

**Unpacking Commissioner Rules to Support School Transitions for Students Experiencing Homelessness or in Substitute Care
(19 TAC Chapter 89, FF): Part 2**

Wednesday, November 10, 2021 | 10:00 - 11:15 AM



We equip school systems to increase awareness, promote equitable access, and improve outcomes for all special populations.



Presenters



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Webinar Objectives and Outline

To provide tools, processes, and procedures to support implementation of Commissioner Rules to support school transitions for students experiencing homelessness or in foster care.

- Introduction
- Transfer of Student Records and Transcript
- Award of Credit
- Placement in Educational Programs & Courses
- Closing and Next Steps



Transition Assistance Worksheet



TRANSITION ASSISTANCE PLANNING GUIDE

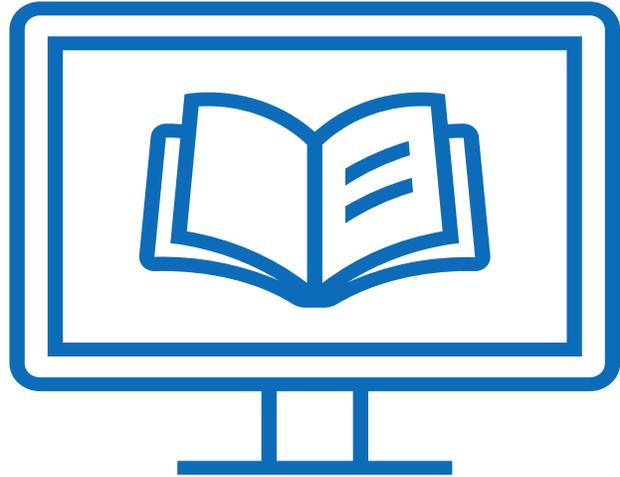
Learn, Reflect, & Do

RULE/TOPIC	NOTES	HELPFUL STRATEGIES	NEXT STEPS
§89.1603 Transfer Student Records			
§89.1605 Transition Systems and Procedures			
§89.1607 Award of Credit			
§89.1609 Educational Programs and Courses			
§89.1611 Educational and Extracurricular Programs			
§89.1613 Postsecondary Information			
§89.1615 Special Education			
§89.1617 Education Decision -Maker (Foster Care only)			

"Student Programs" Highly Mobile and At-Risk Student Programs Division

Clear the form

Commissioner Rules Concerning Transition Assistance



19 TAC Chapter 89. Adaptations for Special Populations

Subchapter FF. Commissioner's Rules Concerning Transition Assistance for Highly Mobile Students Who Are Homeless or in Substitute Care

- The adopted new rules assist with the transition of students who are homeless or in substitute care from one school to another and provide LEAs with guidance on the requirements of Texas Education Code § 25.007.
- **Effective Date: March 30, 2020**



Common Terminology

McKinney-Vento

Refers to the federal McKinney-Vento Homeless Assistance Act

Texas Education for Homeless Children and Youth (TEHCY) Program

Refers to the Texas McKinney-Vento program

McKinney-Vento Eligible Students

Refers to students experiencing homelessness

McKinney-Vento Liaison

Refers to the designated LEA local homeless liaison



Common Terminology Cont.

Substitute Care

The placement of a child who is in the conservatorship of the Texas Department of Family and Protective Services (DFPS) in care outside the child's home.

Foster Care

Twenty-four-hour substitute care for children placed away from their parents or guardians and for whom DFPS has placement and care responsibility.

Foster Care Liaison

Refers to the designated LEA local foster care contact



LEA Foster Care and McKinney-Vento Liaison Requirements

Assist with School Transitions

- **Foster Care** - (TEC §33.904) Each LEA must appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school or open-enrollment charter school of a child in the district or area served by the charter school who is in the conservatorship of the state.
- **McKinney-Vento** - The local education agencies will designate an appropriate staff person, able to carry out the duties described in paragraph (6)(A) as a local education agency liaison for homeless children and youth

[42 U.S.C. § 11432 (g)(1)(J)(ii)]

- Each local education agency liaison for homeless children and youths designated under paragraph (1)(J)(ii) shall ensure that homeless children and youths have access to and receive educational services for which they are eligible

[42 U.S.C. § 11432 (g)(6)(A)(iii)]



Rule Requirements § 89.1605 Overview

LEAs must:

Develop systems to ease transitions of students who are homeless or in foster care during the first two weeks of enrollment at a new school.

