serves students from other districts.

The instructional arrangement/setting code for this student should be entered as **44, self-contained, mild/moderate/severe, regular campus - more than 60%**, in the attendance accounting system since the student is in the special education classroom for more than 60% of the student's instructional day. All absences and eligible days present will be recorded in the serving district's attendance accounting system. For students ages 3 through 5 with disabilities, the instructional arrangement/setting code is **45, full-time early childhood special education setting**.

The student's ADA eligibility code should be entered as 3 - Eligible Transfer Student Full-Day. See **3.2.1.4 Code 3 Eligible Transfer Student Full-Day**.

**Example 4:** A student in special education attends a special education class at the nearby Mental Health Mental Retardation (MHMR) Center (sheltered workshop). School district personnel teach this class.

The instructional arrangement/setting code for this student should be recorded as **97, off home campus - community class**, in the attendance accounting system.

**Example 5:** A special education student (age 3 through 5) with a disability receives full-time special education and related services in a multidistrict PPCD educational program.

*The instructional arrangement/setting code for this student should be entered as **98, off home campus - full-time early childhood special education setting**, in the attendance accounting system.*

**Example 6:** A preschool age student (age 3 through 5) with a disability who is eligible for special education and related services is provided special education services in a self-contained special education classroom within a childcare facility.

*The instructional arrangement/setting code for this student should be entered as **97, off home campus - community class**, in the attendance accounting system.*

*If the services were provided in a self-contained special education class within an agency in the community, then the instructional arrangement/setting code for the student still would be entered as **97, off home campus - community class**.*

#### 4.14.7 Codes 81-89 - Residential Care and Treatment Facility (Nonresident) Examples

**Example 1:** Within the boundaries of your school district, there is a residential care and treatment facility. Several special education students who reside in the facility attend school and receive special education services at a school campus in your district. These students' parents do not reside within the boundaries of your district.

*If a special education student who resides in the residential care and treatment facility receives all special education and related services in **mainstream** classes at a regular education campus, then the instructional arrangement/setting code for this student should be entered as **81, residential care and treatment facility - mainstream**, in the attendance accounting system.*

*If a special education student who resides in the residential care and treatment facility attends **one special education class and six general education classes** at a regular education campus, then the instructional arrangement/setting code for this student should be entered as **82, residential care and treatment facility - resource room/services - less than 21%**, ( $1/7 = 14\%$ ) in the attendance accounting system.*

*If a special education student who resides in the residential care and treatment facility attends **three special education classes and four general education classes** at a regular education campus, then the instructional arrangement/setting code for this student should be entered as **83, residential care and treatment facility - resource room/services - at least 21% and less than 50%**, ( $3/7 = 43\%$ ) in the attendance accounting system.*

*If a special education student who resides in the residential care and treatment facility attends **three special education classes and three general education classes** at a regular education campus, then the instructional arrangement/setting code for this student should be entered as **84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, ( $3/6 = 50\%$ ) in the attendance accounting system.*

*If a special education student who resides in the residential care and treatment facility attends **five special education classes and one general education class** at a regular education campus, then the instructional setting code for this student should be entered as **85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%**, (5/6 = 83%) in the attendance accounting system.*

*If a special education student who resides in the residential care and treatment facility receives **speech therapy services only**, then the instructional arrangement/setting code for this student should be entered as **00** in the attendance accounting system.*

**Example 2:** A special education student who resides in a residential care and treatment facility within your district's boundaries attends special education classes on a campus designated as a campus that serves only special education students.

*The instructional arrangement/setting code for this student should be entered as **86, residential care and treatment facility - separate campus**, in the attendance accounting system*

**Example 3:** A special education student (age 3 through 5) with a disability who resides in a residential care and treatment facility within your district's boundaries receives special education and related services in a self-contained special education classroom within a childcare facility.

*The instructional arrangement/setting code for this student should be entered as **87, residential care and treatment facility - community class**, in the attendance accounting system.*

*If the services were provided in a self-contained special education class within an agency in the community (such as a community-based Head Start program), then the instructional arrangement/setting code for this student still would be entered as **87, residential care and treatment facility - community class**.*

**Example 4:** A special education student who resides in a residential care and treatment facility within your district's boundaries works half of the school day and attends classes at the high school campus the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two career and technical education for the disabled (CTED) classes.

*The instructional arrangement/setting code for this student should be **88, residential care and treatment facility - vocational adjustment class**. The student should also be coded V2 (see **Section 5 Career and Technical Education**). Note that CTED classes are career and technical education classes and not special education classes.*

**Example 5:** A special education student (age 3 through 5) with a disability who resides in a residential care and treatment facility within your district's boundaries receives full-time special education and related services in the PPCD educational program on the elementary campus.

*The instructional arrangement/setting code for this student should be entered as **89, residential care and treatment facility - full-time early childhood special education setting**, in the attendance accounting system.*

**Example 6:** A special education student who resides in a residential care and treatment facility within your district's boundaries receives special education instruction and related services at the facility rather than on a school district campus.

*The instructional arrangement/setting code for this student should be entered as **02, hospital class**, in the attendance accounting system.*

#### 4.14.8 Code 40 - Mainstream Examples

**Example 1:** A student attends all general education classes. However, this student has not been dismissed from special education. Qualified special education personnel are involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student on at least a weekly basis. The student's IEP specifies the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP.

*The instructional arrangement/setting code for this student should be recorded as **40, mainstream**, in the attendance accounting system.*

**Example 2:** A student attends six general education classes a day. In five of the six general education classes the student receives special education services by certified special education personnel.

*The instructional arrangement/setting code for this student should be recorded as **40, mainstream**, in the attendance accounting system because the student receives special education services in the general education class.*

**Example 3:** A student attends all general education classes. For 1 hour a week, as documented in the IEP, this student receives physical therapy in the general education classroom.

*The instructional arrangement/setting code for this student should be entered as **40, mainstream**, in the attendance accounting system because the student receives related services in the general education class. (If this student received physical therapy as a pull-out service, then the instructional arrangement/setting code would be **41, resource room/services - less than 21%**.)*

**Example 4:** A student attends all general education classes with an interpreter from the RDSPD.

*The instructional arrangement/setting code for this student should be entered as **40, mainstream**, in the attendance accounting system because the student receives special education services in the general education class. Regardless of the amount of time the interpreter spends with the student, the instructional arrangement/setting code still must be **40, mainstream**.*

**Example 5:** A 4-year-old student with a disability who is eligible for the prekindergarten program and the special education program receives special education and related services (including speech therapy) in the prekindergarten classroom for 3 hours 5 days a week. The certified special education teacher teaches collaboratively in the prekindergarten classroom with the prekindergarten teacher for the full 3 hours and the full 5 days. The occupational therapist provides services for 20 minutes twice a week in the prekindergarten classroom. The speech therapist provides speech instruction for 30 minutes a week in a pull-out setting.

*The student should generate half-day ADA eligibility. The instructional arrangement/setting code for this student should be recorded as **40** in the attendance accounting system, and the speech therapy indicator code should be recorded as **2**.*

**Example 6:** A 3-year-old student with a disability receives special education services (including speech therapy) in a community-based child care center for 4 hours 5 days a week. The certified special education teacher teaches collaboratively in the community-based child care classroom with the child care provider for the full 4 hours and the full 5 days. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based child care classroom and provides consultation to the teachers for 15 minutes a week.

*The student should generate full-day ADA eligibility. The instructional arrangement/setting code for this student should be recorded as **40** in the attendance accounting system, and the speech therapy indicator code should be recorded as **2**.*

**Example 7:** A 4-year-old student with a disability receives special education services and related services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 30 minutes twice a week and consults with the child care provider for 30 minutes once a week. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based child care classroom and provides consultation to the teachers for 15 minutes a week. An aide is in the classroom 4 hours a day for 5 days a week to provide support services to the student.

*The student's ADA eligibility code should be recorded as 0 - Enrolled, Not in Membership because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility. The instructional arrangement/setting code for this student should be recorded as **40** in the attendance accounting system, and the speech therapy indicator code should be recorded as **2**.*

**Example 8:** A 4-year-old student with a disability receives special education services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 60 minutes once a week and consults with the child care provider for 60 minutes once a week.

*The student's ADA eligibility code should be recorded as 0 - Enrolled, Not in Membership because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility. The instructional arrangement/setting code for this student should be recorded as **40** in the attendance accounting system.*

#### **4.14.9 Code 45 - Full-Time Early Childhood Special Education Setting (FT EC SPED) Examples**

A special education student (age 3 through 5) with a disability receives full-time special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses. **No education or related services are provided in the mainstream early childhood settings.**

*The instructional arrangement/setting code for this student should be entered as **45, full-time early childhood special education setting**, in the attendance accounting system because no education and/or related services are provided in mainstream early childhood settings.*



#### 4.14.10 Speech Therapy Indicator Code 1 Examples

**Example 1:** A student receives services from the speech therapist 30 minutes a week and attends all general education classes.

*The instructional arrangement/setting code for this student should be recorded as **00** in the attendance accounting system, and the speech therapy indicator code should be recorded as **1**.*

**Example 2:** A student receives direct speech therapy services **and** indirect support from the speech therapy program through services provided by a speech therapist.

*Regardless of whether these services and supports are provided in a general education or pull-out setting, the instructional arrangement/setting code for this student should be recorded as **00** in the attendance accounting system, and the speech therapy indicator code should be recorded as **1**.*

**Example 3:** A 4-year-old student with a disability who is eligible for the prekindergarten program receives special education services (speech therapy and support services are provided by the speech therapist). The speech therapist provides services 30 minutes twice a week in a pull-out setting and goes into the prekindergarten classroom to provide services and/or consult with the prekindergarten teacher 30 minutes a week.

*The instructional arrangement/setting code for this student should be recorded as **00** in the attendance accounting system, and the speech therapy indicator code should be recorded as **1**.*

**Example 4:** A 4-year-old student with a disability receives special education services (speech therapy and support services are provided by the speech therapist) in a community-based child care center. The speech therapist provides services 30 minutes twice a week and consults with the child care provider for 30 minutes once a week. An aide is in the classroom 2 hours a day 5 days a week to provide support services to the student.

*The student will **not** generate contact hours because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility. The instructional arrangement/setting code for this student should be recorded as **00** in the attendance accounting system, and the speech therapy indicator code should be recorded as **1**.*

#### 4.14.11 Speech Therapy Indicator Code 2 Examples

**Example 1:** A student attends one special education class and five general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes.

*The instructional arrangement/setting code for this student should be recorded as **41, resource room/services - less than 21%**, in the attendance accounting system, and the speech therapy indicator code should be recorded as **2**.*

**Example 2:** A student attends one special education class and four general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist (or any related service) once a week for 30 minutes.

*The instructional arrangement/setting code for this student should be recorded as **42, resource room/services - at least 21% and less than 50%**, in the attendance*

*accounting system, and the speech therapy indicator code should be recorded as 2 (78/360=21.6%).*

**Example 3:** Based on ARD committee determination, a student with both learning disabilities and speech impairment receives services and support from a special education teacher in the general education classroom (outside of any services and supports provided through the speech therapy program). The student also receives direct speech therapy services.

*The instructional arrangement/setting code for this student should be recorded as **40, mainstream**, in the attendance accounting system, and the **speech therapy indicator code** should be recorded as **2**. The instructional arrangement/setting code of 40 can be used regardless of whether the direct speech therapy services are provided in the general education classroom or a pull-out setting.*

#### 4.14.12 Calculation of Excess Contact Hours Example

**Example 1:** A student attends six career and technical education classes (V6) and speech therapy (0.25 contact hour multiplier), for a total of 6.25 contact hours a day.

*Since this number of contact hours is over the 6.00 hour per day maximum, 0.25 contact hours must be subtracted from the speech therapy setting (instructional arrangement/setting code 00) for every eligible day present the student accumulates.*

**Example 2:** A student attends two special education classes and four general education classes a day. All four of the general education classes are career and technical education classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional arrangement/setting code 42, resource room/services - at least 21% and less than 50%) and 4.00 contact hours for career and technical education (V4), totaling 6.859 contact hours a day. The first 6-week reporting period has 30 days taught. Of those 30 days, the student was present 28 days.

*Since the number of contact hours is over the 6.00 hour per day maximum, 0.859 contact hours must be subtracted from the resource room instructional arrangement/setting for every eligible day present the student accumulates.*

*The excess contact hours for the first 6-week reporting period for this student would be calculated as follows:*

Calculate Special Education Contact Hours:	
Eligible Days Present	28.0
x Special Education CH multiplier	<u>x 2.859</u>
<b>Total Special Education Contact Hours</b>	<b><u>80.052</u></b>

Calculate Career & Technical Ed Contact Hours:	
Eligible Days Present	28.0
x Career & Technical Ed CH multiplier	<u>x 4.00</u>
<b>Total Career &amp; Tech Ed Contact Hours</b>	<b><u>112.00</u></b>

Calculate Total Contact Hours:	
Career & Technical Ed Contact Hours	112.000
+ Special Education Contact Hours	<u>+ 80.052</u>
<b>Total Contact Hours</b>	<b><u>192.052</u></b>

Calculate Maximum Contact Hours Allowed:	
Number Days Present	28.0
x Maximum Hours per Day	<u>x 6.00</u>
<b>Total Maximum Contact Hours Allowed</b>	<b><u>168.00</u></b>

Calculate Total Excess Contact Hours:	
Total Contact Hours	192.052
– Maximum Contact Hours Allowed	<u>– 168.000</u>
<b>Total Excess Contact Hours for First 6 Weeks</b>	<b><u>24.052</u></b>

OR

Calculate Excess Contact Hours per Day:	
Total Contact Hours per Day	6.859
– Maximum Hours per Day	<u>– 6.000</u>
<b>Total Excess Contact Hours per Day</b>	<b><u>0.859</u></b>

Calculate Total Excess Contact Hours:	
Total Excess Contact Hours per Day	0.859
x Eligible Days Present	<u>x 28.0</u>
<b>Total Excess Contact Hours for First 6 Weeks</b>	<b><u>24.052</u></b>

**Example 3:** A student attends two special education classes and four general education classes a day. All of the general education classes are career and technical education classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional arrangement/setting code 42, resource room/services - at least 21% and less than 50%) and 4.00 contact hours for career and technical education (V4), totaling 6.859 contact hours a day. On the eleventh instructional day of the first 6 weeks, the ARD committee meets and changes the student's schedule. The student then attends one special education class and five general education classes a day. All five of the general education classes are career and technical education classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional arrangement/setting code 41, resource room/services - less than 21%) and 5.00 contact hours for career and technical education (V5), totaling 7.859 contact hours a day. The first 6-week reporting period has 30 days taught, and this student was present every day.

*The excess contact hours for the first 6-week reporting period for this student would be calculated as follows:*

Calculate Special Education Contact Hours for First 10 Days:	
Eligible Days Present	10.0
x Special Education CH multiplier	<u>x 2.859</u>
<b>Total Special Education Contact Hours</b>	<b>28.590</b>
Calculate Career & Tech Ed Contact Hours for First 10 Days:	
Eligible Days Present	10.0
x Career & Tech Ed CH multiplier	<u>x 4.00</u>
<b>Total Career &amp; Tech Ed Contact Hours</b>	<b>40.00</b>
Calculate Total Contact Hours for First 10 Days:	
Career & Tech Ed Contact Hours	40.000
+ Special Education Contact Hours	<u>+ 28.590</u>
<b>Total Contact Hours for First 10 Days</b>	<b>68.590</b>
Calculate Maximum Contact Hours Allowed for First 10 Days:	
Number Days Present	10.0
x Maximum Hours per Day	<u>x 6.00</u>
<b>Total Maximum Contact Hours Allowed</b>	<b>60.00</b>
Calculate Excess Contact Hours for First 10 Days:	
Total Contact Hours	68.590
– Maximum Contact Hours Allowed	<u>– 60.000</u>
<b>Total Excess Contact Hours for First 10 Days</b>	<b>8.590</b>
Calculate Special Education Contact Hours for Last 20 Days:	
Eligible Days Present	20.0
x Special Education CH multiplier	<u>x 2.859</u>
<b>Total Special Education Contact Hours</b>	<b>57.180</b>
Calculate Career & Tech Ed Contact Hours for Last 20 Days:	
Eligible Days Present	20.0
x Career & Tech Ed CH multiplier	<u>x 5.00</u>
<b>Total Career &amp; Tech Ed Contact Hours</b>	<b>100.00</b>
Calculate Total Contact Hours for Last 20 Days:	
Career & Tech Ed Contact Hours	100.000
+ Special Education Contact Hours	<u>+ 57.180</u>
<b>Total Contact Hours for Last 20 Days</b>	<b>157.180</b>
Calculate Maximum Contact Hours Allowed for Last 20 Days:	
Number Days Present	20.0
x Maximum Hours per Day	<u>x 6.00</u>
<b>Total Maximum Contact Hours Allowed</b>	<b>120.00</b>
Calculate Excess Contact Hours for Last 20 Days:	
Total Contact Hours	157.180
– Maximum Contact Hours Allowed	<u>– 120.000</u>
<b>Total Excess Contact Hours for Last 20 Days</b>	<b>37.180</b>
Calculate Total Excess Contact Hours:	
Excess Contact Hours Last 20 Days	37.180
+ Excess Contact Hours First 10 Days	<u>+ 8.590</u>
<b>Total Excess Contact Hours for First 6 Weeks</b>	<b><u>45.770</u></b>

OR

Calculate Excess Contact Hours per Day for First 10 Days:	
Total Contact Hours per Day	6.859
– Maximum Hours per Day	<u>– 6.000</u>
<b>Total Excess Contact Hours per Day</b>	<b><u>0.859</u></b>
Calculate Total Excess Contact Hours for First 10 Days:	
Total Excess Contact Hours per Day	0.859
x Eligible Days Present	<u>x 10.0</u>
<b>Total Excess Contact Hours for First 10 Days</b>	<b><u>8.590</u></b>
Calculate Excess Contact Hours per Day for Last 20 Days:	
Total Contact Hours per Day	7.859
– Maximum Hours per Day	<u>– 6.000</u>
<b>Total Excess Contact Hours per Day</b>	<b><u>1.859</u></b>
Calculate Total Excess Contact Hours for Last 20 Days:	
Total Excess Contact Hours per Day	1.859
x Eligible Days Present	<u>x 20.0</u>
<b>Total Excess Contact Hours for Last 20 Days</b>	<b><u>37.180</u></b>
Calculate Total Excess Contact Hours:	
Excess Contact Hours for Last 20 Days	37.180
+ Excess Contact Hours for First 10 Days	<u>+ 8.590</u>
<b>Total Excess Contact Hours for First 6 Weeks</b>	<b><u>45.770</u></b>

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## Section 5 Career and Technical Education

This section addresses unique attendance accounting provisions for career and technical education (CTE). They must be applied in conjunction with the general rules in Section 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including CTE.

### 5.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all career and technical education (CTE) coding questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 5.2 Eligibility and Eligible Days Present

Your district is responsible for ensuring CTE contact hour funding eligibility by meeting the following four criteria:

1. Each CTE course **must** be taught by a **qualified/certified** teacher, as defined in 19 Texas Administrative Code (TAC) [§231.1, Criteria for Assignment of Public School Personnel](#).<sup>108</sup>
  - a. A person may **not be employed as a teacher**, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by your school district **unless the person holds an appropriate certificate** or permit issued as provided by the Texas Education Code (TEC), Chapter 21, Subchapter B.<sup>109</sup>
  - b. The teacher of record must be the teacher in the classroom responsible for teaching and learning, grades, attendance, etc.
  - c. When districts partner with technical or community colleges to offer dual credit, including local or statewide articulated CTE courses, the postsecondary faculty must meet SACS teacher requirements. Postsecondary faculty are not required to obtain SBEC certification when teaching secondary students under articulation agreements.
2. Your district must maintain a course calendar, or another form of documentation specified in **5.11 Documentation**, showing the average minutes per day for each CTE course (see **5.5.2 PEIMS 410 Record** and **5.6 Computing Contact Hours** of this section).

<sup>108</sup> This requirement does not apply to an open-enrollment charter school unless the school's charter states that a CTE course must be taught by a qualified/certified CTE teacher.

<sup>109</sup> Texas Education Code (TEC), §21.003

3. Your district must ensure that the appropriate resources, laboratories, and technology are provided to teach the Texas Essential Knowledge and Skills (TEKS) for the courses offered.
4. To be eligible for CTE contact hour funding, your district must offer three or more programs of study in at least three different clusters.

### 5.2.1 Eligibility of Students for Funding

Students in grades 6 through 12 are eligible to be **served** in CTE programs.

**Eligibility for Contact Hours:** Only students in grades 9 through 12 are eligible for CTE contact hours, except for students in grades 7 and 8 who are eligible for and enrolled in CTED courses (see **5.9 CTED Courses**).

### 5.2.2 Eligibility of Courses for Funding

State-approved CTE courses are listed in Section 4, Code Table C022 of the Public Education Information Management System [PEIMS] *Data Standards*.

Sixty percent of your district's CTE state allotment funding must be spent in support of courses with program intent code 22.<sup>110</sup>

Your school district may receive state weighted funding for all CTE innovative courses approved by the Texas Education Agency (TEA) for students in grades 9 through 12. To receive CTE weighted funding, your district must maintain documentation of local board or site-based decision-making (SBDM) committee approval to offer any TEA-approved innovative course.<sup>111</sup> For a new innovative course that has not been approved by the TEA, your district must follow the process for applying to the TEA for approval to offer the new innovative course.

### 5.2.3 Earning Contact Hours

A student may enroll simultaneously in as many CTE courses as his or her schedule permits. For funding purposes, however, the student may receive no more than 6 contact hours per day (see **4.11 Contact Hours**).

A student is **not** eligible to receive any CTE contact hours for participating for 1 hour in a 2-hour course or for 1 or 2 hours in a 3-hour course. For example, students participating for 1 hour in a 2-hour course or for 1 or 2 hours in a 3-hour course are not eligible to receive contact hours.

See **3.6.9 Effective Dates for Program Changes** in Section 3 for important information on making program changes in student attendance records.

#### 5.2.3.1 Earning CTE Contact Hours While Also Being Served by a Special Education Program

For a student to earn CTE contact hours while also being served in a special education homebound (01), hospital class (02), and/or state supported living center (30) instructional

<sup>110</sup> TEC, §39.234

<sup>111</sup> 19 TAC §74.27



arrangement/setting, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the special education homebound, hospital class, and/or state supported living center instructional arrangement/setting (see **4.6 Instructional Arrangement/Setting Codes**).

#### 5.2.3.2 Earning CTE Contact Hours While Receiving PRS

For a Pregnancy Related Services (PRS) student to earn CTE contact hours while also being served in Compensatory Education Home Instruction (CEHI), the student must continue to receive the same amount and type of CTE service that she was receiving before being placed in CEHI. The CTE instruction that a PRS student receives at home must be **in addition to** the 4 hours necessary for CEHI. The teacher providing the CTE instruction must maintain a log to verify all contact hours with PRS students. (See **9.15 PRS and Career and Technical Education** and **9.19.4 Example 4** in Section 9. See **9.17 Documentation** for requirements related to the homebound instructor's log.)

#### 5.2.4 Career Preparation Eligibility Requirements

CTE career preparation eligibility requirements are as follows. Refer to **5.7 Career Preparation and Practicum Learning Experiences** for general rules and to the glossary for definitions.

- The career preparation course<sup>112</sup> is for **paid** experience only. The training component must address all the TEKS for the course and provide a student with a variety of learning experiences that will give the student the broadest possible understanding of the business or industry.
- Each career preparation course using the **paid** work-based learning delivery arrangement must consist of student participation in career preparation training appropriate to the instructional program plus participation in related CTE classroom instruction. The course should **span the entire school year**, and classroom instruction must average one class period each day for every school week. A student is expected to be enrolled the entire school year; however, in accordance with local district policy, a student may enter or exit the course when extenuating circumstances require such a change.
- A student must be a minimum age of 16 and hold valid work documentation, such as a Social Security card, to enroll in any of the career preparation learning experiences that have a **paid** component.
- Students unemployed for more than 15 consecutive school days are not eligible for contact hours.
- Career preparation courses cannot be offered in an alternative setting, such as credit recovery, alternative programs, or disciplinary alternative programs.

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<sup>112</sup> 19 TAC §127.13 and §127.14

Use the following chart to determine the CTE code for students participating in **paid** CTE career preparation.

Classroom Instruction	Work-Based Instruction	Units of Credit	CTE Code
1 hour per day (average)	10 hours per week (average)	2	V2
1 hour per day (average)	15 hours per week (average)	3	V3

### 5.2.5 Practicum Course Eligibility Requirements

CTE practicum course eligibility requirements are as follows. Refer to **5.7 Career Preparation and Practicum Learning Experiences** for general rules and to the glossary for definitions.

- Practicum courses and other two- to three-credit CTE courses found in 19 TAC §130 may be used as laboratory-based, **paid**, or **unpaid** work experiences for students.
- Each practicum course using the **paid** work-based learning instructional arrangement must consist of student participation in training appropriate to the student's program of study plus participation in related CTE classroom instruction. The course should **span the entire year**, and classroom instruction must average one class period each day for every school week. A student is expected to be enrolled the entire school year; however, in accordance with local district policy, a student may enter or exit the course when extenuating circumstances require such a change.
- A student must be a minimum age of 16 and hold valid work documentation such as a Social Security card to enroll in any of the practicum learning experiences that have a **paid** component.
- Students unemployed for more than 15 consecutive school days in a **paid** practicum learning experience must be placed in an unpaid learning experience.

Use the following chart to determine the CTE code for students participating in a **paid** practicum learning experience.

Classroom Instruction	Work-Based Instruction	Units of Credit	CTE Code
1 hour per day (average)	10 hours per week (average)	2	V2
1 hour per day (average)	15 hours per week (average)	3	V3

Use the following chart to determine the CTE code for students participating in **unpaid** practicum learning experience.

Classroom and/or Work-Based Instruction	Units of Credit	CTE Code
2 hours per day (average)	2	V2
3 hours per day (average)	3	V3

## 5.3 Enrollment Procedures

The procedures for enrolling a student in CTE courses are as follows:

1. A student enrolls in school, and the student's class schedule is determined.
2. Appropriate CTE staff review the student's schedule and determine the correct CTE code.
3. Attendance personnel record the CTE code in the attendance accounting system.
4. Appropriate CTE staff review changes in the student's schedule.

If CTE courses are added or dropped, the student's CTE code could change. Changes will occur most often at the beginning of a new semester. If your district operates a block schedule, CTE staff may need to review student schedules more often, depending on the type of block schedule.

Attendance personnel should record the effective date of any change in a student's CTE code in the attendance accounting system. The effective date is the date the student's schedule changed.

**Important:** A student enrolled in a CTE course for the entire semester must be reported on the PEIMS 415 course completion record to be reported for CTE contact hours on the PEIMS 410 record for student attendance and weighted funding.

### 5.3.1 Determining the Number of Students to Enroll in a Course

In determining the number of students to enroll in any course, your school district must consider the subject to be taught, the teaching methodology to be used, and any need for individual instruction.<sup>113</sup>

## 5.4 Withdrawal Procedures

The procedures for withdrawing a student from CTE courses are as follows:

1. The student withdraws from school, or the student's class schedule changes. As a result, the student is no longer enrolled in a given CTE course.
2. Attendance personnel record the effective date of withdrawal in the attendance accounting system, and eligible CTE days are no longer accumulated from that date forward for the course from which the student withdrew.

CTE contact hours may **not** be claimed when a student receiving CTE services is placed in a disciplinary setting (e.g., in-school suspension [ISS] or disciplinary alternative education program [DAEP]) for more than 5 consecutive days if the same amount and type of CTE services are not provided by a CTE teacher. After 5 consecutive days without CTE services being provided, district personnel must remove the student from the PEIMS 410 record for CTE contact hours effective the first day of placement in the disciplinary setting.

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<sup>113</sup> TEC, §25.112(c)

In other words, your district may place a student in a disciplinary setting for up to and including 5 consecutive days and continue to claim CTE contact hours even though no CTE services are provided to the student. A student may earn state credit for a CTE course if the student continues to work on the course even though direct CTE instruction is not provided during periods of disciplinary removal.

## 5.5 Coding to Be Used on the PEIMS 101 and 410 Records

This subsection explains the coding to use on the PEIMS 101 and 410 records.

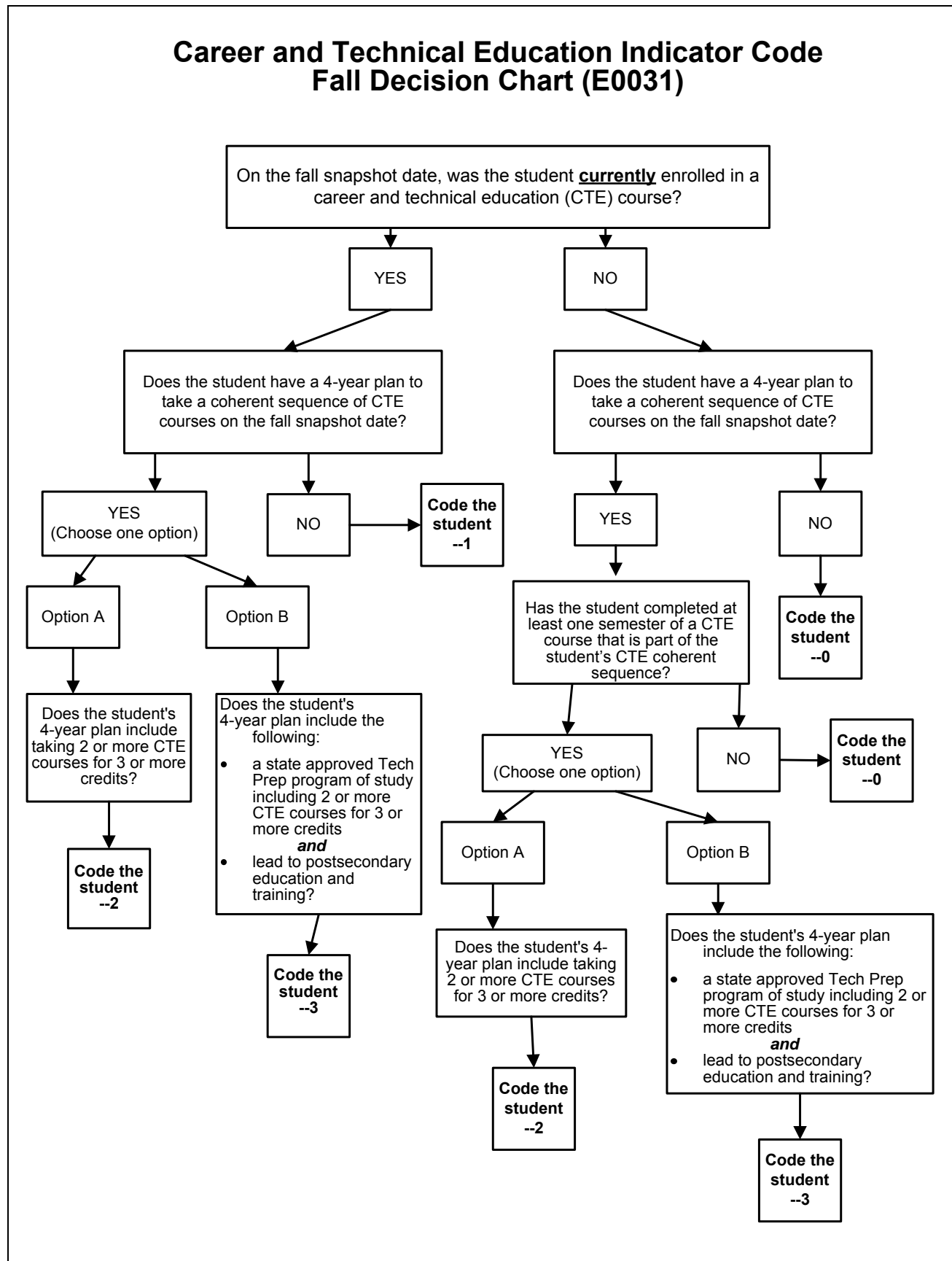
### 5.5.1 PEIMS 101 Record

Your district must code CTE student participation correctly on the PEIMS 101 record in the fall and summer reporting, as shown in the following chart.

