

INITIAL CHARTER APPLICATION DOCUMENT

(1) Give the long-range vision (5-10 years) and the goals (of at least the first year) of the school.

To hear an Oriole sing
May be a common thing-
Or only a divine

It is not of the Bird
Who sings the same, unheard,
As unto crowd-

The Fashion of the Ear
At tireth that it hear
In Dun, or fair-

So whether it be Rune,
Or whether it be none
Is of within.

The "Tune is in the Tree-"
The skeptic – showeth me-
"No Sir! In Thee!"

Emily Dickinson, 1890

As we pursue approval of an Open-Enrollment Charter this obviously talented writer describes the unique character we recognize in all students. We envision a school where each bird (students, faculty, and parents) may sing a different song, yet no one song is less remarkable than another. Chaparral Star Academy recognizes that our students are distinct individuals who often learn in different ways and at different rates. Our classrooms will provide students with the appropriate educational opportunities so that they can reach their potential and remain excited about learning, the world, and their own possibilities.

Our learning settings are varied in many ways e.g. by moving students to different locations, bringing in teaching specialists and community members, and blending multiage classrooms. The learning atmosphere is one of mutual trust, respect, and commitment to self-improvement. The climate encourages thinking, questioning, and respect for individual differences. The environment is both safe and stimulating and helps the students achieve a balance between small and large groups and independent activities. The teacher serves as a facilitator of learning rather than a dispenser of information while maintaining a focus on the quality of the learning experience.

Emily Dickinson writes of the bird whose unique song can be appreciated only by a crowd that is listening for the beauty it contains. The crowd (parents, teachers, students and community members) engaged in this process envision a school with programs that recognize the many and varied physical and mental abilities of students. We feel the possibilities for human growth are endless when such programs are in place.

Star Charter School will be a school with an enrollment of 360 students within 10 years with a freestanding facility providing individualized curriculum to challenge each student in an atmosphere that fosters a love for learning. The student/teacher ratio will be limited to 15:1 to enable such individualized attention.

We expect a first year enrollment of 30 students encompassing grades 1-10 divided into 2 multiage classrooms with a maximum of 15 students per class.

After this modest start, each subsequent year one grade will be added to serve the needs of the students advancement until the third year when we will have reached our full complement of grades 1-12.

Our enrollment growth will be set by the governing board and will be influenced by the acquisition of additional space. Our space needs should be met by expansion within the current facility (Chaparral Ice Center) through the first four years at a projected growth rate of 30 students per year.

It is our goal to provide students, parents and faculty with the opportunity to:

- Participate in differentiated curriculum which focuses on the students' individual needs rather than the traditional grade levels or age of the student
- Practice highly effective life-coping skills such as goal setting, time management, critical decision making, and physical activity.
- Participate in conferences, which will be held at the end of each quarter. The student will present his/her portfolio and the teacher, student, and parents will set goals for the next quarter.
- Participate in parent meetings that will be held regarding the school's progress, units of study, and other topics.
- Hold Open Houses at least once a year for parents, future students and community / business members to observe students' work and school's progress.
- Participate in field trips, which will be taken on a regular basis to extend our units of study.
- Participate daily in hands-on, individualized learning events in which they come to recognize that skills and concepts are transferable and related to "life-long learning" behaviors.

(2) Describe the governing structure of the open-enrollment charter, including board composition, selection process and responsibilities. Also describe the role of administrators, faculty, parents, students, and community members in the leadership and decision-making of the school.

The Governing Board shall consist of 5 members:

- 1 teacher – elected by the teaching faculty
- 1 parent - elected by the parents of enrolled students
- 1 member of the board of directors of the sponsoring entity, selected by that board
- 1 member of the community selected by the Board of Directors of the sponsoring entity but not a member of the board of the sponsoring entity
- the business administrator of the charter school

The responsibilities of the Governing Board shall include:

- setting school policies
- adoption of text books
- adoption of the annual budget
- approval of hiring decisions
- appointment of the school principal
- approval of the school calendar
- approval of salaries of staff and faculty
- final voice in grievance proceedings
- oversee performance of the business administrator and principal
- oversee compliance of the school to all state and federal regulations and terms of the school charter
- establish yearly enrollment goals until the maximum enrollment is reached
- acquisition of facilities to meet the needs of the expanding enrollment

The Business Administrator shall be selected by the Governing Board. The board will set salary and hours. Responsibilities of the business administrator shall include:

- ensuring compliance with state and federal regulations and terms of the school charter
- drafting the annual budget and calendar to be submitted to the board for modification and adoption
- managing day-to-day school operations
- making recommendations to the board of needed additional supervisory or support staff

The Principal shall be selected by the Governing Board. The board will approve compensation and work schedule. Responsibilities of the principal shall include:

- interviewing and selecting teacher candidates
- submitting faculty hiring recommendations to the board for approval
- supervising performance of teachers
- implementation and enforcement of school policies as adopted by the board
- coordinating curriculum development

Additional supervisory or support staff positions and responsibilities will be added as needed by the board.

Teachers are selected by the Principal and approved by the board. The board shall also establish salary schedules. Their responsibilities include:

- development of curriculum
- individualizing curriculum to meet the needs of each student in his/her class
- daily lesson plans
- evaluation of students performance
- maintenance of student portfolios
- helping students and parents set and achieve learning goals

We believe the involvement of parents to be critical to the success of this charter school. In fact, a commitment of parental involvement will be a requirement for student admission to the school. The areas a parental organization can be especially helpful include:

- an indispensable source of expertise to supplement the teaching staff in areas of study
- providing volunteer help with administrative tasks, supervision of extracurricular activities, assisting teachers in the classroom etc.
- fund raising
- critical input on the success of the program
- a voice for the students

(3) Describe the educational program to be offered, including the required curriculum under Texas Education Code (TEC) §28.002, and student attendance requirements.

Mission Statement:

- To facilitate an atmosphere geared toward the creative development of thinking skills while providing mastery of grade level appropriate objectives, with an emphasis on lateral or vertical enrichment as needed.
- A team approach will be used to design, troubleshoot, and deliver a curriculum in content areas (language arts, social studies, science & math), integrated with a gifted and talented format, especially focused on stimulating a *love* for learning.

Our curriculum uses the Texas Essential Knowledge and Skills (TEKS) as its foundation and is geared toward the creative development of thinking skills. The learning objectives we have developed reflect alignment to the TEKS. During the 1998/1999 school year and after, Star Charter School will continue to align its curricula to the TEKS.

Recognizing that all of our students are distinct individuals, the curriculum is differentiated in three ways. :

1. Each student will participate in learning activities that are designed to meet his/her academic development needs.
2. Each student will participate in thematic, interdisciplinary units of instruction that incorporate appropriate challenges for each child.
3. Each student will experience learning events that are authentic and contextually relevant to his/her interest.

Our highly individualized program prepares the students to be competitive both as applicants to highly respected colleges and universities and as adults in the community.

Learning Environment

Star Charter School recognizes that our students are distinct individuals, who often learn in a different way and at a different rate. Our classrooms provide students with the appropriate educational opportunities so they can reach their potential and stay excited about learning, the world, and his/her own possibilities.

Our learning settings are varied in many ways, for example, by moving students to different location, calling in teaching specialist, and blending multi-age classrooms. The learning atmosphere is one of mutual trust, respect, and commitment to self-improvement. The climate encourages thinking, questioning, and, respect for individual differences. The learning environment is both safe and stimulating, and helps the students achieve a balance between small and large groups and independent activities. The teacher serves as a facilitator rather than a dispenser of information, while maintaining a focus on the quality of the learning experience.

Instructional Methods

Students of Star Charter School will participate in a differentiated curriculum that provides them with a positive learning experience

***Curriculum Compacting**-achieved with individual students or with groups of students who demonstrate above average ability in any academic, artistic or vocational area. Compacting involves determining the goals and objectives of the regular curriculum, assessing whether or not students have previous mastery of these goals, and substituting more challenging and appropriate work for the student as indicated.

***Contracts**-may be used in all subject areas and are developed collaboratively between the teacher, student(s), and parents. Contracts set individualized learning goals as well as often specifying materials and resources to be used and due dates for the students.

***Learning Centers**-are a physical area where the student engages in varied learning activities independently or in groups of small numbers. Center activities are designed to introduce new concepts or skills, reinforce previous learned knowledge, and expose students to varied higher level thinking skills.

***Independent Study**-requires the student to develop a plan stating the subject of the study, list his goals and objectives, plan activities to achieve his/her goals, and complete a final product.

***Cooperative Learning**-students work together as a team of learners to build on their foundation of educational concepts and skills. Simulations, games, projects, and various activities are used to individualize the groups' learning.

***Behavior Modeling**-instructors model successful behaviors and thought processes proven beneficial to all learners in acquiring new skills and concepts.

Multi-Age Learning Approach

The Multi-Age approach provides fluidity in creating educationally appropriate, higher level thinking experiences. Students participate in a multi-disciplinary theme in which they enrich their learning through peer interaction and a variety of viewpoints. The Multi-Age approach creates opportunities for each student to use school time for work that represents true learning.

School Population

Star Charter School will serve a diverse student population from the Austin and surrounding areas. This population may include Special Ed, Gifted/Talented and Dyslexic students. Each student will have his/her special needs met by creating individualized educational plans, designed to meet their special differences and ensure quality learning.

Extracurricular Activities

Star Charter School will sponsor clubs / teams which reflect the interest of our students. The following are in our plans for the 1998/1999 school year: Odyssey of the Mind, Math and Science Olympiad.

Attendance

By creating a safe, stimulating and motivating learning environment, students will be excited to attend class every scheduled day. However, we believe that life experiences are an integral part of a student's education and Star Charter School will accommodate to the extent allowable any extracurricular activities that contribute to the overall emotional, physical and intellectual development of the individual.

Disciplinary Procedures

Code of Conduct

The guiding concept for appropriate school behavior is to treat others in the manner and with the courtesy and respect with which you wish to be treated.

Students are expected to:

- Follow the rules and/or procedures established by the teacher/school.
- Be honest and tell the truth.
- Maintain self-control in class and on Ice Center property.
- Respect school and Ice Center property and the property of others.
- Be attentive in class.
- Be on time to school/class.
- Keep hands, feet, and objects to themselves.

- Dress appropriately.

Students are prohibited from:

- Leaving Ice Center grounds.
- Smoking.
- Using profanity, vulgar language, or obscene gestures.
- Loitering in unauthorized areas of the Ice Center.
- Possession of or use of marijuana, controlled drugs, dangerous drugs, alcoholic beverages, cigarettes, firearms or other weapons
- Being under the influence of the aforementioned substances.
- Assaulting anyone on Ice Center property.
- Stealing, extorting, and/or engaging in any other conduct that disrupts the school environment.
- Fireworks.

Behavior violations

Examples of behavior violations include:

- Violations of school or teacher-established rules.
- Cheating or lying.
- Horseplay or scuffling.
- Defacement, vandalism or damage to school or Ice Center property.
- Damage to the property of others.
- Refusal to work.
- Throwing of objects.
- Lack of preparation for class.
- Disrespect or insubordination.
- Class disruptions.
- Dress code violations.