Systems must include:

- Student welcome packets
- School Introduction to ease transitions
- Nutrition benefits
- Enrollment conference



A photograph of a school hallway with a wide staircase. Several students with backpacks are walking up and down the stairs. The scene is brightly lit by large windows on the right side of the frame. The text is overlaid on the lower-left portion of the image.

**Transfer of Student Records
and Transcripts
§89.1603**

Transfer of Student Records: TAC §89.1603(a)(d)(e)

Each school district and open-enrollment charter school must ensure that copies of student records are made available to schools to which students who are homeless or in substitute care transfer.

Student records must be requested, sent, and received using the Texas Records Exchange (TREx) system.

If a school district or an open-enrollment charter school fails to receive the required information within 10 working days, the requesting district or charter school may report the noncompliant district or charters school to the division responsible for TREx Support at the Texas Education Agency.



Transfer of Student Records | TAC §89.1603(b)

Each school district and open-enrollment charter school is required to transfer student records within 10 working days of receipt of a request from a district or charter school to which a student who is homeless or in substitute care enrolls, as required by TEC §25.002(a-1).

The discretionary authority under TEC §31.104(d), to withhold records of a student if the student has not returned or paid for instructional materials or technological equipment does not exempt a district or charter school from the mandatory provision in TEC §25.002, to send records to another public school in which the student enrolls.



Transfer of Student Records | TAC §89.1603(c)

Proof of enrollment in a different school district or open-enrollment charter school permits retroactive withdrawal to the date a student enrolled in the new school.

The date of enrollment in the new district or charter school is considered the date of withdrawal from the previous district or charter school.



Student Attendance Accounting Handbook

Retroactive Withdrawals

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Student Attendance Accounting Handbook

State law requires that every Texas school district adopts an attendance accounting system that includes procedures to ensure the accurate recording and reporting of student attendance data. The *Student Attendance Accounting Handbook* (SAAH) contains the official attendance accounting requirements that all public school districts and open-enrollment charter schools in Texas must meet. The agency collects student attendance data primarily to ensure that *Foundation School Program* (FSP) funds can be correctly allocated to Texas's public schools.

The SAAH

- describes the FSP eligibility requirements for all students,
- prescribes the minimum standards for all attendance accounting systems,
- lists the documentation requirements for attendance audit purposes, and
- details the responsibilities of all district personnel involved in student attendance accounting.

The proposed 2021-2022 *Student Attendance Accounting Handbook* that includes amendments to incorporate changes made by recent legislation has been added to the table below. The comment period for the proposed SAAH is October 22, 2021 through November 22, 2021. This webpage will be updated with the final adopted version of the document after the completion of the comment period.

SAAH	PDF Version	Change Document	PDF Version
2021-2022 Handbook, Proposed	PDF, 4.555 KB	2021-2022 Change Document, Proposed	PDF, 905 KB
2020-2021 Handbook, Adopted	PDF, 5.685 KB	2020-2021 Change Document	PDF, 622 KB

Financial Compliance

- Financial Integrity Rating System of Texas
- Student Attendance Accounting Handbook**
- Annual Financial and Compliance Reports (AFRS)
- Resource Guide (FASRG)
- School Health and Related Services

Contact Information

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3.4 Withdrawal Procedures

Your district should withdraw a student from the attendance accounting system on the date your district becomes aware the student is no longer a member of the district. With proof of enrollment in a different district or campus, retroactive withdrawals are permitted to the day a student enrolled in another school. Your district must update all attendance accounting records affected by such a change. (See also [3.3.5 Entry and Reentry Dates](#).)