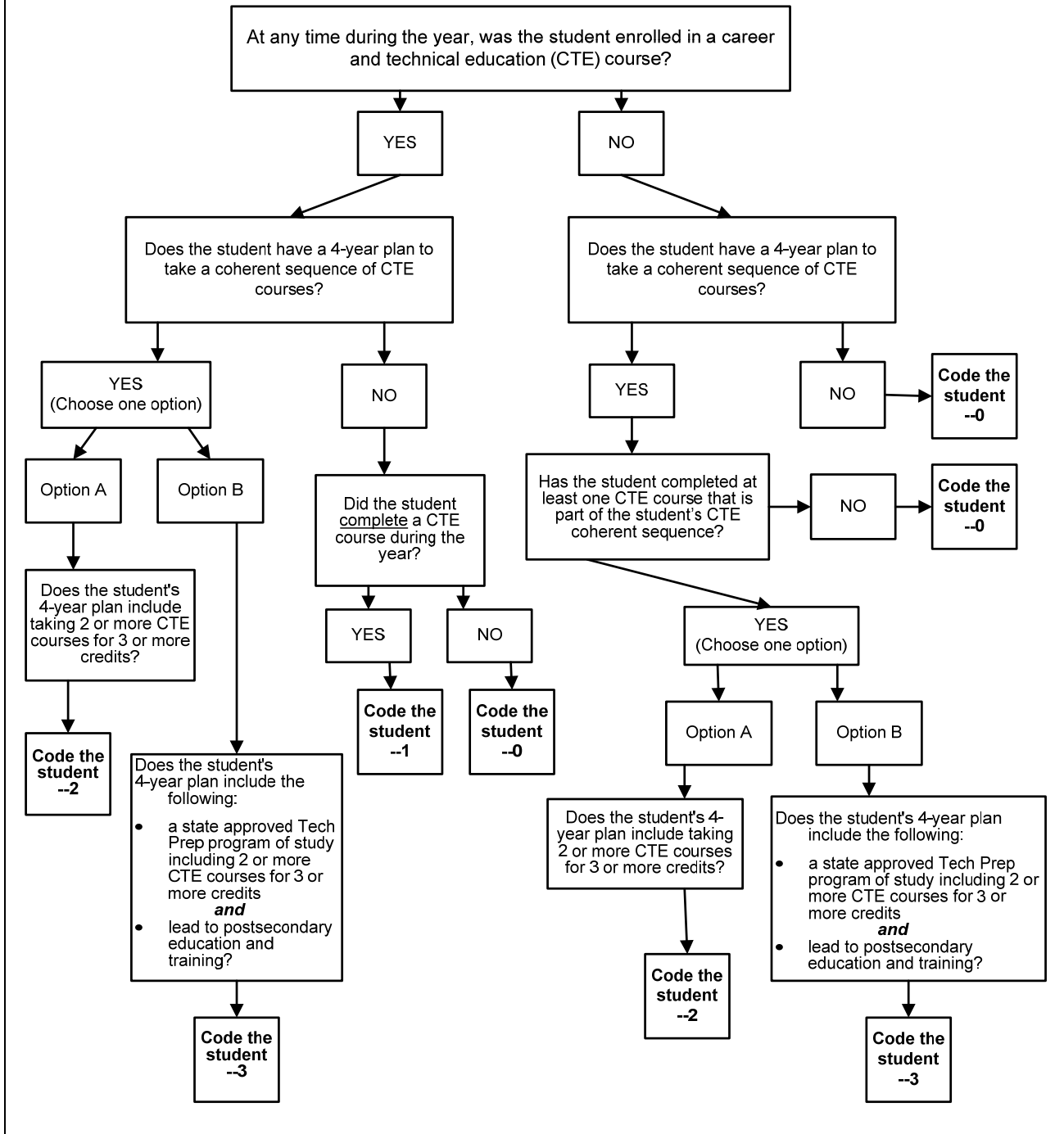
<b>Description of Student's CTE Participation</b>	<b>Code to Be Used on PEIMS 101 Record</b>
not enrolled in a CTE course	0
enrolled in one CTE course (a CTE participant, 6–12)	1
CTE coherent sequence taker (CTE concentrator, 9–12) (Coherent sequence is defined as two or more CTE courses for three or more credits.)	2
Tech-Prep program participant (9–12)	3

Use the following fall and summer decision charts to determine appropriate coding for CTE student participation.

### Career and Technical Education Indicator Code Fall Decision Chart (E0031)



## Career and Technical Education Indicator Code Summer Decision Chart (E0031)



## 5.5.2 PEIMS 410 Record

A student who is enrolled in CTE courses approved for state weighted funding must be coded in the attendance accounting system on the PEIMS 410 record as V1, V2, V3, V4, V5, or V6.

The number in the code that is used (V1, V2, V3, V4, V5, or V6) must equal the total number of 1-hour approved CTE class periods in which the student is enrolled. (A student's successful completion of a course is **not** required to generate contact hours.)

Examples:

District personnel should code a student enrolled in —

- a one-credit CTE course as V1.
- three one-credit CTE courses as V3.
- a three-credit CTE course as V3.

Note: For exceptions to this rule, see **5.5.2.1 Special 410 Record Coding Instructions for Districts Operating Block Schedules**, on block scheduling.

For CTE purposes, the descriptor **"1-hour"** refers to a class period ranging in time from **45 minutes up to 89 minutes**. Usually, a half-credit CTE course is taught for one class period for one semester. A two-credit CTE course would be taught for four 45- to 89-minute class periods for one-half of the year or two 45- to 89-minute class periods for the entire year.

### 5.5.2.1 Special 410 Record Coding Instructions for Districts Operating Block Schedules

If your district operates block schedules in which class periods are not in 1-hour increments, use the following chart to determine the CTE codes to use for coding students.

CTE Code	Average Minutes per Day in CTE Course
V1	45–89
V2	90–149
V3	150–180+

Each CTE course must be reviewed separately to determine the average minutes per day students attend that course. Average minutes per day must be computed by reviewing a complete cycle of courses. For example, if a course meets on even-numbered days of the month, district personnel must review a 2-week cycle. (One week the course will meet on Monday, Wednesday, and Friday, and the next week the course will meet on Tuesday and Thursday.) District personnel divide the total number of CTE minutes for the course, for a complete cycle of courses, by the total number of instructional days during the cycle.

Once district personnel have determined average minutes, they assign the applicable code to each CTE course. They then assign all students attending that CTE course the corresponding CTE code.

**Important: Three V1** courses are **not** necessarily **equivalent** in average minutes per day to **one V3** course. District personnel must evaluate each CTE course separately when determining the average minutes per day for the course.

For students who are enrolled in more than one CTE course, CTE codes are combined to determine the correct code assigned to each student. For example, a student is enrolled in a CTE course that averages 50 minutes per day (V1) and a CTE course that averages 150

minutes per day (V3). When the V1 and the V3 class codes are combined, the student is assigned a code of V4 in the attendance accounting system. Three contact hours is the maximum your district can claim for a course.

## 5.6 Computing Contact Hours

No matter what CTE code is assigned to a student, district personnel must record in the Student Detail Report the total number of eligible days present for that code for each student for each 6-week reporting period. When computing the Campus Summary Report (Section 2), district personnel must record contact hours for each CTE code. District personnel multiply the number of eligible days present for each CTE code by the corresponding contact-hour multiplier to derive contact hours. Each CTE code has a different contact-hour multiplier.

Use the following chart when computing CTE contact hours.

CTE Code	Contact-Hour Multiplier
V1	1.00
V2	2.00
V3	3.00
V4	4.00
V5	5.00
V6	6.00

The Student Detail Report should reflect eligible CTE days present for each eligible student enrolled in a state-approved and state-funded CTE course. Campus Summary Reports and the District Summary Report should have total eligible CTE days and total CTE contact hours by career and technical code, by 6-week reporting period.

Total CTE contact hours = eligible CTE days x contact hour multiplier.

**Important:** If district personnel have reported a student in the Student Detail Report with an average daily attendance (ADA) eligibility code of 2 (eligible for half-day attendance), they should **not** report full-day CTE attendance for the student. The CTE days present must be reported as half days.

## 5.7 Career Preparation and Practicum Learning Experiences

Career preparation learning experiences consist of time spent at an approved training site, as well as time spent in the classroom. Practicum learning experiences are specific to a cluster and provide learning experiences in a laboratory setting or at an approved training site.

The local education agency and the training sponsor must plan and supervise instruction cooperatively. Students receive instruction by participating in occupationally specific classroom instruction and training site experiences.

**Note:** Time a student spends at a training site is instructionally engaged time. Up to 120 minutes per day required time at the training station counts toward meeting full-time and half-time attendance requirements. See **3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding.**



### 5.7.1 Date on Which Students May Earn Contact Hours

**Written training plans**, which can be found at [www.tea.state.tx.us/cte/curriculum](http://www.tea.state.tx.us/cte/curriculum), **must be on file** for students participating in either **paid or unpaid** learning experiences. A student in **paid** work-based instruction may be counted for contact hours on the first day of enrollment, provided a training plan for the student is on file within 15 instructional days of the student's employment date. A student participating in **unpaid** practicum learning experiences may be counted for contact hours on the first day of enrollment, provided a written training plan is completed and on file before the student begins participating in training at the site.

### 5.7.2 Additional Requirements for Students Participating in Paid Learning Experiences

For a student participating in **paid** experiences, employment must begin within 15 instructional days of the student's enrollment date. If a student's employment ends before the end of the school year, contact hours may be counted without interruption provided the student's **paid** training resumes within 15 instructional days and a written training plan is on file within 15 instructional days of employment.

### 5.7.3 Required Site Visits by Teachers

Teachers assigned to teach courses involving work-based learning experiences, both **paid** and **unpaid**, must visit each student training site at least six times each school year. The teacher of record must be provided time within his or her schedule to visit the training sites. The training site visits may not be conducted during the teacher's planning and preparation period.<sup>114</sup> Regardless of the length of a grading period, at least one training site visit must be conducted during each grading period to earn contact hours for that reporting period.

## 5.8 CTE Problems and Solutions (Formerly CTE Independent Study)

A Problems and Solutions course<sup>115</sup> must be cooperatively planned by the student and teacher, continuously supervised by the teacher, and conducted by the student with the guidance and support of a mentor or interdisciplinary team.

Written project plans must be on file in a student's folder for a student participating in a Problems and Solutions course. Your district may count a student in a Problems and Solutions course for contact hours on the first day of enrollment, provided the student's project plans are on file in the student's folder within 15 instructional days of the student's enrollment date. A student whose project plans are not on file in his or her folder within this time period may be counted for contact hours beginning on the first day the project plans are filed.

The Problems and Solutions course provides a combination of classroom instruction and supervised research equivalent to an average of five class periods per week. The student and teacher must meet for instruction at least once each week for the purpose of project planning, reporting, evaluation, and supervision and coordination. The student must use remaining class time to conduct research, work with the project mentor or interdisciplinary team, analyze and interpret project data, and compile a project presentation and evaluation results. A project progress evaluation for each student grading period is required for the student to earn contact hours for that reporting period.

<sup>114</sup> TEC, §21.404

<sup>115</sup> 19 TAC §127.15

## 5.9 CTED Courses

Any CTE course may be taught as a Career and Technical Education for the Disabled (CTED) course, but only students with disabilities who are in grades 7 through 12 may enroll in CTED courses. CTED courses generate CTE contact hours for students in grades 7 through 12.

**CTED courses must be self-contained and must serve only special education students.**

For a student to be enrolled in a CTED course, an admission, review, and dismissal (ARD) committee must determine that services available through a regular CTE course are insufficient for the student to make satisfactory progress and that the specialized services the student needs can only be provided in the specialized, self-contained CTED classroom.

## 5.10 Contracting With Other Entities to Provide CTE Instruction

Your school district may contract with another entity to provide CTE instruction for students enrolled in the district to receive high school credit.<sup>116</sup> The entity may be a school district, a community or technical college, or a proprietary school. In all cases, the home (sending) district must report the student's attendance when the course is a high-school-credit-only course (i.e., not a dual-credit course). See **5.12 Quality Control** for quality control instructions.

### 5.10.1 Attendance Reporting Requirements

The serving (receiving) district must report attendance in contracted CTE courses to the home district. The serving district must **not** report the student in the serving district's student attendance accounting records, regardless of the time the student has spent in the serving district. The **home** district keeps all attendance in its records and reports this attendance in the home district's Student Detail Report, Campus Summary Report, and District Summary Report (see **2.3.3 District Summary Reports**).

### 5.10.2 Student Absences and Contracted CTE Courses

Students absent at the time attendance is taken are counted absent for the entire day. Students present at the time attendance is taken are counted present for the entire day. Therefore, if a student is enrolled in courses in the morning at the student's home district and in CTE courses in the afternoon at a contracted school and the student is absent in the morning but attends the afternoon CTE courses, the student is counted absent for the entire day and does not generate CTE contact hours on that day.

### 5.10.3 Dual Credit CTE Courses

If your school district and a college offer a dual-credit CTE course that meets all the TAC requirements for dual-credit courses, students enrolled in the course are eligible to be counted for CTE contact hour funding. Eligibility for secondary CTE contact hour funding does not preclude the college from also being funded from postsecondary funding sources. **Important:** See **11.3 Dual Credit (High School and College/University)**; 19 TAC Part 1, Chapter 4, Subchapter D; and 19 TAC Part 2, Chapter 74, Subchapter C.

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<sup>116</sup> TEC, §29.184

## 5.11 Documentation

To claim CTE contact hours for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating CTE eligible days present on the Student Detail Report. Documentation requirements are as follows.

Adequate documentation of a student's **entry** into the program, **service** in the program, and **withdrawal** from the program must be available. Acceptable documentation for establishing entry, service, and withdrawal is as follows:

- The CTE teacher's grade book documenting the student's attendance and participation in the CTE course;
- The student's official grade report, indicating the grade obtained in the CTE course (successful completion of the course is **not** required to generate contact hours);
- The student's official schedule change document, if the student changed schedules during the semester; and
- The student's withdrawal form and documentation of the student's schedule at the time of withdrawal, if the student withdraws from school during the semester.

The student must be reported on the PEIMS 415 record when the student completes each semester of the course.

## 5.12 Quality Control

As soon as a student is enrolled in a state-approved and state-funded CTE course for which the student is eligible for state credit, district personnel should code the student with the appropriate CTE code. As soon as the student changes his or her schedule or withdraws from school, district personnel should revise the student's CTE code. Your district must establish controls to ensure the CTE code does not change before the date the service changes.

At the beginning of each school year and at the end of each 6-week reporting period, the appropriate CTE staff should verify the Student Detail Report to ensure that the coding of CTE students is correct.

District personnel must report a student on the PEIMS 415 record for each semester of a CTE course for the student to be eligible for CTE contact hours. This rule does not apply for a student who did not complete the semester. A student who did not complete the CTE course still receives contact hours for the time spent in the course.

## 5.13 Examples

### 5.13.1 Example 1

A student is enrolled in the course Principles of Architecture and Construction for 45 minutes per day for the first semester and in Concepts of Engineering and Technology for 45 minutes per day for the second semester.

*The CTE code for this student would be entered as V1 in the attendance accounting system for both semesters because each course is taught in a 45- to 89-minute class period.*

### 5.13.2 Example 2

A student is enrolled in Principles of Health Science and in Medical Terminology for the first semester and in Medical Microbiology for the second semester.

*The CTE code for this student would be entered in the attendance accounting system as V2 for the first semester and as V1 for the second semester. The student is coded as V2 for the first semester because the student is enrolled in two 55-minute CTE class periods.*

### 5.13.3 Example 3

A grade 8 student is enrolled in Principles of Transportation, Distribution and Logistics (a grade 9–12 course) for the first semester.

*This student will not be coded in the attendance accounting system because the student is in grade 8 and therefore cannot earn contact hours. The student may, however, earn high school credit for successful completion of the grade 9–12 course. District personnel will report the course on the student's 170 Record on the fall snapshot date.*

### 5.13.4 Example 4

A student is enrolled in Child Guidance for 174 minutes per day and in Family and Community Services for 87 minutes per day for the first semester. During the second semester, the student is enrolled in Child Guidance for 174 minutes per day.

*The CTE code for this student would be entered in the attendance accounting system as V4 for the first semester and as V3 for the second semester. The student is coded as V4 for the first semester because the student is enrolled in one CTE course that is taught for 174 minutes per day and in one CTE course that is taught for 87 minutes per day. The student would be coded as V3 for the second semester because Child Guidance is taught for 174 minutes per day.*

### 5.13.5 Example 5

A student in career preparation training is employed as an automotive machinist for the entire school year. The student is employed 20 hours a week, from 1:00 p.m. until 5:00 p.m. each day, and is enrolled in the career preparation course during fourth period.

*The CTE code for this student would be entered as V3 for the entire school year in the attendance accounting system because the student attends the 1-hour career preparation CTE class period and works a minimum of 15 hours a week.*

### 5.13.6 Example 6

A student wants to take Business Information Management I; however, this course is not offered at the student's home district. The student's home district contracts with a nearby district for the student to attend the nearby district's Business Information Management I course, which is taught for a 1-hour course period.

*The home district should enter this student's CTE code as V1 in the attendance accounting system (see **5.10 Contracting With Other Entities to Provide CTE Instruction**).*

### 5.13.7 Example 7

A student in grade 7 is taking Touch System Data Entry.

*This student will not have a CTE code in the attendance accounting system. However, district personnel will report the course on the student's 170 Record on the fall snapshot date. See the PEIMS Data Standards.*

### 5.13.8 Example 8

A student enrolled in Interior Design, a 1-hour CTE course, on the first day of school. After 2 weeks in the course, the student decided to take Health Science, a 2-hour CTE course, instead of Interior Design.

*The CTE code for this student would be entered as V1 in the attendance accounting system for the first 2 weeks of school and as V2 for the remainder of the semester. The student is coded as V1 for the first 2 weeks because the student is enrolled in one 1-hour CTE class period. The student is coded as V2 for the remainder of the semester because the student is enrolled in one CTE course that is taught for two 1-hour class periods. Your district should maintain documentation of the student's schedule change.*

### 5.13.9 Example 9

A student attends school at the high school campus, which operates on a modified block schedule. The student is enrolled in Advanced Animal Science. This course meets for 90 minutes on even-numbered days of the month.

*The CTE code for this student would be entered in the attendance accounting system as V1. To illustrate, over a 2-week period, the student will receive 450 minutes of instruction in Advanced Animal Science. One week the course will meet on Monday, Wednesday, and Friday for a total of 270 minutes. The following week the course will meet on Tuesday and Thursday for a total of 180 minutes of instruction. This is the same amount of instructional time (7.5 hours) that a student would have received on a traditional schedule (45 minutes each school day).*

### 5.13.10 Example 10

A student is enrolled in Principles of Health Science (V1). The student develops a physical impairment, and the school obtains a physician's statement affirming that the physical impairment will prevent the student from attending school for at least 4 weeks.

*For a student to earn CTE contact hours while he or she is also being served in the special education homebound, hospital class, and/or state supported living center instructional arrangement/setting, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the special education homebound, hospital class, and/or state supported living center instructional arrangement/setting (see **4.6 Instructional Arrangement/Setting Codes**). On returning to school, the student will earn CTE contact hours, provided the student remains enrolled in the CTE course.*

#### 5.13.11 Example 11

A student is enrolled in 3 hours of high school credit courses, including a 1-hour CTE course. The student is also enrolled in a 2-hour CTE course provided by a college and meeting all secondary and postsecondary TAC requirements for dual credit courses.

*Your school district or charter school would receive 1 CTE contact hour for the high school CTE course plus 2 contact hours for the approved career and technical/college course taught for dual credit (V3). The high school student would also be eligible to be counted by the community college for state funding for postsecondary programs. Your school district or charter school would be eligible for full ADA funding for the student provided there is a written dual-credit agreement with the college. See the following:*

- **3.2.4 Dual Credit (High School and College/University)**
- **11.3.1.2 Student Eligibility Requirements Specific to Workforce Education Dual Credit Courses**
- **11.3.2 Types of College Credit Programs Your District May Offer**
- 19 TAC Part 1, Chapter 4, Subchapter D
- 19 TAC Part 2, Chapter 74, Subchapter C

In the above example, contact hour funding would be contingent on the college course's corresponding to a secondary CTE course approved by the State Board of Education or approved as an innovative course by the TEA and your district or charter school. Instruction must include 100% of the TEKS in the equivalent high school course plus include advanced academic instruction beyond or in greater depth than prescribed by the high school course TEKS.

#### 5.13.12 Example 12

If a PRS student is receiving CEHI services during the postpartum period and the student is also enrolled in a CTE course, how is the CTE time to be reported?

*A PRS student receiving CEHI services is to remain enrolled in CTE courses during the period of time that she is receiving CEHI services. However, unless a certified CTE teacher is serving the student and providing the same type and level of CTE instruction the student received at school, your district must report the student in the summer submission as ineligible for weighted CTE funding for the period of time that the student is receiving CEHI services. If this situation occurred during the fall snapshot, your district still must report the student on the applicable CTE PEIMS records.*

## Section 6 Bilingual/English as a Second Language (ESL)

This section addresses unique provisions for bilingual/ESL programs. These provisions must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including bilingual/ESL.

### 6.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all bilingual education and/or ESL coding questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 6.2 Eligibility

To be eligible for state funding, a student being served in the bilingual education or ESL program must meet the following requirements:

- have a language other than English indicated on the home language survey;
- be considered LEP because the student tested below the cutoff scores on the test appropriately administered for the student's grade level. The following guidelines should be used in determining whether a student is considered LEP<sup>117</sup>
  1. grades PK through 1: student scores below cutoff score on an OLPT approved by the Texas Education Agency (TEA), and
  2. grades 2 through 12:
    - a. student scores below cutoff score on an approved OLPT, and/or
    - b. student scores below cutoff scores on the English reading and English language arts sections of a norm-referenced standardized test in English (TEA-approved student assessment instrument);
- be recommended for placement in the program by a language proficiency assessment committee (LPAC); and

<sup>117</sup> 19 Texas Administrative Code (TAC) §89.1225(f)

- have a record of parental approval to place the LEP student in a bilingual education or ESL program. For LEP students in grades 9 through 12, check LPAC documentation for services recommended by the LPAC to meet student needs (services may be something other than ESL).

Each student must be served according to the following guidelines: On a student's initial enrollment and at the end of each school year, the LPAC must review all pertinent information on the LEP student so identified through testing. The LPAC must designate, subject to parental approval, the initial instructional placement of each LEP student in the required program; classify the student's level of English proficiency according to the results of appropriate tests; and recommend the student's exit from the bilingual education or ESL program.<sup>118</sup> A student may not be exited from the bilingual education or ESL program in grades PK through the end of first grade.<sup>119</sup>

**Important:** Students who are under age 3 and served only in the Preschool Program for Children with Disabilities (PPCD) **cannot** generate bilingual/ESL average daily attendance (ADA).

### 6.2.1 Students Who Are Eligible to Be Served in the Bilingual/ESL Program but Are Not Eligible for Funding

The following students **may be served** by your district's bilingual education or ESL program. However, these students are **not eligible for bilingual education or ESL program funding** and **must not have bilingual or ESL program type codes recorded** on their Student Detail Reports.

- Students in PK through grade 1 who score at or above the cutoff score on the OLPT
- Students in grades 2 through 12 who score at or above the cutoff score on the OLPT **and** at or above the 40th percentile on the reading and language arts sections of a standardized achievement test
- Students —
  - who have exited/been transitioned out of the bilingual/ESL program,
  - whose parents approve of the students' continuing to participate in the program, and
  - whose schools wish to continue to provide bilingual/ESL program services to the students

### 6.2.2 Parent Denial of Services and Eligibility of Students to Receive Bilingual/ESL Summer School Services

If a student's parent has denied bilingual/ESL services and the only summer school program available is a bilingual education/ESL summer school program, then the student is **not** eligible to generate bilingual/ESL ADA in the summer school program.<sup>120</sup>

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<sup>118</sup> 19 TAC §1220(g)

<sup>119</sup> 19 TAC §89.1225(i)

<sup>120</sup> 19 TAC §89.1250(2)(B)



## 6.3 Enrollment Procedures

This section explains the procedures for enrolling a student in the bilingual/ESL program.

1. A student enrolls in your district, and the student's parent completes a home language survey (see **6.11.1 Home Language Survey Requirements**). Students in grades 9 through 12 may complete the home language survey themselves.

If a language other than English is indicated on any portion of the survey, your district must test the student for English proficiency.

2. District personnel test the student for English proficiency.
  - a. If the student is in **prekindergarten (PK), kindergarten, or grade 1**, trained district personnel administer the Oral Language Proficiency Test (OLPT) in English. If the student tests below the cutoff score (determined by the exam instrument used), the student is considered limited English proficient (LEP).

If your district provides a bilingual education program, it must administer an OLPT in the home language of each student who is eligible to be served in the bilingual education program. If the home language of the student is Spanish, your district must administer the Spanish version of the TEA-approved OLPT that is administered in English. If the home language of the student is other than Spanish, your district must determine the student's level of proficiency using informal oral language assessment measures.

- b. If the student is in **grades 2 through 12**, trained district personnel administer the OLPT.

If the student tests below the cutoff score (determined by the exam instrument used), the student is considered LEP.

Regardless of whether the student tests below the cutoff score on the OLPT, district personnel also administer the TEA-approved standardized achievement test. If the student scores below the 40th percentile on either the reading or the language arts section of the test, the student is considered LEP.

**Important:** The standardized achievement test should not be administered if the student's ability in English is so limited that the test is not valid.<sup>121</sup>

**If the student is considered LEP**, continue to the next enrollment step. If the student is **not** considered LEP, the student does not qualify for bilingual/ESL funding.

3. The LPAC places the student in either the bilingual education program or the ESL program, but district personnel **do not yet** assign the student a bilingual or ESL program type code in the attendance accounting system.
4. The LPAC must give written notice to the student's parent advising that the student has been classified as LEP and requesting approval (through completion of an approval form) to place the student in the required bilingual education or ESL program. The notice must include information about the benefits of the bilingual education or ESL program for

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<sup>121</sup> 19 TAC §89.1225(f)

which the student has been recommended and state that it is an integral part of the school program.<sup>122</sup>

The parental approval form should contain a "date completed by parent" section or a "date received by district" section.

5. Once parental approval has been received, district personnel assign the student the appropriate bilingual or ESL program type code<sup>123</sup> in the attendance accounting system.

A student may be recorded absent on the effective date of a program change. However, as with all other students who are absent, no bilingual/ESL ADA can be earned by the student for that date.

### 6.3.1 Students Who Move to Your District

Within 4 weeks of his or her initial enrollment in the district, a student must be identified as LEP and enrolled in the required bilingual or ESL program.<sup>124</sup> However, even though the student may be served in the bilingual/ESL program, the student should not be coded with the bilingual or ESL program type code<sup>125</sup> unless all documentation is on file. Funds for bilingual/ESL students cannot be claimed until all documentation is in place.

When a bilingual/ESL student moves to your school district, your district (the receiving district) should immediately begin serving the student in the bilingual/ESL program while it waits for documentation (LPAC records and assessment information) from the sending district. If your district does not receive this documentation within 4 weeks of the student's enrollment in your district, your district must go through the standard identification and assessment procedures in order to code the student as LEP, ESL, and/or bilingual.

## 6.4 Withdrawal Procedures

This section explains the procedures for withdrawing a student from the bilingual education or ESL program.

1. A student is withdrawn from the bilingual/ESL program if:
  - the LPAC classifies the student as English proficient when the student attains the required exit criteria as stated in the Texas Education Code (TEC), §29.056(g); or
  - the parent requests in writing to remove his or her child from the program and place the child in a general education classroom; or
  - the student withdraws from the district (not exits from the bilingual/ESL program).

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<sup>122</sup> 19 TAC §89.1220(j)

<sup>123</sup> To find the appropriate code to use, please consult the program type code tables available at the following link: <http://ritter.tea.state.tx.us/peims/standards/1011/ds4.doc>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

<sup>124</sup> 19 TAC §89.1225(g)

<sup>125</sup> To find the appropriate code to use, please consult the program type code tables available at the following link: <http://ritter.tea.state.tx.us/peims/standards/1011/ds4.doc>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

2. Once a student has met the requirement given in the first bullet under 1 in the previous paragraph, your district notifies the student's parent of the student's reclassification as English proficient and of his or her exit from the bilingual education or ESL program.<sup>126</sup>

#### 6.4.1 Effective Date of Withdrawal

The date a student withdraws from the district or is exited from the bilingual education or ESL program is considered the effective date of change. District personnel record the effective date in the attendance accounting system, and eligible bilingual/ESL days are no longer accumulated from that date forward.

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<sup>126</sup> 19 TAC §89.1240(b)

### 6.4.2 Exit Criteria

The following chart shows the criteria for transferring a LEP student out of the bilingual education/ESL program at different grade levels.