Consequences for behavior violations include:

- Verbal reprimands.
- Conference with student.
- Time-out in classroom
- Withdrawal of privileges
- Telephone call/note to parents
- Parent conference
- Expulsion

The consequences will be applied according to the severity of the behavioral violation. In most cases the first offense will result in a verbal reprimand. A second offense will result in a student conference and a telephone call or note to the parents. A third offense will require a parent conference and suspension. Serious offenses such as use or possession of dangerous or illegal substances, or actions that threaten bodily harm to other students, faculty or personnel employed by the Ice Center will result in immediate suspension and a parent conference.

If a behavior is serious or persistent enough to warrant a parent conference and suspension, and if the parents are unable to prevent further behavior violations, the student will be expelled.

Special Education

Star Charter School will comply with Texas Education Code Chapter 29 by contracting with qualified private individuals and organizations or other school districts when the needs of the students requiring special education can not be met with its own staff.

(4) Describe the accountability measures the school will use to evaluate student performance.

(a) Identify the specific levels of student performance on assessment instruments adopted under TEC chapter 39, Subchapter B that constitute acceptable performance for the open-enrollment charter.

Our goal is for at least 90% of the students to score at or above the state average on the TAAS in our first year of operation. In subsequent years, our goal for individual student improvement on a year to year basis will be according to the following schedule.

| Student score | Improvement goal for the next year |
|---------------|------------------------------------|
| <70% | 2% |
| 70-79% | 2% |
| 80-89% | 3-4% |
| 90% + | 0-1% |

Student growth as measured by the Texas Learning Index (TLI) on the TAAS will be a minimum of one year per school year.

(b) Describe any additional accountability provisions in addition to those required under Texas Education Code, Subchapters B, C, D and G, Chapter 39, by which the performance of the open-enrollment charter will be assessed; Provide the deadline or intervals by which the performance of the open-enrollment charter will be determined for accountability purposes.

Assessment

At Star Charter School we believe that helping students to improve their performance is the primary reason for assessment. That's why what we do following the completion of student work is very important. Assessment should improve performance, not just monitor or judge it. By implementing the following practices we will be more likely to facilitate improvement.

***Student Portfolios**-a formal assessment tool in which students place chosen work based on criteria in content areas and products produced showing originality and the problem solving process in the portfolio. Samples can include audio-visual and computer products, written products such as first drafts and revised examples, and artwork and photographs of products. It may include logs and journals, reading lists for research completed, self-assessment, collaborative group work and products, and awards and honors. These folders are then used for conferences with parents at the end of each term.

***Holistic Scoring**-Criteria is arranged on a 3-point scale, and students evaluate their work by comparing it to the guide. Categories or competencies the students should accomplish are set. A chart or paper describing the criteria acceptable for certain grades is prepared by the teacher and discussed with the student before they begin the task. If the final product does not meet the minimum criteria the student should revise until it does. This type of assessment helps students to develop the ability to set their own goals and evaluate their own outcomes.

Reporting

At the end of each quarter, conference times will be set. Each child and his or her parents will have a conference with the teacher. The students will present student portfolios and goals for the next quarter will be discussed.

The norm referenced Iowa Test of Basic Skills will be administered yearly, in the fall. An evaluation of each student's performance will be used to identify individual strengths or weaknesses and aid in the formulation of individualized curricula. The test results will also be used to evaluate areas of strength or weakness in the school curriculum. Our expectation is for each student to show a minimum advancement of 1 grade level each year.

(c) Provide the timeliness by which the report of the performance of the school will be submitted to the State Board of Education.

The report of performance will be submitted within 60 days of the end of the school year.

(5) Provide a list of all districts within the geographical area that may be affected by the open-enrollment charter with the date the *Statement of Impact* form was sent to each affected district.

All districts listed were sent a *Statement of Impact* form on July 3, 1998.

Academy ISD

Mal Fischer, Superintendent, 704 E. Main Street, Little River, TX 76554 254-982-4304

Austin ISD

James Fox Jr., Superintendent, 1111 West 6th St., Austin, TX 78703 512-414-1700

Bartlett ISD

William Stidham, Superintendent, P.O. Box 170, Bartlett, TX 76511 254-527-4247

Bastrop ISD

Paul Fleming, Superintendent, 105 Loop 150 West Suite J, Bastrop, TX 78602 512-321-2292

Belton ISD

Harold Ramm, Superintendent, P.O. Box 269, Belton, TX 76513 254-939-1881

Coupland ISD

Gary Chandler, Superintendent, P.O. Box 217, Coupland, TX 78615 512-856-2422

Del Valle ISD

Edward Neal, Superintendent, 2404 Shapard Lane, Del Valle, TX 78617 512-385-0890

Dripping Springs ISD

Anthony Riehl, Superintendent, P.O. Box 479, Dripping Springs, TX 78620 512-858-4905

Eanes ISD

John Phillips Jr., Superintendent, 601 Camp Craft Road, Austin, TX 78746 512-329-3626

Elgin ISD

Ronald Bradford, Superintendent, P.O. Box 351, Elgin, TX 78621 512-281-3434

Florence ISD

Jesse Hawthorne, Superintendent, P.O. Box 489, Florence, TX 76527 254-793-2850

Georgetown ISD

Jim Gunn, Superintendent, 603 Lakeway Dr. , Georgetown, TX 78628 512-863-6595

Granger ISD

Gus Hollomon, Superintendent, P.O. Box 578 , Granger, TX 76530 512-859-2613

Hays Cons ISD

Joddie Witte, Superintendent, 215100 IH 35 , Kyle, TX 78640 512-268-2141

Holland ISD

Michael Roasa, Superintendent, P.O. Box 217 , Holland, TX 76534 254-657-2224

Hutto ISD

Earnest Laurence Sr., Superintendent, P.O. Box 430 , Hutto, TX 78634 512-759-3771

Jarrel ISD

Larry Hausenfluke, Superintendent, P.O. Box 429 , Jarrel, TX 76537 512-746-2124

Killeen ISD

Charles Patterson, Superintendent, P.O. Box 967 , Killeen, TX 76540 254-520-1309

Lago Vista ISD

Jess Butler, Superintendent, P.O. Box 4929 , Lago Vista, TX 78645 512-267-8300

Lake Travis ISD

Gloria Berry, Superintendent, 3322 RR 620 South , Austin, TX 78734 512-263-4400

Leander ISD

Tom Glenn, Superintendent, P.O. Box 218 , Leander, TX 78646 512-434-5000

Liberty Hill ISD

Paul Curtis, Superintendent, P.O. Box 68 , Liberty Hill, TX 78642 512-515-6088

Manor ISD

Noel Jett, Superintendent, P.O. Drawer L , Manor, TX 78653 512-272-5591

McDade ISD

Thomas Wayne Baca, Superintendent, Box 4858 , McDade, TX 78650 512-273-2522

Pflugerville ISD

Robert Spoonemore, Superintendent, 1401 W. Pecan St. , Pflugerville, TX 78660 512-251-4159

Rogers ISD

Carol Ann Bonds, Superintendent, Drawer A , Rogers, TX 76569 254-642-3802

Round Rock ISD

Tom Norris, Superintendent, 1311 Round Rock Ave. , Round Rock, TX 78681 512-464-5000

Salado ISD

Steven Ervin, Superintendent, P.O. Box 98 , Salado, TX 76571 254-947-5479

Taylor ISD

Gary Patterson, Superintendent, 602 W. 12th ST. , Taylor, TX 76574 512-352-6361

Temple ISD

James Boyle, Superintendent, P.O. Box 788 , Temple, TX 76503 254-778-6721

Thrall ISD

Tomm Bowman, Superintendent, P.O. Box 398 , Thrall, TX 76578 512-898-5193

(6) Describe the geographical area served by the program.

The geographical area described is based upon current student enrollment.

The area to be served by our program will include all of Williamson and Travis counties, plus the Dripping Springs and Hays Consolidated ISDs in Hays county; Bastrop, Elgin and McDade ISDs in Bastrop county; and the Academy, Bartlett, Belton, Holland, Killeen, Rogers, Salado, and Temple ISDs in Bell county.

(7) Specify any enrollment process to be used. For admission to an open-enrollment charter school, the person operating the school may require the students seeking admission to complete and submit applications not later than a reasonable deadline the school establishes.) Indicate whether the open-enrollment charter provides for the exclusion of a student who has a documented history of criminal offense, juvenile court adjudication, or discipline problems under TEC, Chapter 37, Subchapter A.

If a charter is granted for the 1998-99 school year, an open-enrollment day will be announced by way of advertisement in the Austin American Statesman and direct mail notification of existing students and those who have signed the petition of support for the charter. Fliers will also be placed in public areas frequented by potentially interested members of the community. The opening date and the deadline for application for the 1998-99 school year will be established upon notification of the granting of the charter and this information will be included in the advertisement and fliers.

Admission will be on a first come, first served basis. An application will be required of all potential students. A representative of the school will stamp these applications with the time and date of receipt. Copies of the school's policies and student code of conduct will be distributed to applicants at the time applications are being accepted. A meeting will be set with all applicants and their parents or legal guardian in order of receipt of the application. During this interview, the expectations of students and parents will be discussed. Upon acceptance by the students and parents of the school's policies, code of conduct, academic expectations, and required parental involvement the student will be accepted for enrollment.

Should the need for a waiting list arise, students' names will be placed on the list in the order of receipt of the application based upon the time/date stamped on the application. Through the course of the school year, should any openings become available for enrollment, the openings will be offered first to the student at the top of the waiting list and then to each applicant in order until the spaces are filled.

In subsequent years, priority will be given to enrollment of returning students and their siblings. Should the number of siblings wishing to enroll exceed the space available, the names of the siblings will be placed in a pool from which names will be randomly drawn until the enrollment limit is reached. Should any vacancies exist after enrollment of returning students and siblings, the spaces will be filled as described for the initial open enrollment period.

Star Charter School will not be accepting students with a documented history of criminal offense, juvenile court adjudication, or discipline problems under TEC, Chapter 37, Subchapter A.

(8) Specify the qualifications to be met by professional employees (administrators, teachers, counselors) of the program. Will the school automatically run a criminal history check on all employees? Describe the teaching philosophy proposed by the school.

The following notwithstanding, our goal will be to fill staffing positions with the best person for the job regardless of credentials.

All teachers, counselors, and administrators will have as a minimum, the degrees and certificates or licenses required by state and federal regulations as they apply to Texas charter schools.

Preference in teaching staff will be given for demonstrated love for teaching children in the type environment we are creating. Certification in gifted and talented teaching as well as special education are desirable but not mandatory for initial hiring but continuing education in these areas will be required for continued employment.

Education administrators will be required to have a background of at least 5 years teaching experience of a nature consistent with the philosophy of this school. Preference will be given to those with administrative experience as well. Their function will be to guide and facilitate the teachers in their task of providing an educational experience in accordance with our philosophy.