Considerations for Implementation

- ✓ Become familiar with your local processes and policies for the transfer of student record requests.
- ✓ Systems should be in place to maintain, send, and receive complete and accurate records for students experiencing homelessness or in foster care.
- ✓ LEAs may not prohibit a new student from attending school pending receipt of transcripts or records from the school district the student previously attended.



Considerations for Implementation

- ✓ Utilize all LEA resources available to evaluate and assess the accuracy of student records, including communicating with sending LEAs.
- ✓ As part of your local withdrawal process for students experiencing homelessness or in foster care, they should be provided complete and accurate records.
- ✓ Develop local processes and policies to ensure fees for instructional materials or technology are not a barrier to the transfer of student records for students experiencing homelessness or in foster care.



Pause to Process





Award of Credit
\$89.1607

Each school district and open-enrollment charter school must adopt a local policy to assist with awarding to a student who is homeless or in substitute care credit for a course that was earned prior to the student enrolling in or transferring to the district or charter school, as required by §74.26 of this title (relating to Award of Credit).

Considerations for implementation:

- ✓ Be familiar with your local policy concerning the award of credit.
- ✓ Credit earned toward state graduation requirements by a student in an accredited school district shall be transferable and must be accepted by another school district in the state. TAC §74.26(a)(1)
- ✓ Credit earned in a local-credit course may be transferred only with the consent of the receiving school district.
- ✓ A school district must ensure that the records or transcripts of an out-of-state or a transfer student from a Texas nonpublic school are evaluated and that the student is placed in appropriate classes promptly. The district may use a variety of methods to verify the content of courses for which a transfer student has earned credit. TAC §74.26(a)(2)

Examine How Credit is Awarded | TAC §89.1607(b)

Each school district and open-enrollment charter school must examine how credit is awarded based on satisfactorily meeting all state and local requirements for a course upon enrollment, as required by TAC §74.26 of this title.

Considerations for implementation:

- ✓ LEAs should ensure that they have access to accurate and complete records.
- ✓ Award of credit must be based on the demonstrated proficiency in the TEKS for the course.
- ✓ LEAs can use a variety of methods to determine proficiency (e.g., local assessments, evaluation of coursework completed, credit by examination, etc.).
- ✓ LEAs should create a local, Texas public school transcript for transfer students, including an out-of-state or a nonpublic school transfer, in a timely manner.

Expanded Credit by Examination Window | TAC §89.1607(c)

Each school district and open-enrollment charter school must provide opportunities for a student who is homeless or in substitute care who enrolls in the district or charter school after the start of the school year to be administered credit by examination at any point during the school year, as required by TAC §74.24 of this title (relating to Credit by Examination).

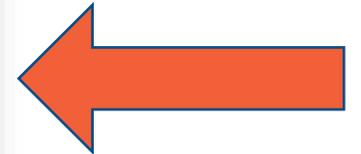
Scheduling

School districts are required to provide at least one window each quarter for students to test, unless the exam selected by the district has a different administration schedule. Students may take a specific exam only once during each testing window. A school district is prohibited from charging a fee for credit by examination. A school district must provide opportunities for a student who is homeless or in substitute care who transfers to the district after the start of the school year to be administered a CBE at any point during the school year.

Quarterly Testing Windows

- January 1 - March 31
- April 1 - June 30
- July 1 - September 30
- October 1 - December 31

<https://tea.texas.gov/academics/learning-support-and-programs/credit-by-examination>



TEA Resources: Credit by Examination

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Credit by Examination

Credit by exam (CBE) is one method for students to demonstrate proficiency in grade level or course content. The Texas Education Code (TEC), §28.023, allows students to either accelerate a grade level or earn credit for a course on the basis credit by examination.

Credit-by-examination assessments (CBEs) must be approved by each local board of trustees for their district. CBEs are administered by the district or test provider in accordance with local district policy. Scores will be reported directly to the school district and/or student. TEA does not have access to student results for CBE..