**2010–2011 English Proficiency Exit Criteria Chart**

At the end of the school year, a district may transfer (exit, reclassify, transition) a LEP student 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 satisfactory performance in all three assessment areas below and the results of a subjective teacher evaluation.<sup>127</sup>

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
<b>Current Oral = Listening &amp; Speaking</b>	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*
<b>English Reading and ELA</b>	Norm-Refd. Standardized Achievmt. Test* (Rdg./Lang.) 40th percentile or above	Norm-Refd. Standardized Achievmt. Test* (Rdg./Lang.) 40th percentile or above	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English ELA TAKS, TAKS (Accommodated) **	English ELA TAKS, TAKS (Accommodated) **
<b>Writing</b>	<b>ONLY</b> Agency-Apprvd. Writing Test*	Agency-Apprvd. Writing Test*	Agency-Apprvd. Writing Test*	English Writing TAKS, TAKS (Accommodated) **	Agency-Apprvd. Writing Test*	Agency-Apprvd. Writing Test*	English Writing TAKS, TAKS (Accommodated) **	Agency-Apprvd. Writing Test*	Agency-Apprvd. Writing Test*		
<b>Subjective Teacher Evaluation</b>	Assessments, anecdotal notes, portfolios, etc.										

\* In the 2010–2011 agency-approved *List of Approved Tests for Assessment of Limited English Proficient Students*:

<http://www.tea.state.tx.us/curriculum/biling/leptests.html>

Note: LEP students may be exited only after end of first grade based on 19 TAC §89.1225(i)

\*\* For eligible LEP students receiving special education services

<sup>127</sup> 19 TAC §89.1225(h)

### 6.4.3 Exit Procedures and Criteria for LEP Students Receiving Special Education Services

Information is available in the document entitled "Process for Considering Special Exit Criteria from Bilingual/Education as a Second Language (ESL) Services Under 19 TAC §89.1225(k)."

To access this document, go to <http://ritter.tea.state.tx.us/curriculum/biling/>, and click on the link entitled "Process for Exiting LEP Students Receiving Special Education Services from Bilingual/ESL Programs."

### 6.4.4 Continuation of Bilingual Education/ESL Program Services After a Student Has Met Exit Criteria

A student who has met the exit criteria for being transitioned out of the bilingual/ESL program may continue to participate in the program, with school and parental approval. However, such a student is **not** eligible to generate bilingual/ESL ADA.

## 6.5 Evaluation of a Student Who Has Been Transitioned out of the Bilingual or ESL Program

The LPAC must reevaluate a student who has been transitioned out of a bilingual 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 2 years after the student has been transitioned out of the program. The purpose of the reevaluation is to determine whether the student should be reenrolled in a bilingual education or special language program.

In determining whether to reenroll the student, the LPAC should evaluate the following:

- the total amount of time the student was enrolled in a bilingual education or special language program
- the student's grades each grading period in each subject in the foundation curriculum (reading/ELA, math, science, social studies)
- the type of additional interventions provided to the student
- the student's performance on each assessment instrument administered
- the number of credits the student has earned toward high school graduation, if applicable
- any disciplinary actions taken against the student

After the LPAC reevaluates the student, the committee may 1) require intensive instruction for the student or 2) reenroll the student in a bilingual education or special language program.

## 6.6 Eligibility of Your District's Bilingual Education or ESL Program for State Funding

For your district to claim bilingual/ESL eligible days present for funding, your district must show that its bilingual and ESL programs meet the following state requirements.<sup>128</sup>

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<sup>128</sup> 19 TAC §89.1210

1. A student is served in a full-time bilingual instructional program by staff certified or on permit to teach bilingual education. The amount of instruction in each language (the student's home language and English) must be commensurate with the student's level of proficiency in both languages and the student's level of academic achievement. LEP students must be provided instruction in language arts, mathematics, science, health, and social studies both in their home language and in English;
2. A student is provided instruction in ESL by staff certified or on permit to teach ESL or bilingual education. In PK through grade 8, the amount of time accorded to instruction in ESL Texas Essential Knowledge and Skills (TEKS) may vary from the amount of time accorded to instruction in English language arts in the general education program for non-LEP students to a full-time instructional setting using second language acquisition methods. In high school, the ESL program must be consistent with graduation requirements<sup>129</sup>. The LPAC may recommend appropriate services that may include content courses provided through sheltered instructional approaches by trained teachers, who have received professional development in sheltered instruction enrollment in ESL courses, additional state elective English courses, and special assistance provided through locally determined programs.
3. A student is served in a program approved by the TEA under an exception to the Spanish bilingual program for 6 consecutive years only and under a waiver to the ESL program for one year. A student is served in a program approved by the TEA under an exception to a language other than Spanish for as long as State Board for Educator Certification does not have a certificate for that language.<sup>130</sup>

## 6.7 Requirement to Serve Eligible Students

Your district **must** place a student in a bilingual education or ESL program as soon as your district identifies the student as LEP (through the home language survey and test scores) and the LPAC has recommended such placement, regardless of whether or not parental approval has been received.

Your district must place the student in the bilingual or ESL program on the date the LPAC recommends that service begin but **may count the student for bilingual education funding only after parental approval is received** (and all other requirements having to do with the home language survey, test scores, and documentation of LPAC recommendation have been met)<sup>131</sup>. If a parental denial is received, your district must discontinue serving the student. Review Parent Permission Codes for clarification.

## 6.8 Bilingual Education and ESL Services Your District Is Required to Provide

Each district that is required to offer bilingual education and special language programs must offer the following for students of limited English proficiency:

<sup>129</sup> under 19 TAC Chapter 74

<sup>130</sup> 19 TAC §89.1205(g),(h)

<sup>131</sup> 19 TAC §89.1220(k)

1. bilingual education in PK through the elementary grades;
2. bilingual education, instruction in English as a second language, or other TEA-approved transitional language instruction in middle school; and
3. instruction according to LPAC recommendation:
  - For LEP students in grades 9 through 12 who are immigrants, enrollment in English I for Speakers of Other Languages and/or English II for Speakers of Other Languages is appropriate.
  - For all other LEP students in grades 9 through 12, LPAC documentation must reflect appropriate services to meet the student's needs. For example, LPAC documentation may indicate that a student will enroll in state elective English courses to strengthen his or her English skills, enroll in ESL courses for local credit, participate in tutorials, or be assigned to teachers with training in sheltered instruction or training in ESL methods.

All LEP students in grades 9 through 12 who are served according to LPAC recommendations are to be coded as ESL for funding purposes.

**Important:** Students not served in a state-required program must be served in a program approved by the TEA under an exception or a waiver.

## 6.9 Teacher Certification Requirements

The following paragraphs describe the certification requirements for teachers of bilingual education and ESL program courses.

### 6.9.1 Students in Grades PK Through 5

Students in grades PK through 5 (or through 6, if grade 6 is clustered with elementary grades) who are counted for funding in the bilingual/ESL program must be served by bilingual/ESL-certified staff.

### 6.9.2 Students in Grades 6 Through 8

Students in grades 6 through 8 (if grade 6 is not clustered with elementary grades [PK–5]) must be served by at least one teacher who is certified in ESL for that grade level and is responsible for meeting the linguistic needs of the LEP students.

### 6.9.3 Students in Grades 9 Through 12

Students in grades 9 through 12 may be counted for funding in a bilingual/ESL program even if they are served by staff members who are not bilingual/ESL-certified, only if they have received professional development in Sheltered Instruction. However, English I for Speakers of Other Languages and English II for Speakers of Other Languages **must** be taught by teachers who have an English or English Language Arts certification plus an ESL or Bilingual certification.

## 6.10 Eligible Days Present

This section describes the procedure for reporting bilingual/ESL eligible days present in the attendance accounting system. District personnel must —

- identify each student who is being served in the bilingual education or ESL program and is eligible for funding, according to **6.2 Eligibility**, with the appropriate **bilingual or ESL program type code**<sup>132</sup> in the attendance accounting system.
- record the total number of eligible bilingual/ESL days present for each 6-week reporting period in the Student Detail Report for every student eligible for the program.
- at the end of each 6-week reporting period, compute a Campus Summary Report (see Section 2). Personnel must summarize the total eligible bilingual/ESL days present, for every student in the program, by grade level on this report. There will be a separate Campus Summary Report for each instructional track for each campus in your district. The Campus Summary Report must include the total eligible bilingual/ESL days present for each grade level on that campus, the total eligible bilingual/ESL days present for all grades, and the campus bilingual/ESL ADA.
- at the end of each 6-week reporting period, compute a District Summary Report (Section 2). Personnel add the information from all Campus Summary Reports for each track in your district to comprise the District Summary Report for each track. This report must include eligible bilingual/ESL days present for each grade level in your district, the total eligible bilingual/ESL days present for all grades, and your district's bilingual/ESL ADA.

### 6.10.1 Eligible Days Present and Students Placed in a Disciplinary Setting

Bilingual education or ESL program eligible days present may **not** be claimed when a student receiving bilingual education or ESL program services is placed in a disciplinary setting (e.g., in-school suspension [ISS] or disciplinary alternative education program [DAEP]) for more than 5 consecutive days if the same amount and type of bilingual education or ESL program services are not provided by a bilingual education or ESL program teacher. After 5 consecutive days without bilingual education or ESL program services being provided, district personnel should remove the student from the Public Education Information Management System (PEIMS) 400 record for bilingual education or ESL program contact hours effective the first day of placement in the disciplinary setting.

In other words, your district may place a student in a disciplinary setting for up to and including 5 consecutive days and continue to claim bilingual education or ESL program contact hours even though no bilingual education or ESL program services are provided to the student. A student may earn state credit for an English for Speakers of other Languages (ESOL) I or II course if the student continues to work on the course even though direct ESOL instruction is not being provided during periods of disciplinary removal.

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<sup>132</sup> To find the appropriate code to use, please consult the program type code tables available at the following link: <http://ritter.tea.state.tx.us/peims/standards/1011/ds4.doc>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.



## 6.11 Documentation

For your district to claim bilingual/ESL eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible bilingual/ESL days present on the Student Detail Report. Documentation requirements are as follows. (If the student enrolls in another school, this documentation must be forwarded, as is the case with other student records.)

### 6.11.1 Home Language Survey Requirements

Your district must conduct only one home language survey for each student.

Your district must administer home language surveys annually to students new to the district for whom a survey has never been completed (in Texas) or a copy of the survey cannot be located. Your district should not administer the home language survey to a student for whom a survey is currently on file with the district.

Your district must require that the survey be signed by the student's parent or guardian for students in PK through grade 8, or by the student for students in grades 9 through 12.

For a student moving from one district to another within Texas, the original copy of the home language survey or a copy of the original copy of the home language survey shall be kept in the student's permanent record. If the original copy or a copy of the original copy is not included in the student's files, then a new home language survey must be conducted by the receiving district.

District personnel may make revisions to a student's home language survey with parental approval to reflect factual revisions agreed upon between the district and the parent.

### 6.11.2 Test Result Documentation Requirement

The following documentation must be on file for every student accumulating eligible bilingual/ESL days present:

Proof of a qualifying score on a TEA-approved OLPT, and/or qualifying scores on the English reading and English language arts sections of an approved student assessment instrument. The official scores must be documented in the student's records.

### 6.11.3 LPAC Recommendation and Parental Approval Requirements

The following documentation must be on file for every student accumulating eligible bilingual/ESL days present:

- Written documentation of the recommendation for placement by the LPAC
- Written documentation of the annual review and recommendation of the LPAC
- A record of parental approval to place the LEP student in a bilingual education or ESL program. This record must include the parent's signature and should contain a "date completed by parent" section or a "date received by district" section.

A record of parental approval must be obtained only during the initial identification of a LEP student for placement in a bilingual education or ESL program.

Once the record of parental approval is obtained, it remains in effect until the LEP student is exited from the bilingual education or ESL program and is reclassified as non-LEP.

The parental approval form becomes invalid in the event the parent signs a parental denial form of ESL/Bilingual services which can occur at any time while the student continues to be identified as LEP.

Your district may enter, exit, or place a student in a program without written approval of the student's parent or guardian:

(1) Based on permission given by the student, if the student is 18 years of age or has had the disabilities of minority removed; or

(2) under the following circumstances:

(A) Reasonable attempts to inform and obtain permission from a parent or guardian have been made and documented;

(B) Approval is obtained from:

i. An adult who the district recognizes as standing in parental relation to the student, including a foster parent or employee of a state or local governmental agency with temporary possession or control of the student; or

ii. The student, if no parent, guardian or other responsible adult is available; and

(C) A parent or guardian has not objected to the proposed entry, exit, or placement.

In the event that during the monitoring period (the 2-year period following the student's exiting from the bilingual education or ESL program),<sup>133</sup> the student is reidentified and reclassified as being LEP the process for obtaining parental approval to place the student in a bilingual education or ESL program must begin anew.

#### **6.11.4 Proof of a Student's Being Served in an Eligible Bilingual/ESL Program**

Proof (such as grade books, student Academic Achievement Records [AARs], and/or class rosters) must also exist that a student is —

- served in a full-time bilingual instructional program by staff certified or on permit to teach bilingual education,

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<sup>133</sup> Texas Education Code (TEC), §29.0561

- provided instruction in ESL by staff certified or on permit to teach ESL or bilingual education for the amount of time accorded to English language arts in the regular instructional program,
- provided sheltered instruction as recommended by the LPAC (students in grades 9 through 12 may receive services other than ESL), or
- served in a program approved by the TEA under an exception or a waiver.

### 6.11.5 Permanent Record Documentation

The student's permanent record must contain documentation of all actions impacting the LEP student. This documentation must include<sup>134</sup> the following:

1. the identification of the student as LEP;
2. the designation of the student's level of language proficiency;
3. the recommendation of program placement;
4. parental approval of entry or placement into the program;
5. parental denial, if applicable;
6. the dates of entry into, and placement within, the program;
7. the dates of exemptions from the criterion-referenced test, criteria used for this determination<sup>135</sup>, and additional instructional interventions provided to the student to ensure adequate yearly progress;
8. the date of exit from the program and parent notification;
9. the results of monitoring the student's academic success; and
10. TELPAS writing samples kept for 2 years.

If the student enrolls in another school district or at another campus, permanent record documentation must be forwarded, as is the case with other student records.

## 6.12 Quality Control

Your district should record a bilingual or ESL program type code<sup>136</sup> for a student in the attendance accounting system as soon as the student meets all eligibility requirements. All documentation must be on file before the indicator is recorded. The sooner documentation is on file, the sooner funds may be earned for serving the student.

<sup>134</sup> 19 TAC §89.1220(m)

<sup>135</sup> in accordance with 19 TAC §101 Subchapter AA. Commissioner's Rules Concerning the Participation of Limited English Proficient Students in State Assessments

<sup>136</sup> To find the appropriate code to use, please consult the program type code tables available at the following link: <http://ritter.tea.state.tx.us/peims/standards/1011/ds4.doc>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

As soon as 1) a student withdraws from school or 2) the LPAC classifies a student as English proficient according to appropriate tests and recommends the student's exit from the bilingual education or ESL program, the student should no longer have a bilingual or ESL program type code. District personnel should record the effective date of this change in the attendance accounting system.

At the beginning of each semester and at the end of each 6-week reporting period, the appropriate bilingual/ESL staff should verify the Student Detail Report to ensure that a student's coding is correct.

## 6.13 Examples

### 6.13.1 Example 1

A student's home language survey indicates that Spanish is spoken in the student's home most of the time. The student's test scores on an approved OLPT are below the cutoff score, and the LPAC recommends placement in the bilingual education program. However, the student's parent has denied placing the student in the bilingual education program or the ESL-only program.

*Your school district cannot serve the student in either program and cannot claim the student for bilingual/ESL state funds.*

### 6.13.2 Example 2

A student in grade 3 has a home language survey on file that indicates Spanish is spoken in the student's home most of the time. The student's test scores on the standardized English achievement test are in the 42nd percentile in reading and in the 45th percentile in language arts. The LPAC has recommended placement in the ESL program.

*If the student's parent approves, your district can serve the student in the ESL program. However, your district cannot claim the student for bilingual/ESL state funds. Funds cannot be collected even though the LPAC recommended placement in the program and the home language survey indicates a language other than English because the student has scored above the cutoff score on the standardized achievement test.*

### 6.13.3 Example 3

A LEP student is assessed in March to determine if he or she could be reclassified as English proficient. The LPAC meets in April to recommend that the student be reclassified as non-LEP. Your school district will continue to receive funding for the student until the end of the school year.

*Your school district should not pull the student from the classroom before the end of the school year. The student should continue to be served in the bilingual and/or ESL program until the end of the school year. Your district should place the student in an all-English classroom at the beginning of the following school year.*

#### 6.13.4 Example 4

A LEP student is assessed in September to determine if he or she could be reclassified as English proficient. The LPAC meets in October to recommend that the student be reclassified as non-LEP. The LPAC did not review the student in the prior year. The school district will not be able to claim bilingual/ESL funding for the current school year.

*Although your school district should not pull a student from a classroom before the end of the school year, your school district was required to review the student's LEP status in spring of the prior school year. Your district should remove the student's attendance in the bilingual/ESL program from PEIMS attendance for the current year and place the student in an all-English classroom as soon as possible. (To avoid this mistake in the future, at the end of each school year, the LPAC must ensure that it is correctly reclassifying students.)*

#### 6.13.5 Example 5

A student's parent denies placement of his or her child in a bilingual education and/or ESL program. Therefore, the student is entered in the PEIMS as LEP with parental denial. The following school year, the student is still considered as LEP with parental denial.

*Your school district does not change the status of the student as LEP with parental denial until the student passes the reading subtest of the TAKS (and the writing subtest if available) **or** the student scores at or above the 40th percentile on **both** the reading and language arts subtests of an English achievement test from the list of state-approved tests. Your district should continue to code the student as LEP with parental denial until the TAKS or English achievement test criteria are met.*

#### 6.13.6 Example 6

The only summer school program your district is offering is a bilingual education/ESL program. Parents who have previously denied placement of their child in the bilingual education/ESL program would like their child to participate in the summer school program.

*The student may not participate in the summer school program or earn bilingual/ESL eligible days present (be assigned a bilingual or ESL program type code in the attendance accounting system) in the summer program unless the parents explicitly allow placement of the student in the bilingual education/ESL program.*

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## Section 7 Prekindergarten

This section addresses unique attendance accounting provisions for prekindergarten (PK). They must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including prekindergarten.

### 7.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all PK coding questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 7.2 Eligibility

To be eligible for enrollment in a PK class, a child must be 3 or 4 years of age on September 1 of the current school year and must<sup>137</sup>:

1. be unable to speak and comprehend the English language; or
2. be educationally disadvantaged<sup>W</sup> (eligible to participate in the National School Lunch Program [NSLP])<sup>138</sup>; or
3. be homeless<sup>139</sup>; or
4. be the child<sup>140</sup> of an active duty member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who is ordered to active duty by proper authority; or
5. be the child<sup>141</sup> of a member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who was injured or killed while serving on active duty; or

<sup>137</sup> Texas Education Code (TEC), §29.153(b)

<sup>138</sup> It is not necessary for a student to participate in the NSLP to qualify for PK.

<sup>139</sup> If the student is eligible for PK because the student is homeless, the student must fit the definition of homeless as defined by 42 United States Code (USC), §11302, and 42 USC, §11434a. (See **7.2.4 PK Eligibility Based on Homelessness**.)

<sup>140</sup> "Child" includes a stepchild. The stepchild is eligible for PK enrollment whether or not the child resides in the same household as the stepparent.

<sup>141</sup> "Child" includes a stepchild. The stepchild is eligible for PK enrollment whether or not the child resides in the same household as the stepparent.

6. have ever been in the conservatorship (foster care) of the Department of Family and Protective Services (DFPS) following an adversary hearing.

‡Because of recent changes in federal law, educationally disadvantaged students, as defined by the Texas Education Code (TEC), §5.001(4), now include all students who are eligible for Head Start.<sup>142</sup>

Once a student is determined to be eligible for PK, the student remains eligible for the remainder of the current school year in the district in which he or she resides or is otherwise entitled to attend for Foundation School Program benefits, with the exception described in **7.2.2**.

For example, a student who qualifies for PK because the student is eligible to participate in the NSLP (is educationally disadvantaged) is eligible for PK the entire school year even if the family's annual income increases above the subsistence level during the school year.

Your district must have all documentation on file for the students it counts for funding in the PK program.

### 7.2.1 PK Eligibility and Age

A child who is 3 years old is eligible for PK only if your district operates a 3-year-old PK program. A child who is 5 years of age on September 1 of the current school year is **not** eligible for enrollment in a PK class. It is the position of the Texas Education Agency (TEA) that children who reach age 5 on September 1 are most appropriately served in kindergarten, and that the law specifically established the PK program to serve students who have not reached age 5. Given the intent of the law, if your district enrolls a 5-year-old student in the PK program, the student must be reported as ineligible for average daily attendance (ADA) (ADA eligibility code 4 or 5).

Students under 5 years of age who do not meet eligibility requirements but are still served in the PK program should be coded ineligible half-day (ADA eligibility code 5). Your district should ensure that serving students who are not eligible for the program does not interfere with serving students who are eligible for the program.

**Note:** Both 3-year-olds and 4-year-olds can be served in the same PK class.

### 7.2.2 PK Eligibility Based on a Student's Being Limited English Proficient (LEP)

Appropriate PK staff determine that a student is eligible for PK based on not speaking and comprehending the English language by —

1. administering the home language survey (if a language other than English is indicated on any portion of the survey, then the student must be tested for English proficiency); and
2. testing students using oral instruments from the list of state approved tests for assessment of limited English proficient students.

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<sup>142</sup> Public Law 110-134, which amended 42 USC, §1758, expanded automatic eligibility for the NSLP to include all children who meet any eligibility criteria for Head Start, not only those who meet the low-income eligibility criteria for Head Start. The TEC, §5.001(4), defines *educationally disadvantaged* as "eligible to participate in the national free or reduced-price lunch program." Consequently, all children who are eligible for Head Start are eligible for free prekindergarten, based on their eligibility for the NSLP.



If a student qualifies for PK on the basis of not speaking and comprehending the English language, is receiving required services through the bilingual/ESL program, and then moves out of the district, the student would be qualified to attend PK in the new district provided documentation of the home language survey and testing are made available to the new district.<sup>143</sup> This requirement also applies to PK LEP 3-year-olds who are promoted to the PK LEP 4-year-old program.

If a student qualifies for PK on the basis of being limited English proficient (LEP), is not receiving required services through the bilingual/ESL program because of a parental denial, and then moves out of the district, the student remains eligible for PK if the student enrolls in the new district within 30 days provided documentation of the home language survey and testing are made available to the new district. However, the student must be requalified for PK if the student enrolls in the district after 30 days.

Also, if the LEP student is in a PK 3-year-old program and has a parental denial, the student must be requalified to be eligible for the 4-year-old PK program. This requirement applies whether the student remains in the same district or moves to another district.

#### 7.2.2.1 Documentation Required

If the student is eligible for PK because the student does not speak and comprehend the English language, the following documentation must be on file.

1. Home language survey. The home language survey must be administered in English and Spanish; for students of other language groups, the home language survey must be translated into the home language whenever possible. The survey must contain the following questions<sup>144</sup>:
  - a. "What language is spoken in your home most of the time?"
  - b. "What language does your child (do you) speak most of the time?"
2. Proof of a qualifying score on an approved Oral Language Proficiency Test. The official scores must be documented in the student's records.

#### 7.2.3 PK Eligibility Based on Being Educationally Disadvantaged (Eligible for the National School Lunch Program [NSLP])

Any student considered educationally disadvantaged is eligible to receive free prekindergarten. The TEC, §5.001(4), defines *educationally disadvantaged* as "eligible to participate in the national free or reduced-price lunch program."

<sup>143</sup> See 19 Texas Administrative Code (TAC) §89.1225(i).

<sup>144</sup> 19 TAC §89.1215(b)

For a student to qualify for the NSLP, either

**1) the student must be automatically eligible for the NSLP**

If a student is eligible for PK because the student is educationally disadvantaged (eligible to participate in the NSLP), your district must document and have on file evidence that the student is eligible to participate in the NSLP, either because the student's family income level meets requirements for participation in the NSLP or because of automatic eligibility for the NSLP.

Public Law 110-134, which amended 42 United States Code (USC), §1758, expanded automatic eligibility for the NSLP to include all children who meet any eligibility criteria for Head Start, not only those who meet the low-income eligibility criteria for Head Start. Consequently, all children who are eligible for Head Start are eligible for free prekindergarten, based on their eligibility for the NSLP.

The parent or guardian of the child must provide your school district with a copy of a document from the Head Start Program (HSP) that certifies that the child is currently enrolled as a participant in the HSP. This document must be signed and dated by a HSP employee who is authorized to provide this certification on behalf of the HSP. Every 12 months after the initial determination of eligibility, your district must obtain current documentation that the child continues to be categorically eligible by being enrolled in a HSP.

For the other preexisting bases for automatic NSLP eligibility, see 42 USC, §1758. For additional information concerning the NSLP at the state level, please contact the Texas Department of Agriculture.

or

**2) the student's family must provide your school district with current income level documentation showing that the income level meets requirements for the student's participation in the NSLP.**

Many districts preregister PK students in an attempt to plan for and to determine the size of the following school year's PK program. Since income level documentation must be current to qualify for the NSLP, districts will verify income level documentation no more than 2 months before the student's first day of membership. On reverification of income, if the family's income level has changed and they are not educationally disadvantaged (eligible for the NSLP), then the student is not eligible for PK funding.

If a student qualifies for PK on the basis of being educationally disadvantaged (eligible to participate in the NSLP), and then moves out of your district, the student must requalify for the PK program in the new district.

#### **7.2.4 PK Eligibility Based on Homelessness**

Appropriate PK staff determines PK eligibility based on a student's being homeless, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child.

The definition in 42 USC, §11302, is similar, but not identical, to the new definition of "homeless children and youths" in the No Child Left Behind (NCLB) legislation enacted by Congress. As

the new definition in the NCLB legislation applies specifically under federal law to the enrollment of homeless children and youth, the TEA advises school districts to apply the NCLB definition, in addition to the definition in 42 USC, §11302, when determining if a student is eligible for enrollment.

42 USC, §11302(a), provides the following definition:

For purposes of this chapter, the term "homeless" or "homeless individual or homeless person" includes —

- (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and
- (2) an individual who has a primary nighttime residence that is —
  - (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
  - (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

42 USC, §11434a, (amended by the NCLB Act) provides the following definition:

The term "homeless children and youths" —

(A) means individuals who lack a fixed, regular, and adequate nighttime residence [within the meaning of §11302(a)(1)]; and

(B) includes —

- (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings [within the meaning of §11302(a)(2)(C) of this title];
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in §6399 of Title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

### 7.2.5 PK Eligibility Based on a Parent's Membership in the Armed Forces

The following definitions apply when determining a student's PK eligibility based on the membership of a parent<sup>145</sup> in the armed forces:

The term "member of the armed forces" includes:

- a. active duty uniformed members (parents or official guardians) of the Army, Navy, Marine Corps, Air Force, or Coast Guard who have eligible children residing in Texas.
- b. activated/mobilized uniformed members of the Texas National Guard (Army or Air Guard), or activated/mobilized members of the Reserve components of the Army, Navy, Marine Corps, Air Force, or Coast Guard who have eligible children residing in Texas.
- c. uniformed service members who are missing in action (MIA).

Also, for purposes of eligibility for enrollment in a PK program, a child is considered to be the child of a member of the armed forces if:

- a. the child is the biological or adopted child of the member of the armed forces; or
- b. the child is a stepchild of the member of the armed forces.

If a student qualifies for PK on the basis of being a child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, the student remains eligible for enrollment if the child's parent leaves the armed forces, or is no longer on active duty, after the student begins a PK class.

#### 7.2.5.1 Documentation Required

If the student is eligible for PK because the student is the child of an active duty, injured, or killed member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, one of the following forms of documentation must be on file:

1. Documentation that a district employee verified the student's Department of Defense (DoD) photo identification for children of active duty service members. The documentation must include the printed name and signature of the person who verified the identification and the date that it was verified. **Important:** Your district should **not** make a copy of the identification.
2. A "Statement of Service" from the Installation Adjutant General (AG) Director of Human Resources for children of active members or mobilized Reservists or members of the Texas National Guard. This office would use the military personnel systems and documentation to verify that the Service member is in fact on active duty in Texas or a Texas mobilized Reservist. For Texas National Guard members (Army or Air Guard), the Texas National Guard's office of the Adjutant General (TAG) may provide documentation or an official letter from a commander (at or above the

<sup>145</sup> "Parent" includes a stepparent. A stepchild is eligible for PK enrollment whether or not the child resides in the same household as the stepparent.

Lieutenant Colonel or, for the Navy at the Commander level) confirming active/mobilized status may be accepted.

3. A copy of the Death Certificate using the Service appropriate DoD form, or a DoD form that indicates death as the reason for the separation from service for children of Service members who died or were killed. If the DoD form is not available, the family would ask the Casualty Assistance Office of the closest Casualty Area Command (in Texas) to provide a memorandum signed by the Casualty Office stating the Service member was killed in action or died while serving.
4. A copy of Purple Heart orders or citation for children of Service members or mobilized Reservists/guardsmen who were wounded or injured in combat.

A copy of the Line of Duty Determination documentation for children of Service members or mobilized Reservists/guardsmen who were injured while serving active duty but were **not** wounded or injured in combat. If such is not available, a copy of an official letter from a commander (at or above the Lieutenant Colonel or, for the Navy at the Commander level) that stated the Service member was wounded or injured while on active duty is acceptable.

5. "Missing in Action" (MIA) appropriate documentation for children of Service members who are MIA.

#### 7.2.6 PK Eligibility Based on a Child's Having Been in Foster Care

Students who are in or who have ever been in the conservatorship of the Texas Department of Family and Protective Services (DFPS) (i.e., in foster care) following an adversary hearing are eligible for free prekindergarten. These students include not only students who are in or who have ever been in DFPS conservatorship but also students who have been adopted or returned to their parents after having been in DFPS conservatorship.

If a student qualifies for PK on the basis of having ever been in foster care, the student remains eligible for enrollment after the student begins a PK class even if that student is no longer in foster care.

At least twice a year, the DFPS and Child Protective Services mail verification letters of prekindergarten eligibility to the parents and caregivers of eligible children. These letters serve as proof of eligibility. However, if a parent or caregiver does not receive this letter, he or she may obtain evidence of a child's eligibility for PK services by contacting a DFPS education specialist. A list of DFPS education specialists and their contact information is available on the SAAH website at <http://www.tea.state.tx.us/index2.aspx?id=7739>. The DFPS education specialist will write and sign a letter addressed to the school district attesting to the student's eligibility for free prekindergarten based on having been in foster care. (A sample letter is available on the SAAH website.) The parent or guardian can then present the signed letter to the appropriate district personnel.

#### 7.2.7 PK Eligibility and Participation in the Preschool Program for Children With Disabilities (PPCD)

The only time a PK student is eligible for a full day of attendance is if the student attends the PK program for half of the day and the Preschool Program for Children with Disabilities (PPCD) for

the other half of the day. The student must meet the qualifications of both programs to be coded eligible full-day (ADA eligibility code 1).

Students who attend the PK program for half of the day and the PPCD for the other half of the day and do not qualify for the PK program are coded as eligible students only for the time spent in the PPCD. The 2-through-4-hour membership rule applies for the time the student is served through special education.