The school will automatically run a criminal history check on all employees.

Teaching Philosophy

“We must overcome the notion that we must be regular.... it robs you of the chance to be extraordinary and leads you to do the mediocre.”

Uta Hagen

At Star Charter School we believe that every child is extraordinary and it is our philosophical belief that we must help each one to discover this in him/herself. This, of course, requires that we employ the following ten teaching philosophies:

1. Each teacher must be a productive leader for the work and mission of the school. We should never shrink from the responsibility of serving the welfare of students. Without doubt, we must guide, coach, mentor, and show the way. This means being models as well as helping students choose actions that will lead to their growth and development.
2. We must have the utmost regard for our students as people and learners.
3. We must have a proactive concern about the quality of life in our classroom and school. It is essential that we make a daily habit of revealing concern for others and that we take action to promote the growth of all who are connected with the school.
4. We must be able to see the good and the potential in our students and bring out the best in them. We should help all of our students to “fly” as high as they can.
5. We must give credit to all of our students. We may need to look for a reason to give credit: in fact, we may have to search for one.
6. We view errors as a part of the learning and growing process. It is our responsibility to help our students to overcome obstacles, and bring out the best in them.
7. We must demonstrate that we think before we act. It is important that our students realize we care enough to take time and exert mental energy to measure the impact of our words.
8. We should be entrepreneurs – willing to look for new and better ways to teach. We need to take personal risks. This risk taking should be well thought out and based upon principle and knowledge. This allows us to move to higher levels of performance not experienced before.
9. We must have empathy for and sensitivity to the life situations and needs of our students.
10. We must be a resource. It is essential that we provide information and contribute to the attitudes and skills our students use to learn, grow, and make more intelligent decisions. We simply cannot hold high expectations or ask for high achievements without giving others the help they need to achieve them.

Education is more than academic: we must look at the whole child; developing the child’s intellectual abilities isn’t going to do the child any good if he/she emotionally and physically can’t survive. We must guide students to be extraordinary in all areas.

The following tools will be used to guide these philosophies:

- *Thematic and interdisciplinary units
- *Differentiated curriculum
- *Team Teaching
- *Leadership skills
- *Brain Based Contextual Learning
- *Problem Solving
- *Curriculum compacting
- *Behavior Modeling
- *Multiple Intelligences
- *Authentic Assessment
- *Standardized Assessment

(9) Describe how the following aspects of school support will be handled in the school; finances, budgeting, audits, PEIMS, facilities, food service, and transportation.

(a) Describe the process by which the governance structure of the open-enrollment charter will adopt an annual budget.

Teachers will be required to submit to the principal their anticipated needs for equipment and teaching supplies for the next school year by April 30th of the current year. The principal will then compile the teachers submitted needs and add needs of the administrative staff, salaries and other expected teaching related expenses and submit this to the business manager. The business manager will then combine these needs with the income projected from the applications received for re-enrollment, sibling enrollment and new applications for vacancies and other non-teaching related expenses. The business manager will then submit the final proposed budget to the parent organization for comment, and the Governing Board for their consideration, modification and final approval no later than July 15.

(b) Submit a proposed budget as an attachment to this application using the budget template provided. Explain how the school will conduct its business office, with what personnel.

The business administrator will be responsible for all the day-to-day operations and financial duties associated with managing this school. The Governing Board will oversee the performance of the business administrator. Year-end (and at any other times deemed necessary by the board) financial statements will be compiled by a Certified Public Accountant selected by the board.

The proposed budget is attached. Assumptions used in creating the budget include:

- a partial school year beginning October 1, 1998
- 90% of the average anticipated state funds per student
- the maximum initial enrollment of 30 students
- no extra money for special education, gifted students etc.
- \$25,000 grant from TEA

(c) Describe the manner in which an annual audit of the financial and programmatic operations of the open-enrollment charter will be conducted.

The CPA selected by the board will conduct the annual financial audit in conjunction with preparation of the year-end financial statements.

The program will be continually assessed by the Governing Board and an annual report will be submitted to TEA as required by the state.

(d) Describe the manner in which the charter will participate in the Public Education Information Management System (PEIMS) information, as required by state statute or by State Board of Education rule.

Star Charter School will comply with the Public Education Information Management System by contracting with a local district, Educational Service Center or by purchasing the needed software and performing those functions with our own personnel.

(e) Describe the facilities to be used.

Star Charter School will lease approximately 1750 square feet of space in the Chaparral Ice Center, located at 14200 N. IH-35, Austin, TX. The space under construction will consist of 2 classrooms, a business office, and common space to be utilized for lockers, library and individual study. Future expansion of Chaparral Ice Center (planned for 1999) will include additional space for Star Charter School that will allow its expansion over the next 2 years. During that time the board will locate or construct a facility that will serve the school at its maximum enrollment.

(f) Describe provisions for transportation, if any, for students served by the open-enrollment charter school.

Star Charter School will not provide transportation for its students.

(g) Describe the provisions for food service, if any, for students served by the open-enrollment charter school.

Food service will not be provided by Star Charter School, however, Chaparral Ice Center has a food court available to the students providing a variety of food and beverages.

(10) Provide a draft of a board policy providing for the admission of students eligible for a public education grant under Texas Education Code, Subchapter G, Chapter 29. Describe how the school will implement the policy.

Star Charter School will admit students eligible for a public education grant in accordance with Texas Education Code, Subchapter G, Chapter 29.

History of the Sponsoring entity and credentials of its Board of Directors, Chief Executive Officer and Educational Leadership

Chaparral Star Academy, Inc. was founded as a non-profit corporation in September 1996 to provide an alternative education for students dedicated to the pursuit of excellence in activities outside of school such as ballet, music, athletics, etc. In September of 1997 we received our 501 (c) 3 determination from the IRS.

In founding this school, it was our belief that students who are dedicated to activities such as those mentioned tend to be very good students because of their ability to focus on a task. As such, it was also our belief that these students would be able to accomplish as much or more in less time than they do in a traditional classroom. This would provide them more time to pursue their special interests without sacrificing other extracurricular social activities. While this was the reason the school was founded, we feel this educational format is beneficial to all students whether they have special outside interests or not.

Chaparral Star Academy is a small school with a multiage classroom taught by a Gifted and Talented certified teacher with 6 years experience prior to joining us. We have accomplished our goals by providing a stimulating learning environment and compacting the learning day into a shorter period of time. Students are encouraged to progress at their own rates, as long as minimum requirements are achieved, by implementing individualized learning plans cooperatively established in parent/teacher/student conferences. The minimums we have utilized since inception are based upon the TEKS. As an indication of the results of this program, our students have progressed by more than two grade equivalents in the last year (as determined by the Iowa Test of Basic Skills) in almost every tested category, they placed 2nd in the Odyssey of the Mind competition on their first ever attempt, and they have also excelled in their extracurricular activities.

The experience we have gained over the last two years has prepared us to apply for charter school status with the confidence that our approach to education does, in fact, work well.

The current Board of Directors of Chaparral Star Academy, Inc. are:

President - Kelly E. Drake DVM

Dr. Drake received his Doctor of Veterinary Medicine from Colorado State University in 1982. For the first thirteen years in private small animal practice, he managed or owned three different practices in Alaska, one of which was a start-up which he built to a half million dollars per year in annual revenue. In 1995 he sold his practice in order to move to a warmer climate. Dr. Drake now practices part time in Austin.

In 1996 he was the moving force behind the founding of Chaparral Star Academy, Inc.

Vice President – Charles Collins

Mr. Collins studied Petroleum Engineering, Accounting and Management at the University of Texas at Austin and at the University of Texas Permian Basin. He is currently a managing partner of Collins Partners, Ltd. where he has been since 1987. Collins Partners manages oil and gas properties in six states and has real estate holdings in several central Texas counties.

Mr. Collins served as a director from 1989 to 1995 on the board of Envirometrics, Inc., a Houston, Texas geotechnical firm utilizing ground-penetrating radar, high-resolution seismic and other noninvasive techniques

for the location and mapping of underground contaminations and hazards. Mr. Collins facilitated the formation and initial capitalization of Envirometrics, Inc.

In September 1996 he opened Chaparral Ice Center, the only full size ice rink in Austin. Under his guidance, Chaparral Ice Centers LP has taken over management of the ice rink at the Northcross Mall in Austin and will be opening a new ice rink in Ft. Worth in August 1998.

Secretary – Barry Kamber

Mr. Kamber is the Director of Figure Skating at Chaparral Ice Center in Austin, TX. He has 25 years superior training and teaching experience. He has coached students to the Regional, Sectional and National levels in competitive figure skating. Mr. Kamber developed a complete skating program at a new ice rink, gaining experience in hiring and managing qualified teaching staff. He has served on the United States Figure Skating Association judging committee for 4 years and the Professional Skaters Association Board of Directors as National Membership Chairman.

The combined experience of the officers of the sponsoring entity provides proven success in guiding new enterprises from start up to long term viability.

The chief executive officer will be Kelly Drake whose qualifications in business have been established.

Educational leadership is provided by Melissa Taylor who has provided the knowledge and skills necessary to implement the educational program envisioned by the school's founders. Ms. Taylor received her B.A. in Elementary Education from Texas Tech University. She is certified by the State of Texas in elementary education and is also Gifted and Talented certified. She taught in the Bastrop ISD for 6 years and was the Gifted and Talented/Enrichment Coordinator at Cedar Creek Elementary during her last two years with the Bastrop ISD.

Litigation

Chaparral Star Academy, Inc. is not now nor has it ever been involved in any civil or criminal litigation.

There have been no criminal convictions of any member of the board of directors, the chief operating officer, or employees of the sponsoring entity.

Special Education

Star Charter School will provide a free appropriate public education (FAPE) serving students with disabilities in Grades 1-12 in the least restrictive environment (LRE) as determined by the Admission, Review, and Dismissal (ARD) Committee established at the campus. An Individualized Education Plan (IEP) will be developed and implemented for each identified special education student. All records will be secured to insure confidentiality.

The special education services to be delivered by Star Charter School will include the following child centered activities:

- Child Find System (when appropriate)
- Referral
- Assessment
- ARD/IEP Development
- LRE Placement
- Confidentiality
- Parent Involvement
- Professional Development
- Quality and high standard staff and support
- Outlined and Board approved Disciplinary Procedures
- State approved forms

Star Charter School will admit and fully serve eligible students with disabilities and/or handicapping conditions. In addition, transportation services that are identified on the Individual Education Plan (IEP) will be provided. Certified personnel will be sought and employed to deliver a free and appropriate public education for the identified students served by the school. Technical assistance from the Region 13 ESC will be utilized as a resource and on all special education issues that require assistance.