Approved Exams

With the approval of the local board of trustees, a school district may develop its own CBEs or purchase CBEs. For each high school course, a local board is required to approve at least four CBEs, to the extent available, including College Board Advanced Placement (AP) and College-Level Examination Program (CLEP) exams. CBEs may also be developed by Texas Tech University, The University of Texas at Austin, the local school district, or another provider if the exams meet certain criteria.

The Texas Administrative Code (TAC), §74.24(c)(2), requires that each school district or provider of an assessment, including Texas Tech University and The University of Texas at Austin, must certify that each CBE

- covers all assessable TEKS for the course;
- has not been published or made publicly available;
- will only be administered in a secure environment under standardized conditions by a school district or institution of higher education;
- has been evaluated to ensure test scores can be interpreted as indicators of what the test is intended to measure; and
- has been evaluated to ensure consistency of test results across testing conditions.

A school district or the provider of the assessment must make public an annual report, including:

Learning Support and Programs

- [Credit by Examination](#)
- [Mathematics and Reading Academies](#)
- [Spanish Language Support](#)
- [Technology Planning](#)
- [Texas Gateway](#)
- [Texas Virtual School Network](#)
- [Remote Learning](#)

Contact Information

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[f](#) [t](#) [v](#) [m](#) [i](#)

Resources

TEC, §28.023: <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.28.htm#28.023>

TAC, §74.24, Credit by Examination: <http://ritter.tea.state.tx.us/rules/tac/chapter074/ch074c.html#74.24>

Texas Tech University ISD: <https://www.depts.ttu.edu/ttuisd/cbe.php>

The University of Texas at Austin High School: https://highschool.utexas.edu/credit_by_exam.php



Each school district and open-enrollment charter school must award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course, as required by TAC §74.26(e) of this title.

Considerations for implementation:

- ✓ LEAs are required to award proportionate credit ($\frac{1}{2}$ credit) to students experiencing homelessness or in foster care if they have successfully completed half of a course
- ✓ LEAs should have processes in place to ensure that students who are experiencing homelessness or in foster care are awarded proportionate credit when they have successfully completed half of a course
- ✓ Receiving LEAs should have processes in place to evaluate the student record upon enrollment and to verify if proportionate credit has been awarded appropriately

Pause to Process



Each school district and open-enrollment charter school must:

Develop a credit recovery plan for students who were denied credits outside the district or charter school,

Create a course transition plan for students who have been denied credit;

Develop and administer a personal graduation plan for students in junior high or middle school, as required by TEC §28.0212;

Ensure that school staff engage with the student, parent, or guardian, as applicable, to develop a credit recovery plan upon enrollment if the student has a credit deficit that would impede on-time promotion or graduation; and

Comply with TEC § 28.25(I), concerning the award of diplomas for students who are homeless or in substitute care who are in Grades 11 or 12.

Each school district and open-enrollment charter school must develop credit recovery and course transition plans for students who were denied credits outside the district or charter school. (e)(1)-(2)



Each school district and open-enrollment charter school must ensure that school staff engage with the student, parent, or guardian, as applicable, to develop a credit recovery plan upon enrollment if the student has a credit deficit that would impede on-time promotion or graduation. (e)(4)

Considerations for Implementation



- ✓ LEAs must evaluate student records in a timely manner and place students in appropriate classes promptly to minimize disruptions in students' coursework.
- ✓ Ensure information from all the schools the student attended is accounted for to obtain the most accurate picture of the student's educational background.
- ✓ LEAs are also encouraged to utilize a transition plan to assist students in completing incomplete or missing credits. As part of a transition plan, students should be allowed to continue coursework in which they were previously enrolled to the extent possible.

Considerations for Implementation



- ✓ Identify what instructional practices are utilized by the district to assist students in regaining lost or missing credits, such as credit recovery programs, accelerated instruction, and credit by examination, etc.
- ✓ Students must demonstrate proficiency in TEKS for credit to be awarded.
- ✓ If courses are not available in the local course catalog, LEA's can identify other opportunities for students to continue their coursework such as the Texas Virtual School Network (TXVSN) or other online programs such as The University of Texas at Austin's UT High School and Texas Tech University ISD.