### 7.3 Enrollment Procedures

Obtain proof that the student enrolling is 3 or 4 years old as of September 1 of the current school year. The documents considered acceptable for proof of identification and age are —

1. birth certificate;
2. passport;
3. school ID card, records, or report card;
4. military ID;
5. hospital birth record;
6. adoption records;
7. church baptismal record; or
8. any other legal document that establishes identity.

Appropriate PK staff then determine that the student is eligible for PK based on one of the six criteria in **7.2 Eligibility**.

### 7.4 Withdrawal Procedures

See **3.4 Withdrawal Procedures** in Section 3, on general attendance requirements.

### 7.5 Eligible Days Present

PK classes must operate on a half-day basis (i.e., PK is only funded as a half-day program).<sup>146</sup> Students who meet eligibility requirements for the PK program should be coded eligible half-day (ADA eligibility code 2) and not the ADA eligibility code of 1 (eligible for full-day attendance). Students in PK are also eligible for special programs such as special education and bilingual/ESL, provided they meet the requirements for these programs. Those programs' requirements are in Sections 4 and 6.

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<sup>146</sup> TEC, §29.153(c)

The following table shows the ADA eligibility codes to use for PK students.

<b>ADA Eligibility Coding for PK Students<sup>1</sup></b>		
	<b>Student Age</b>	<b>ADA Eligibility Code</b>
A student eligible for PK services <sup>2</sup> served in the PK classroom by a PK teacher for ½ day	3 or 4	2 half-day
A student eligible for PK services <sup>2</sup> served in the PK classroom by a PK teacher for the full day	3 or 4	2 half-day <sup>3</sup>
A student ineligible for PK services served in the PK classroom by a PK teacher for ½ day	3 or 4	5 ineligible half-day <sup>4</sup>
A student ineligible for PK services served in the PK classroom by a PK teacher for the full day	3 or 4	4 ineligible full-day <sup>4</sup>
A student eligible for PK services <sup>2</sup> and the PPCD served in the PK classroom by a PK teacher for ½ day and served in the PPCD for ½ day <sup>1</sup>	3 or 4	1 eligible full-day

<sup>1</sup>For detailed information on coding of PK students who are eligible for special education services, please see **4.2.10 PEIMS Coding Charts for Students With Disabilities**.

<sup>2</sup>According to **7.2 Eligibility**.

<sup>3</sup>School districts/campuses that apply and are approved for the PK Early Start Grant Program code eligible students as ADA eligibility code 1 – full day if the students are scheduled for at least 6 hours of instruction each day.

<sup>4</sup>Ineligible PK students may be served in the PK classroom only if space is available and other eligible PK students are not denied enrollment.

For every student eligible for the program, district personnel must record the total number of eligible half-days present for each 6-week reporting period in the Student Detail Report. For every student who is served in the program but did not meet the eligibility requirements, district personnel must record the total number of ineligible half-days present for each 6-week reporting period in the Student Detail Report. Also, for every student eligible for both PK and the PPCD, district personnel must record the total number of eligible days present for each 6-week reporting period in the Student Detail Report.

To claim PK eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible PK days present on the Student Detail Report. You can find specific documentation requirements in **7.2 Eligibility** and **7.3 Enrollment Procedures**.

The fields required on the Student Detail Report for students in the PK program are the same as students in all other grade levels. Refer to **2.3.1 Student Detail Reports** for a list of all data elements required on the Student Detail Report.

At the end of each 6-week reporting period, district personnel must compute a Campus Summary Report (Section 2). The report must provide a summary of the total eligible days present and ineligible days present for the PK grade level. A separate Campus Summary

Report will exist for each instructional track for each campus in your district, but only those campuses with PK programs will report PK eligible and ineligible days present.

At the end of each 6-week reporting period, district personnel must compute a District Summary Report (Section 2). The report must provide a summary of the total eligible days present and ineligible days present for the PK grade level from all Campus Summary Reports for each track in your district.

### 7.5.1 PK Early Start Grant Program and Eligible Days Present

School districts/campuses that apply and are approved for the PK Early Start Grant Program should report PK eligible students as ADA Eligibility Code 1—Full Day if the students are scheduled for at least 6 hours (360 minutes) of instruction each day. If your school district is approved for the grant program, the district will receive full-day funding for each eligible student participating in the grant program, with half of the funding coming from the FSP (state funding) and half of the funding coming from Early Start Grant Program funds.

An important requirement of the PK Early Start Grant Program is the implementation of a School Readiness Integration (SRI) Plan that coordinates efforts, services, resources, program administration, and curriculum and instruction among partnerships serving eligible students in local public school PK programs, licensed child care provider programs, and Head Start programs. Your district should work with your community Head Start and child care programs to ensure alignment of the school year calendar as part of each memorandum of understanding.

### 7.5.2 Students Served Through Special Education and PK Who Are Not PK Eligible

A student who is served in the PK program but who does not meet the eligibility requirements for the PK program and who is also served through the special education program is coded as an eligible student only when the student is served **through special education** for 2 or more hours a day. The student is subject to the 2-through-4-hour membership rule, based on the time the student is served in special education.

## 7.6 Districts That Must Offer PK Classes

Any school district may offer PK classes, but your district must offer PK classes if it identifies 15 or more eligible children who are at least 4 years of age on or before September 1 of the current school year.<sup>147</sup> The commissioner of education may exempt a district from this requirement if the district would be required to construct classroom facilities to provide PK classes.<sup>148</sup>

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<sup>147</sup> TEC, §29.153(a)

<sup>148</sup> TEC, §29.153(d)



## 7.7 Examples

### 7.7.1 Example 1

A student is served in the PK program but does not meet any of the PK eligibility requirements.

*The ADA eligibility code for this student would be **5—Ineligible Half-Day**, and the grade level should be entered as PK in the attendance accounting system.*

### 7.7.2 Example 2

Your school district has two PK classes. One class is held in the morning, and the other class is held in the afternoon. A student is served in both classes for the entire day. The student meets the eligibility requirements for the PK program.

*The ADA eligibility code for this student should be **2—Eligible for Half-Day Attendance**, and the grade level should be entered as PK in the attendance accounting system. The maximum attendance a student can receive in the PK program is half-day (unless the PK student receives special education services and receives instruction for at least 4 hours per day or unless the student is served through a PK Early Start Grant program).*

Note: In a case like this, in which one PK class is held in the morning and one PK class is held in the afternoon, attendance should be taken at a set time in the morning for the morning class and at a set time in the afternoon for the afternoon class. The time attendance is taken must be consistent throughout the entire school year.

### 7.7.3 Example 3

A student is served in PPCD for half of the day and in PK for the other half of the day. The student meets the eligibility requirements for the PK program.

*The ADA eligibility code for this student would be **1—Eligible for Full-Day Attendance**, and the grade level should be entered as PK in the attendance accounting system. The instructional arrangement/setting code for this student should be entered as 43 (self-contained, mild/moderate/severe, regular campus - at least 50% but no more than 60%). See Section 4 for instructional arrangement/setting coding guidelines.*

### 7.7.4 Example 4

A student is served in PPCD for half of the day and in PK for the other half of the day. The student **does not** meet the eligibility requirements for the PK program.

*The ADA eligibility code for this student would be **2—Eligible for Half-Day Attendance**, and the grade level should be entered as EE in the attendance accounting system. The instructional arrangement/setting code for this student should be entered as 43 (self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%). See Section 4 for instructional arrangement/setting coding guidelines.*

### 7.7.5 Example 5

A student is served in the PK program for half of the day. The student meets the eligibility requirements for the PK program. The student is also served by a speech therapist for 1 hour a week.

*The ADA eligibility code for this student would be **2—Eligible for Half-Day Attendance**, and the grade level should be entered as PK in the attendance accounting system. The instructional setting code for this student should be recorded as 00, and the speech therapy indicator code should be recorded as 1. See **4.6 Instructional Arrangement/Setting Codes** for instructional arrangement/setting coding guidelines.*

### 7.7.6 Example 6

A student is served in the PK program for half of the day. The student **does not** meet the eligibility requirements for the PK program. The student is also served by a speech therapist for 1 hour a week.

*The ADA eligibility code for this student would be **5—Ineligible Half-Day**, and the grade level should be entered as PK in the attendance accounting system. The instructional setting code for this student should be recorded as 00, and the speech therapy indicator code should be recorded as 1, even though the student will not earn eligible days present for special education. If the same student is served by a speech therapist for 1 hour a day, the coding would be the same. See Section 4 for instructional setting coding guidelines.*

### 7.7.7 Example 7

A student is served in the PK program for half of the day. The student is eligible for the PK program because she is LEP. The district in which the student attends PK does not have a PK teacher certified or on permit to teach bilingual education or ESL. The district does not have a bilingual/ESL program under an exception or waiver.

*The ADA eligibility code for this student would be **2—Eligible for Half-Day Attendance** in the attendance accounting system. Even though this student is classified as LEP, she is not eligible for bilingual/ESL eligible days present because she is not served by staff certified or on permit to teach bilingual education or ESL.*

### 7.7.8 Example 8

A student is served in the PK program for half of the day. The student is eligible for the PK program because he is LEP. The district in which the student attends PK has a certified bilingual teacher teaching the PK class.

*The ADA eligibility code for this student would be **2—Eligible for Half-Day Attendance**, and the bilingual/ESL indicator should be entered as 1 in the attendance accounting system. This student should accumulate bilingual/ESL days present, as well as half-day eligible days present.*

### 7.7.9 Example 9

A student qualifies for PK based on being educationally disadvantaged (the student qualifies for the NSLP). In instances in which the PK student moves from one district to another district and back to the original district, the following scenario applies:

The student's parents withdraw the PK student from district A. The student is then enrolled in district B, where the student qualifies for the PK program based on being educationally disadvantaged. Two months later, the student's parents withdraw the student, and the family moves back to district A, because one of the parents has gotten a new job. The student no longer qualifies for the NSLP because of the parents' income level.

*The student must requalify for the PK program each time the student enters another school district or charter school. Since the student no longer qualifies for the PK program, the student would be coded as ineligible for the remainder of the school year if the district allows the student to reenroll.*

#### 7.7.10 Example 10

A PK-age student whose parents are divorced resides in your district with her custodial parent. The student's noncustodial parent serves in the U.S. military and is stationed at a base in another state.

*The student is eligible for PK, and her ADA eligibility code would be **2—Eligible for Half-Day Attendance**.*

*If a student has a parent in the U.S. military, he or she is eligible for PK regardless of whether the student's parents are married or where the military parent resides.*

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## Section 8 Gifted/Talented

This section addresses unique attendance accounting provisions for the gifted/talented program. They must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including the gifted/talented program.

### 8.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all gifted/talented coding questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 8.2 Eligibility

Final selection of students to be served in the gifted/talented program must be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students.<sup>149</sup>

Your district must identify a kindergarten student for participation in the gifted/talented program and serve him or her in the program **before March 1** of the current school year for the student to be eligible for funding, unless the student has moved to your district from another district where he or she was previously served.

The gifted/talented indicator code must reflect the student's services in the gifted/talented program for each 6-week reporting period. If a student stops being served during a reporting period, he or she is shown with a 0 indicator code in the subsequent period unless the gifted/talented program services are resumed for the student during that subsequent period.<sup>150</sup>

Your district should include all students identified and served in the gifted/talented program as part of its gifted/talented enrollment. However, not more than 5 percent of your district's students in average daily attendance are eligible for gifted/talented funding.<sup>151</sup>

<sup>149</sup> 19 Texas Administrative Code (TAC) §89.1(4)

<sup>150</sup> PEIMS *Data Standards*

<sup>151</sup> Texas Education Code (TEC) §42.156(c)

## 8.3 Enrollment Procedures

1. Appropriate gifted/talented program staff determine that a student requires educational experiences beyond those normally provided by the regular school program.
2. Attendance personnel record the gifted/talented indicator code in the attendance accounting system.

## 8.4 Withdrawal Procedures

A student is withdrawn from the gifted/talented program if:

1. the student withdraws from your district,
2. your district decides the student must be withdrawn from the program according to the local board-approved exit policy, or
3. the student's parent requests that the student no longer be served in the program.

Attendance personnel remove the gifted/talented indicator code from the attendance accounting system and record the effective date of withdrawal.

## 8.5 Policies for Selection of Students to Participate in the Gifted/Talented Program

*Gifted/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.<sup>152</sup>

Your school district must develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. These policies must —

1. include provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the Texas Education Code (TEC), §29.121;
2. include assessment measures collected from multiple sources according to each area defined in *The Texas State Plan for the Education of Gifted/Talented Students*;
3. include data and procedures designed to ensure that students from all populations in your district have access to assessment and, if identified, services for the gifted/talented program; and

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<sup>152</sup> TEC, §29.121

4. include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.<sup>153</sup>

## 8.6 Coding of Gifted/Talented Students

Your district should code a student who is receiving services through a state-approved gifted/talented program with a gifted/talented indicator code of 1 in the Student Detail Report.

Your district should count a student who is served on more than one campus in your district **only once** for gifted/talented funds.

## 8.7 Documentation

Note: The gifted/talented program should be included in the campus and district improvement plans.

To claim gifted/talented enrollment for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student with a gifted/talented indicator code of 1 on the Student Detail Report.

Your district must keep on file a class roster of all students who are served in the gifted/talented program in each school year. Your district may include a student in the gifted/talented enrollment if the student is identified and served in the program.

## 8.8 Quality Control

Controls must be in place to ensure that your district includes a student in only one campus gifted/talented count. If a student changes campuses during a 6-week reporting period or attends another campus to receive gifted/talented instruction, your district should count the student's participation in the program only once.

At the beginning of each school year and at the end of each 6-week reporting period, the appropriate staff should verify the Student Detail Report to ensure that the coding of gifted/talented students is correct.

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<sup>153</sup> 19 TAC §89.1(1-3, 5)

## 8.9 Examples

### 8.9.1 Example 1

A third-grade student is served through the gifted/talented program at Sunshine Elementary for the entire school year.

*The gifted/talented indicator code for this student should be entered as 1 for the entire school year in the attendance accounting system.*

### 8.9.2 Example 2

A seventh-grade student is served through the gifted/talented program at Moonlight Middle School for the first and second 6-week reporting periods. During the fourth week of the third 6-week reporting period, the student's parent requests that the child not be served in the gifted/talented program any longer.

*The gifted/talented indicator code for this student should be entered as 1 for the first, second, and third 6-week reporting periods in the attendance accounting system. There should not be a gifted/talented indicator in the fourth 6-week reporting period for this student.*

### 8.9.3 Example 3

A second-grade student attended Sunshine Elementary from the beginning of school until the second week of the fourth 6-week reporting period. During that second week, the student moved to Raindrop Elementary. The student was served through the gifted/talented program at both schools.

*The gifted/talented indicator code for this student should be entered as 1 in the first, second, and third 6-week reporting periods in Sunshine Elementary's attendance accounting system. The gifted/talented indicator code for this student should be entered as 1 in the fourth 6-week reporting period in Raindrop Elementary's attendance accounting system. The student was served through the gifted/talented program at both schools during the fourth 6-week reporting period, so caution should be taken to ensure that the student is reported in only one campus's gifted/talented enrollment.*



## Section 9 Pregnancy Related Services

**Pregnancy Related Services (PRS)** are support services, including Compensatory Education Home Instruction (CEHI), that a pregnant student receives during the pregnancy prenatal and postpartum periods to help her adjust academically, mentally, and physically and stay in school. These services are delivered to a student when:

- the student is pregnant and attending classes on a district campus;
- the pregnancy prenatal period prevents the student from attending classes on a district campus; and
- the pregnancy postpartum period prevents the student from attending classes on a district campus.

Your district may choose to offer both support services components and the CEHI component or only the CEHI component in a PRS program. However, your district may not code any student as PRS in the attendance accounting system unless CEHI is included as one of the services provided by the district's PRS program.

A district receives 2.41 PRS weighted funding while PRS components are being provided to the student during the prenatal and/or postpartum periods. Documentation by responsible campus officials and medical or nurse practitioners and maintaining certified teacher logs are required to claim PRS eligible days present for funding. (Section 7)

**Compensatory Education Home Instruction (CEHI)** is the mandatory support service component districts offer in a PRS program. CEHI provides academic services to the student at home or hospital bedside when a valid *medical necessity for confinement* during the pregnancy prenatal or postpartum periods prevents the student from attending classes on a district campus. CEHI must consist of face-to-face contact with a certified teacher of the district providing academic services to the student. Substitutes can be used to provide CEHI; however, the individual selected as the substitute must be a certified teacher. The certified teacher maintains a log to document the actual amount of prenatal and postpartum PRS CEHI each student receives. When students are provided CEHI, your district will continue to receive the 2.41 PRS weighted funding (i.e., district personnel should continue to code students in the attendance accounting system as receiving PRS while they are being served at home). Students who do not come to school and who do not receive CEHI and/or SPED homebound **must** be counted absent in accordance with the charts provided in this section.

Your district may not code students as PRS in the attendance accounting system in order to receive 2.41 PRS weighted funding unless CEHI is included as one of the service components provided by the district's PRS program. (For exceptions, see **9.19.12 Example 12** and **9.19.13 Example 13**.)

**Support services** are the optional components of a PRS program that may be provided to the student during the prenatal period of the pregnancy while the student is pregnant and attending school. In addition, support services may be provided during the prenatal or postpartum periods of pregnancy while the student is confined at home or hospital bedside for a valid medical necessity or recovering from delivery and being served with PRS CEHI. In all cases, support services are provided to support the student and should not interfere with the academic services while she is on the school campus or receiving CEHI at home or hospital bedside. Districts offering support services with CEHI may code students as PRS in the attendance accounting system in order to receive the 2.41

PRS weighted funding beginning on the date support services are provided to pregnant students. Examples of support services that a district may choose to offer are:

1. counseling services including the initial session when the student discloses the pregnancy;
2. health services including services from the school nurse and certified athletic trainer;
3. transportation for the student and/or the student's child(ren) to school, child care facility, community service agencies, health services, etc.;
4. instruction (inside or outside the classroom) related to parenting knowledge and skills, including child development, home and family living, and appropriate job readiness training;
5. child care for the student's child(ren);
6. schedule modifications (see **9.18 Quality Control**); and
7. case management and service coordination (assistance in obtaining services from government agencies and community service organizations).

**Note:** The phrase "coded PRS" is used throughout this section. To "code a student as PRS" refers to identifying a female student within the Public Education Information Management System (PEIMS) as meeting eligibility requirements for PRS (student is pregnant or in the postpartum period) and receiving services on the 400 (Student Basic Attendance) record. A student who is pregnant may be coded with an at-risk indicator code on the 110 record (Student Enrollment Record) because of being pregnant.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including PRS.

## 9.1 Responsibility

List in the space provided below the name and phone number of the district personnel to whom all PRS coding questions should be directed:

**Name:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

## 9.2 Eligibility/Eligible Days Present

**Eligibility for Services:** Any school-age **female** student who is in the prenatal or postpartum period of pregnancy is eligible for **services** under the PRS program. This includes students who are pregnant and/or deliver a live, aborted, or stillborn baby; suffer a miscarriage or death of a newborn; or place their baby up for adoption.

**Eligibility for Funding:** Students who are eligible for average daily attendance (ADA) and who are in the prenatal or postpartum period of pregnancy are eligible for **funding** under the PRS program beginning on the date services begin.

**End of Eligibility:** Eligibility for PRS ends for the student in the postpartum period of pregnancy on the student's return to her regular service at a school campus or the first day of the eleventh week.

A student is PRS eligible and will generate the additional 2.41 PRS funding allotment when a student —

- is in the pregnancy prenatal period and is attending regular classes and receiving PRS support services.
- is confined to the home in the prenatal or postpartum periods of pregnancy and is receiving PRS **CEHI** (a required service of the PRS program).

### 9.2.1 Absences

During the prenatal and postpartum periods of pregnancy, a student is absent if:

1. **CEHI** is **not** provided, or
2. the student does not come to school.

A student may be recorded absent on the effective date of a program change. However, as with all other students, PRS students cannot earn eligible days present on days they are absent.

### 9.2.2 PRS Eligibility and Participation in Other State-Funded Programs

PRS students may simultaneously participate in other state-funded programs (special education, career and technical education, bilingual/ESL), provided all eligibility requirements of the other programs are met (see Sections 4, 5, and 6). During CEHI, a student may remain coded and continue to generate special program ADA as long as the student continues to receive, at home, services as designated by the individual program requirements. See **9.11 Confinement and Earning Eligible Days Present** and **9.19.4 Example 4**.

### 9.2.3 PRS and the Life Skills for Student Parents Grant Program

Districts awarded a grant to offer services under the Life Skills for Student Parents Grant Program (previously called the Pregnancy Education and Parenting Program) may simultaneously offer services under the compensatory education PRS program, provided all requirements for both programs are met. Students being served through both Life Skills Programs and the PRS Program should be coded in the PEIMS attendance accounting system as participating in both programs.

### 9.2.4 Eligibility Timeline

Use the following timeline when determining PRS coding for eligible students.

<b>Date</b>	<b>Activity</b>	<b>Is student eligible for PRS funding?</b>	<b>Should student be provided CEHI?</b>
9/1	District receives notification of pregnancy and completes intake documentation.	Yes, if services are initiated at this time.	No, only PRS support service components
11/10	Doctor recommends two-week confinement at home.	Yes, if receiving CEHI while at home.	Yes
11/24	Student returns to school and continues PRS.	Yes	No, only PRS support service components
1/3	Doctor recommends 5-week confinement at home due to complications.	Yes, if receiving CEHI while at home.	Yes
2/1	Student returns to school and continues PRS.	Yes	No, only PRS support service components
3/1	Student delivers baby; six-week postpartum period begins. Week 3 of 6 is the district's spring break.	Yes, if receiving CEHI while at home.	Yes, weeks 1–2 and weeks 4–6.  No, week 3.  CEHI for week 3 is not required because it is a district holiday. However, week 3 counts a one week of postpartum confinement for the student.
4/15	Doctor recommends additional 2-week confinement at home.	Yes, if receiving CEHI while at home.	Yes

Date	Activity	Is student eligible for PRS funding?	Should student be provided CEHI?
5/1 to Last Day of School Year	Doctor recommends that student remain at home until end of school (5 weeks).	5/1 – Yes, if receiving CEHI 5/8 – Yes, if receiving CEHI  5/15 to last day of school year – No  After 10 weeks of PRS components have ended, the student is no longer eligible for services and must be counted absent if she does not return to school.	5/1 – Yes  5/8 – Yes  5/15 to last day of school year – No  PRS services end on the first day of the 11 <sup>th</sup> week.  For options, after PRS ends, see General Ed Homebound.

See **9.19.9 Example 9** for an example of serving students who are eligible for special education and related services who also receive PRS.

### 9.2.5 Eligible Days Present

Students who are being served in the PRS program and who are eligible for funding, according to the requirements of this section, must be identified as PRS in the attendance accounting system. The total number of PRS eligible days present must be recorded for each 6-week reporting period in the Student Detail Report (Section 2) for every student served through the program. Entry dates into and withdrawal dates from the program (if applicable) for each student receiving PRS must also be documented.

At the end of each 6-week reporting period, a campus must compute a Campus Summary Report (Section 2). The report must include a summary of the total PRS eligible days present, for every student in the program, by grade level. Your district must have a separate Campus Summary Report for each instructional track, for each campus in the district. Each campus report must include the total eligible PRS days present for all grades, as well as PRS ADA for the campus.

District personnel then add the information from all Campus Summary Reports for each track in the district to comprise a District Summary Report for each track. This report must include eligible PRS days present for each grade level in your district, total eligible PRS days present for all grades, and district PRS ADA.

For additional information on eligible days present, see **9.11 Confinement and Earning Eligible Days Present** and **9.14.2 SPED, PRS, and Earning Eligible Days Present**.

### 9.3 Enrollment Procedures

Any school-age female student may be enrolled in the PRS program if she is eligible for ADA and in the prenatal or postpartum period of pregnancy (see **9.7 Regular Education Students, Special Education Students, and PRS**).

The student's eligibility to receive PRS is verified by either:

1. a responsible campus official or
2. a medical or nurse practitioner or nurse midwife licensed<sup>154</sup> to practice in the United States.

The date the student begins receiving PRS is considered the entrance date (date of enrollment) into the PRS program.

### 9.4 Withdrawal Procedures

A student is no longer eligible and must be withdrawn from the PRS program on either of the following, whichever comes first:

- the date PRS stops and the student no longer receives services through the PRS program;
- the date during the pregnancy postpartum period when the student returns early after delivery to attend her regular services on a school campus;
- the date during the pregnancy postpartum period when a medical practitioner has authorized no postpartum extension of services and the student reaches the first day of the seventh week after delivery;
- the date during the pregnancy postpartum period when a medical practitioner has authorized postpartum extension of services and the student reaches the first day of the eleventh week after delivery.

If it is determined that a student was never pregnant, your district must remove all PRS coding for the student from the attendance accounting system even if your district provided the student PRS.

### 9.5 PRS and District and Campus Improvement Plans

**District and campus improvement plans** must:

1. include a description of your district's PRS program;
2. describe the specific services available to a student; and
3. summarize the use of the compensatory education allotment for PRS in the strategies when the PRS program is used to serve prenatal and postpartum students.

<sup>154</sup> You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_SearchVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp).

## 9.6 Student Detail Reports

Student Detail Reports must contain a PRS indicator code for all students who are being served in the PRS program and who are eligible for state funding (see 9.2, on eligibility).

## 9.7 Regular Education Students, Special Education Students, and PRS

Regular education students without a need for special education or related services cannot be referred to special education for instructional services just because they are pregnant. Regular education students who must be confined to the home or hospital bedside for pregnancy related issues are to be provided CEHI and other PRS components through the PRS program.

Students who are eligible for and receiving **special education and related services** and who are pregnant must be served collaboratively through both special education and the PRS programs. Special education eligibility and services do not change solely due to the student becoming pregnant including the need to hold ARD meeting(s) attended by both PRS and special education staff to address the collaborative service. (See **9.2.1 Absences**.)

## 9.8 On-Campus PRS Services

A student who is pregnant may be served with PRS support services while she is pregnant and attending classes. If your district serves prenatal students on campus with PRS support services, it will receive the 2.41 PRS weighted funding (i.e., your district should continue to code students in the attendance accounting system as receiving PRS while they are being served on campus) (see the Section 9 introduction).

1. A responsible campus official must record the date of the initial contact with the pregnant student and document that on-campus services are being provided.
2. The services must address the needs of the pregnant student with regular, routine PRS support services. Infrequent or sporadic occurrences of prenatal support services do not qualify your district for PRS funding.
3. On-campus PRS services are optional but may be necessary for the academic, mental, or physical health of the student to ensure that the student does not drop out of school.

## 9.9 Prenatal Confinement

A student who is pregnant can be served at home or the hospital bedside when the pregnancy prenatal period prevents the student from attending classes. If your district serves students during a prenatal confinement with PRS CEHI, it will receive the 2.41 PRS weighted funding (i.e., your district should continue to code students in the attendance accounting system as receiving PRS while the students are being served at home).

1. In all instances, your district must provide the CEHI component of the PRS program to the student during the prenatal confinement for your district to receive the funding (see the Section 9 introduction).



2. Providing the PRS support services during prenatal confinement is optional but may be necessary for the mental or physical health of the student to ensure that the student does not drop out of school.
3. Documentation for each event of prenatal confinement must be obtained from a medical or nurse practitioner licensed<sup>155</sup> to practice in the United States to document that a *medical necessity for confinement* has been determined to exist. (See **9.12 Doctor's Notes and Releases**.)
4. A medical release from a medical or nurse practitioner licensed to practice in the United States must be obtained to allow a prenatal student confined to the home or hospital bedside to return to campus **for any reason**. (See **9.12 Doctor's Notes and Releases**.)
5. There is no limit to the length of each event or the number of events a student can be provided when CEHI services are necessary during the pregnancy prenatal period. The length and number of times the student is placed on prenatal confinement CEHI services is dependent on the medical or nurse practitioner's documentation for confinement and release.

## 9.10 Postpartum Confinement

A student who delivered a live, aborted, or stillborn baby; suffered a miscarriage or death of a newborn; or placed her baby up for adoption can be served, beginning on the day of or day after delivery, for up to 6 consecutive weeks (weeks 1–6) at home or the hospital bedside with **6-week postpartum confinement** or **break-in-service postpartum confinement** services when the pregnancy postpartum period prevents the student from attending classes. Postpartum confinement can be extended for 4 weeks (weeks 7–10). However, under no circumstances will a student remain eligible for PRS postpartum confinement beginning on the first day of the eleventh week from the beginning date for the district (day of delivery or the day after delivery [see **9.10.1 Beginning and Ending Postpartum Confinement**]).

A responsible campus official must record, at the district, the date a student's pregnancy ended (e.g., the date of delivery).

Note that a student in the postpartum period of pregnancy is no longer eligible for the additional 2.41 weighted allotment under the PRS program when she returns to her regular service at a school or campus (exception: break-in-service postpartum confinement option)

### 9.10.1 Beginning and Ending Postpartum Confinement

The district must:

1. select one type of beginning date for the district (day of delivery or the day after delivery);
2. consistently use the same type of beginning date for all students throughout the school year; and

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<sup>155</sup> You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_SearchVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp).



3. not alternate between the beginning date options.

**Six-Week Postpartum Confinement** is 6 consecutive weeks in length, beginning on the district beginning date (day of or day after delivery) and ending on the last day of week 6 from the beginning date for the district.

**Extended Postpartum Confinement** is 4 consecutive weeks in length, beginning on the first day of week 7 and ending on the last day of week 10 from the beginning date for the district (day of or day after delivery).

### 9.10.2 Break-in-Service Confinement

Your district may allow a student to divide the 10 weeks of PRS postpartum confinement into two periods in instances in which the infant remains hospitalized after delivery. This option is known as break-in-service confinement. It allows the student to use the first period of the postpartum confinement to recover from delivery (student recovery period). After the student is recovered, the student returns to school and saves the remainder of her eligible postpartum confinement time. When the baby is released from the hospital, the student goes back on postpartum confinement (baby recovery period) using the second period of postpartum confinement to care for her baby.

Break-in-service confinement is 10 weeks in length, divided into two periods of consecutive confinement (student recovery period and baby recovery period). The maximum postpartum confinement (student recovery and baby recovery periods) must not exceed 10 weeks. All provisions for postpartum confinement and extended postpartum confinement must be met when using the break-in-service postpartum confinement option.

The following chart shows how to determine the beginning and ending dates for the student and baby recovery periods.

	<b>Begins On</b>	<b>Ends On</b>
<b>student recovery period</b> (first consecutive period of confinement)	your district's beginning date (day of or day after delivery)	the date the student returns full time to school to await the baby's release from the hospital or the first day of week 11, whichever comes first
<b>baby recovery period</b> (the second consecutive period of confinement)	the day the infant is released from the hospital*	the first day of week 11 of service if any service time is remaining after the student recovery period is completed

\*The date the infant was released from the hospital must be documented at the district by a responsible campus official.