An *Explanation of Rights and Procedural Safeguards of a Parent with a Child with Disabilities in School* will be provided to each parent which explains the rights as outlined in federal and state law. Certified staff will review this document with parents and additional information will be made available upon request in the parents' native language in writing or through an interpreter. Star Charter School will provide information to parents in the following situations:

- upon initial referral for evaluation
- upon each notification of an admission, review, and dismissal committee (ARD) meeting
- upon each reevaluation
- upon a school district's request for a "due process hearing" about their child

Star Charter School will comply with all requirements provided for in the *Individuals with Disabilities Education Act Amendments of 1997*, and will implement the following:

- place the emphasis on what is best educationally for children with disabilities
- give professionals, especially teachers, more influence and flexibility
- enhance the input of parents of children with disabilities in the decision making that affects their child's education
- make the school a safe place
- consolidate and target discretionary programs to strengthen the capacity of the school to effectively serve children with disabilities

Star Charter School will contract with the Education Technology Group (ETG) for Special Education program development and implementation of the school's Special Education services. ETG maintains state certified and experienced staff in administration, psychometrics, and instruction.

September 3, 1998

Attn: Brooks Flemister

From: Kelly Drake, Star Charter School

Attached are the requested clarifications of items 11 and 20 in the letter from the TEA dated August 31, 1998.

Please call me at 453-7776 (until 6 p.m. today) or 244-2552 (this evening or tomorrow) if there are any further questions/clarifications that must be addressed.

Sincerely,

Kelly E. Drake

Item 11

Star Charter School will admit and fully serve eligible students with disabilities and/or handicapping conditions. In addition, transportation services that are identified on the Individual Education Plan (IEP) will be provided. Certified personnel will be sought and employed to deliver a free and appropriate public education for the identified students served by the school when required by state and federal law. Disciplinary procedures will follow the guidelines of the *Individuals with Disabilities Education Act*. Technical assistance from the Region 13 ESC will be utilized as a resource and on all special education issues that require assistance.

Item 20

Star Charter School will provide a free appropriate public education (FAPE) serving students with disabilities in Grades 1-12 in the least restrictive environment (LRE) as determined by the Admission, Review, and Dismissal (ARD) Committee established at the campus. An Individualized Education Plan (IEP) will be developed and implemented for each identified special education student. All records will be secured to insure confidentiality.

The special education services to be delivered by Star Charter School will include the following child centered activities:

- Child Find System (when appropriate)
- Referral
- Assessment
- ARD/IEP Development
- LRE Placement
- Confidentiality
- Parent Involvement
- Professional Development
- Quality and high standard staff and support
- Outlined and Board approved Disciplinary Procedures
- State approved forms

An *Explanation of Rights and Procedural Safeguards of a Parent with a Child with Disabilities in School* will be provided to each parent which explains the rights as outlined in federal and state law. Certified staff will review this document with parents and additional information will be made available upon request in the parents' native language in writing or through an interpreter. Star Charter School will provide information to parents in the following situations:

- upon initial referral for evaluation
- upon each notification of an admission, review, and dismissal committee (ARD) meeting
- upon each reevaluation
- upon a school district's request for a "due process hearing" about their child

Star Charter School will comply with all requirements provided for in the *Individuals with Disabilities Education Act Amendments of 1997*, and will implement the following:

- place the emphasis on what is best educationally for children with disabilities
- give professionals, especially teachers, more influence and flexibility
- enhance the input of parents of children with disabilities in the decision making that affects their child's education
- make the school a safe place
- consolidate and target discretionary programs to strengthen the capacity of the school to effectively serve children with disabilities

General Revisions from Charter Renewal Document

Governance Structure:

One difference from the original governance structure as described in the charter is the clarification regarding role and responsibilities of the Board of the Charter Holder: Chaparral Star Academy, In.c. was founded solely for the development of the current school, a conversion from a private school. The Board of Chaparral Star Academy, Inc. is responsible for continuation of the corporation according to its by-laws, maintenance of the non-profit status of the corporation, and representation on the Governing Board of Star Charter School as described at the beginning of this section.

Code of Conduct:

A Student Handbook including school rules and guidelines is distributed in print to students upon enrollment at Star Charter School. The Handbook includes the Star Charter School Code of Conduct which governs student behavior. Due process requirements regarding all policies, including student expulsion and suspension, are met via the following hierarchy: students/families may first seek intervention/counseling by their assigned advisor/homeroom teacher; appeals/interventions may be initiated, addressed, appealed to and/or enforced by the two Lead Teachers (Deans); appeals/interventions may be initiated, addressed, appealed to and/or enforced by the Principal and/or Business Manager of the school; appeals may be made to the Star Charter School Governing Board, which has final authority.

Grievance Process:

Direct contact is provided to all parents, students, and employees to the Principal and each of the Lead Teachers/Deans during the course of the regular academic year; appeals/interventions may be initiated, addressed, appealed to and/or enforced by the two Lead Teachers/Deans; appeals/interventions may be initiated, addressed, appealed to and/or enforced by the Principal and/or Business Manager of the school; appeals may be made to the Star Charter School Governing Board, which has final internal authority over employee grievances, citizen complaints, or parental concerns, at regularly scheduled open meetings.

Admissions Policy:

Applications are considered on a first-come/first-serve basis during the publicly announced open enrollment period, usually beginning in late March and continuing until the first day of classes in the subsequent academic year, and are considered on a lottery basis throughout the year and for any grade levels for which there is a wait list for admission. Admission to Star Charter School will not be based on gender, national origin, ethnicity, religion, disability, academic or athletic ability, or the district the child would otherwise attend as long as the district of residency is served by Star Charter School. Submission of false or incomplete required information may be grounds for revocation of enrollment. Complete medical/health, disciplinary, and academic records must be received by Star Charter School before an application is considered complete. Enrollment is offered according to the following priority guideline: first, continuing students; second, siblings of continuing students; third, open enrollment. Should the need for a waiting list arise, students will be offered enrollment for available space according to priority level during the open enrollment, and by random lottery thereafter.

In accordance with its charter document, Star Charter School will not be accepting students with a documented history of criminal offense, juvenile court adjudication, or discipline problems resulting in suspension, alternative education program placement or expulsion as described by TEC, Chapter 37, Subchapter A. Acceptance of students with a history of disciplinary problems, suspension or expulsion resulting from violation of the Code of Conduct of a School District other than that specified by TEC, Chapter 37, Subchapter A, will be considered on a case by case basis by the Admission Committee. If there is a history of disciplinary problems and consideration for enrollment is desired, the Admission Committee will consider applications on a case-by-case basis; appeal may be made directly to the Governing Board of Star Charter School.

Performance Goals:

Star Charter School's performance goals are to insure that at least 70% of students pass administered TAKS tests by 2006 and to insure that the drop-out rate remains below 5%.

Star Charter School's additional performance goals include the following: a minimum aggregate 93% attendance rate, 90% 4 year completion rate, to consistently meet the standard for Gold Performance on the following indicators: College Admissions Testing and College Readiness; 80% recommended high school program graduation rate by 2006; to maintain as a minimum an Acceptable rating every year of operation.

Goals for individual student improvement on a year to year basis will be according to the following TLI schedule:

Student score

Improvement goal for the next year

| | |
|-------|------|
| <70 | 2% |
| 70-79 | 2% |
| 80-87 | 2-3% |
| 88+ | 0-1% |

Other performance goals include: aggregate scoring rate on the PSAT according to the following scale - 7th grade (100); 8th grade (110); 9th grade (125); 10th grade (135); 11th grade (145); aggregate growth of at least one normed grade level per year as assessed on the Iowa Test of Basic Skills in grades 1-6. Qualitative Reading Inventories (QRI) and/or the Developmental Reading Assessment (DRA) will be used to determine baseline reading ability for preprimer and primer level students as appropriate. The performance goal is to insure that all Star Charter School students read at or above grade level by entrance into 4th grade.

Generation Three
Open-Enrollment Charter
Renewal Application

Abbreviated Application

Application Due February 28, 2003

ACADEMY OF DALLAS
ARLINGTON CLASSICS ACADEMY
AW BROWN-FELLOWSHIP
BEXAR COUNTY ACADEMY
BRIGHT IDEAS
CALVIN NELMS
CHILDREN FIRST ACADEMY OF DALLAS
CHILDREN FIRST ACADEMY OF HOUSTON
EAST TEXAS
HEIGHTS
JEAN MASSIEU
LA ESCUELA DE LAS AMERICAS
THE ODYSSEY ACADEMY
THE SCHOOL OF LIBERAL ARTS AND SCIENCE
STAR CHARTER SCHOOL
TEXAS SERENITY ACADEMY
THERESA B. LEE ACADEMY
TWO DIMENSIONS PREPARATORY
WAXAHACHIE FAITH FAMILY ACADEMY

Texas Education Agency
William B. Travis Building
1701 North Congress Avenue
Austin, Texas 78701-1494

Dated Material---Open Immediately

Return on or before—5:00 p.m., Central Time
Friday, February 28, 2003

Charter Schools Division
Room 5-107

Definitions

Please review TEC §12.1012 and 19 TAC Chapter 100 §100.1011 for definitions of terms. Listed below are some selected terms and definitions:

1. *Charter holder* – the entity to which a charter is granted under TEC, Chapter 12
2. *Charter school* – a Texas public school operated by a charter holder under an open-enrollment charter granted by the State Board of Education pursuant to TEC, §12.101
3. *Governing body of a charter holder* – the board of directors, board of trustees, or other governing body of a charter holder
4. *Governing body of an open-enrollment charter school* – the board of directors, or other governing body of an open-enrollment charter school. The term includes the governing body of a charter holder if that body acts as the governing body of the open-enrollment charter school
5. *Management company* – a person, other than a charter holder, who provides management services for an open-enrollment charter school
6. *Officer of an open-enrollment charter school* – the principal, director, or other chief operating officer of an open-enrollment charter school; an assistant principal or assistant director of an open-enrollment charter school; or a person charged with managing the finances of an open-enrollment charter school

Open-Enrollment Charter School Renewal Application
Generation Two – Standard

Part 1. Charter Update

Charter Holder Name: Chaparral Star Academy, Incorporated
(i.e., nonprofit organization, institution of higher learning, or governmental entity)
Charter School Name: Star Charter School
Charter School County/District #: 227814

| Campus Name(s) | County/District/Campus # |
|---------------------|--------------------------|
| Star Charter School | 227814001 |
| | |
| | |
| | |
| | |

Section I. Maximum Enrollment, Grades Approved, and Geographic Boundaries

In the spaces below, please list the maximum enrollment, the grades the charter school is approved to serve (indicating if there is an approved GED program), and the geographic boundaries.