Each school district and open-enrollment charter school must develop and administer a personal graduation plan for students in junior high or middle school, as required by Texas Education Code §28.0212.

Considerations for implementation:

- ✓ A middle school PGP is required for students who did not perform satisfactorily on a state assessment and students who are not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the LEA.
- ✓ The middle school PGP must include educational goals for the student, diagnostic information, an intensive instructional program and other innovative methods to promote student advancement (e.g., flexible scheduling, alternative environments, online instruction, etc.).
- ✓ The PGP must address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student.

Award of Diplomas – Special Circumstance TAC §89.1607(e)(5)

Each school district and open-enrollment charter school must comply with Texas Education Code §28.025(i), concerning the award of diplomas for students who are homeless or in substitute care who are in Grade 11 or 12.



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

Considerations for Implementation

- ✓ May be utilized if the student transfers into an LEA with additional local requirements for graduation, allowing the student to request a diploma from their previous school district if they meet the previous district's graduation requirements.
- ✓ This opportunity should be evaluated on a case-by-case basis.
- ✓ It is also a good practice to ensure that counselors and those working with the student are informed of this benefit.





[HB 5 with information about PGP](#)



[State Graduation Requirements](#)

Pause to Process





Placement in Educational Programs & Courses

TAC §89.1609

When a student who is homeless or in substitute care transfers before or during the school year, the receiving school district or open-enrollment charter school shall initially place the student in educational programs and courses based on the student's prior enrollment in and current educational assessments from the sending school.

- Educational programs may include, but are not limited to, gifted and talented programs services, bilingual or special language services for English learners, career and technical education, and early college high school.
- Course placement based on a student's prior enrollment should include, honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathway courses.

Educational programs may include the following:

Gifted and Talented

Bilingual or Special Language Services for English Learners

Career and Technical Education Programs of Study

International Baccalaureate Programs

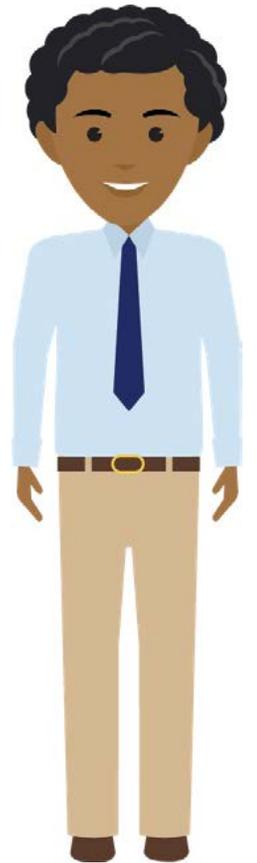
Advanced Placement Courses

College Career Readiness School Models (CCRSM)

- Early College High School (ECHS)
- Pathways in Technology Early College High School (P-TECH)
- Texas Science Technology, Engineering, and Mathematics Initiative (T-STEM)

Considerations for Implementation:

- ✓ Ensure that you are familiar with local processes, policies, and procedures concerning educational programs and courses.
- ✓ Support the continuity of educational programs and course enrollment within the LEA with liaisons and staff.
- ✓ Develop a local transcript, including all transferrable credits (credits awarded by a Texas public school) the student earned prior to enrollment/transferring.
- ✓ Understand which educational programs and courses require assessments for enrollment.



Each school district and open-enrollment charter school must ensure that a student who is homeless or in substitute care has the ability to earn the same endorsement categories, if applicable. If only one endorsement is offered, it must be multidisciplinary studies.

Considerations for implementation:

- ✓ Remember the high school PGP is required for all students upon entering the 9th grade. The student and parent or guardian must also confirm and sign a personal graduation plan by the end of the ninth grade. This process includes reviewing the distinguished level of achievement and endorsement the student wishes to pursue (TEC §28.02121(c)).
- ✓ LEA staff can discuss information regarding the LEA's endorsement categories during the enrollment conference.
- ✓ If the student was already enrolled in a course, the district should make a reasonable effort to enable that student to continue his or her enrollment in the course.
- ✓ While the exact pathway the student had planned on may not be available, the options the LEA offers may enable the student to continue pursuing the endorsement, but with different courses.