When the student returns to the school between the two recovery periods, district personnel should not code her as PRS. The number of days the student returns to school between the two recovery periods depends on the medical or nurse practitioner's documentation for confinement and when the infant is released from the hospital.

### 9.10.3 Extended Confinement

Postpartum confinement can be extended for an additional 4 weeks (weeks 7–10) if there are related complications of the student mother's health or with her newborn infant's health.

#### 9.10.4 Documentation Related to Postpartum Confinement

Your district has the option of requiring documentation from a medical or nurse practitioner licensed<sup>156</sup> to practice in the United States to place a student on postpartum confinement for weeks 1–6 (see **9.12 Doctor's Notes and Releases**).

However, documentation must be obtained from a medical or nurse practitioner licensed to practice in the United States to place a student on extended postpartum confinement (weeks 7–10) to show that a medical necessity to extend confinement exists (see **9.12 Doctor's Notes and Releases**).

If your district requires documentation from a medical or nurse practitioner licensed to practice in the United States to place a student on postpartum confinement for weeks 1–6, your district must obtain a medical release from a medical or nurse practitioner licensed to practice in the United States to allow a postpartum student to return to campus from postpartum confinement **for any reason** (see **9.12 Doctor's Notes and Releases**).

Also, your district must obtain a medical release from a medical or nurse practitioner licensed to practice in the United States to —

- allow a postpartum student to return to campus from postpartum confinement **for any reason** before the first day of the fourth week after the day of the infant's birth (weeks 1–3) (see **9.12 Doctor's Notes and Releases**), or
- allow a postpartum student to return to campus from postpartum confinement **for any reason** during the extended postpartum period (weeks 7–10). (See **9.12 Doctor's Notes and Releases**.)

#### 9.10.5 Additional Information on CEHI and Confinement

In all instances, your district must provide the CEHI component of the PRS program to a student during the confinement period to receive funding.

Your district is not required to provide CEHI to confined students on days designated as school breaks, holidays, teacher work days, etc., including the summer break. Additionally, school breaks, holidays, teacher work days, etc., including the summer break, do not extend the amount of time a student can be served with postpartum services. Your district must include these days in the count when determining the amount of time a student is eligible for postpartum confinement services (see **9.19 Examples** for examples).

### 9.11 Confinement and Earning Eligible Days Present

A student in the pregnancy prenatal or postpartum period who must be confined to home or hospital bedside and served by the district through PRS CEHI earns eligible days present based on the number of hours the student is served at home by a certified teacher. Use the following chart to determine the student's eligible days present.

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<sup>156</sup> You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_SearchVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp).

### PRS Confinement Service Requirements

Amount of Time Served Through PRS CEHI per Week (Week Is Sunday Through Saturday)	PRS Eligible Days Present Earned per Week
0 hours	0 days present PRS
1 hour	1 day present PRS
2 hours	2 days present PRS
3 hours	3 days present PRS
4 hours	4 days present PRS, 0 days absent (if the week is a 4-day week) 5 days present PRS, 0 days absent (if the week is a 5-day week)
More than 4 hours	4 days present PRS, 0 days absent (if the week is a 4-day week) 5 days present PRS, 0 days absent (if the week is a 5-day week)

CEHI requirements and eligible days present are determined each week. The week for CEHI purposes is from Sunday through Saturday. CEHI service hours may not be accumulated and carried forward from one week to the next, nor can service hours be applied to a previous week.

A calendar refers to the 52-week traditional calendar, not the 180-day scholastic calendar.

A student who is served through the PRS CEHI program retains the same ADA eligibility code she had before receiving PRS CEHI services, regardless of how many hours the student will be served through the PRS CEHI program.

Over the period of her confinement, a student receiving PRS CEHI services must be provided instruction in all the courses, including elective courses, in which the student is enrolled.

## 9.12 Doctor's Notes and Releases

Your district must obtain required documentation for events of prenatal and postpartum confinement and medical release from a medical or nurse practitioner licensed to practice in the United States to —

- document that a medical necessity for confinement in accordance with the current International Classification of Diseases (ICD) exists, and
- determine that a student is medically ready to return to campus.

The required information can be obtained in one or multiple notes from one or more medical practitioners. Discharge papers and other official forms completed and issued by a hospital, clinic, practitioner's office, etc., can be copied and used to support doctor notes.

Doctor notes that do not provide a *medical necessity for confinement* in accordance with the current ICD and meet the requirements herein may not be accepted. Further, even if your district served a student who had such a note, PRS funding may be required to be refunded for inadequate documentation.

### 9.12.1 Doctor's Note Requirements

Doctor's notes must include the following:

1. a statement of the *medical necessity for prenatal confinement* (medical diagnosis and conditions in accordance with the ICD);
2. the length of prenatal or extended postpartum confinement;
3. a medical release including the date the student is to return to school; and
4. the following:
  - a. a statement of how the student can be better served or the condition ameliorated by placing the student in CEHI; and/or
  - b. an explanation of the medical risk(s) that attending school presents to the student and/or undelivered baby.

### 9.12.2 Medical Release Requirements

A medical release must include the following:

1. the specific date(s), number of days per week, and number of hours per day the student can return to school and be on campus; and
2. the following:
  - a. either the limitations, restrictions, accommodations, etc., placed on a) the student mother's temporary, limited visit or on b) her full-time return to school; including the date the limitations, restrictions, accommodations, etc., end; or
  - b. a statement that no limitations, etc., are necessary for the student mother's safe return to campus for temporary, limited or full-time services.

## 9.13 Returning to Campus

A student in the prenatal or postpartum periods of pregnancy who is confined to the home or hospital bedside and receiving PRS CEHI with a medical release from a medical or nurse practitioner indicating that no medical condition exists that would prevent her from being on campus may be allowed to return to campus under the following conditions:

1. A prenatal or postpartum student confined to the home may be allowed to return to campus and remain coded PRS to receive **temporary, limited** services at a school campus to supplement CEHI or other PRS components and to help with the transition from home back to school. Examples of temporary, limited services include receiving testing (6-weeks, final, TAKS, etc.); receiving tutoring (during a teacher's conference period); receiving supplemental instruction, parenting classes, or counseling; or attending special one-time events, functions, etc. See **9.12 Doctor's Notes and Releases**.
2. A prenatal student may be allowed to return **full time**, ending confinement, and attend a class or classes on a regular, routine basis when a doctor or nurse practitioner verifies in a medical release that there is no longer a need for confinement.

3. A postpartum student cannot return full time and/or attend a class or classes on a regular, routine basis until she is withdrawn from PRS.
4. The time spent receiving temporary, limited services on campus cannot count as any part of the number of hours served as PRS CEHI for eligible days present with the exception of time spent in TAKS testing.

Students who return to campus on a temporary, limited basis to take the TAKS test can be credited with receiving a maximum of 1 hour of PRS CEHI for each day they are on campus and involved in actual TAKS testing. If the time spent on campus is less than 1 hour, only the actual time spent in TAKS testing can be credited.

Students who are provided a TAKS test in the home can be credited with receiving a maximum of 1 hour of CEHI for each day they are tested at home.

TAKS tutoring, practice test, etc., cannot be credited for CEHI. Medical releases must be secured to ensure a student's doctor approves of her being on campus and involved in TAKS testing.

5. In all cases, your district should consider each student mother's health on an individual basis before encouraging or allowing a prenatal or postpartum student to return to campus for temporary, limited or full-time services.

## 9.14 PRS and Special Education Services (SPED)

If your district offers a PRS program to any student, it must provide PRS services to students who are eligible for and receiving special education and related services. The services are provided collaboratively through both special education and the PRS programs. Collaborative services are to be provided as follows:

Special education eligibility and services do not change solely because a student becomes pregnant. SPED holds the primary role in providing services by providing the student academic and SPED services, and PRS the secondary role by providing pregnancy related services.

### 9.14.1 "Pregnancy Contingency" ARD Meetings

Special education and related services are provided as documented in the individualized education program (IEP) as decided by the admission, review, and dismissal (ARD) committee. The ARD committee can hold a "pregnancy contingency" ARD meeting during the student's pregnancy prenatal period or regular ARD meetings at any time, to develop or update an IEP and address the pregnant and/or parenting SPED student's needs. A "pregnancy contingency" ARD meeting is not different from any ARD meeting. It is so named herein to define a well-planned and specialized ARD in the fact that it allows the district to address and plan for all possible prenatal and postpartum pregnancy issues in advance of them occurring to ensure that the student is continuously served. Holding a contingency ARD may avoid the need for multiple ARD meetings to address the student's pregnancy and confinement or avoid delays in initiating service. Then as the pregnancy progresses the decisions planned in the pregnancy contingency ARD meeting and documented in the contingency IEP can be implemented, as needed, without a need to call more ARD meetings, preventing any breaks in service to the pregnant SPED student. At a minimum, the areas that the pregnancy contingency ARD meeting should address include —

1. Changes in on-campus services related to the pregnancy;
2. Change(s) of placement from on campus to confinement services during the prenatal period of pregnancy;
3. Change(s) of placement from confinement to on campus services during the prenatal period of pregnancy;
4. Delivery;
5. Postpartum recovery period of the mother and baby (weeks 1–6);
6. Extended postpartum recovery period of the mother and the baby (weeks 7–10);
7. Mother's return to on-campus services; and
8. Parenting issues.

During the periods of confinement to the home or hospital bedside, either prenatal or postpartum, special education and related services must be provided in the homebound instructional setting (see **4.6.2.4 Homebound Services and PRS Notes** for more detailed information).

The SPED student in the prenatal or postpartum periods of pregnancy must be served by the district with SPED homebound services and PRS services during confinement no matter the anticipated or actual period of confinement even when the student is anticipated to be confined for fewer than 4 consecutive weeks or fewer than 4 weeks total for the school year.

The period of homebound postpartum services for a postpartum SPED student may exceed 10 weeks, if required as a condition of service by the ARD committee. However, the PRS components are limited to a maximum of 10 weeks of reimbursable service, and the PRS indicator must be turned off on the first day of the eleventh week.

In addition to the homebound instructional services provided to the student through the special education program, PRS must provide at least 2 hours (120 minutes) a week of PRS support services for 2–5 days attendance credit and at least 1 hour (60 minutes) for 1 day attendance credit. The additional hours provided through the PRS program may include any of the support services such as counseling, support to instructional services, parenting instruction, etc.

A certified teacher, nurse, counselor, or social worker must provide the additional hours of other PRS components for a SPED student and must maintain the teacher logs to document the actual amount of home instruction each SPED student receives.

### 9.14.2 SPED, PRS, and Earning Eligible Days Present

Use the following chart to determine eligible days present.

**SPED and PRS Collaborative Confinement Service Requirements**

Amount of Time Served per Week (Week Is Sunday Through Saturday)		SPED and PRS Eligible Days Present Earned per Week
SPED Homebound	PRS CEHI	
1 hour	1 hour	1 day present SPED and PRS
2 hours	2 hours	2 days present SPED and PRS
3 hours	2 hours	3 days present SPED and PRS
4 hours	2 hours	4 days present SPED and PRS (if the week is a 4-day week) 5 days present SPED and PRS (if the week is a 5-day week)
More than 4 hours	2 hours	4 days present SPED and PRS (if the week is a 4-day week) 5 days present SPED and PRS (if the week is a 5-day week)

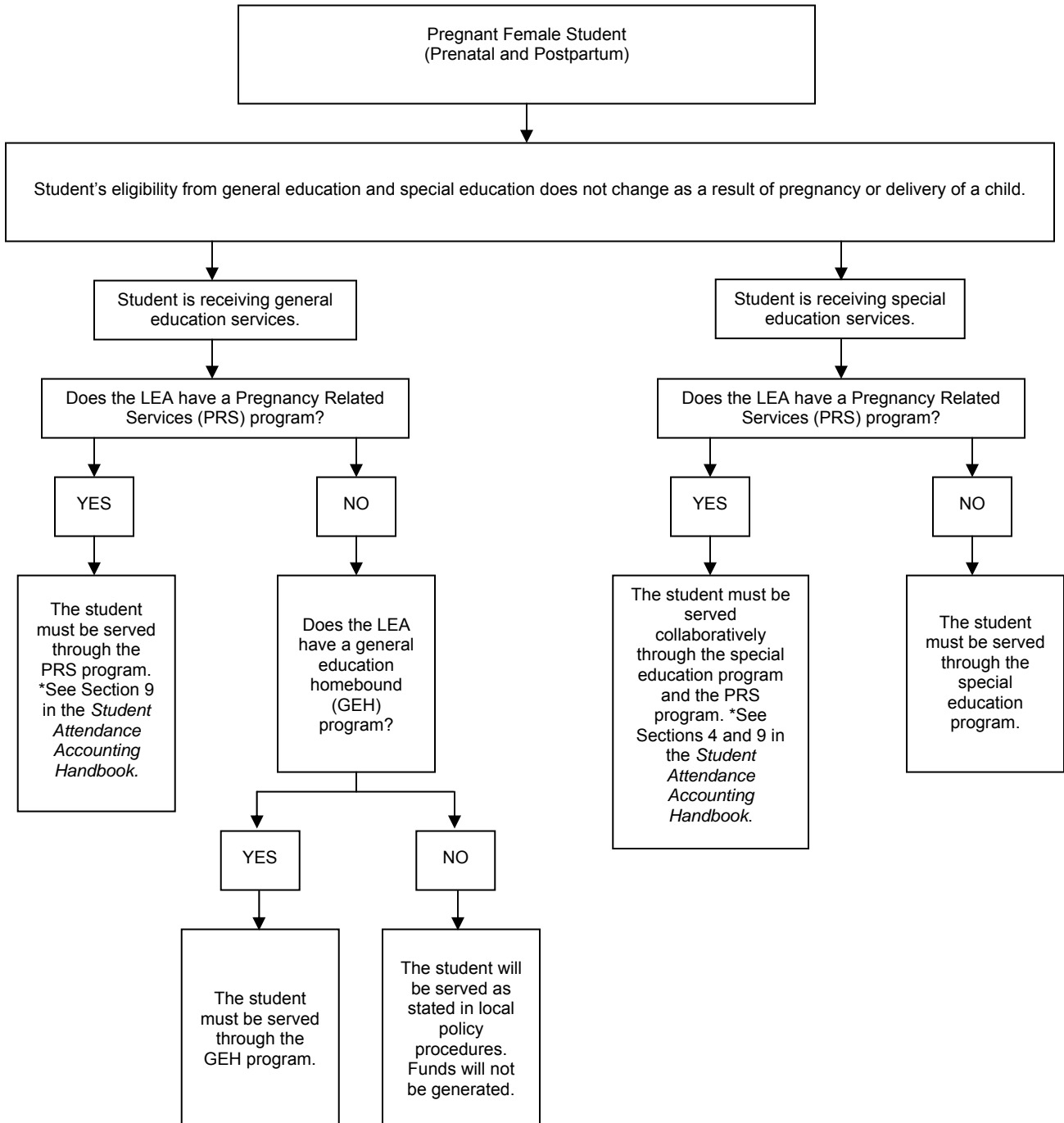
Eligible days present are determined each week. For purposes of SPED and PRS collaborative confinement services, a week is from Sunday through Saturday. Service hours may not be accumulated and carried forward from one week to the next, nor can service hours be applied to a previous week.

A student who is provided SPED and PRS collaborative confinement services retains the same ADA eligibility code she had before receiving the services, regardless of how many hours the student will be provided the services.

If SPED homebound does not serve the student, the SPED student must be counted absent for the entire week even if the student was served by PRS during the week.

For an example of students who are eligible for special education and related services and who are served collaboratively through the special education and PRS programs, see **9.19.9 Example 9**.

# Pregnancy Services Determination Chart





## 9.15 PRS and Career and Technical Education

For a PRS student to earn career and technical education contact hours while also being served in CEHI, the student must continue to receive the same amount and type of career and technical education service that she was receiving before being placed in CEHI. The career and technical instruction that a PRS student receives at home must be **in addition** to the 4 hours necessary for CEHI. The CEHI teacher providing the additional hours for the career and technical courses must maintain a log to verify all contact hours with PRS students [see **9.19.4 Example 4** and also **5.2.1 Eligibility of Students for Funding** and **5.2.3.1 Earning CTE Contact Hours While Also Being Served by a Special Education Program** in Section 5].

## 9.16 Test Administration During CEHI

Students confined to the home or hospital bedside may earn eligible days present as stated in the chart above when PRS CEHI instructors administer routine quizzes, daily or weekly classroom exams, etc., that are required as part of the instructional requirements of a class.

A student being administered standardized, 6-weeks, semester, and final exams and TAKS is limited to earning 1 day present for a minimum of 1 hour or more of testing in 1 calendar day. When it takes the student more than 1 hour to complete the exam, the additional contact hours cannot be credited as attendance. (See **9.19.15 Example 15**.)

If the routine, standardized, six-weeks, semester, or final exam administration or TAKS testing requires less than one hour, then the CEHI instructor must complete the hour with CEHI instruction for the student to earn the 1 day present. For example, say a student is administered a final exam, and it takes her 30 minutes to complete the exam. The student must receive an additional 30 minutes of CEHI instruction to earn 1 day present. (See **9.19.16 Example 16**.)

A PRS student receiving CEHI services **who returns to his or her campus to take a state-required assessment instrument (e.g., TAKS) must have a medical release** from a medical or nurse practitioner licensed<sup>157</sup> to practice in the United States to do so.

## 9.17 Documentation

For your district to claim PRS eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible PRS days present in the Student Detail Report. Documentation requirements are as follows:

1. Affirmation (by a responsible campus official or by a medical or nurse practitioner or nurse midwife licensed to practice in the United States) verifying the student's eligibility to receive PRS (see **9.3 Enrollment Procedures**).
2. Description of the PRS program, specific services under the program available to the student, and the use of the compensatory education allotment included in the district and campus improvement plans (see **9.5 PRS and District and Campus Improvement Plans**).

<sup>157</sup> You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_SearchVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp).

3. Intake documentation (by a responsible campus official) recording the date of initial contact with a student regarding the student's pregnancy (see **9.8 On-Campus PRS Services**).
4. For each period of prenatal confinement, a note from a medical or nurse practitioner stating a *medical necessity for confinement* that requires the pregnant student to remain at home or in the hospital during the prenatal period and the length of the prenatal confinement, including the release date to return to school (see **9.9 Prenatal Confinement**).
5. Documentation (by a responsible campus official) of the date when the student's pregnancy ended (e.g., date of delivery) (see **9.10 Postpartum Confinement**).
6. When the break-in-service option is used, documentation by a responsible campus official of the infant's hospitalization period, including the date the infant was released from the hospital (see **9.10 Postpartum Confinement**).
7. For each student whose postpartum period was extended [see **9.9 Prenatal Confinement**], documentation from a medical or nurse practitioner licensed to practice in the United States verifying the actual period of confinement or that the student was anticipated to be confined for an additional period of up to 4 calendar weeks (see **9.10 Postpartum Confinement**).
8. When the prenatal student confined to the home returns to campus for any reason, including for temporary, limited services, documentation (by a medical or nurse practitioner licensed to practice in the United States) granting permission for the student to be on campus for the temporary, limited services (see **9.12 Doctor's Notes and Releases**).
9. When the student returns to campus before the first day of the fourth week (weeks 1–3), documentation (by a medical or nurse practitioner licensed to practice in the United States) granting permission for the early return (see **9.12 Doctor's Notes and Releases**).
10. When the student returns to campus for any reason during the extended postpartum period (weeks 7–10), documentation (by a medical or nurse practitioner licensed to practice in the United States) granting permission for the early return (see **9.12 Doctor's Notes and Releases**).
11. When a pregnant special education student is served, **both** PRS and special education documentation (see **9.13 Returning to Campus**).
12. The certified teacher's log of the actual amount of home instruction each student received for each week the student received CEHI (applies to both prenatal and postpartum periods).

The minimum documentation required in homebound logs (the attendance record maintained by a homebound teacher) is —

- the name of the homebound teacher,
- the student name and identification or social security number,
- the date that the homebound teacher visited the homebound student, and

- the actual time per visit that the student was served (e.g., 10:00 a.m. until 12:00 p.m.)

Additional documentation may be maintained as part of this record at the discretion of the local education agency. This documentation may include, but is not limited to, mileage records for the homebound teacher and information on subjects that were taught as part of the homebound instruction.

Discharge papers and other official forms completed and issued by a hospital, clinic, doctor's office, etc., can be copied and used to support doctor notes to identify the medical necessity for confinement or an infant's hospitalization period.

## 9.18 Quality Control

District personnel should identify a student as receiving PRS in the attendance accounting system as soon as services under the PRS program begin. All documentation must be obtained expeditiously and retained for audit purposes so that eligibility requirements are met.

When serving a pregnant SPED student, your district is not required to maintain the SPED and PRS records in the same file; however, your district will be required to provide documentation from both areas (SPED and PRS) for audit purposes.

During the prenatal period, a student should no longer be identified as receiving PRS if, for any reason, the services stop.

During the postpartum period, a student should no longer be identified as receiving PRS when the student returns to her regular service at her campus or at the end of the allowable postpartum period, whichever comes first.

At the beginning of each school year and at the end of each 6-week reporting period, the appropriate PRS program staff should verify the Student Detail Report to ensure that initial coding of PRS students is correct.

Schedule modifications are an eligible service under the PRS program. However, these modifications must adhere to general attendance rules in order for PRS students to remain eligible for ADA (**Section 3 General Attendance Requirements**). These requirements include attendance for at least 2 hours but fewer than 4 hours each day to be eligible for half-day ADA or at least 4 hours each day to be eligible for full-day ADA.

No student can be coded PRS unless CEHI is one of the services provided by your district. In the event that CEHI is offered but not provided to a student, your district must maintain documentation explaining why the student was not provided CEHI.

## 9.19 Examples

### 9.19.1 Example 1

A school district decides to implement a PRS program, but will offer only CEHI. A student informs the counselor that she is pregnant on October 1. The student receives no additional services while she is attending her regular classes on her campus. When she delivers on February 15, the district begins CEHI. The first day the CEHI teacher sees the student is on

Monday, February 19. CEHI continues for her 6-week postpartum period, and the student returns to school on March 30.

*The student should be coded with a PRS indicator on February 19. This date would be her entrance date into the PRS program. Her exit date would be March 30.*

### 9.19.2 Example 2

On August 16, the first day of school, an ADA-eligible student who was preregistered for grade 11 informs the high school counselor that she is pregnant. The district completes all the required documentation and begins providing PRS on August 23.

*The student should be coded with a PRS indicator in the Student Detail Report when PRS began, August 23. This is the date she will begin accumulating eligible PRS days present.*

### 9.19.3 Example 3

An ADA-eligible PRS student begins experiencing difficulties associated with her pregnancy 3 weeks after beginning service under the PRS program. The doctor expects her to be confined to her home for 2 consecutive weeks. The certified teacher who is assigned to administer CEHI sees the student 3 hours the first week and 5 hours the second week. As expected, the student returns to school full-time after the end of the second week and resumes PRS at school.

*Since the student receives CEHI, she should remain coded PRS during the entire confinement period. The student may only accumulate 3 days present for the first week. For the second week, however, the student will accumulate 5 days present since the teacher saw her at least 4 hours that week.*

### 9.19.4 Example 4

An ADA-eligible PRS student, during the prenatal period, is simultaneously taking a 1-hour career and technical education course (code V1). She begins CEHI, since she is expected to be confined for 5 consecutive weeks. Your district provides the 4 hours of CEHI instruction, but chooses not to provide the additional career and technical education hours while the student is on CEHI.

*The student may generate career and technical education contact hours if a certified teacher provides the same amount and type of career and technical instruction the student received at school. This career and technical education instruction is in addition to the 4-hour requirement for CEHI. Since the student receives CEHI, she should remain coded PRS during the entire confinement period. Since the district is not providing the additional hours for career and technical education, the career and technical education indicator should be removed. The student, however, should not be withdrawn from the career and technical education class. She remains enrolled in the class and is assisted in her class assignments by the CEHI teacher. During this period of time, the student would not be reported eligible for career and technical education contact hours on the 410 PEIMS record; however, the student would be reported on the 169 and 170 PEIMS records if the time period falls during the fall snapshot.*

#### 9.19.5 Example 5

An ADA-eligible PRS student receives CEHI for the entire 6-week postpartum period. Before the end of the 6-week postpartum period, the student's medical or nurse practitioner determines that an additional 2 weeks of confinement are required.

*The student will remain coded PRS for all 8 weeks of the postpartum period, and she will accumulate eligible days present each week based on the amount of instruction she receives at home from the certified teacher. Your district must continue to provide CEHI during the entire confinement period and, for audit purposes, must obtain an additional written statement from the physician that prescribes the extended postpartum period.*

#### 9.19.6 Example 6

An ADA-eligible PRS student is scheduled to receive CEHI for the entire 6-week postpartum period. However, she returns to her regular service on her campus on the first day of the fourth week.

*Since the student receives CEHI while at home, she should remain coded PRS during the entire confinement period. The student will accumulate eligible days present each week based on the amount of instruction she receives at home from the certified teacher. On the first day of the fourth week, your district must withdraw her from the PRS program since she returned to school. Regular attendance rules now apply (**Section 3 General Attendance Requirements**).*

#### 9.19.7 Example 7

An ADA-eligible PRS student receives CEHI for the entire 6-week postpartum period. She receives at least 4 hours of instruction at home from a certified teacher during each of the first 5 weeks. Each of these 5 weeks contains 5 days of instruction. During the sixth week, which only contains 4 days of instruction because it contains a holiday, the student receives 2 hours of instruction at home.

*Since the student receives CEHI while at home, she should remain coded PRS during the entire 6-week postpartum period. The student will accumulate 5 eligible days present each week for the first 5 weeks because the teacher provided at least 4 hours of instruction each week. During the sixth week, which only consists of 4 days of instruction, the student sees the teacher for only 2 hours. Therefore, she will only accumulate 2 eligible days present.*

#### 9.19.8 Example 8

On August 21, the first day of school, an ADA-eligible student informs the high school counselor that she is pregnant. Your district completes all the required documentation and begins serving the student on August 28. Your district has both a PRS program and a Pregnancy, Education, and Parenting (PEP) program. Your district also serves the student in the PEP program. On January 4, the first day of the second semester, the student delivers her baby. On February 16, after 6 calendar weeks of CEHI, the student returns to school and continues to receive instruction through the PEP program.

*The student should be coded with both a PRS indicator in the Student Detail Report and a PEP indicator code. The PRS entry date (effective date of program change) of August 28 is the date she will begin accumulating eligible PRS days present. Your district must withdraw the student from the PRS program on February 16, the first day that she returns to school. Although she*

*continues to receive services through the PEP program, she is no longer eligible to receive PRS funding.*

#### 9.19.9 Example 9

A student who is receiving special education and related services becomes pregnant and is eligible for PRS. During her prenatal period, the student is confined to bed rest as a result of a valid medical condition. On your district's obtaining the physician's note confirming the need for bed rest, the following should occur:

1. district personnel change the student's instructional setting code to 01 (homebound);
2. the certified special education teacher and PRS staff work collaboratively to implement the services documented in the student's IEP (see **4.6.2.3 Homebound Services and Pregnancy Related Services (PRS)**);
3. district personnel document special education attendance based on the Homebound Funding Chart (see **4.6.2.7 Homebound Funding and Documentation Requirements**);
4. an additional 120 minutes of support services are provided through the PRS program.

The student delivers the baby during the period of confinement to bed rest, and services are continued until the 6-weeks postpartum period is completed.

On completion of the postpartum period, the ARD committee must convene to conduct the change of placement ARD.

#### 9.19.10 Example 10

A student delivers her baby on August 2. Your school district's first day of school is August 15.

*While schools are not obligated to provide PRS components to students outside of the normal school year, the student's 6-week postpartum eligibility for CEHI extends into the school year. Therefore, the student would be eligible for PRS/CEHI through September 14. Her first day of school enrollment and attendance would be the date of the initial visit to the student's home by the CEHI teacher.*

#### 9.19.11 Example 11

CEHI is one of the PRS services provided by you district. However, one of the students does not receive CEHI during her postpartum period as a result of an extenuating circumstance (for example, the student or baby is in a hospital in a different town, the parents refuse the service).

*Since PRS rules require that CEHI be provided, your district must maintain documentation explaining the reasons for not providing CEHI to the student.*

#### 9.19.12 Example 12

CEHI is one of the PRS provided by your district. One of the prenatal pregnant students is coded PRS during the school year and provided support services while she is attending her regular classes, but she delivers in June after the end of the school year. Therefore, CEHI is never provided to this student.

*Although the PRS rules require a district that implements a PRS program to provide CEHI, districts are not required to provide services outside the regular school year. Therefore, this student may remain coded PRS, but there is not a requirement to provide her PRS CEHI services during the summer months.*

#### 9.19.13 Example 13

A student delivers her baby on March 1. The 6-week postpartum period begins the day after delivery and continues 6 consecutive calendar weeks. If a 1-week spring break holiday falls within the student's 6-week postpartum period, then a maximum of 5 weeks would be funded for PRS since one of the postpartum weeks was not a scholastic calendar week.

#### 9.19.14 Example 14

Test administration to a student on CEHI: The PRS CEHI teacher administers a 6-weeks exam that takes the student 30 minutes to complete.

*The teacher must provide an additional 30 minutes of instruction in to complete the 1 hour of CEHI.*

#### 9.19.15 Example 15

A PRS CEHI teacher administers the math TAKS to a student confined to the home on a Tuesday. It takes the student 2 hours to complete the math TAKS. The teacher returns on Wednesday and administers the social studies TAKS. It takes the student 2 hours to complete the social studies TAKS.

*The student earns only 1 eligible day present for Tuesday and only 1 eligible day present for Wednesday. The CEHI teacher must schedule 2 more hours of CEHI instruction during the week so the student can earn an entire week of attendance credit. The additional CEHI may be any day of the same week, Sunday to Saturday, including the same calendar day that the test was administered. In all cases, the CEHI instruction must be in addition to the time the student was tested.*

#### 9.19.16 Example 16

A PRS CEHI teacher administers a final exam to a student confined to the home, and it takes the student 30 minutes to complete the exam.

*The student must receive an additional 30 minutes of CEHI instruction to earn 1 day present.*

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## Section 10 Nontraditional Schools<sup>158</sup>

Many different situations occur in which students are educated during nontraditional hours or days of the week or in nontraditional locations within the district. These situations include but are not limited to alternative education programs, juvenile justice alternative education programs (JJAEPs), disciplinary alternative education programs (DAEPs), in-school suspension (ISS) programs, and education programs for incarcerated youth/students. This section addresses attendance accounting matters related to students in these situations.

**Important:** Although it may be determined that a nontraditional education setting is required to better serve the needs of a particular student, for that student to be eligible for funding, he or she must meet all the eligibility requirements of the Foundation School Program (FSP) and the nontraditional program. Please see **3.2.3 Age Eligibility** in Section 3 and the following subsections of this section for these requirements.