A. Maximum Enrollment: 360

B. Grades Approved to Served: 1-12

Approved GED Program: YES NO

C. Geographic Boundaries (all school districts within geographic boundaries): Academy ISD, Austin ISD, Bartlett ISD, Bastrop ISD, Belton ISD, Coupland ISD, Del Valle ISD, Dripping Springs ISD, Eanes ISD, Elgin ISD, Florence ISD, Georgetown ISD, Granger ISD, Hays Cons ISD, Holland ISD, Hutto ISD, Jarrel ISD, Killeen ISD, Lago Vista ISD, Lake Travis ISD, Leander ISD, Liberty Hill ISD, Manor ISD, McDade ISD, Pflugerville ISD, Rogers ISD, Round Rock ISD, Salado ISD, Taylor ISD, Temple ISD, Thrall ISD

Section II. Governance Structure and Procedures

Review *TEC, Sec. 12.121* and *19 TAC Chapter 100, Division 5 (Charter School Governance)*, which lists, among other things, powers and duties that must be exercised by the governing body of the charter holder, and nepotism and conflict of interest prohibitions and exceptions.

Where indicated, list all relatives of the members of the Governing Body of the Charter Holder, of the Governing Body of the Charter School, and of the Officers of the Charter School within the *third degree of consanguinity or affinity*. These include your spouse and the following relations to you and to your spouse: parents, children, grandchildren, siblings, grandparents, great-grandparents, nieces, nephews, aunts, uncles, and great-grandchildren.

A. Governing Body of Charter Holder

1. In the spaces below please list the names of the members of the governing body of the charter holder, the offices held, any board members relative within the third degree of consanguinity or affinity (see definition above), and any compensation or remuneration from the charter holder or charter school received by the board members.

| Board Member Name | Office Held | Relative(s) Within the Third Degree of Consanguinity or Affinity Who are Also Serving on the Board | Board Member Compensation or Remuneration Per Year |
|--------------------|---|--|--|
| Kelly E. Drake | President | None | \$12,000 Business Manager Salary |
| Charles M. Collins | Vice-president | None | None |
| Celia C. Lovett | Secretary | None | None |
| To be determined | Parent Annually Elected Representative | | None |
| To be determined | Faculty Annually Elected Representative | | Teacher Salary |

2. Will any relative of the board member within the third degree of consanguinity or affinity (see definition above) be employed by or receive any compensation or remuneration from the charter holder or the charter school? If yes, provide details in the space provided below. YES NO

3. Will any board member's spouse or any of the spouse's relatives within the third degree of consanguinity or affinity (see definition on page 2) be employed by or receive any compensation or remuneration from the charter holder or charter school? If yes, provide details in the space provided below. YES NO

4. Will any person who is a relative within the third degree of consanguinity or affinity (see definition on page 2) of a charter school officer (i.e., a person charged with the duties of, or acting as, a chief executive officer, a central administrator, a campus administration officer, or a business manager) be employed by or receive any compensation or remuneration from the charter holder or charter school? If yes, provide details in the space provided below.

YES NO

B. Governing Body of Charter School

1. If the governance structure includes more than one board (i.e., a governing body that is separate from the governing body of the charter holder), in the spaces below please list the names of the members of the governing body of the charter school, the offices held, any relative of a board member within the third degree of consanguinity or affinity (see definition on page 2), and any compensation or remuneration from the charter holder or charter school received by the board members.

| Board Member Name | Office Held | Relative(s) Within the Third Degree of Consanguinity or Affinity Who are also Serving on the Board | Board Member Compensation or Remuneration Per Year |
|--------------------------|--------------------|---|---|
| | | | |
| | | | |
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| | | | |

2. Will any relative of a board member within the third degree of consanguinity or affinity (see definition on page 3) be employed by or receive any compensation or remuneration from the charter holder or the charter school? If yes, provide details in space provided below. YES NO

3. Will any board member's spouse or any of the spouse's relatives within the third degree of consanguinity or affinity (see definition on page 3) be employed by or receive any compensation or remuneration from the charter holder or charter school? If yes, provide details in the space provided below. YES NO

C. Roles and Responsibilities of Governing Bodies

Describe the roles and responsibilities of both the charter holder and charter school governing bodies. If this represents a change from the governance structure currently on file with the Agency, please indicate that it is a change and describe the difference from the previous structure.

The Governing Board of Chaparral Star Academy, Inc. is the Board of Star Charter School.

The responsibilities of the Governing Board include: setting school policies, adoption of text books, adoption of the annual budget, ratification of hiring decisions, appointment of the school superintendent and principal, approval of the school calendar, approval of salaries of staff/faculty, final voice in grievance proceedings, oversee performance of the business manager, principal, and superintendent, oversee compliance of the school with all state and federal regulations and terms of the school charter, establish yearly enrollment goals until the maximum enrollment is reached, acquisition of facilities to meet the needs of the expanding enrollment.

The board is composed of the following permanent members: Kelly E. Drake (Business Manager for the school and founder), Charles M. Collins (co-founder), and Celia Lovett (community at-large/rep. of higher ed).

Additionally, one Representative of the Faculty shall be elected annually, and one Representative of the Parents' Group shall be elected annually to serve one-year terms on the Governing Board.

The governance structure reflects the model currently on file with TEA.

D. Organizational Chart, Criminal History Records, Biographical Affidavit

- Submit an organizational chart. Include this document as **Attachment 1, Organizational Chart.**
- Submit a criminal history record for each board member. Include these documents as **Attachment 2, Criminal History Records for Board Members.**
- Submit a biographical affidavit for each board member. Include these documents as **Attachment 3, Board Member Biographical Affidavit.**

Section III. Teacher Qualifications

In the space provided, describe the qualifications required for all classroom teachers and other instructional staff. If this represents a change from the charter application on file with the Agency or approved amendments, please indicate that it is a change and describe the difference from the previous requirement.

The following notwithstanding, our goal will be to fill staffing positions with the best person for the job regardless of credentials. All teachers, counselors, and administrators will have as a minimum, the degrees and certificates or licenses required by state and federal regulations as they apply to Texas charter schools. Preference in teaching staff will be given for demonstrated love for teaching children in the type environment we are creating. Certification in gifted and talented teaching as well as special education are desirable but not mandatory for initial hiring of regular education teachers, but continuing education in these areas will be required for continued employment. Education administrators will be required to have a background of at least 5 years teaching experience of a nature consistent with the philosophy of this school. Preference will be given to those with administrative experience as well. Their function will be to guide and facilitate the teachers in their task of providing an educational experience in accordance with our philosophy. The school will automatically run a criminal history check on all employees. All special education personnel and related services and all bilingual education will be provided by personnel who are appropriately certified or licensed in the area of the assignment.

Section IV. Code of Conduct

In the space provided, describe the methods used to inform parents and students about school rules and guidelines governing student behavior. Include policies regarding student expulsion and suspension and procedures that satisfy due process requirements.

A Student Handbook including school rules and guidelines is distributed in print to students upon enrollment at Star Charter School. The Handbook includes the Star Charter School Code of Conduct which governs student behavior. Due process requirements regarding all policies, including student expulsion and suspension, are met via the following hierarchy: students/families may first seek intervention/counseling by their assigned advisor/homeroom teacher; appeals/interventions may be initiated, addressed, appealed to and/or enforced by the two Lead Teachers (Deans); appeals/interventions may be initiated, addressed, appealed to and/or enforced by the Principal and/or Superintendent of the school; appeals may be made to the Governing Board, which has final authority. Special Education students for whom an ARD committee has determined that the Code of Conduct is inappropriate or for whom specific behaviors are determined to be a manifestation of the student's disability are subject to a Behavior Intervention Plan developed by the ARD committee in accordance with Special Education rules and procedures.

Section V. Complaints

In the space provided, describe the methods used to inform parents, students, and employees about the procedures for receiving and responding to complaints. (Note: Under 19 TAC § 100.1101(e), the governing body of a charter holder shall not delegate final authority to hear or decide employee grievances, citizen complaints, or parental concerns.)

Direct contact is provided to all parents, students, and employees to the Principal and each of the Lead Teachers/Deans during the course of the regular academic year; appeals/interventions may be initiated, addressed, appealed to and/or enforced by the two Lead Teachers/Deans; appeals/interventions may be initiated, addressed, appealed to and/or enforced by the Principal and/or Superintendent of the school; appeals may be made to the Governing Board of Chaparral Star Academy, Inc., which has final authority over employee grievances, citizen complaints, or parental concerns, at regularly scheduled open meetings.

Section VI. Admissions Policy

In the space provided, describe the timeline used for admitting students, including the application deadline and the process for the admission of students by lottery. (Although state law permits students to be accepted on a first come, first served basis or through a lottery, **a charter school that is oversubscribed must use a lottery to be eligible to receive federal funds.**)

Applications for the subsequent school year are accepted during the publicly announced open enrollment period, usually beginning in late March and continuing until the end of classes for the current academic year, and are considered on a lottery basis for any grade levels for which there is a wait list for admission. Admission to Star Charter School will not be based on gender, national origin, ethnicity, religion, disability, academic, artistic or athletic ability, or the district the child would otherwise attend as long as the district of residency is served by Star Charter School. Submission of false or incomplete required information may be grounds for revocation of enrollment. In accordance with state health laws, immunization history and disciplinary records (if subject to TEC Chapter 37 Subchapter A) must be presented to Star Charter School after admission is offered. Enrollment is offered according to the following priority guideline: first, continuing students; second, siblings of continuing students; third, open enrollment. Should the need for a waiting list arise, students will be offered enrollment for available space according to priority level during the open enrollment, and by random lottery thereafter.

In accordance with its charter document, Star Charter School will not be accepting students with a documented history of criminal offense, juvenile court adjudication, or discipline problems resulting in suspension, alternative education program placement or expulsion as described by TEC, Chapter 37, Subchapter A.

Section VII. Student Performance Goals

In the spaces provided below, identify the school's academic goals for student learning for the next **five years** in terms of AEIS *base* and *additional* indicators and *other relevant performance information*.

Some accountability standards and criteria for 2004 and 2005 are available in the 2002 Accountability Manual, which is available at www.tea.state.tx.us/perfreport/account/2002/manual. TAKS passing standards for Exemplary and Recognized are the same as in 2002. Rating criteria and standards have not yet been determined beyond 2002 for completion rate, dropout rate, the State-Developed Alternative Assessment (SDAA), and the Academically Acceptable/Acceptable rating.

A. AEIS Base Indicators

Describe student performance goals in terms of AEIS *base* indicators (i.e., TAAS scores and dropout rates). Be specific about indicators such as percentage of students passing exams and annual dropout rates.

Note: Campuses rated under the Alternative Education Accountability system may also have student attendance and Texas Learning Index (TLI) growth as base indicators.

Star Charter School's performance goals are to insure that at least 70% of students pass administered TAKS tests by 2006 and to insure that the drop-out rate remains below 5%. For students with disabilities, the student's ARD committee will determine on a case-by-case basis the appropriate statewide assessment (SDAA or LDAA) and measure of success.

B. AEIS Additional Indicators

Describe student performance goals in terms of AEIS *additional* indicators (i.e., attendance rates, 4-year completion rate, college admissions testing, and participation in the recommended high school program). Be specific about indicators such as average Texas Learning Index (TLI) growth, year-to-year progress, and accountability ratings.

Note: Campuses rated under the Alternative Education Accountability system may also have campus-selected additional indicators.