To the extent possible, each school district and open-enrollment charter school shall ensure the continuation of student's educational and course programs from the previous district or charter school and promote placement in academically challenging and career preparation courses.

Considerations for implementation:

- ✓ The discussion of educational and course programs could occur in the enrollment conference.
- ✓ How are you collaborating with others on the staff to ensure the student has the opportunity for placement in academically challenging and career preparation courses?
- ✓ Ensure training for staff to understand the implementation of continuation of the student's educational course programs.

Resources to Support Implementation



[TEXAS COLLEGE AND CAREER
READINESS SCHOOL MODELS](#)



[ADVANCED ACADEMICS](#)



Pause to Process



Now Let's Reflect on Part 2 Learning



What sparked your learning today?



- Take 90 seconds to write down the information that sparked ideas for you to take back to your LEA.
- In the chat, please share some highlights from Part 2.
- What is one key action step you will implement?

Transition Assistance Training Series

■ Part 3: Friday, 12/3 (10:00 am – 11:15 am)

- Promotion of Access to Educational & Extracurricular programs
- Promotion of Postsecondary Information
- Provision of Special Education Services
- Notice to Student's Educational Decision-Maker & Caseworker

***The 3-part Training Series will be archived on TEA's HMAR website.*



TRANSITION ASSISTANCE TRAINING SERIES

19 TAC 89. Subchapter FF, Commissioner's Rules Concerning Transition Assistance for Highly Mobile Students Who Are Homeless or in Substitute Care

Staff of ESCs, school districts, and open-enrollment charter schools are highly encouraged to attend.

Part 1:
October 22nd, 10:00 - 11:30 am CST
[Register Here](#)

Part 2:
November 10th, 10:00 - 11:15 am CST
[Register Here](#)

Part 3:
December 3rd, 10:00 - 11:15 am CST
[Register Here](#)

Please send any questions to Jordan.Brown@tea.texas.gov



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The screenshot shows the TEA website header with navigation links: Popular Applications, AskTED, ECOS for Educators, Grant Opportunities, Secure Applications, TEAL Login, TSDS, and Help Desk. The TEA logo is on the left. A search bar is in the center, and a navigation menu includes A-Z Index, Contact, Employment, Sign Up for Updates (circled in red), and TEA Correspondence. Below the header are icons for About TEA, Texas Schools, Academics, Finance & Grants, Reports & Data, Student Assessment, and Texas Educators. A large banner for Coronavirus (COVID-19) features a 'GET UPDATES' button and a photo of Governor Greg Abbott. Below the banner are three categories: Coronavirus (COVID-19), Supplemental Special Education Services, and Texas Home Learning. The 'The Latest TEA News' section includes a sub-header and three columns: Emergency Support, Texas Schools, and About.

Special Student Populations

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Early Childhood Education [i](#)

English Learners [i](#)

Foster Care and Student Success [i](#)

Gifted/Talented Education [i](#)

Languages Other Than English [i](#)

McKinney-Vento Homeless Education

Mental and Behavioral Health

Military Connected Students

Pregnancy Programs [i](#)

Spanish Curriculum Standards

Special Education Updates [i](#)