Also, regardless of the nontraditional way in which a student is served, that student's attendance must be reported according to the traditional rules of the standardized attendance accounting system required by the Public Education Information Management System (PEIMS) *Data Standards*.<sup>159</sup> The rules and regulations of the FSP documented in this handbook apply regardless of the nontraditional education program that is implemented.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including nontraditional schools.

**Important for open-enrollment charter schools:** Many of Section 10's requirements are based on statutory requirements in the Texas Education Code (TEC), Chapter 37. Open-enrollment charter schools are not subject to the provisions of the TEC, Chapter 37, with the exception of the TEC, §37.0021, related to discipline management practices or behavior management techniques, and any provision establishing a criminal offense. Please consult Section 10's footnotes and the applicable sections of the TEC to determine whether a particular requirement applies to open-enrollment charter schools.

### 10.1 Responsibility

List in the space provided below the name and phone number of the district personnel to whom all alternative education and discipline questions should be directed:

**Name:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

<sup>158</sup> Some types of alternative education campuses are described in *Part 1 – Standard Procedures, Chapter 6 – Special Issues and Circumstances*, and *Part 2 – Alternative Education Accountability (AEA) Procedures* of the *2010 Accountability Manual*. Others, such as Chapter 37 discipline programs, are described in this publication.

<sup>159</sup> Texas Education Code (TEC), §42.006

## 10.2 General Eligibility Requirements

The attendance of students served in a nontraditional setting is subject to requirements associated with the specific nontraditional setting. Eligibility information for specific nontraditional settings appears later in this section.

Generally, a student in a nontraditional setting will be eligible for average daily attendance (ADA) funding in the district in which the student resides or is otherwise entitled to attend for FSP purposes (see **3.3 Enrollment Procedures and Requirements**).

### 10.2.1 "Double-Counting" of ADA for Students in Nontraditional Schools

A student may not be counted more than once for ADA purposes because he or she attends both the regular school program and a nontraditional education program. However, your district should take into consideration the total amount of time a student is served each day in the district when determining the student's ADA eligibility code.

### 10.2.2 Nontraditional Schools and Special Program Eligibility

Students who are being served in nontraditional education programs are eligible for special program (e.g., special education, career and technical education, bilingual/ESL, etc.) funding provided all requirements of the special programs are met, including service by certified special program teachers.

### 10.2.3 DAEP or JJAEP Placement for Students 21 Years of Age or Older

A student who is 21 (or older) and admitted to a Texas public school to complete high school graduation requirements is **not** eligible for placement in a DAEP or JJAEP if he or she engages in the same type of misconduct that would require such placement for a student under the age of 21. In this instance, your district must revoke admission of the student.<sup>160</sup> The leaver code would be reported as '98' on the PEIMS 203 record.

### 10.2.4 Eligibility and Teacher Certification

Generally, all students reported as eligible to generate ADA must be served by teachers certified by the State Board for Educator Certification (SBEC) or be served under a contract negotiated by the local district. Additional information on contracting for educational services may be obtained by contacting the specific program division(s) at the Texas Education Agency (TEA).

## 10.3 School Calendar Requirements and Waivers to These Requirements

The school calendar for alternative education programs must follow the same regulations as those stated for the regular school, unless a waiver that alters this requirement is submitted to the TEA. Generally, a school calendar must provide for 180 days of instruction at each campus that is identified by a separate campus number (see **3.8 Calendar**).<sup>161</sup> It should be noted that

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<sup>160</sup> TEC, §25.001(b-1)

<sup>161</sup> TEC, §25.081(a)

charter schools are not subject to the 180-day requirement; however, most charter schools typically offer 180 days of instruction.

The commissioner of education is extended the authority to waive certain requirements established by state law or State Board of Education rule when it is determined the students' education will benefit directly by waiving the law or rule.<sup>162</sup> All rules and regulations of student eligibility and attendance reporting are applicable unless specifically waived.

Many times, waiving certain laws or rules associated with education indirectly affects other areas of education. Before applying for a waiver, your district should evaluate how the reporting of attendance and the funding of students will be affected if the waiver is granted.

## 10.4 Attendance Accounting Documentation

Basic attendance accounting records for students served in an alternative education setting must meet the same standards established in this handbook for the regular school program. See Sections 2 and 3.

## 10.5 Year-Round Schools

Regardless of beginning/ending dates, or dates of intercessions, your district must report the attendance of students participating on year-round instructional tracks in six approximately equal reporting periods.

In many cases, year-round instructional tracks are not completed by the PEIMS due date for submission of attendance data. When this situation occurs, your district must submit the attendance records for students attending year-round programs before the final 6-week reporting period is completed. Report only the actual number of days of instruction completed—as of the date the attendance records are extracted. Report the completed year during the resubmission period.

Students who switch instructional tracks remain eligible for all days of attendance, provided all other eligibility requirements are met.

## 10.6 Compensatory and Accelerated Instruction for At-Risk Students (Regular Accountability At-Risk Alternative Education Programs)

Each school district must provide appropriate compensatory and accelerated services for at-risk students. Refer to the TEC, §29.081(d), regarding statutory requirements for educating at-risk students.

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<sup>162</sup> TEC, §7.056(a), except as provided in the TEC, §7.056(e) and (f), regarding criminal misconduct; restrictions imposed by federal law or rule; or restrictions imposed by state law

An alternative campus for at-risk students must serve one or more of the following student populations:

1. students in at-risk situations,
2. recovered dropouts,
3. pre- and postadjudicated students,
4. homeless students,
5. pregnant or parenting students, or
6. students who previously resided or currently reside in a residential placement facility in the district.<sup>163</sup>

## 10.7 Alternative Education Campuses (AECs) of Choice and Residential Facilities Evaluated Under Alternative Education Accountability (AEA) Procedures

AECs, including charter AECs, must serve students “at risk of dropping out of school”<sup>164</sup> and provide accelerated instructional services to these students. Each AEC registered for evaluation under AEA procedures is designated as an AEC of Choice or a residential facility. (AEA procedures are described in *Part 2* of the *Accountability Manual*, published annually by the Performance Reporting Division.) At-risk students enroll at AECs of Choice to expedite progress toward performing at grade level and high school completion.

All attendance accounting rules contained in this handbook apply to all AECs.

### 10.7.1 Registering AECs of Choice and Residential Facilities for Evaluation

To register AECs of Choice and residential facilities for evaluation under AEA procedures, contact the Performance Reporting Division at (512) 463-9704 or visit <http://www.tea.state.tx.us/aea> for details. **Campuses that choose not to register for evaluation under AEA procedures will be evaluated under the standard accountability procedures.**

### 10.7.2 Evaluation of DAEPs and JJAEPs

Statute or statutory intent prohibits the attribution of performance results to DAEPs and JJAEPs. Therefore, these programs are ineligible for evaluation under AEA procedures as well as stand-alone General Educational Development (GED) programs. The TEC, §37.011(h), requires that a student enrolled at a DAEP or JJAEP be reported as if the student were attending and being tested at his or her “sending” campus. Each district that sends students to a DAEP or JJAEP is responsible for properly attributing all performance data according to the PEIMS *Data Standards* and the testing guidelines.

All campuses identified to be DAEPs or JJAEPs will be labeled *Not Rated: Other* under standard accountability procedures.

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<sup>163</sup> TEC, §29.081(d)

<sup>164</sup> as defined in the TEC, §29.081(d)

## 10.8 Residential Alternative Education Programs for Students in Residential Facilities

The programs covered under this category include, but are not limited to, juvenile detention centers; detention centers and correctional facilities that are registered with the Texas Juvenile Probation Commission (TJPC); residential care and treatment facilities operated under contract to a public agency, such as the Texas Youth Commission (TYC); residential treatment facilities operated for purposes such as substance and alcohol abuse; private residential treatment centers (PRTCs); and residential care and treatment facilities operated by a state supported living center or state agency or by the federal government. The services made available to students under such a program may include those services identified in subsection **10.6 Compensatory and Accelerated Instruction for At-Risk Students (Regular Accountability At-Risk Alternative Education Programs)**.

Students residing in the kinds of facilities listed in the previous paragraph are eligible for and are entitled to receive the educational services available from the public school district in which the facility is located. While some residential alternative education programs for incarcerated/housed students provide an educational program for their participants, most of these programs will call on the district of residence (district in which the residential facility is located) to provide instructional services to students participating in the program.

These types of programs are subject to the FSP rules and regulations documented in this handbook, which apply regardless of the nontraditional education program that is implemented.

## 10.9 Disciplinary Alternative Education Programs (DAEPs)

Your school district must provide for a DAEP that —

1. is provided in a setting other than a student's regular classroom;
2. is located on or off of a regular school campus;
3. provides for students who are assigned to the DAEP to be separated from students who are not assigned to the DAEP;
4. focuses on English language arts, mathematics, science, history, and self-discipline;
5. provides for students' educational and behavioral needs;
6. provides supervision and counseling;
7. employs only teachers who meet all certification requirements established under the TEC, Chapter 21, Subchapter B; and
8. provides not less than the minimum amount of instructional time per day required by the TEC, §25.082(a).<sup>165</sup>

An off-campus or on-campus DAEP should be a "mirror image" of the regular education program your school district provides. The DAEP should include teacher and student instructional interaction. The significant differences between a DAEP and a regular education program are the type of students housed in the program and the unavailability of certain elective courses. A DAEP serves only students who are removed from a regular education setting because of a disciplinary assignment.

In the event that your school district/campus does not currently have any students assigned to a DAEP, your school district must write a contingency plan to provide for any placement to a

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<sup>165</sup> TEC, §37.008(a)

DAEP that might occur during the school year.<sup>166</sup> Writing a contingency plan is especially important for elementary schools, which typically have fewer students committing behaviors that require placement to a DAEP.

### 10.9.1 Off-Campus DAEPs

An **off-campus** DAEP —

1. has its own **campus identification number**;
2. has its own **building** (is **not** a program on a regular campus or an at-risk alternative education campus);
3. has its own **budget**;
4. has its own **administrator**;
5. serves only students removed under the TEC, Chapter 37 (no other non-discipline program may be operated on the campus);
6. must use the services of certified teachers to the extent required above in **10.9 Disciplinary Alternative Education Programs (DAEPs)**;
7. must provide for a **180-day school year**<sup>167</sup>; and
8. must provide for a **7-hour school day**<sup>168 169</sup>.

If your school district or charter school has chosen to operate or participate in, through a shared services arrangement (SSA), an off-campus DAEP, your district or school must register the campus with the TEA as a DAEP instructional campus.

### 10.9.2 On-Campus DAEPs

An **on-campus** DAEP is one that **may have its own campus identification number**.<sup>170</sup> If an on-campus DAEP has its own campus identification number, then the campus must:

1. have an **administrator** (administrator can serve more than one campus);
2. have its own **budget**;
3. use the services of certified teachers for delivering educational and behavioral instruction to the students assigned to the on-campus DAEP;
4. provide for students who are assigned to the DAEP to be separated from students who are not assigned to the DAEP ("sight and sound barrier" should exist to provide adequate separation);
5. provide for a **180-day school year**<sup>171</sup>;
6. provide for a **7-hour school day**<sup>172</sup>; and
7. **share a facility** with a nondisciplinary program.

If your school district or charter school has chosen to operate or participate in, through an SSA, an on-campus DAEP, your district or school must register the campus with the TEA as a DAEP instructional campus.

<sup>166</sup> TEC, Chapter 37, and the Student Code of Conduct

<sup>167</sup> TEC §25.081(a)

<sup>168</sup> TEC, §25.082(a)

<sup>169</sup> TEC, §37.008(a)(2)

<sup>170</sup> TEC, §37.008(a)(2)

<sup>171</sup> TEC, §25.081(a)

<sup>172</sup> TEC, §25.082(a)

If an **on-campus DAEP does not have its own campus number**, then a student should remain enrolled at the campus at which the student was enrolled when he or she was removed.

### 10.9.3 DAEPs and Students Under the Age of 10

A student who is younger than 10 years of age must be removed from class and placed in a DAEP under TEC, §37.008 if the student engages in conduct as described by TEC, §37.007, Expulsion for Serious Offenses. An elementary school student may not be placed in a DAEP with any other student who is not an elementary student.<sup>173</sup>

### 10.9.4 DAEPs and Students Under the Age of 6

Students who are **under the age of 6** and commit behaviors that require a DAEP placement may not be placed in the DAEP. However, this prohibition does not prevent your district from assigning the student to in-school suspension or out-of-school suspension. (An out-of-school suspension may not exceed 3 school days.<sup>174</sup>) As another option, your district may place the student in another regular education classroom to solve the discipline problem.

### 10.9.5 Students Receiving Special Education and Related Services in a DAEP

A special education student's instructional arrangement/setting will not change as a result of his or her placement in a DAEP.

## 10.10 Expulsion

Your school district must adopt<sup>175</sup> a student code of conduct that outlines the conditions under which a student will be expelled. The code must be in compliance with the TEC, §37.007, Expulsion for Serious Offenses. Note that charter schools are not limited to the grounds for expulsion outlined in the TEC, §37.007, unless they fail to adopt a student code of conduct that outlines the reasons a student may be expelled.

Your school district must also adopt consistent procedures for determining when a student has engaged in **serious or persistent misbehavior** violating the student code of conduct while placed in an alternative education program, for the purposes of expelling students from a DAEP for this reason (disciplinary action code 20).<sup>176</sup>

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<sup>173</sup> TEC, §37.006, Removal for Certain Conduct, (f)

<sup>174</sup> TEC, §37.005(b)

<sup>175</sup> TEC, §37.001(a)

<sup>176</sup> TEC, §37.007(c)



The following table explains the actions your district must take when a student commits a particular kind of offense.

<b>If a student commits a —</b>	<b>then —</b>
<b>mandatory expellable offense</b> in one of the 26 mandatory JJAEP counties,	the student must be referred to the juvenile court after the due process hearing. The juvenile court must order the student to attend the JJAEP on the next school day.
<b>mandatory expellable offense</b> in one of the non-mandatory-JJAEP counties,	the district must hold a due process hearing and expel the student in accordance with the local student code of conduct.
<b>discretionary expellable offense in one of the 26 mandatory JJAEP counties,</b> and the local student code of conduct requires an expulsion,	the student must be placed in a disciplinary educational setting in accordance with the local student code of conduct and/or the memorandum of understanding (MOU).
<b>discretionary expellable offense in one of the non-mandatory-JJAEP counties,</b> and the local student code of conduct requires an expulsion,	the student may be placed in a disciplinary educational setting in accordance with the local student code of conduct and/or the memorandum of understanding (MOU).

Expulsion from a DAEP can result in JJAEP placement if the conduct or expulsion warrants such placement and depending on the local student code of conduct and the MOU.

Students who are less than 10 years of age and commit an expellable offense must be **expelled with placement to a DAEP** (disciplinary action codes 03 and 04).

Refer to PEIMS *Data Standards*, Section 2, 425 Student Disciplinary Action Record, and Appendix E, for more information related to the expulsion of students.

### 10.10.1 Expulsion of Special Education Students

A student receiving special education and related services may be removed from his or her current placement for a period that does not exceed 10 school days or for a period exceeding 10 school days if the ARD committee determines that the student’s misbehavior is not a manifestation of the student’s disability.<sup>177</sup> In addition, a special education student may be removed to an interim alternative education setting for 45 school days or fewer without regard to whether the misconduct was a manifestation of the student’s disability if the misconduct involved weapons, drugs, or serious bodily injury.

In addition, the Individuals with Disabilities Education Act (IDEA) requires that a free appropriate public education (FAPE) must be made available to all children with disabilities between the ages of 3 and 21, inclusive, including children who have been suspended or expelled from school, as provided in 34 Code of Federal Regulations, §300.530(d).<sup>178</sup> Therefore, students with disabilities removed from their current placements for 10 or more cumulative school days during the school year must continue to receive educational services so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their Individualized Education Program (IEP) goals.

<sup>177</sup> TEC, §37.007

<sup>178</sup> See 20 United States Code, §1412(a)(1), and 34 Code of Federal Regulations (CFR), §300.101(a).



Options that your district may consider for a special education student's disciplinary placement include, but are not limited to, placement in a DAEP (disciplinary action codes 03 and 04) or placement in another alternative interim setting that will enable the student to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP. Note, however, that a student may not be removed to a homebound setting.

The educational services provided to a student removed to a disciplinary placement are to be provided following the requirements of the 2-through-4-hour rule (see **3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding** and **3.2.1 Average Daily Attendance (ADA) Eligibility Coding**).

Your district must determine the student's instructional arrangement/setting code based on the percentage of time the student is removed from the general education setting. The student's **disciplinary action code** is 01.

Where services provided do not meet the requirements of the 2-through-4-hour rule, the student's ADA eligibility code is 0 Enrolled, Not in Membership

The student's instructional arrangement/setting code is 00 No Instructional Arrangement/Setting. The student's **disciplinary action code** is 01.

## 10.11 Juvenile Justice Alternative Education Programs (JJAEPs)<sup>179</sup>

Academically, the mission of a JJAEP is to enable students to perform at grade level.

If a school district is in a county with a population greater than 125,000<sup>180</sup>, the county juvenile board is required to develop a JJAEP, subject to the approval of the Texas Juvenile Probation Commission (TJPC).<sup>181</sup> If a county has a population of at least 72,000, the juvenile board of the county and the school districts may develop a JJAEP, subject to the approval of the TJPC<sup>182</sup>. If a county has a population of 125,000 or less, the county juvenile board may develop and operate a JJAEP independent of the TJPC. A school district cannot develop or create a JJAEP.<sup>183</sup>

### 10.11.1 JJAEPs and School Districts in Counties With Populations Greater Than 125,000

If your school district is in a county with a population greater than 125,000, then your school district and the county juvenile board must<sup>184</sup> annually enter into a joint memorandum of understanding (MOU), an **annual written agreement** that —

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<sup>179</sup> For further program information on JJAEPs, contact the Chapter 37/Safe Schools Division at (512) 463-9982.

<sup>180</sup> For purposes of JJAEP requirements, a county with a population greater than 125,000 is considered a county with a population of 125,000 or less if the county had a population of 125,000 or less according to the 2000 federal census and the county's juvenile board enters into, with the approval of the Texas Juvenile Probation Commission, an MOU with each school district in the county that outlines the responsibilities of the board and the districts in minimizing the number of students expelled without receiving alternative educational services and includes the coordination procedures required by the TEC, §37.013. Per the TEC, §37.011(a-1) [HB 1425, 81st Legislature, Regular Session, 2009]

<sup>181</sup> TEC, §37.011(a)

<sup>182</sup> General Appropriations Act, Article V, Juvenile Probation Commission Rider 10

<sup>183</sup> TEC, §37.011(a)

<sup>184</sup> TEC, §37.011(k)

1. outlines the responsibilities of the juvenile board concerning the establishment and operation of a JJAEP under the TEC, §37.011;
2. defines the amount and conditions on payments from the school district to the juvenile board for students of the school district served in the JJAEP whose placement was not made on the basis of an expulsion under the TEC, §37.007(a), (d), or (e);
3. identifies those categories of conduct that the school district has defined in its Student Code of Conduct as constituting serious or persistent misbehavior for which a student may be placed in the JJAEP;
4. identifies and requires a timely placement and specifies a term of placement for expelled students for whom the school district has received a notice under the Family Code, §52.041(d);
5. establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the JJAEP;
6. establishes a plan that provides transportation services for students placed in the JJAEP;
7. establishes the circumstances and conditions under which a juvenile may be allowed to remain in the JJAEP setting once the juvenile is no longer under juvenile court jurisdiction; and
8. establishes a plan to address special education services required by law.

All school districts in the following counties are required to participate in a JJAEP and thus an MOU: Bell, Bexar, Brazoria, Brazos, Cameron, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Hidalgo, Jefferson, Johnson, Lubbock, McLennan, Montgomery, Nueces, Smith, Tarrant, Taylor, Travis, Webb, Wichita, and Williamson.

### 10.11.2 Establishment of a Separate JJAEP Campus

For purposes of accountability under the TEC, Chapter 39, a student enrolled in a JJAEP is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program.<sup>185</sup> In accordance with this provision, and to properly attribute JJAEP students for accountability purposes, the TEA requires that **all districts required to participate in a JJAEP establish a separate campus** to track their JJAEP students. This campus must be registered with the TEA as a JJAEP instructional campus. Once a district has been issued a registered JJAEP campus number, the district must enroll all JJAEP students on the JJAEP campus for the duration of the students' assignment to the JJAEP. Some JJAEP students are ineligible for ADA even though they are enrolled on a district's JJAEP campus and must be reported through all applicable PEIMS submissions regardless of the eligibility status.

**"Truant" JJAEP Students:** If a student who is required to attend a JJAEP does not appear, the student should be reported as absent in the student attendance accounting system. If your district's system does not allow a student to be absent on his or her first day at a campus, report the student as absent at the campus at which he or she was enrolled before assignment to the JJAEP. On the date that the student does appear to attend the JJAEP, report the student as present at the JJAEP campus. Your district **may not** withdraw a student required to attend a JJAEP.

<sup>185</sup> TEC, §37.011(h)

### 10.11.3 JJAEP Eligibility and ADA Eligibility Coding for JJAEP Students

For a student to be placed in or attend a JJAEP, the student must be —

1. found by the school district to have engaged in expellable conduct under the TEC, §37.007(a), (d), or (e);<sup>186</sup>
2. found by the school district to have engaged in expellable conduct **other than** conduct under the TEC, §37.007(a), (d), or (e), and eligible for placement under the TEC, §37.0081(a-1)(1)<sup>187</sup> or under the terms of the MOU under the TEC, §37.011(k)<sup>188</sup>; or
3. not expelled, but assigned by a court to a JJAEP.<sup>189</sup> (The school district is not required to provide funding to a JJAEP for students who are not expelled.)

A JJAEP is not eligible to receive FSP funding and does not report student attendance to the TEA. The school district in which the student is enrolled immediately preceding the student's JJAEP placement determines ADA eligibility coding for JJAEP students by using the following chart and referring to **3.2.1 Average Daily Attendance (ADA) Eligibility Coding**.

The student is being served by a JJAEP on the basis of —	Population of County in Which District Is Located	Is the student eligible for ADA?
a <b>mandatory expulsion</b> under TEC, §37.007 (a), (d), or (e).	Greater than 125,000	No, unless specifically authorized in writing by TEA (ADA codes 0, 4, or 5 unless otherwise authorized) <sup>190</sup>
a <b>mandatory expulsion</b> under TEC, §37.007 (a), (d), or (e).	At least 72,000 but less than 125,001	Yes, (ADA codes 0, 1, or 2), <b>unless the county has created a JJAEP approved by TJPC<sup>191</sup></b> , then use ADA codes 0, 4, or 5
a <b>mandatory expulsion</b> under TEC, §37.007 (a), (d), or (e).	Less than 72,000	Yes, (ADA codes 0, 1, or 2)
an expulsion <b>other than</b> a mandatory expulsion under TEC, §37.007 (b), (c), or (f).	Population of any size	Yes (ADA codes 0, 1, or 2)
being assigned to attend the JJAEP by a court (student was <b>not</b> expelled).	Population of any size	Yes (ADA code 1 or 2)

<sup>186</sup> Student is entitled to timely education services in the JJAEP regardless of whether the juvenile court has jurisdiction over the student. TEC, §37.011(b)(4)

<sup>187</sup> The school district provides funding in an amount determined under the TEC, §37.0081(g).

<sup>188</sup> The school district provides funding in an amount determined by the MOU. TEC, §37.012(a)

<sup>189</sup> The school district is not required to provide funding to a JJAEP for students who are not expelled. TEC, §37.012(d)

<sup>190</sup> Funding is provided to the JJAEP by the TJPC. TEC, §37.011(h)

<sup>191</sup> If the JJAEP is approved by the TJPC, funding is provided by the TJPC. General Appropriations Act, Article V, Juvenile Probation Commission Rider 10

#### 10.11.4 Required Hours and Days of Operation for JJAEPs

A JJAEP must operate at least 7 hours per day and at least 180 days per year unless the JJAEP has applied to the TJPC for a waiver of the 180-day requirement. Any waiver granted under this provision may not exceed the highest number of instructional days waived by the commissioner during the same school year for a regular school district program.<sup>192</sup>

#### 10.12 Serving Students With Disabilities

A public agency must provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the child's IEP in these two instances:

1. when a child with a disability who has been removed from his or her current educational placement for more than 10 school days is subjected to a subsequent removal for not more than 10 school days at a time; and
2. when a child with a disability is suspended or expelled for behavior that is not a manifestation of the child's disability.

Students with disabilities expelled from school must continue to be provided a free, appropriate public education (FAPE) by the local education agency (LEA).<sup>193</sup> LEAs providing FAPE to expelled students may claim ADA on the students based on the 2-through-4-hour rule **related to daily instruction**. (For information regarding funding and expulsion to a JJAEP, see the chart in **10.11.3 JJAEP Eligibility and ADA Eligibility Coding for JJAEP Students**, on the previous page).<sup>194</sup>

#### 10.13 Out-of-School Suspension (OSS)

Each school district must adopt a student code of conduct that outlines the conditions under which a student may be suspended<sup>195</sup>. For definitions of in-school suspension and out-of-school suspension, refer to the glossary of this publication.

A principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under the TEC, §37.001, as conduct for which a student may be suspended.<sup>196</sup> In addition, if the student was suspended as a preliminary action for a behavior that is identified as a mandatory expellable offense<sup>197</sup>, then the student must be provided "**due process**" through a formal expulsion hearing.

An OSS may not exceed 3 school days. For purposes of this rule, a partial-day suspension counts as one day toward the three-day limit. Your district **must count a suspended student absent** if the student does not meet ADA requirements for attendance accounting purposes.

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<sup>192</sup> TEC, §37.011(f)

<sup>193</sup> 34 CFR, §300.121(d)

<sup>194</sup> IDEA Final Regulations, 34 CFR, §300.121(d), Free appropriate public education (FAPE)

<sup>195</sup> TEC, §37.001

<sup>196</sup> TEC, §37.005(a)

<sup>197</sup> in the TEC, §37.007

## 10.14 In-School Suspension (ISS)

A teacher may remove from class a student who the teacher has documented as repeatedly or violently interfering with the teacher's ability to communicate with students or other students' ability to learn.<sup>198</sup> If a teacher removes a student from class under the TEC, §37.002(b), the principal may place the student into 1) another appropriate classroom, 2) in-school suspension, or 3) a DAEP<sup>199</sup>.

## 10.15 Students From Outside Your District Who Are Being Served in Detention or Other Facilities Making Short-Term Residential Placements

If your district is serving a student from outside the district in a detention facility or other facility making short-term (10 days or fewer) residential placements, your district is not required to enroll and serve the student if —

- a) it is known at the time the student arrives that the student will be staying for 10 days or fewer and
- b) your (the serving) district and the sending district both agree that the student will continue enrollment in the sending district for the duration and
- c) enrollment will not be shown at your (the serving) district.

This policy is not a basis for denying educational services if a parent, guardian, or student requests services, regardless of the number of days of enrollment. If your district has served a student, regardless of the number of days of service, your district must enroll the student and report the student as enrolled through the PEIMS.

## 10.16 Examples

### 10.16.1 Example 1

Your district operates a DAEP for behavior management on a separate campus. Your district has moved a student to this alternative campus because of severe discipline problems. The student attends the alternative campus from 8:15 a.m. to 3:00 p.m.

*Your district would code this student with an ADA eligibility code of **1 - Eligible for Full-Day Attendance**.*

### 10.16.2 Example 2

Your district offers evening school for eligible students who are identified as being at risk of dropping out of high school. Classes meet for 2.5 hours from 7:00 p.m. to 9:30 p.m. Monday through Friday. The calendar consists of 180 days of instruction.

*Your district should code each student who attends this calendar with an ADA eligibility code of **2 - Eligible for Half-Day Attendance**, since the student attends fewer than 4 hours per day. Your district reports the attendance for the students who attend this calendar in six approximately equal reporting periods.*

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<sup>198</sup> TEC, §37.002(b), (c)

<sup>199</sup> TEC, §37.002(c)

*If your district offered evening school from 6:00 p.m. to 10:00 p.m., each student attending 4 hours per day would be eligible for full-day attendance, and your district would code each of these students with an ADA eligibility code of **1 - Eligible for Full-Day Attendance**.*

### 10.16.3 Example 3

A student commits an expellable offense while on school property. Your district calls the police, and the student is arrested. The juvenile court finds that the student engaged in delinquent conduct and places the student in the county JJAEP for the remainder of the school year.

*Your district should contact the TEA to establish a separate campus for the district's JJAEP students and enroll students at this JJAEP campus as the students are placed at the JJAEP facility.*

*If this student was placed at the JJAEP for only a few months, your district should withdraw the student from the JJAEP campus and reenroll the student on his or her regular campus after the student fulfills the JJAEP placement requirements.*

### 10.16.4 Example 4

A student is suspended for 3 days because the student violated your district's student code of conduct.

*Your district should code the student as absent while he or she is suspended for 3 days. If this student had been expelled, your school district would still not have claimed ADA for the student since the district was not serving the student. Refer to **10.10 Expulsion** in this section for additional information.*

## Section 11 Nontraditional Programs

This section addresses attendance accounting as it relates to nontraditional programs such as the Optional Flexible School Day Program (OFSDP) and the Optional Flexible Year Program (OFYP).

### 11.1 Responsibility

List in the space provided below the name(s) and phone number(s) of the district personnel to whom all nontraditional program questions should be directed:

**Name:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

### 11.2 General Requirements

Many different situations occur in which students are educated during nontraditional hours or days of the week or in nontraditional locations within the district. These situations include but are not limited to optional flexible school day programs. Although it may be determined that a nontraditional education setting is required to better serve the needs of a particular student, for that student to be eligible for funding, he or she must meet all the eligibility requirements of the Foundation School Program (FSP) and the nontraditional program. See **3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding** and the following requirements.

The attendance of students served in a nontraditional setting is subject to requirements associated with the nontraditional setting. Eligibility information is located later in this section. Generally, students in a nontraditional setting will be eligible for average daily attendance (ADA) funding in the district in which they reside or are otherwise entitled to attend for FSP purposes (see **3.3 Enrollment Procedures and Requirements**).

Regardless of the nontraditional way in which a student is served, that student's attendance must be reported according to rules as defined by each nontraditional program.

The school calendar for alternative education programs must follow the same regulations as those stated for the regular school, unless program rules or a waiver is received that alters this requirement. Generally, a school calendar must provide for 180 days of instruction (see **3.8 Calendar**).<sup>200</sup>

A student may not be double-counted for ADA while attending both a regular school program and a nontraditional education program.

Unless otherwise specified, the rules and regulations of the FSP documented in this handbook apply regardless of the nontraditional education program that is implemented.