Star Charter School's additional performance goals include the following: a minimum aggregate 93% attendance rate, a minimum aggregate 90% 4 year completion rate, consistent meeting of the standard for Gold Performance as defined by TEA on College Admissions Testing and College Readiness; Recommended High School Program graduation rate of 80% of higher by 2006; minimum Acceptable rating every year of operation.

Goals for individual student improvement on a year to year basis will be according to the following TLI schedule:

| Student score | Improvement goal for the next year |
|----------------------|---|
| <70 | 2% |
| 70-79 | 2% |
| 80-87 | 2-3% |
| 88+ | 0-1% |

C. Other Relevant Performance Goals

Describe other relevant student performance goals that may be unique to your school.

Other performance goals include: aggregate scoring rate on the PSAT according to the following scale - 7th grade (100); 8th grade (110); 9th grade (125); 10th grade (135); 11th grade (145); aggregate growth of at least one normed grade level per year as assessed on the Iowa Test of Basic Skills in grades 1-6. Qualitative Reading Inventories (QRI) and/or the Developmental Reading Assessment (DRA) will be used to determine baseline reading ability for preprimer and primer level students as appropriate. The performance goal is to insure that all Star Charter School students read at or above grade level by entrance into 4th grade.

Section VIII. Monitoring Follow-Up

Discuss improvements made and other actions taken to address any and all findings, recommendations, or sanctions by the Agency including those resulting from monitoring on-site visits or hearings. Provide specific information about compliance status with all special program indicators, including corrective action plans for bilingual and special education programs, and about PAS/DAS risk levels.

An Initial On-Site visit to Star Charter School was conducted by TEA during the week of December 11-15, 2000. The agency identified 5 form/documentation errors in a folder review, all of which had already been corrected by Star Charter and the Austin Area Charter Schools Cooperative for special education. A 6th correction was required in the S35 expenditures. Allotments had been sufficiently expended by the 2000-2001 academic year and subsequent expenditures have met agency requirements. A contingency plan for Bilingual/ESL education was included and reviewed as part of the visit, and Star Charter was deemed in compliance. Follow-up letters from TEA reviewers have indicated full compliance based on the Corrective Action Plan for the Initial On-Site Visit, as well as compliance with the TEA financial accounting principles and procedures and consistent low error rates on PID submissions.

Part 2. Special Needs Students/Programs

NOTE: The approval of this charter school renewal application and/or removal of any contingencies is based on the information provided by the charter school as it reflects the charter school's knowledge of special education. Approval of the charter school renewal application and/or removal of any contingencies should not be construed to reflect a determination of special education compliance or to cover any other issues outside the scope of this renewal application process or actions that may have occurred since this renewal application process.

Section IX. IDEA Key Components

Describe ***IN DETAIL*** (*in the order requested and in the space provided below*) how the charter school accommodates students with disabilities in the SPECIAL EDUCATION program according to the Individuals with Disabilities Education Act (IDEA), the Texas Education Code, the State Board of Education rules, and the Commissioner's rules (SEE, Key Components).

Please **DO NOT SEND** a copy of the charter school's special education policies and procedures. This will only delay the review by a second request to submit the information as requested.

The Texas Side-by-Side is available online to assist the application process:

<http://www.tea.state.tx.us/special.ed/rules/sbs.html>.

IDEA Key Components

A. Child Find (34 CFR 300.125)

Star Charter School offers a system of "Child Find" in which all individuals birth through 21 who fall within our responsibility, children already enrolled but not yet identified, siblings of children already enrolled, and children that school staff come in contact with, are identified, and evaluated. The following are a few of the activities/ responsibilities which address our system of child identification:

- * Provide public awareness to inform parents of children already enrolled at Star Charter of educational opportunities available to individuals with disabilities and maintain documentation of such activity;
- * Disseminate information regarding availability of services;
- * Star Charter School assures confidentiality requirements are met in the collection and use of data;
- * Maintain the 60 calendar day time frame for referrals to evaluation report set forth in TEC;
- * The referral, full and individual evaluation, and ARD/IEP placement process adheres to all state and federal requirements.

Star Charter School will cooperate to the maximum extent with the Region 13 Education Service Center and the Texas Education Agency to insure that students identified through Child Find activities are placed in the appropriate documented instructional setting and to serve students making a transition from birth-PK and Kindergarten to Star Charter School's state approved grade 1-12 program. Placement activities may include working with the ESC and TEA to find the necessary setting for placement in accordance with state and federal requirements, as well as coordination with the Austin Area Charter Schools Cooperative for Special Education services to implement Child Find components.

Child find data is subject to the confidentiality requirements of section B of this document.

B. Confidentiality (34 CFR 300.127; 34 CFR 300.560-300.577; 34 CFR Part 99; TEC 26.004)

ACCESS TO STUDENT RECORDS (§26.004)

Star Charter School shall permit parents to inspect and review all education records relating to their child. A parent is entitled access to all written records of a school district concerning the parent's child, including:

- a. attendance records;
- b. test scores;
- c. grades;
- d. disciplinary records;
- e. counseling records;
- f. psychological records;
- g. applications for admissions;
- h. health and immunization information;
- i. teacher and counselor evaluations; and
- j. reports of behavioral patterns.

1. The following guidelines shall apply when parents request to review or inspect records relating to the education of their student with disabilities:

- a. Star Charter School shall comply with a request of parents to review records without unnecessary delay and before any meeting regarding an IEP or hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child.
- b. Star Charter School shall comply with the request in no case more than 45 days after the request has been made.

2. The right to inspect and review education records includes:

- a. the right to a response from Star Charter School to reasonable requests for explanations and interpretations of the records;
- b. the right to request that Star Charter School provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- c. the right to have a representative inspect and review the records.

3. Star Charter School may presume that the parent has authority to inspect and review the student's records, unless Star Charter School has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

Transfer of Records (§89.1050(f)(3))

Star Charter School shall forward education records upon request to officials of other schools or school systems in which the student intends to enroll without written consent under the conditions described in this procedure. The transfer of records shall occur no later than the 30th calendar day after the student enrolls in the new school. In addition, a student transferring into Star Charter School shall have his/her records transferred to the charter school no later than 30 calendar days from the previous school of attendance. The Family Educational Right and Privacy Act (FERPA) does not require the student's current and previous school district/charter to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34§99.31(a)(2) and §99.34

Confidentiality of Personally Identifiable Information (§300.127)

Education records, including directory information, may be released without the written consent of the student's parents to the following:

- a. school officials, including teachers, who have a legitimate educational interest; "School officials" are deemed to have a "legitimate educational interest" in a student's records when they are working with the student; considering disciplinary or academic actions, the student's case, compiling statistical data, or investigating or evaluating programs.

b. officials of other schools or school systems in which the student seeks or intends to enroll, provided that Star Charter School will notify the parent or student that it forwards education records to such officials; or

1. makes a reasonable attempt to notify the parent, unless the record transfer is initiated by the parent,
2. furnishes a copy of the transferred record to the parent if he so desires,
3. gives the parent an opportunity for a hearing to challenge the content of the record.

c. authorized representatives of the Comptroller General of the United States, the Secretary of Education or state educational authorities who require access to student or other records necessary in connection with the audit and evaluation of a state supported program or in connection with the enforcement of federal or state legal requirements that relate to such programs;

d. personnel involved with a student's application for, or receipt of, financial aid;

e. state and local officials to whom such information is specifically required to be reported or disclosed by state statute adopted prior to November 19, 1974;

f. accrediting organizations that require the information for purposes of accreditation;

g. parents of a dependent student;

h. appropriate persons who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

Definitions (34 CFR §300.560)

Destruction of education records means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

Education Records means, except as may be provided otherwise below, those records, files, documents, and other materials that contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution.

Participating Agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained.

Personally Identifiable Information means that information includes: the name of the student, the student's parent, or other family member; the address of the student; a personal identifier, such as the student's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

School Officials shall mean any employees, trustees, or agents of Star Charter School as well as attorneys, consultants, and independent contractors who are retained by Star Charter School.

Notice to Parents (34 CFR §300.561)

Notice that is adequate to fully inform parents about the requirements of §300.127, which is the confidentiality of personally identifiable information of students with disabilities.

This is an annual written notice provided in the primary or home language informing all parents of students in attendance of their rights. This is not limited to students receiving special education services. The information may be provided:

1. in district's enrollment packets given at registration,
2. in local newspaper advertising,
3. in postings in buildings,
4. in district mail-outs,
5. in the Student Handbook.

Documentation will be kept by the designated district staff.

Access Rights (§300.562)

Star Charter School shall permit parents to inspect and review any educational records relating to their child/children that

are collected, maintained or used by the school. Star Charter School will comply with a request without unnecessary delay and before any meeting regarding an IEP or any hearing based on §§300.507 and 300.521-528 and never more than 45 days after the request has been made.

1. The right to inspect and review education records under this section includes:

- a. The right to response from the charter school to reasonable requests for explanations and interpretations of the records;
- b. The right to request the charter school provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records;
- c. The right to have a representative of the parent inspect and review the records.

2. Star Charter School may presume that the parent has authority to inspect and review records relating to his or her child unless the charter school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

Record of Access (§300.563)

Star Charter School will maintain a record of parties obtaining access to education records collected, maintained or used under Part B of IDEA (except access by parents and authorized employees of the school), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Records on More than One Child (§300.564)

If material in the education record of a student includes information on more than one student, the parent or guardian shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

Types and Locations of Information (§300.565)

1. Star Charter School shall provide parents on request a list of the types and locations of education records collected, maintained, or used by Star Charter School.
2. The designated record custodian of Star Charter School shall be responsible for all the education records of Star Charter School students.

Fees (§300.566)

No fee may be charged to search for or to retrieve the education record of a student. A fee of \$0.10 (10¢) per page may be charged for copies of education records that are made for the parents or students under this procedure, provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. A waiver of fee should be requested in writing. No fee will be charged to search for or to retrieve information.

Amendment of Records at Parent's Request (§300.567)

The parent who believes the information in the student's education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the student may request Star Charter School to amend the information.

Within fifteen (15) school days of the record custodian's receipt of a request to amend records, Star Charter School shall notify the parents in writing of its decision on the request.

If Star Charter School decides to refuse to amend the information in accordance with the request, Star Charter School shall inform the parent of the refusal, and advise the parent of the right to a hearing under §300.568.

Opportunity for a Hearing (§300.568)

If a hearing is requested to challenge information in the records, it shall be held within fifteen (15) school days after the request for a hearing is received. Parents shall be notified in advance of the date, time, and place of the hearing. A record custodian who is not responsible for the contested records, or designee, shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence and may be assisted or represented at the hearing, at their own expense.

Result of Hearing (§300.569)

The parents shall be notified of the decision of the hearing in writing within fifteen (15) school days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.