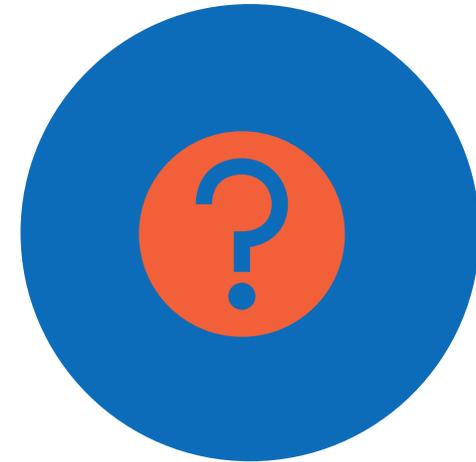
For More Information

MCKINNEY-VENTO QUESTIONS



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FOSTER CARE QUESTIONS



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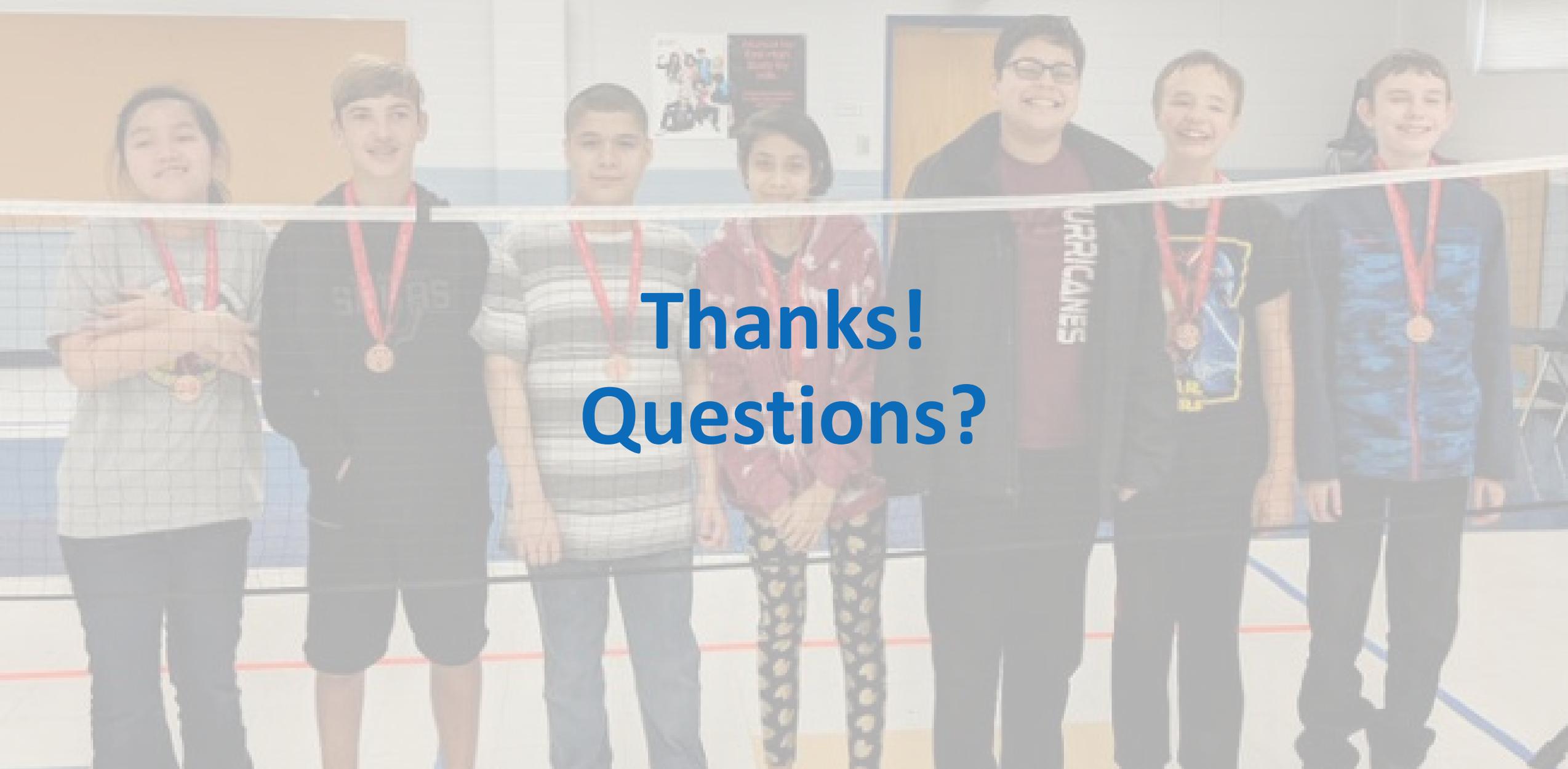
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**Thanks!
Questions?**