<sup>200</sup> Texas Education Code (TEC), §25.081

Students who are being served in nontraditional education programs are eligible for special program (special education, career and technical education, bilingual/ESL, etc.) funding provided all requirements of the special programs are met, including service by certified special program teachers.

### 11.3 Dual Credit (High School and College/University)

A public junior college, college, or university may offer a course in which a high school student may enroll and for which the student may simultaneously receive both high school and college credit.

Funding eligibility for a student taking a dual credit course will include time instructed in the dual credit course. **For the 2009–2010 and 2010–2011 school years**, your district may count the time that students spend in dual credit courses for state funding purposes even if students are required to pay tuition, fees, or textbook costs for those courses, **unless** the dual credit course is an Early College High School (ECHS) program course. Texas Administrative Code (TAC) rules for ECHS programs<sup>201</sup> prohibit requiring a student enrolled in an ECHS course for high school graduation credit to pay for tuition, fees, or required textbooks.

For your district or charter school to receive FSP funding for a student taking a college course, the district or charter school must have documentation of an agreement between the district or charter school and the college and meet other requirements for dual credit courses<sup>202</sup>.

More information on dual credit program requirements can be found in the statutes on college credit programs, Texas Education Code (TEC), §28.009 and §28.010.

#### 11.3.1 Student Eligibility for Dual Credit Courses<sup>203</sup>

A high school student is eligible to enroll in dual credit courses in the eleventh and/or twelfth grade if the student demonstrates college readiness by achieving the minimum passing standard(s) on a qualifying assessment instrument, as shown in the following chart<sup>204</sup>.

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<sup>201</sup> 19 Texas Administrative Code (TAC) §102.1091

<sup>202</sup> specified in 19 TAC Part 1, Chapter 4, Subchapter D, and in 19 TAC Part 2, Chapter 74, Subchapter C

<sup>203</sup> 19 TAC Part 1, Chapter 4, Subchapter D, §4.85

<sup>204</sup> 19 TAC §4.56 and §4.57



### Minimum Passing Standards to Demonstrate College Readiness

Assessment Instrument	Reading Skills, Reading Comprehension, or Reading Section	Elementary Algebra, Algebra, or Mathematics Section	Writing Skills (Objective), Sentence Skills, or Writing Section	Written Essay
ASSET <sup>205</sup>	41 (RS)	38 (EA)	40 (WS)	6*
COMPASS <sup>206</sup>	81 (RS)	39 (A)	59 (WS)	6*
ACCUPLACER <sup>207</sup>	78 (RC)	63 (EA)	80 (SS)	6*
Texas Higher Education Assessment (THEA) <sup>208</sup>	230 (R)	230 (M)	220 (W)	--

\* The minimum passing standard for the written essay portion of all tests is a score of 6. However, an essay with a score of 5 will meet this standard if the student meets the objective writing test standard.

Alternately, a student is eligible to enroll in dual credit courses in the eleventh and/or twelfth grade if the student demonstrates he or she is exempt from meeting the previous requirements because he or she has satisfied at least one of the following criteria:

- The student scores a composite score of at least 23 on the ACT, with a minimum score of 19 on the English and/or the mathematics test (exempt for the corresponding sections for 5 years from the date of testing).
- The student scores a combined verbal and mathematics score of at least 1070 on the Scholastic Assessment Test (SAT), with a minimum score of 500 on the verbal test and/or the mathematics test (exempt for the corresponding sections for 5 years from the date of testing).
- On the grade 11 exit-level Texas Assessment of Knowledge and Skills (TAKS), the student scores a minimum scale score of 2200 on the math section and/or a minimum scale score of 2200 on the English Language Arts section with a writing subsection score of at least 3 (exempt for the corresponding sections for 3 years from the date of testing).
- The student has previously attended any institution of higher education and has been determined to have met readiness standards by that institution.
- The student is enrolled in a certificate program of one year or less (Level-One certificates, 42 or fewer semester credit hours or the equivalent) at a public junior college, a public technical institute, or a public state college.
- The student is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or as a member of a reserve component of the armed forces of the United States and has been serving for at least three years preceding enrollment.

<sup>205</sup> offered by American College Testing (ACT)

<sup>206</sup> offered by American College Testing (ACT)

<sup>207</sup> offered by the College Board

<sup>208</sup> offered by National Evaluation Systems, Inc.

- The student was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard or service as a member of a reserve component of the armed forces of the United States.
- The student has been exempted from meeting minimum passing standards for demonstrating college readiness by the institution of higher education at which the student will be taking a dual-credit course and the student is non-degree-seeking or non-certificate-seeking.

To be eligible for enrollment in a dual credit course offered by a public college, a student 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.).

To be eligible for enrollment in a dual credit course offered by a public college, a student must have at least junior year high school standing. Exceptions to this requirement for students with demonstrated outstanding academic performance and capability (as evidenced by grade-point average, PSAT/NMSQT scores, PLAN or other assessment indicators) may be approved by the principal of the high school and the chief academic officer of the college. Students with less than junior year high school standing must demonstrate eligibility as outlined in the text preceding the paragraph before this paragraph.

High school students **must not be enrolled in more than two dual credit courses per semester**. Exceptions to this requirement for students with demonstrated outstanding academic performance and capability (as evidenced by grade-point average, ACT or SAT scores, or other assessment indicators) may be approved by the principal of the high school and the chief academic officer of the college.

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with TAC rules. Also, an institution is not required to offer dual credit courses for high school students.

#### 11.3.1.1 Student Eligibility Requirements Specific to Eleventh Grade Students

An eleventh grade high school student is also eligible to enroll in dual credit courses under the following conditions:

- a student achieves a score of 2200 on Mathematics and/or a score of 2200 on English Language Arts with a writing subsection score of at least 3 on the tenth-grade TAKS relevant to the courses to be attempted. An eligible high school student who has enrolled in dual credit courses in the eleventh grade under this provision is not required to demonstrate further evidence of eligibility to enroll in dual credit courses in the twelfth grade; or
- the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the critical reading and/or mathematics test relevant to the courses to be attempted. An eligible high school student who has enrolled in dual credit under this provision must demonstrate eligibility to enroll in dual credit courses in twelfth grade; or
- the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics and English. An eligible high school student who has enrolled in dual credit under this provision must demonstrate eligibility to enroll in dual credit courses in twelfth grade.

### **11.3.1.2 Student Eligibility Requirements Specific to Workforce Education Dual Credit Courses**

A high school student is eligible to enroll in workforce education dual credit courses in the eleventh and/or twelfth grade if the student demonstrates that he or she has achieved the minimum high school passing standard on the Mathematics section and/or the English/Language Arts section on the tenth- or eleventh-grade TAKS.

A student may enroll in only those workforce education dual credit courses for which the student has demonstrated eligibility.

A student who is exempt from taking TAKS may be otherwise evaluated by an institution to determine eligibility for enrolling in workforce education dual credit courses.

### **11.3.2 Types of College Credit Programs Your District May Offer**

The chart on the following two pages provides information on the different types of college credit programs your district may offer.

College Credit Option	Definition	College Credit (at Texas PS <sup>209</sup> Institutions)	Eligibility for Foundation School Funds	Other Funding Sources	District Expense	Student Expense	Other Considerations
<b>Advanced Placement (AP)</b> TEC, §§28.052–28.058 TAC §74.29	College Board–approved courses designed to prepare students to be successful on AP exams	Determined by PS institution; dependent on student's score on AP exam(s); awarded on registration in PS institution	Eligible	AP/IB incentives: Exam fee subsidies of \$30 per exam; low-income subsidies up to \$48 per exam; TTR <sup>210</sup> up to \$450 per teacher every other year; Campus awards up to \$100 per qualifying student	District may choose to purchase a College Board membership, to acquire additional teacher training, to take responsibility for exam fees beyond what the state provides, etc.	Any exam fees not provided by the state or district Note: Unless it is offered for free, a student may not be required to take an exam.	Districts may not use the AP trademark to designate courses unless they have completed the AP course audit process and received approval from the College Board.
<b>International Baccalaureate (IB)</b> TEC, §§28.052–28.058 TAC §74.29	IBO <sup>211</sup> -approved courses taught in an authorized IB school	Determined by PS institution; dependent on student's score on IB exam(s); awarded on registration in PS institution; guaranteed to equal at least 24 credit hrs with completed IB diploma at Texas public PS institutions	Eligible	AP/IB Incentives: Exam fee subsidies of \$30 per exam; low-income subsidies up to \$48 per exam; TTR up to \$450 per teacher every other year; Campus awards up to \$100 per qualifying student	IBO-required fees, training, and materials	Any exam fees not provided by the state or district Note: Unless it is offered for free, a student may not be required to take an exam.	Districts may not use the IB trademark to designate courses unless they are authorized by the IBO.
<b>Dual Credit</b> TAC §74.25 TAC §§4.81–4.85	An opportunity for a student to earn HS course credit for a college course in which all the course's TEKS <sup>212</sup> are taught and that is equivalent with respect to the curriculum, materials, instructional activity, and method/rigor of evaluation of student performance with related college courses taught at the same PS institution	Awarded immediately by the PS institution offering the course; recognized by the school district and PS institution based on articulation agreement	Eligible for the 2010–2011 school year, whether or not course and textbook are available free to the student	High School Allotment	District may choose to pay part or all of students' tuition and/or purchase required textbooks.	Any tuition or textbook expenses not waived and/or not provided by the institution/district Note: If the tuition/fees are provided free of student expense, the student may not be required to reimburse the tuition/fees based on performance	While dual credit for local credit courses is allowed, the most beneficial dual credit opportunities will allow students to earn state credits toward HS graduation.

<sup>209</sup> postsecondary

<sup>210</sup> teacher training reimbursements

<sup>211</sup> International Baccalaureate Organization

<sup>212</sup> Texas Essential Knowledge and Skills

College Credit Option	Definition	College Credit (at Texas PS <sup>209</sup> Institutions)	Eligibility for Foundation School Funds	Other Funding Sources	District Expense	Student Expense	Other Considerations
<b>Early College High School</b> TAC §102.1091 TAC §§ 4.151–4.161	A HS redesign model that provides students at risk of not graduating with a blended HS and college curriculum (Students earn a HS diploma and 60 college credit hrs tuition-free.)	Awarded immediately by the PS institution offering the course; recognized by the school district and PS institution based on articulation agreement	Eligible	High School Allotment; ECHS grants	The district or charter in which the student is enrolled shall pay for tuition, fees, and required textbooks, to the extent those charges are not waived by the institution of higher education.	No cost to student; a student enrolled in an ECHS course for HS graduation credit may <b>not</b> be required to pay for tuition, fees, or required textbooks <sup>213</sup> .	To operate an ECHS, districts and PS institutions must receive ECHS designation from the TEA and THECB <sup>214</sup> .
<b>Articulated Technical Credit (Public Law 109-270, 2006)</b>	An opportunity for a student to earn college credit for technical courses identified by a statewide articulation system through enhanced HS CTE <sup>215</sup> courses	Determined by PS institution; awarded on the student's meeting the requirements of the PS institution	Eligible	Perkins federal funding; state CTE weighted funding	Required teacher professional development provides information for courses on the articulation process, content of college-equivalent courses, and expected levels of student performance	No cost to student	The student must earn at least an 80 in the HS course(s) and often must complete at least 6 hrs in the PS institution before earning the PS credit. The secondary teacher must have a baccalaureate degree or higher with a major in the teaching discipline and have a minimum of an associate degree and 3 yrs verifiable nonteaching work experience directly related to the teaching discipline. More information at <a href="http://www.atctexas.org">www.atctexas.org</a>
<b>Locally Articulated Credit (Public Law 109-270, 2006)</b>	An opportunity for a student to earn college credit for technical courses identified in a local articulation agreement between the HS and a PS institution through enhanced HS CTE courses	Determined by PS institution; awarded on the student's meeting the requirements of the PS institution	Eligible	Perkins federal funding; state CTE weighted funding	College and HS faculty meet once a year to discuss course content. The course must meet the TEKS and WECM <sup>216</sup> course outcomes.	Local decision based on articulation agreement	Teacher requirements are based on the agreement between the school district and the local college and are written into the articulation agreement.

<sup>213</sup> per 19 TAC §102.1091(d)(3)

<sup>214</sup> Texas Higher Education Coordinating Board

<sup>215</sup> career and technical education

<sup>216</sup> workforce education course manual

### 11.3.3 Reporting Dual Credit Attendance in the Public Education Information Management System (PEIMS) When the Higher Education Calendar Is Shorter Than the School District Calendar

In some instances, a student may be taking dual credit courses through an institution of higher education whose calendar is shorter than your school district's calendar. If this is the case, report the student's attendance in the PEIMS with a different track, to reflect the shorter calendar. Reporting the student with a separate track will prevent any reduction in state funding. Before your district may report such attendance, it must first apply for and receive a waiver as described in **3.8.2.6 Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs) With Calendars of Fewer Than 180 Days**.

## 11.4 Gateway to College and Similar Programs

A “Gateway to College” (GTC) program is a program that your school district or charter school may develop through a memorandum of understanding (MOU) with the Gateway to College nonprofit organization or a similar organization in which eligible students are enrolled in the district or charter school and attend classes (either full-time, or part-time) at an institution of higher education (IHE) for the purpose of earning a high school diploma and earning college credits. GTC programs target high school dropouts and students at risk of dropping out. A charter school developing a GTC program must submit an expansion amendment request and be granted the expansion by the commissioner before enrolling students at IHEs for the purpose of earning a high school diploma.

The courses offered through a GTC program may be either high school or dual credit courses if specified in the MOU. However, for instruction provided through the GTC program to count as instruction for the purposes of the 2-through-4-hour rule and FSP funding eligibility, courses must meet the curriculum requirements specified in the TEC, Chapter 28. Developmental education courses do not count as instruction for the purposes of the 2-through-4-hour rule and are not eligible for FSP funding.

For a student participating in a GTC program to be eligible for FSP funding, the student must meet all the eligibility requirements of the FSP (see Section 3), including requirements related to half-day and full-day funding eligibility. Students participating in a GTC program and identified under federal title programs must receive appropriate instructional services as required by those federal programs.

The methods for taking attendance and the basic attendance accounting records for students served through a GTC program must meet the same standards and requirements established in this handbook for the regular school program (see Sections 2 and 3). A district or charter school reporting GTC program attendance must adhere to the requirements established in Sections 2 and 3 for the regular school program, including requirements to retain records related to student attendance for 5 years for audit purposes. Official attendance must be taken at the point in time selected by the school district or charter school. The district or charter school may specify more than one official attendance-taking time to accommodate flexible scheduling at the IHE; however, each student must be assigned to only one official attendance-taking time. The school district or charter school must communicate with the IHE daily to receive official attendance information.

The GTC program's calendar must meet the calendar requirements in **Section 3.8 Calendar**.

The district or charter school has final responsibility for ensuring that all eligibility and attendance requirements are met.

## 11.5 Optional Extended Year Program (OEYP)

The OEYP will not be funded for 2010–2011. Local education agencies will not be required to report OEYP attendance. As a result, access to the **407 OEYP Student Records** section of the PEIMS will be blocked.

## 11.6 Optional Flexible School Day Program (OFSDP)<sup>217</sup>

The OFSDP is a program that your district may offer to provide flexible hours and days of attendance for students who have dropped out of school or are at risk of dropping out; are participating in an approved early college high school plan; are attending a campus implementing an innovative redesign under a plan approved by the commissioner of education; or as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the students have been enrolled. One goal of the program is to target those students who are unable to attend school in a traditional setting, for example, because the students must seek employment to support their families, must provide child care during traditional school hours, or are involved in an Early College High School that is designed to complement a traditional college schedule. Under these circumstances, the students might be able to attend school only during evening hours or for a couple of hours during the day. The second goal of the program is to offer students who are at risk of being denied credit for classes because of failure to meet attendance requirements the opportunity to recover that credit.

Students participating in an OFSDP may attend on a fixed or flexible schedule that does not meet the traditional 180-day, 5-days-per-week requirement. Typical OFSDP instructional arrangements include the following:

- Weekend or night classes
- Extended day classes
- Classes offered throughout the year
- Flexible schedules
- Credit recovery classes (These classes can be offered during the summer recess for students who have not earned a full ADA during the school year. A student cannot earn more than the equivalent of one ADA in a year.)

### 11.6.1 Student Eligibility

A student is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if —

- the student meets one of the following conditions:
  - the student is at risk of dropping out of school, as defined by the TEC, §29.081,
  - the student is attending a school implementing an approved innovative campus plan,

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<sup>217</sup> See the TEC, §29.0822, as amended by HB 1297 and HB 3646, 81st Legislature, 2009.

- the student is attending a school with an approved early college high school program designation, or
- the student, as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the student has been enrolled; **and**
- the student, if less than 18 years of age and not emancipated by marriage or court order, and the student's parent, or person standing in parental relation to the student, agree in writing to the student's participation.

Your district may also implement a study program for seniors who have completed the required course work but need additional tutoring to assist them in passing the TAKS test so that they may graduate and obtain their high school diploma.

### 11.6.2 OFSDP Funding

The OFSDP is **not a competitive grant program**. The OFSDP program provides an alternate method of attendance accounting. The standard attendance rule requiring students to be scheduled to receive instruction for a minimum of 2 hours per day for half-time funding and a minimum of 4 hours per day for full-time funding does not apply to students who earn attendance through the OFSDP. Funding is based on the total eligible minutes of instructional contact time each student receives.

A student must receive instruction in the OFSDP (or in the OFSDP and traditional attendance program courses) at least 45 minutes on a given day for instructional contact time to be recorded. The maximum number of instructional minutes allowed each school day, including any instructional time accounted for in traditional courses toward graduation requirements, is 600 minutes, or 10 hours.

Instructional contact time for the OFSDP is funded at the same rate under the FSP formulas as attendance for a full-time equivalent student. A full-time equivalent student is expected to have 1,080 contact hours per year.

For an eligible OFSDP student attending summer school OFSDP courses for credit recovery, funding is limited to only funding for the attendance necessary for the student to recover class credit.

For funding purposes, OFSDP attendance for a student for a 12-consecutive-month school year cannot exceed the equivalent of one student in ADA with perfect attendance.

### 11.6.3 Participation in the OFSDP and the Regular Attendance Program

A student may receive instruction and earn minutes of attendance in both 1) classes held during the regular school day and 2) classes specifically designed for the OFSDP. However, the student may not be simultaneously enrolled in the OFSDP and the traditional attendance program, in terms of how the student's attendance is reported in the attendance accounting system. In other words, a student —

- may not have the same attendance time/minutes reported simultaneously through the OFSDP and the regular attendance program



- may not have the same attendance time/minutes reported simultaneously through the PEIMS with both a 400 record and a 500 (OFSDP) record

However, it is acceptable for a student to earn both traditional attendance and OFSDP attendance if the student's enrollment status changes from a traditional program to the OFSDP or if the status changes back to a traditional program from the OFSDP. A student's attendance program (OFSDP or regular) **may not** be changed in the middle of a 6 week reporting period.\* **Note:** The sum of traditional ADA earned and OFSDP ADA earned **cannot exceed one ADA total**.

\*One exception to the prohibition on changing the type of record used during a reporting period would be for an OFSDP student who begins receiving Pregnancy Related Services Compensatory Education Home Instruction (CEHI) services in the middle of a 6 week reporting period. The student's attendance would be reported with a 400 record (according to the CEHI funding chart in **9.11 Confinement and Earning Eligible Days Present**) and with an ADA eligibility code of 1 at the time the student began receiving CEHI services, even if that date occurred within the 6 week reporting period. Once the student stopped receiving CEHI services and returned to school to participate in the OFSDP, the student's attendance would be reported with a 500 record and with an ADA eligibility code of 7, even if the transition occurred in the middle of a 6 week reporting period.

#### 11.6.4 Application Process

To participate in the OFSDP, your district must submit an annual application notifying the TEA that it plans to participate. The application requires the following information: implementation plan description, staff plans, schedules, and student attendance accounting security procedures and documentation.

**Note:** Applications **no longer** need to be submitted 90 days before the program's start date.

#### 11.6.5 FSP Funding Eligibility for Students 21-25 Years of Age

Note that a student who is at least 21 years of age and under 26 years of age and admitted by your school district to complete the requirements for a high school diploma is eligible to generate ADA (and thus FSP funding [including OFSDP funding]).

Also, a student receiving special education services who is 21 years of age on September 1 of a scholastic year is eligible for services (including OFSDP services) through the end of that scholastic year or until graduation, whichever comes first. In addition, a student with a disability who graduated by meeting the requirements of 19 TAC §89.1070(c) as determined by an admission, review, and dismissal (ARD) committee and who is still in need of special education services<sup>218</sup> may be served through age 21 inclusive<sup>219</sup>. A student receiving special education services who is at least 22 years of age and under 26 years of age on September 1 admitted for the purpose of completing the requirements for a high school diploma is **not** eligible for special education weighted state funding, but is eligible for other weighted state funding.

<sup>218</sup> as determined by the ARD committee per §89.1070(h)

<sup>219</sup> 34 Code of Federal Regulations, §300.102(a)(3)

### 11.6.6 Reporting Requirements

Your district should report OFSDP attendance data using the PEIMS:

<http://www.tea.state.tx.us/index4.aspx?id=3014>. PEIMS Data Standards Records for OFSDP attendance include —

- **500** Flexible Attendance Data – Student
- **505** Special Education Flexible Attendance Data – Student
- **510** Career and Technical Flexible Attendance Data – Student

It is acceptable to create and report both 400 and 500 series records for a student if the student's enrollment status changes from a traditional program to the OFSDP or if the status changes back to a traditional program from the OFSDP. Note: If a student is participating in both classes that are a part of the traditional attendance program and classes that are a part of the OFSDP simultaneously, **all attendance must be reported through the OFSDP 500 series records.**

### 11.6.7 Estimating OFSDP Funding

Your school district may estimate the FSP funding to be generated by the OFSDP by entering the OFSDP ADA and full-time equivalent (FTE) data into the latest estimate of state aid template available at the Region XIII Education Service Center website at <http://www5.esc13.net/finance/>.

### 11.6.8 More Information

More information about the OFSDP, including the program application and applicable commissioner's rules, is available at the following link on the TEA website:

[http://www.tea.state.tx.us/index2.aspx?id=7733&menu\\_id=645&menu\\_id2=789](http://www.tea.state.tx.us/index2.aspx?id=7733&menu_id=645&menu_id2=789).

## 11.7 Option Flexible Year Program (OFYP)

An OFYP is a program for students who did not or are likely not to perform successfully on the Texas Assessment of Knowledge and Skills (or an alternate testing instrument) or who would not otherwise be promoted to the next grade level.

To provide additional instructional days for an OFYP, with the approval of the commissioner, your school district may:

- provide for at least 170 days of instruction (for students who are not at risk) and at least 180 days of instruction (for students who are at risk) during the regular school year; and
- use for instructional purposes no more than 5 days that would otherwise be used for staff development or teacher preparation.

The TEA strongly encourages districts providing OFYPs to provide the additional instructional days for eligible students throughout the school year instead of only at the end of the school year. This practice helps ensure eligible students' successful program completion.

Students who are participating in an OFYP should be reported on a separate instructional track from students who are not participating in an OFYP. An OFYP instructional day may not be scheduled on the same day as an early release day.

To participate in the OFYP, your school district must submit an application. The application is available on the TEA's OFYP website at [http://www.tea.state.tx.us/index2.aspx?id=7738&menu\\_id=645&menu\\_id2=789](http://www.tea.state.tx.us/index2.aspx?id=7738&menu_id=645&menu_id2=789).

## 11.8 High School Equivalency Program (HSEP)

The High School Equivalency Program (HSEP) is also known as the "In-School GED Program." The Texas In-School GED Program provides an alternative for high school students age 16 and over who are at risk of not graduating from high school and earning a high school diploma. The purpose of the program is to prepare eligible students to take a high school equivalency examination (GED).

### 11.8.1 HSEP Eligibility Requirements

A student is eligible to participate in an HSEP if —

- the student has been ordered by a court under Code of Criminal Procedure, Article 45.054, or by the Texas Youth Commission to:
  - participate in a preparatory class for the high school equivalency examination; or
  - take the high school equivalency examination administered under the TEC, §7.111; or
- the following conditions are satisfied:
  - the student is at least 16 years of age at the beginning of the school year or semester;
  - the student is at risk of dropping out of school, as defined by the TEC, §29.081(d);
  - the student and the student's parent, or person standing in parental relation to the student, agree in writing to the student's participation; and
  - at least 2 school years have elapsed since the student first enrolled in grade 9 and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the district or school.

### 11.8.2 HSEP Attendance Accounting and Funding

The HSEP provides alternatives to the traditional attendance program and provides flexible attendance schedules. Students in the program are still subject to minimum attendance requirements (TEC, §25.092).

District personnel must maintain a separate log of program instructional contact time for each student participating in the HSEP.

A student is counted as in attendance based on the actual number of daily contact minutes the student receives instruction in the HSEP and/or traditional classes toward graduation requirements. A student must receive instruction in the HSEP (or HSEP in combination with traditional coursework) at least 45 minutes on a given day for instructional contact time to be recorded. If actual instructional contact time in the HSEP (or the HSEP in combination with traditional coursework) does not equal at least 45 minutes on a given day, your district must record 0 minutes of instructional contact time for that day. The maximum number of instructional

contact minutes allowed each school day, including any instructional time accounted for in traditional courses toward graduation requirements, is 600 minutes.

HSEP attendance is reported using the 500 series PEIMS records. For students in grades 9–12 who are ADA eligible, create at least one record for PEIMS reporting for each student who attends at least 45 minutes in the HSEP within the indicated reporting period.

A district must report all minutes of instruction attended by a student for each six-week reporting period. However, no student may generate more than one ADA for FSP funding purposes for a school year within a district and/or campus. If a student participates in both the HSEP and the traditional attendance program, the student may not generate more than one ADA for FSP funding purposes for a six-week reporting period within a district and/or campus.

Note: Attendance reporting for students attending an HSEP in a shared services arrangement is the responsibility of the student's home district.

For additional rules and instructions related to the HSEP, visit the TEA website at <http://www.tea.state.tx.us/index2.aspx?id=2808>.

## 11.9 Texas Virtual School Network (TxVSN)

The Texas Virtual School Network (TxVSN) is a state virtual school network that provides students throughout the state with access to online courses that are reviewed to ensure they meet the Texas Essential Knowledge and Skills (TEKS) and national standards for quality online courses. The network was established by Senate Bill 1788, passed by the 80th Texas Legislature, Regular Session, in May 2007. The TEC, Chapter 30A, which established the TxVSN, does not affect the provision of distance learning courses offered under other law. The TxVSN creates an additional distance learning option for districts.

Courses approved through the TxVSN review process first became available for grades 9 through 12 in the 2008–2009 school year.

TxVSN online courses can be provided by a TxVSN provider school district or school, defined as a school district or open-enrollment charter school that meets certain eligibility requirements; Texas public and private institutions of higher education; and regional education service centers (ESCs), per commissioner's rule.

For more information on the TxVSN and to view the list of available courses in the TxVSN course catalog, visit the TxVSN website at <http://www.txvsn.org/>.

### 11.9.1 Student Eligibility for the TxVSN

A student is eligible to enroll in a course provided by the TxVSN only if the student —

- is younger than 21 years of age on September 1 of the school year,
- has not graduated from high school, **and**
- is otherwise eligible to enroll in a public school in Texas.

A student may enroll in courses full-time only if the student was enrolled in a public school in the state of Texas the preceding year.

A student may enroll in one or more courses provided through the TxVSN or enroll full-time in courses provided through the network if —

the student —

- is a dependent of a member of the United States military,
- was previously enrolled in a high school in the state of Texas, **and**
- does not reside in the state as a result of military deployment or transfer

**or**

the student has been placed in substitute care in Texas, regardless of whether the student was enrolled in a Texas public school in the preceding year.

A student who has begun enrollment in an electronic course and transfers from one educational setting to another is entitled to continue enrollment in the course.

#### 11.9.1.1 Students in Grades 3 Through 10

For the 2010–2011 school year, only those students in certain school districts and open-enrollment charter schools that applied and were approved to participate in the Electronic Course Pilot (eCP) program are eligible to participate in the TxVSN, serving grades 3 through 10.

These districts/charter schools will be offering a full-time virtual program rather than individual content areas. For the 2010–2011 school year, these districts/charter schools will not be offering their virtual programs through the TxVSN course catalog.

#### 11.9.2 TxVSN FSP Funding and Fees

If an eligible student participates in the TxVSN, meets the legal requirements for enrollment in a Texas school district, and meets the normal attendance accounting rules, the student is eligible to generate FSP funding as an enrolled student in that district. If the student does not meet the normal attendance accounting rules, the student is not eligible to generate FSP funding.

If an eligible student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student participates in the TxVSN, the student is not eligible to generate ADA or FSP funding.

Funding for eligible TxVSN participants in grades 3 through 8 will be calculated based on the ADA of those students.

Funding for eligible TxVSN participation in grades 9 through 12 will be based on successful course completion.

Districts providing TxVSN courses receive an allotment of \$400 for each TxVSN course a student successfully completes. Districts in which students taking a TxVSN course are enrolled receive \$80 per semester for administrative costs for each eligible enrolled student who successfully completes a TxVSN course.

A district may charge a nominal fee for TxVSN courses offered in the summer or for TxVSN courses that are in excess of the normal course load for a student but may not receive allotments for any TxVSN courses for which the district charges a fee. The fee for a TxVSN course may not exceed the lesser of the cost of providing the course or \$400.

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

### 11.9.3 Options for Providers and Students

A TxVSN provider school district or open-enrollment charter school may offer electronic courses provided through the network to —

- students who reside in this state and
- students who reside outside this state and who meet the eligibility requirements under the TEC, §30A.002(c) (students who are dependents of members of the U.S. military, were previously enrolled in a Texas high school, and do not reside in Texas as a result of military transfer).

A student who is enrolled in a school district or open-enrollment charter school in this state as a full-time student may take one or more electronic courses through the TxVSN.

A student who is enrolled in a school district or open-enrollment charter school that participated in the eCP may attend grades 3 through 10 full-time.

A student who is in substitute care in this state may take courses full-time through the TxVSN.

Notwithstanding those students who are in substitute care, a student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may<sup>220</sup> enroll in electronic courses through the TxVSN. A student to whom this subsection applies —

- may not in any semester enroll in more than two electronic courses offered through the state virtual school network,
- is not considered to be a public school student,
- must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides,
- 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 network, and
- 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.

Your school district or open-enrollment charter school may not require a student to enroll in an electronic course.

## 11.10 Interstate Compact on Educational Opportunity for Military Children

In 2009 with the passage and signing into law of Senate Bill 90, Texas became a member state of the Interstate Compact on Educational Opportunity for Military Children. The compact is an

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<sup>220</sup> subject to TEC, §30A.155

agreement among member states to abide by a common set of requirements related to education of military children.<sup>221</sup>

This section provides information on some important compact definitions and requirements related to attendance accounting.