- a. If as a result of the hearing, Star Charter School decides the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the records will be amended and the parent informed in writing.
- b. If after the hearing, Star Charter School decides the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the parents shall be given a copy of this guideline and the opportunity, within thirty (30) school days, to place in the record a statement commenting on the information and/or setting forth any reason for disagreeing with Star Charter School's decision.
- c. Any explanation is maintained by Star Charter School, and if the contested record is disclosed, the explanation shall also be disclosed.

Hearing Procedures (§300.570)

A hearing held under §300.568 must be conducted according to the procedures under FERPA (Family Education Rights and Privacy Act §99.22).

- a. the hearing will be held within a reasonable time after receiving the request,
- b. the parent will be given notice of date, time, and place, in a reasonable time prior to the hearing,
- c. the hearing will be conducted by an official of Star Charter School who did not have a direct interest in the outcome of the hearing,
- d. the parents will be given full and fair opportunity to present evidence relevant to the amendment to the record,
- e. the decision will be made in a reasonable time after the hearing and presented in writing to the parent,
- f. the decision will be based solely on the evidence presented at the hearing, and the summary of evidence and the reasons for the decision will be included in the written report of the hearing,
- g. the parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

Consent (§300.571)

Parental consent must be obtained before personally identifiable information is:

- a. disclosed to anyone other than officials of participating agencies collecting or using the information;
- b. used for any purpose other than meeting a requirement under the Individual with Disabilities Act. Star Charter School may not release information from these records without parental consent except as provided in the Family Educational Rights and Privacy Act (FERPA).

Safeguards (§300.572)

1. Star Charter School shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction stages.
2. One official in the district shall assume responsibility for ensuring confidentiality of personally identifiable information. The official responsible for ensuring the confidentiality of any personally identifiable information in special education records shall be the Special Education Director in the special education office located at:

1901 Fleischer Drive, Austin, Texas 78728

3. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records.
4. Star Charter School shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. This listing is maintained at the special education office.

Destruction of Information (§300.573)

1. Star Charter School shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child.
2. Star Charter School will destroy special education records at the parent's request when records are no longer needed to provide educational services to the child.
3. Directory information may be maintained without time limit, including the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed.

Children's Rights (§300.574)

Under the regulations for the Family Educational Rights and Privacy Act of 1974 [34 CFR 99.5(a)], the rights of parents regarding education records are transferred to the student at age 18. In addition:

1. If the rights accorded to parents under Part B of the Act are transferred to a student who reaches the age of majority, the rights regarding educational records must be transferred to the student.
2. Star Charter School will provide any notice required under Part B of the Act to the student and the parent.

Assurances to abide by FERPA in 34 CFR Part 99

Star Charter School assures that it and its employees will abide by all the requirements of the Family Educational Rights and Privacy Act as stated in 34 CFR Part 99.

Star Charter School shall give parents of students in attendance, or eligible students in attendance, notification of their rights under the Family Educational Rights and Privacy Act of 1974, and of the locations where copies of the district's policy may be located, including notice of the right to file complaints concerning alleged failures by Star Charter School to comply with the provisions of the Act. Parents of students identified as having a primary language other than English shall be notified in that language. Notices in English and Spanish to be posted in each school have been distributed to the building principals. Copies of the notices are available in the special education office.

C. Procedural Safeguards (34 CFR 300.504)

The Procedural Safeguards document developed by the Texas Education Agency must be provided to parents of a student with a disability, at a minimum, by February 28, 2003, and:

1. upon initial referral for evaluation,
2. upon each notification of any ARD meeting,
3. upon reevaluation of the student, and
4. upon receipt of a request for due process.

Contents

The procedural safeguards notice must include a full explanation of all of the procedural safeguard available under 300 §§403, 300.500-529, and 300.560-577 and the State complaint procedures available under §§300.660-662 relating to:

1. Independent educational evaluation
2. Prior written notice;
3. Parental consent;
4. Access to educational records;
5. Opportunity to present complaints to initiate due-process hearing;
6. The child's placement during pendency of due process proceedings;
7. Procedures for students who are subject to placement in an interim alternative educational setting;
8. Requirements for unilateral placement by parents of children in private schools at public expense;
9. Mediation;
10. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
11. State-level appeals (if applicable);
12. Civil actions;
13. Attorneys' fees; and
14. The state complaint procedures under §§300.660-662 including a description of how to file a complaint and the timelines under those procedures.

All of the above are included in the TEA publication from October of 2002 (14 pages).

Notice must also be given in understandable language to the general public and the native language or mode of communication of the parent as described in §300.503(c).

D. Notice of admission, review & dismissal (ARD) committee meetings

(34 CFR 300.503; 34 CFR 300.345; TEC 26.0081; 19 TAC 89.1015; 19 TAC 89.1045)

NOTICE

Timeline For Notice (TAC §89.1015)

State Board of Education rule interprets the federal term “reasonable time” as at least five school days. Parents may agree to waive the five school day notice period to which they are entitled.

Prior Notice by the Public Agency; Content of Notice (§300.503)

1. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before Star Charter School
 - a. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
 - b. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
2. If the notice described under paragraph (1) of this section relates to an action proposed by Star Charter School that also requires parental consent *under §300.505*, Star Charter School may give notice at the same time it requests parent consent.

Content of Notice

The notice required under paragraph (a) of this section must include:

1. Content of the written Notice of ARD/IEP meeting must include:
 - a. a description of the action proposed or refused by Star Charter School,
 - b. an explanation of why the district proposes or refuses to take the action,
 - c. a description of any options the district considered and the reasons why those options were rejected,
 - d. a description of each evaluation procedure, test, record, or report the district uses as a basis for the proposal or refusal,
 - e. a description of any other factors which are relevant to the district’s proposal or refusal,
 - f. sources for parents to contact to obtain assistance in understanding these provisions,
 - g. a statement informing the parents about the State complaint procedures, including a description of how to file a complaint and the timelines under those procedures. Include a statement that the ARD committee members will discuss, at the parent’s request, the provision of any educational or related service not proposed for discussion by Star Charter School.

Notice in Understandable Language

1. The notice under paragraph (a) of this section must be;
 - a. Written in language understandable to the general public: and
 - b. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
2. If the native language or other mode of communication of the parent is not a written language, Star Charter School shall take steps to ensure:
 - a. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - b. That the parent understands the content of the notice; and
 - c. That there is written evidence that the requirements in the paragraphs above in this section have been met.

Parent Participation (§300.345(b); §89.1015)

Information provided to parents:

1. The Notice of the ARD/IEP meeting must: (34 CFR §300.345 and §89.1015)
 - a. be provided to parents at least five school days in advance of the ARD to ensure they will have an opportunity

to attend,

b. include the purpose, time, and location of the meeting and who will be in attendance,

c. provide opportunity to schedule the meeting at a mutually agreed upon time and place, including rescheduling the meeting,

2. For a student with a disability beginning at age 14, or younger, if appropriate, the notice must:

a. indicate that a purpose of the meeting will be the development of a statement of the transition services needed for the student, and

b. indicate that the student will be invited.

3. For a student with a disability beginning at age 16, or younger, if appropriate, the notice must:

a. indicate that a purpose of the meeting is the consideration of the individual transition plan for the student,

b. indicate that the student will be invited, and

c. identify any other agency that will be invited to send a representative, if appropriate.

Right to Information Concerning Special Education (§26.0081)

TEA has produced a document containing all of the information to meet this requirement: *Guide to the ARD Process*. Star Charter School ensures that a copy of this document will be mailed home to the parent of every student as soon as practicable after a referral has been made to determine eligibility for admission to the special education program. It will be no later than five days before the initial ARD committee meeting and also at any other time requested by the parents.

Notice to Parents for Admission, Review and Dismissal (ARD) Committee Meetings (§89.1045(a))

1. Star Charter School shall invite the parents and adult student to participate as members of the admission, review, and dismissal (ARD) committee by providing written notice in accordance with 34 CFR §§300.345, 300.503, and 300.505, and Part 300, Appendix A.

2. A parent may request an ARD committee meeting at any mutually agreeable time to address specific concerns about his or her child's special education services. Star Charter School must respond to the parent's request either by holding the requested meeting or by requesting assistance through the Texas Education Agency's mediation process. Star Charter School should inform the parents of the functions of the ARD committee and the circumstances or types of problems for which requesting an ARD committee meeting would be appropriate.

E. Evaluation of children to determine eligibility

(34 CFR 300.530-300.543; TEC 29.004; 19 TAC 89.1011; 19 TAC 89.1015; 19 TAC 89.1040)

Referral for Full and Individual Initial Evaluation (§89.1011)

1. Referral of students for a full and individual evaluation for possible special education services shall be a part of Star Charter School's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial, remedial, compensatory, and other services.

2. If the student continues to experience difficulty in the general classroom after the provision of interventions, school personnel must refer the student for a full and individual initial evaluation. A referral may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. The referral for a full and individual initial evaluation must be completed in the required timeline of 60 calendar days.

FULL INDIVIDUAL AND INITIAL EVALUATION (§29.004)

Star Charter School will ensure that a full and individual evaluation is conducted for each student being considered for special education and related services. A written report of a full individual and initial evaluation of a student for purposes of special education services will be completed within 60 calendar days following the date on which the referral for evaluation was initiated by school personnel, the student's parent or legal guardian, or another appropriate person. The evaluation will be conducted using procedures that are appropriate for the student's most proficient method of communication.

The evaluation will be completed before the initial provision of special education and related services and will be the basis for the ARD committee to:

- A. determine if the student is a "student with a disability" in accordance with federal and state requirements; and
- B. determine the educational needs of the student.

In implementing the requirements above, Star Charter School ensures that:

- A. the evaluation is conducted in accordance with the procedures in federal and state law,
- B. the results of the evaluation are used by the ARD/IEP committee in developing an individualized education program.

EVALUATION PROCEDURES (§300.532)

Before any action is taken with respect to the initial placement of a child with a disability in a program providing special education and related services, a full and individual evaluation of the child's educational needs must be conducted in accordance with requirements below:

Star Charter School ensures the following:

A. Tests and other evaluation materials used to assess the student:

1. Are selected and administered so as not to be discriminatory on a racial or cultural basis;
2. Are provided and administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so;
3. Are standardized tests that have been validated for the specific purpose for which they are used;
4. Are standardized tests that are administered by trained personnel in conformance with the instructions provided by their producer; and
5. Are maintained in the student's legal folder
 - a. page(s) containing test scores are retained.
 - b. pages containing questions/answers are destroyed.

B. Materials and procedures used to assess a child with limited English proficiency are selected and administered to

ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English Language skills.

C. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

D. Tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

E. No single procedure is used as the sole criterion for determining an appropriate educational program for a student.

F. The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

G. The evaluation must be sufficiently comprehensive to identify all the child's educational needs, whether or not they link to the child's disability category.

H. Uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

I. Uses evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.

J. A variety of evaluation tools and strategies are used to gather relevant functional and developmental information about the student, including information provided by the parent, that may assist in determining:

1. whether the child is a student with a disability,
2. the content of the student's IEP, including information related to enabling the child:
 - a. to be involved in and progress in the general curriculum; or
 - b. if a preschool child, to participate in appropriate activities.