### 11.10.1 Some Important Compact Definitions

The following definitions apply for purposes of compact requirements:

"Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders<sup>222</sup>.

"Child of a military family" means a school-aged child, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

"Education(al) records" means those official records, files, and data directly related to a student and maintained by the school or local education agency.<sup>223</sup>

"Member state" means a state that has enacted the compact.

"Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

"Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), and Public Health Services.

The U.S. NOAA is an agency of the U.S. Department of Commerce (DOC). The U.S. NOAA Commissioned Corps<sup>224</sup> is made up of approximately 300 science and technology professionals who serve in leadership and command positions in the NOAA and DOC and in the Armed Forces during wartime or national emergencies.

The U.S. Public Health Services Commissioned Corps<sup>225</sup> is made up of approximately 6,000 public health professionals who help administer national public health promotion and disease prevention programs through federal programs and agencies. Corps members include doctors, nurses, pharmacists, therapists, researchers, and engineers.

### 11.10.2 Notable Compact Provisions and Requirements

Following are notable compact provisions and requirements. Compact requirements that already exist as state statutory or rule requirements that are described elsewhere in this handbook have not been included.

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<sup>221</sup> The Texas Legislature enacted the compact through the TEC, §162.002

<sup>222</sup> pursuant to 10 USC, §1209 and §1211

<sup>223</sup> See Article II of the compact in the TEC, §162.002, for the full definition.

<sup>224</sup> U.S. National Oceanic and Atmospheric Administration Commissioned Corps website: <http://www.noaacorps.noaa.gov/about/about.html>.

<sup>225</sup> U.S. Public Health Service Commissioned Corps website: <http://www.usphs.gov/aboutus/questions.aspx#whatis>.



### 11.10.2.1 Entitlement to Continue at Grade Level

A child of a military family who moves to your district from another member state is entitled to continue enrollment at the same grade level, including kindergarten, that he or she was enrolled in in that other state regardless of the child's age. The child must be admitted and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the following:

1. official military orders showing that the military member was assigned to the state or commuting area of the state in which the child was enrolled and attended school. If the child was residing with a legal guardian and not the military member during the previous enrollment, the following must be provided:
  - a copy of the family care plan, or
  - proof of guardianship, as specified in the compact, or
  - any information sufficient for your district to establish eligibility under the compact;
2. an official letter or transcript from the proper school authority showing the child's attendance record, academic information, and grade placement;
3. documented evidence of appropriate immunization; and
4. evidence of date of birth.

A child of a military family who moves to your district from another member state and who satisfactorily completed a particular grade level in the sending state is entitled to enroll in the next highest grade level. The child must be admitted and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the items specified in the previous paragraph.



## Section 12 Appendix: Average Daily Attendance and Funding

### Definitions

**Average Daily Attendance (ADA):** ADA is the average attendance of students for the school year. It is calculated by dividing the number of days attended by students in a six-week period by the number of days taught in the six-week period. The results for all six-week periods in a track are then summed, divided by six, and rounded to three decimal places.

ADA =

$$\begin{array}{r} \text{(Total days present in 1}^{\text{st}} \text{ six weeks)} \div \text{(days taught for 1}^{\text{st}} \text{ six weeks)} \\ \text{(Total days present in 2}^{\text{nd}} \text{ six weeks)} \div \text{(days taught for 2}^{\text{nd}} \text{ six weeks)} \\ \text{(Total days present in 3}^{\text{rd}} \text{ six weeks)} \div \text{(days taught for 3}^{\text{rd}} \text{ six weeks)} \\ \text{(Total days present in 4}^{\text{th}} \text{ six weeks)} \div \text{(days taught for 4}^{\text{th}} \text{ six weeks)} \\ \text{(Total days present in 5}^{\text{th}} \text{ six weeks)} \div \text{(days taught for 5}^{\text{th}} \text{ six weeks)} \\ + \text{(Total days present in 6}^{\text{th}} \text{ six weeks)} \div \text{(days taught for 6}^{\text{th}} \text{ six weeks)} \\ \hline \text{Result} \end{array}$$

$$\text{Result} \div 6 = \text{ADA}$$

**ADA must be calculated separately for each track and then added together to calculate total ADA.**

**Days in Attendance:** Days in attendance are the total number of days that a student was in attendance (present at the designated attendance-taking time or absent for a purpose described by 19 TAC §129.21[k]) during a specific period (for example, a 180-day school year) while that student was eligible to generate funding (in membership).

**Days in Membership:** Days in membership are the total number of days that a student is enrolled in classes and is regularly scheduled for at least 2 hours daily. (The student may still be ineligible due to eligibility issues other than the amount of time served.) A student is not in membership until the student has been present at the official roll call at least one time.

**Instructional Days:** Instructional days are the total number of days that classes are held in the school year. The law requires that districts have 180 instructional days unless a waiver has been issued to shorten the school year. Charter schools are not required to have a 180-day calendar; however, their funding is based on a 180-instructional-day calendar minus the number of days that are approved for waivers.

**Refined ADA:** Refined ADA is ADA calculated without ineligible ADA.

**Special Education Full Time Equivalent (FTE):** Special education FTEs are calculated by multiplying the number of eligible days present in a 6-week period that students were placed into a special program instruction setting by the multiplier of the instructional setting. **Please see 4.11.1 Contact Hours for Each Instructional Setting.** Excess special education contact hours in that instructional setting for the 6-week period are subtracted from calculated contact hours for the 6-week period. The net contact hours are divided by the number of days in the 6-week

period multiplied by six. The calculated FTE for the 6-week period is added to the same instructional setting's monthly FTE and divided by six. The FTE is multiplied by the special education weight appropriate for that instructional setting.

**Weighted Average Daily Attendance (WADA):** WADA is an adjusted student count that compensates for student and district characteristics as defined by statute. Students with special educational needs, for example, are “weighted” by a factor ranging from 1.1 to 5.0 times the “regular” program weight in order to fund their special needs.

## Information on Weights

### Special Education — Weight: 1.1 to 5.0

A special education student is assigned one of 12 special education instructional arrangements/settings, each with a varying weight (from 1.1 to 5.0) that is based on the duration of the daily service provided and the location of the instruction.

Funding is based on the amount of time that special education students are served in their instructional arrangements/settings. Special education students assigned the mainstream instructional arrangement/setting also generate funding based on ADA.

Instructional Arrangement	Weight
Homebound	5.0
Hospital Class	3.0
Speech Therapy	5.0
Resource Room	3.0
Self-Contained Mild/Moderate	3.0
Self-Contained Severe	3.0
Off Home Campus	2.7
Vocational Adjustment Class	2.3
State Supported Living Centers	2.8
Nonpublic Contracts	1.7
Residential Care and Treatment	4.0
Mainstream	1.1

### Compensatory Education — Weight: 0.2, or 2.41 for a Student Receiving Pregnancy Related Services (PRS)

Compensatory education funding provides funding for programs and services designed to supplement the regular education program for students identified as at risk of dropping out of school.

Funding is based on the number of educationally disadvantaged students from the prior federal year (October through September). The number of educationally disadvantaged students is determined by averaging the highest six months' counts of students who are eligible for a free or reduced-price lunch through the National School Lunch Program (NSLP).

PRS ADA is calculated similar to the way refined ADA is calculated. PRS days for a 6-week period are divided by the number of days taught in the 6-week period. The results for all 6-week periods in a track are then summed and divided by six, and the result is rounded to three decimal places. The PRS ADA calculation is then multiplied by 0.2936 to calculate PRS FTE.

### **Career and Technical Education (CTE) — Weight: 1.35**

CTE funding pays for CTE course materials and staff salaries. CTE courses are designed to enable students to gain entry-level employment in high-skill, high-wage jobs and/or to continue their education.

Funding is based on contact hours, similar to special education. Contact hours are calculated based on the number of eligible days of students taking CTE classes multiplied by the V code (V1, V2, V3, V4, V5, or V6) for the appropriate number of hours that the student is enrolled. See **5.5.2.1 Special 410 Record Coding Instructions for Districts Operating Block Schedules** and **5.6 Computing Contact Hours** for additional assistance.

### **Bilingual/English as a Second Language (ESL) — Weight: 0.1**

Bilingual/ESL funding pays for bilingual/ESL program staff salaries and additional resources.

Funding is based on the number of bilingual/ESL ADA reported by the school. Bilingual/ESL ADA is calculated similar to the way refined ADA is calculated.

### **Gifted/Talented — Weight 0.12**

Gifted/talented funding pays for gifted/talented program staff salaries and resources.

Funding is based on the number of students served through the gifted/talented program. The number of students eligible for this funding is capped for each district/charter school at 5% of the entity's refined ADA.

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## Section 13 Glossary

**2-through-4-hour rule** – The shortened name for the requirement that a student, other than a student who is eligible for, enrolled in, and scheduled for and provided instruction in an alternative attendance accounting program, must be scheduled for and provided instruction 2 through 4 hours each day to be eligible for attendance for FSP purposes (eligible to generate ADA and thus funding).

**ADA Eligible Student** – A student who is coded as eligible in the attendance accounting system (coded with ADA eligibility code 1, 2, 3, 6, or 7).

**Admission, Review, and Dismissal (ARD) Committee** – A committee that each school district or special education shared services arrangement is required to establish and that makes decisions concerning the educational program of a student referred for special education. All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing a student's Individualized Education Program (IEP).

**Age** – For the purposes of establishing eligibility, a student's age as of September 1 of the current school year. However, a child with a disability may become eligible for services from the date of birth if other special education requirements are met.

If school starts before the student's birth date, the attendance is eligible for the entire school year as long as the student will be the required age on or before September 1 of the current school year.

**At-Risk** – At risk of dropping out of school according to state criteria defined in the TEC, §29.081(d).

**Attendance Snapshot** – The moment when official attendance is determined for all students. At the moment the snapshot is taken, a student is either present or absent.

**Average Daily Attendance (ADA)** – The number of students in average daily attendance. ADA is based on the number of days of instruction in the school year. The aggregate days attendance is divided by the number of days of instruction to compute ADA. ADA is used in the formula to distribute funding to Texas public school districts.

**Bilingual/ESL Eligible Days** – A term used to describe the days that bilingual or ESL students were in attendance. Only students who meet eligibility requirements and are served by staff certified or on permit to teach bilingual education and/or ESL or students who are served in a program approved by the TEA under an exception or a waiver should be counted (Section 6).

**Campus Summary Report** – A report that summarizes the attendance data of all students on a campus, aggregated by 6-week reporting period by instructional track (if applicable) (Section 2).

**Career and Technical Education Career Preparation and Practicum Courses** – Teacher and student assignment designations for instruction that develops essential knowledge and skills through a combination of classroom-based technical instruction and work-based training (Career Preparation courses are paid learning experiences only; Practicum courses for each career cluster are paid or unpaid learning experiences) in career and technical education occupationally specific training areas. The work-based training components (paid or unpaid) can be provided through cooperative education, internships, job-shadowing, apprenticeships (U.S. Bureau of Apprenticeship and Training [BAT] approved), clinical rotation, preceptorships, etc. The coordinated classroom instruction, work-based training, and education should provide the student with a variety of learning experiences that will give the student the broadest possible understanding of all aspects of the business or industry.

**Center-Based Instruction** – The instructional arrangement/setting code used for a child who, along with his or her family, is provided early intervention services through Early Childhood Intervention (ECI) programs operated through the Interagency Council on Early Childhood Intervention in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional setting does **not** generate contact hours or ADA.

**Central Attendance Accounting** – An attendance accounting system in which teachers must submit a report of student absences, based on the required classroom period of instruction, to the central office. Central office personnel then post the absence reports to the attendance system records.

**Combination Program** – The instructional arrangement/setting code used for a child who, along with his or her family, is provided special education services through Early Childhood Intervention (ECI) programs operated through the Interagency Council on Early Childhood Intervention both in the home and in a service facility. This instructional setting does **not** generate contact hours or ADA.

**Community-Based Dropout Recovery Education Program** – A private or public education program to serve students who are at risk of dropping out of school. The attendance of a student in the program is eligible in the district in which the student resides or is otherwise entitled to attend for Foundation School Program (FSP) fund benefits (Section 3).<sup>226</sup>

**Compensatory Education Home Instruction (CEHI)** – Academic services provided at home or hospital bedside to a student being served under the Pregnancy Related Services program. A student receiving CEHI is counted present for FSP purposes based on the amount of service the student receives at home each week by a certified teacher (Section 9).

**Compulsory School Age** – Any age at which a child is required to attend school. Unless specifically exempted by law, those children at least 6 years of age and those who have not yet reached their eighteenth birthday are required to attend school. A student enrolled in prekindergarten or kindergarten must attend school.<sup>227</sup> Also, a person who is age 18 or older and is enrolled in public school is required to attend school each day. A school district's board of trustees may adopt a policy requiring a student who voluntarily enrolls in school or voluntarily attends school after his or her eighteenth birthday to attend school until the end of the school year if the student is under age 21.

<sup>226</sup> Texas Education Code (TEC), §29.081(e),(f). See [Chapter 8](#) of the *2010 Accountability Manual* for further information.

<sup>227</sup> TEC, §25.085(b),(c)

**Departmentalized Instruction** – A method of instruction in which students do not remain in the presence of the same teacher for all or a major portion of the school day. Central attendance accounting is required for departmentalized instruction.

**Direct, Regularly Scheduled** – A term used when referring to time a student is served through special education as documented in the IEP. The special education service must be direct, eye-to-eye contact between certified special education staff and the student. The special education services must be regularly scheduled in that a specific amount of time is scheduled at least weekly in the IEP. Services must not be scheduled on an as-needed basis.

**Disciplinary Alternative Education Program (DAEP)** – An alternative education program that meets the following requirements: Instruction is provided in a setting other than a student's regular classroom; is located on or off of a regular school campus; provides for students who are assigned to the DAEP to be separated from students who are not assigned to the DAEP; focuses on English, math, science, history, and self-discipline; provides for students' educational and behavioral needs; provides supervision and counseling; separates elementary students from nonelementary students; provides educational instructional services for students who are at least 6 years old and have committed an offense that requires a removal from the regular education program to a DAEP; and provides educational instructional services for students who are less than 10 years old and have committed expellable offenses.<sup>228</sup>

**District Summary Report** – A report that summarizes the attendance data of all students in your district, aggregated by 6-week reporting period by instructional track (if applicable) (Section 2).

**Early Childhood Intervention (ECI)** – Special education services for children under age 3. Once a child is 3 years old, he or she is ineligible for ECI services. Your school district should evaluate the child to establish eligibility for services under IDEA-B and provide these services appropriately. Under no circumstances is a 3-year-old eligible to continue in ECI.

**Early Education (EE)** – A grade level for students between the ages of 0 and 5 who have not been placed in prekindergarten or kindergarten. These students include students receiving special education services who do not meet the 2 hours of instruction per day requirement for membership and students in a Head Start program that does not meet the requirements for state funds. These students also include those served by PPCD teachers in a licensed childcare facility working in a collaborative partnership with your school district.

**Educationally Disadvantaged [Prekindergarten]** – Term used to describe a student who is eligible to participate in the National School Lunch Program established under 42 USC, §1751 et seq.<sup>229</sup>

**Eligible Days** – Days that eligible students were in attendance. This figure is calculated by subtracting absences and ineligible days of attendance from days of membership. Funding is based on the number of eligible days for each student.

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<sup>228</sup> TEC, §§37.006, 37.007, and 37.008

<sup>229</sup> TEC, §5.001(4)

**Eligible Transfer** – A nonresident student who has been legally transferred into your district. This student is eligible for ADA funds in your district. Transfers apply only to students wishing to transfer from one Texas school district to another and do not apply to students who reside in another state.

**Enrollment (In Enrollment)** – Actually receiving instruction by attendance in a public school, as opposed to being registered but not yet receiving instruction.

**Excess Contact Hours** - Any combination of career and technical education and special education services that exceeds 6 hours per day. Those hours exceeding 6 must be subtracted from the primary special education instructional setting.

For example, a student in a resource room instructional setting (codes 41 and 42) earns 2.859 contact hours per day. If that student is also enrolled in four 1-hour career and technical education courses, the total contact hours per day equals 6.859. The excess 0.859 contact hour for each day must be subtracted from the special education contact hours.

The only time excess contact hours are subtracted from speech is when speech is the only special education service (e.g., a student with 6 hours of career and technical education and speech [.25 contact hours per day]).

**Expulsion** – Expulsion involves a due process hearing that results in a student's being removed to either no educational setting or a disciplinary alternative educational setting. A student must be expelled from school for certain offenses<sup>230</sup> and may be expelled for others. The student is generally withdrawn from the school he or she was attending on the date that expulsion takes effect. In many circumstances, the student is then enrolled in a disciplinary alternative education setting such as a DAEP or JJAEP. If a student who has been expelled enrolls in another school district before the period of expulsion is ended, the receiving district may continue a legal expulsion or may allow the student to enroll and attend classes. See **10.10 Expulsion and Out-of-School Suspension** later in this section.

**Foundation School Program (FSP)** – The program under which Texas public school districts receive resources to provide a basic instructional program and facilities to eligible students.

**Home-Based Instruction** – The setting for providing early intervention services through ECI programs operated through the Interagency Council on Early Childhood Intervention in the home of the client. Both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider must also receive training. This instructional setting does **not** generate contact hours or ADA.

**General Education Homebound (GEH)** – The instructional setting under which students receive services at home or hospital bedside from a certified teacher and are counted present for FSP purposes based on the amount of service they receive at home or hospital bedside each week. Students served under this setting do not qualify for special education eligibility. They must be confined for medical reasons only and be expected to be confined for a minimum of 4 weeks (which need not be consecutive).

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<sup>230</sup> According to the TEC, §37.007, Expulsion For Serious Offenses



**High School Equivalency Program (HSEP)** – Also known as the "In-School GED Program," a program that provides an alternative for high school students ages 16 through 21 years of age (22 year of age if qualified for special education) who are at risk of not graduating from high school and earning a high school diploma. The purpose of the program is to prepare eligible students to take a high school equivalency examination (GED).

**Homebound** – The special education instructional setting under which students receive services at home or hospital bedside from a certified teacher and are counted present for FSP purposes based on the amount of service they receive at home or hospital bedside each week. Students served under this setting must meet all special education eligibility requirements to be counted eligible.

**Homeless Students** – As defined by 42 USC, §11302(a), the term "homeless" or "homeless individual or homeless person" includes —

- (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and
- (2) an individual who has a primary nighttime residence that is —
  - (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
  - (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

As defined by 42 USC, §11434a, the term "homeless children and youths" —

(A) means individuals who lack a fixed, regular, and adequate nighttime residence [within the meaning of §11302(a)(1)]; and

(B) includes —

- (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings [within the meaning of §11302(a)(2)(C) of this title];
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in §6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

**Individualized Education Program (IEP)** – A program developed by an ARD committee for each student served in special education. The IEP should include documentation of the amount

of time a student is to spend in each instructional setting. This information is necessary for proper coding of special education students in the attendance accounting system.

**Ineligible Days** – Days the student was present and in membership but was ineligible for ADA funds.

**In-School Suspension** – A suspension in which a student is removed from his or her regular education setting to an alternative setting (not DAEP).<sup>231</sup> As long as the student continues to come to school, the attendance in the program may be counted in computing your district's ADA.

**Instructional Day** – That portion of the school day in which instruction takes place. The instructional day does not include lunch, recess, passing periods, etc.

**Juvenile Justice Alternative Education Program (JJAEP)** – The alternative education program that the juvenile board of a county with a population greater than 125,000 must develop subject to the approval of the Texas Juvenile Probation Commission (TJPC); or that counties with a population of at least 72,000 but less than 125,001 may develop subject to the approval of the TJPC; or that counties with a population of less than 125,000 may choose to develop without the approval of the TJPC.<sup>232</sup>

**Membership** – The total number of public school students who were reported in membership as of the October snapshot date (the last Friday in October) at any grade, from early childhood education through grade 12. Membership is a slightly different number from enrollment, because it does not include those students who are served in the district for fewer than 2 hours per day. For example, the count of Total Students excludes students who attend a nonpublic school but receive some services, such as speech therapy—for fewer than 2 hours per day—from their local public school district.

**Military (Member of Armed Forces) (Definition Applicable for Prekindergarten Eligibility Requirements)** – Active duty uniformed member (parent or guardian) of the U.S. Army, Navy, Marine Corps, Air Force, or Coast Guard who is assigned to duty stations in Texas or who is a Texan who has an eligible child residing in Texas; activated/mobilized uniformed member of the Texas National Guard (Army or Air Guard); activated/mobilized member of the Reserve components of the U.S. Army, Navy, Marine Corps, Air Force, or Coast Guard who is a Texas resident regardless of location of the reserve unit; uniformed service member who is missing in action (MIA); or member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is injured or killed while serving on active duty.

**Military (Member of Uniformed Services) (Definition Applicable for Interstate Compact on Educational Opportunity for Military Children)** – Active duty uniformed member of the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders<sup>233</sup>. "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), and Public Health Services.

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<sup>231</sup> TEC, §37.005

<sup>232</sup> See the TEC, §37.011 and §37.012, for additional information.

<sup>233</sup> pursuant to 10 USC, §1209 and §1211

**Multitracks** – Multiple tracks (groups of students and teachers on the same calendar) with staggered instructional blocks and vacation periods.

**Noncategorical Early Childhood** – Term used to describe a student ages 3 through 5 who meets the eligibility criteria for mental retardation, emotional disturbance, learning disability, or autism.

**Nonpublic Day School** – The setting under which a student receives special education instruction through a contractual agreement with a nonpublic school approved for special education. This instructional setting does **not** generate ADA or contact hours. For funding purposes, a student receiving such instruction is reported on the SPE-106, *Nonpublic Day School Report*.

**Nonresident** – A person who does not live within your district's boundaries.

**Original Entry Date** – The initial date that a student is physically present during the school year. Original entry dates apply to both regular school and special programs.

**Optional Flexible School Day Program (OFSDP)** – A program providing flexible hours and days of attendance for students who have dropped out of school or are at risk of dropping out; are participating in an approved early college high school plan; are attending a campus implementing an innovative redesign under a plan approved by the commissioner of education; or as a result of attendance requirements under §25.092, will be denied credit for one or more classes in which the students have been enrolled. School districts apply for approval from the commissioner of education to participate in the program.

**Out-of-School Suspension** – A student is removed from school according to the TEC, §37.005, Suspension. If the suspension causes the student to be absent at the official attendance time, the student is counted absent for attendance accounting purposes. The use of out-of school suspension is limited, without exception, to 3 school days per offense event. A partial day of suspension counts as one of the three allowed<sup>234</sup>. (See also **Expulsion**, earlier in this section.)

**Pregnancy Related Services (PRS)** – Support services provided to a pregnant student during the pregnancy and postpartum periods that qualify the student for the special weight assigned to pregnancy in the formula used to calculate your district's compensatory education allotment. These services are provided to assist a female student in adjusting to her pregnancy, thereby increasing her chances of staying in school (Section 9).

**Prekindergarten (PK)** – A grade level for children aged 3 and 4. These children include students in a state-funded PK program or a locally funded PK program.

The state-funded PK is operated for a half day. Attendance in PK is eligible for half-day (ADA eligibility code 2). A PK student with disabilities may be eligible for full-day (ADA eligibility code 1) if the student is served through a combination of PK and special education and all eligibility requirements are met (Sections 4 and 7).

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<sup>234</sup> under the TEC, §37.005

Students in a state-funded PK program that is coordinated with a Head Start program to provide a full-day program are only counted as half-day (ADA eligibility code 2) for attendance accounting purposes.

**Preschool Program for Children With Disabilities (PPCD)** – Special education services for children with disabilities ages 3 through 5. These students may have any disability recognized under IDEA-B in Texas including noncategorical early childhood (see definition). Developmental delay is not a recognized disability for children over age 3 in Texas. A student over age 3 with a developmental delay is subject to the 2 hours of instruction per day rule for membership (Sections 3 and 4).

**Reentry Date** – The initial date a student physically returns during the school year after a prior withdrawal. The reentry date applies to both regular school and special programs.

**Refined Average Daily Attendance (RADA)** – The aggregate eligible days attendance divided by the number of days of instruction. RADA is based on the number of days of instruction in the school year.

**Regularly Scheduled** – A service scheduled to be administered **at least** on a weekly basis for a specified amount of time.

**Reporting Period** – A period generally described as being 6 weeks, although it does not necessarily consist of 6 weeks. For reporting purposes, the full school year must be divided into six approximately equal reporting periods.

**Residency Guidelines** – The board of trustees is responsible for establishing guidelines for determining whether a student resides within your district.<sup>235</sup>

**Residential Nonpublic School** – The setting in which students receive special education services through a contractual agreement with an approved residential nonpublic school. Students are placed in a residential nonpublic school through the ARD process. This setting does not generate ADA or contact hours. For funding purposes, students in this setting are reported on the SAS-111, *Application for Approval of Funding for Residential Placement*.

**Scholastic Year** – A period of at least 180 days of instruction. Each school district must operate so that the district provides for at least 180 days of instruction for students.<sup>236</sup>

**School-Community Guidance Center** – A guidance center established by school districts or a cooperative of school districts to locate and assist children with problems that interfere with education, including juvenile offenders and children with severe behavioral problems or character disorders.<sup>237</sup> The attendance of a student placed in a school-community guidance center is eligible in the district in which the student resides or is otherwise entitled to attend for FSP benefits.

**School Day** – A school day must be at least 7 hours each day, including intermissions and recesses.<sup>238</sup>

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<sup>235</sup> TEC, §25.001(c)

<sup>236</sup> TEC, §25.081

<sup>237</sup> TEC, §37.051–37.056, School-Community Guidance Centers

<sup>238</sup> TEC §25.082

**Semester System** – A system in which a school district operates for either two or three semesters during the school year. Each school district must operate using the semester system except as provided under the TEC, §25.084, Year-Round System.

**State-Assigned Alternative ID Number** – Beginning March 16, 1990, all students attending public school in Texas who had not submitted Social Security numbers were assigned alternative numbers from a range of alternative numbers assigned to each district by the state.

When a student withdraws, either this number or the SSN must be sent to the receiving school. Any student entering a Texas public school since March 16, 1990, must bring an SSN or the alternative ID number.

Districts must not assign the student a new number. It is important that the student carry the same number as long as he or she is in a Texas public school. Only students new to Texas public schools will be assigned numbers in the future.

**Student Detail Report** – A district-generated report that reflects the codification of each individual student for the entire school year. This report also summarizes, by 6-week reporting period, the attendance data of each student (Section 2).

**Suspension** – See **In-School Suspension** and **Out-of-School Suspension**.

**Texas Administrative Code (TAC)** – Rules adopted by the State Board of Education or the commissioner of education under authority granted by state law.

**Texas Education Code (TEC)** – Statutes governing public education in Texas.

**Track** - A group of students and teachers scheduled to attend school and take vacations on the same schedule.

**Withdrawal Date** – The initial date that a student no longer participates. Guidelines for determining a student's withdrawal date appear in Section 3.

**Year-Round Education (YRE) Program** – A program that operates school during a portion of, at a minimum, 11 calendar months to 12 calendar months. The YRE calendar will have intercessions scheduled throughout the year that may be used for additional educational activities, such as remediation or enrichment. The YRE calendar may be a single-track arrangement in which all students on the YRE calendar are attending school or are on intercession at the same time, or the calendar may be a multitrack arrangement in which students attend school or are on intercessions at staggered times.

**Zero-Filled Record** – Any record that contains zeros for all fields in the record when the fields require quantitative numerical values.

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## Resources

No Child Left Behind (NCLB) Act website: <http://www.ed.gov/nclb/landing.jhtml>

PEIMS *Data Standards*: <http://www.tea.state.tx.us/index4.aspx?id=3014>

19 Texas Administrative Code: <http://www.tea.state.tx.us/rules/tac/index.html> or  
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=2&ti=19](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=2&ti=19)

Texas Education Agency: <http://www.tea.state.tx.us/>

TEA Division of NCLB Program Coordination web page:  
[http://www.tea.state.tx.us/index4.aspx?id=4261&menu\\_id=798](http://www.tea.state.tx.us/index4.aspx?id=4261&menu_id=798)

TEA Highly Qualified Teachers web page:  
[http://www.tea.state.tx.us/index4.aspx?id=4650&menu\\_id=798](http://www.tea.state.tx.us/index4.aspx?id=4650&menu_id=798)

TEA Requirements for Highly Qualified Paraprofessionals web page:  
[http://www.tea.state.tx.us/index4.aspx?id=4670&menu\\_id=798](http://www.tea.state.tx.us/index4.aspx?id=4670&menu_id=798)

Texas Education Code: <http://www.statutes.legis.state.tx.us/>

Texas Health and Human Services Commission: <http://www.hhsc.state.tx.us/index.shtml>

Texas Legislature Online: <http://www.capitol.state.tx.us/>

Texas State Library and Archives Commission: <http://www.tsl.state.tx.us/>

**Note:** Web addresses are subject to change. If a particular TEA web address is no longer working, please search for the topic you are interested in using the TEA website's Google **Search** function or using the TEA **A–Z Index** page at <http://www.tea.state.tx.us/index2.aspx?id=180>. You can also access this page from the TEA website's home page by clicking on the **A–Z Index** link at the top of that page.

### Texas Education Agency Telephone Numbers

Gifted/Talented Education .....	(512) 463-9581
Bilingual/ESL Education.....	(512) 463-9581
Career and Technical Education.....	(512) 463-9581
Forecasting & Fiscal Analysis ( <i>Student Attendance Accounting Handbook</i> ) ..	(512) 463-9238
Health and Safety Division (Chapter 37).....	(512) 463-9982
PEIMS (Data Collection).....	(512) 463-9117
Performance Reporting Division .....	(512) 463-9704
Pregnancy Related Services.....	(512) 463-9073
Prekindergarten .....	(512) 463-9581
Financial Audits Division .....	(512) 463-9095
Special Education (IDEA Coordination Division).....	(512) 463-9414

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## COMPLIANCE STATEMENT

### **TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION**

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281<sup>1</sup>, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

- (1) acceptance policies on student transfers from other school districts;
- (2) operation of school bus routes or runs on a nonsegregated basis;
- (3) nondiscrimination in extracurricular activities and the use of school facilities;
- (4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;
- (5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;
- (6) nondiscriminatory practices relating to the use of a student's first language; and
- (7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

### **TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 113275; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1991.**

The Texas Education shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Employment Opportunity/Affirmative Action employer.

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<sup>1</sup> From September 27, 2010, all districts, except the original nine school districts that were party to the case, are no longer subject to the order. Except for those districts, there is no longer any obligation to report student transfers or submit real property conveyances for approval. The agency will no longer monitor district boundary changes, transportation, extra-curricular activities, or staff and student assignment for purposes of the order.



**Texas Education Agency  
Austin, Texas  
November 2010**

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