K. The evaluation is made by a multidisciplinary group of persons, including at least one teacher or other specialist with knowledge of the area of suspected disability.

DETERMINATION OF NEEDED EVALUATION DATA (34 CFR §300.533)

As part of an initial evaluation (if appropriate) and as part of any reevaluation, a team that includes individuals required in 34 CFR §300.344, and other qualified professionals, as appropriate, will:

A. Review existing evaluation data on the child, including but not limited to:

1. evaluation and information provided by the parents of the student,
2. current classroom based evaluations and observations,
3. observations by teachers and related service providers; and

B. On the basis of that review, including input from the child's parents, the ARD/IEP team will identify what additional data, if any, are needed to determine:

1. Whether the child has a particular category of disability, as described in 34 CFR §300.7, or in case of a reevaluation of a student, whether the student continues to have a disability;
2. The present levels of performance and educational needs of the student;
3. Whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.

C. Star Charter School will administer tests and other evaluation materials as may be needed to produce the data identified in A and B above.

D. If determination under paragraph A is that no additional data are needed to determine whether the student continues to be a student with a disability, Star Charter School will notify the student's parents:

1. Of that determination and the reasons for it; and
2. Of the right of the parents to request a full and individual evaluation to determine whether the student continues to be a student with a disability.

Star Charter School is not required to conduct an evaluation described in paragraph D. 2. above unless requested to do so by the student's parents.

F. If the ARD/IEP committee determines additional data is not needed and documents that determination, the date of the ARD/IEP committee meeting becomes the new evaluation date.

Eligibility Criteria (§89.1040)

1. To be eligible to receive special education services, a student must be a "child with a disability" as defined in the federal law, the Texas Education Code and Rules.
2. The determination of whether a student is eligible for special education and related services is made by the student's ARD/IEP committee. Any evaluation or re-evaluation of a student shall be conducted in accordance with federal and state regulations. The evaluation will document the members of the ARD/IEP team. The ARD/IEP team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to the following:
 - a. licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriately certified specialist, or;
 - b. licensed practitioner with experience and training in the area of the disability, or a licensed or certified professional for a specific eligibility category.

Determination of Eligibility (§300.534)

Upon completing the administration of test and other evaluation materials:

1. A group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in §300.7; and
2. Star Charter School will provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

A child may not be determined to be eligible under Federal and State laws if:

1. The determinant factor for that eligibility is:
 - a. Lack of instruction in reading or math; or
 - b. Limited English proficiency; and
2. The child does not otherwise meet the eligibility criteria under §300.7(a).

Star Charter School must also evaluate a child with a disability in accordance with §§300.532 and 300.533 before determining that the child is no longer a child with a disability.

The evaluation described above in this section is not required before the termination of a student's eligibility under Part B of IDEA due to graduation with a regular high school diploma, or exceeding the age of eligibility for FAPE under State law.

Procedures for Determining Eligibility and Placement (§300.535)

In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child Star Charter School will:

Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendation, physical condition, social or cultural background and adaptive behavior; and

Ensure that information obtained from all of these sources is documented and carefully considered.

If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child.

Reevaluation (§300.536)

Star Charter School ensures that a reevaluation will be completed in accordance with the three year timeline requirement. Prior to the three year anniversary date of an active special education student's evaluation, a reevaluation (review of existing data) will be planned by the ARD/IEP committee to determine the scope of the evaluation.

Reevaluations must be done on or before the date of the last comprehensive evaluation or more frequently if conditions warrant, or if the parent or teacher requests an evaluation.

A reevaluation packet will be completed before determining that the student is no longer a student with a disability (unless dismissal is due to graduation with a regular high school diploma or exceeding age eligibility for a free appropriate public education).

Additional Procedures for Evaluating Students with Specific Disabilities

Additional team members

The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in §300.7 must be made by the child's parents and a team of qualified professional which must include:

1. The child's regular teacher; or
2. If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
3. For a child of less than school age, an individual qualified by the State to teach a child of his or her age; and
4. At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

Criteria for Determining the Existence of a Specific Learning Disability

A team may determine that a child has a specific learning disability if:

1. The child does not achieve commensurate with his age and ability levels in one or more of the areas listed below if provided with learning experience appropriate for the child's age and ability levels; and
2. The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas;
 - a. Oral expression
 - b. Listening comprehension
 - c. Written expression
 - d. Basic reading skill
 - e. Reading comprehension
 - f. Mathematics calculation
 - g. Mathematics reasoning
3. The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:
 - a. A visual, hearing, or motor impairment;
 - b. Mental retardation
 - c. Emotional disturbance; or
 - d. Environmental, cultural or economic disadvantage.

Observation

At least one team member other than the child's regular teacher shall observe the academic performance in the regular classroom setting.

Written Report

A written report will be completed and will document the following:

- a. Whether the child has a specific learning disability;
- b. The basis for making the determination;
- c. The relevant behavior noted during the observation of the child;
- d. The relationship of that behavior to the child's academic functioning;
- e. The educationally relevant medical findings, if any;
- f. Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services;
- g. The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

Each team member will certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

F. Development and implementation of the individualized educational program (IEP); Extended school year (ESY) services (34 CFR 300.342-300.350; 34 CFR 300.309; TEC 37.0021; 19 TAC 89.1050; 19 TAC 89.1053; 19 TAC 89.1055; 19 TAC 89.1065)

IEP/ESY

ARD Committee §89.1050(a)

Star Charter School will establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted pursuant to §89.1011 (relating to Referral for Full and Individual Initial Evaluation (FIE)). The ARD committee shall be the individualized education program (IEP) team defined in federal law and regulations including, specifically, 34 CFR, § 300.344.

Timeline §89.1050(d)

The ARD committee will make its decision regarding student referred for an initial FIE within 30 calendar days from the date of the completion of the written FIE report. If the 30th day falls during the summer and school is not in session, the ARD committee will have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and placement, unless the FIE indicates that the student will need extended school year (EYS) services during the summer.

Notice to Parents for Admission, Review and Dismissal Committee Meetings § 89.1045(b)

Star Charter School will invite the parents and/or adult student to participate as members of the ARD committee by providing written notice in accordance with 34CFR§§300.345, 300.503, and 300.505, part 300 Appendix A.

A parent may request an ARD meeting at any mutually agreeable time to address specific concerns about his or her child's special education services. The school district must respond to the parent's request either by holding the requested meeting or by requesting assistance through the Texas Education Agency's mediation process. Star Charter School will inform parents of the functions of the ARD committee and the circumstances or types of problems for which an ARD committee would be appropriate.

When IEP's must be in Effect §300.342

GENERAL

Star Charter School will have in effect for each child with a disability an IEP.

Implementation of IEP's

- * is in effect before special education and related services are provided,
- * begin on the date designated by the ARD/IEP committee meeting,
- * be in effect at the beginning of each school year for each student with a disability within our jurisdiction,
- * be provided to each general education teacher, or is accessible to all other special education teachers, related service provider, and other service providers who are responsible for its implementation, and
- * in addition, each teacher and provider is informed of his/her specific responsibilities related to implementing the child's IEP and the specific accommodations and supports that must be provided.

IFSP/IEP §89.1050(b)

For a child birth through two years of age with visual and/or auditory impairments, an IFSP meeting will be held in place of the ARD committee meeting in accordance with 34CFR §§303.340-303.346, and the memorandum of understanding between TEA and Texas Interagency Council on Early Childhood Intervention. For students three years of age and older, Star Charter School will develop an IEP.

Transfer Students

1. When a student transfers within the state, the ARD committee may, but is not required to, meet when the student enrolls and a copy of the student's IEP is available, the parent (s) indicate in writing that they are satisfied with the current IEP, and Star Charter School determines that the current IEP is appropriate and can be implemented as written; or
2. If the conditions of the paragraph above can not be met by Star Charter School, then the ARD committee must meet when the student enrolls and the parents verify that the student was receiving special education services in their previous

school, or the previous school verifies in writing or by telephone that the student was receiving special education services. At this meeting, the ARD committee must do one of the following:

- a. the ARD committee may determine that it has appropriate evaluation data and other information to develop and begin implementation of a complete IEP for the student; or
- b. The ARD committee may determine that valid evaluation data and other information from the previous school are not sufficient or available to develop a complete IEP. In this event, the ARD committee may authorize the provision of temporary special education services pending receipt of valid evaluation data from the previous school or the collection of new evaluation data by Star Charter School staff. In this situation, a second ARD committee meeting must be held within 30 days school days from the date of the first ARD committee meeting to finalize or develop an IEP based on the current information.

3. In accordance with TEC §25.002, the school in which the student was previously enrolled shall furnish the new school with a copy of the student's records, including the child's special education records, not later than the 30th calendar day after the student was enrolled in the new school. FERPA does not require the student's current and previous school to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34 CFR §99.31(a)(2) and §99.34.

Free Appropriate Public Education (FAPE) (§300.300.121)

1. Star Charter School has adopted a policy that is:

- a. Consistent with the requirements of §§300.300-300.313; and applies to all children with disabilities, including children who have been suspended or expelled from school.
- b. Consistent with FAPE for students of an age eligible for enrollment at Star Charter School as governed by its charter agreement with TEA and the allowable grades served by the school.
- c. FAPE for children suspended or expelled from school:

1. Star Charter School need not provide services during periods of removal under § 300.520(a)(1) to a child with a disability who has been removed from his or her current placement for ten school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.

2. In the case of a child with a disability who has been removed from their current placement for more than ten school days in that year, the school for the remainder of the removals, must:

- a. provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriate advance toward achieving the goals set out in the child's IEP, if the removal is:

1. under the school personnel's authority to remove for not more than ten consecutive school days as long as that removal does not constitute a change of placement under §300.519(b), §300.520(a)(1); or

2. for behavior that is not a manifestation of the child's disability, consistent with §300.524; and

- b. Provide services consistent with § 300.522, regarding determination of the appropriate interim alternative education setting, if the removal is:

1. For drug or weapons offenses under §300.520(a)(2); or

2. Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if they remain in the current placement, consistent with §300.521.

School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519, §300.520(a)(1).

The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524.

d. Children advancing from grade to grade:

1. Star Charter School shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child is advancing from grade to grade.
2. The determination that a child described in paragraph (a)(1) of this section is eligible under this part, must be made on an individual basis by the group responsible within the child's school for making those determinations.

IEP Meetings §300.343

General

Star Charter School shall be responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of any child with a disability enrolled in their school.

Initial IEP's; provision of services

1. Star Charter School assures that within a reasonable period of time following the school's receipt of parental consent to an initial evaluation of a child:
 - a. The child is evaluated; and
 - b. If determined eligible special education and related services are made available to the child in accordance with an IEP.
2. In meeting the requirement stated above, a meeting to develop an IEP for the child be conducted within 30 days of a determination that the child needs special education and related services.

Review and Revision of IEP's

1. Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
2. Revises the IEP as appropriate to address:
 - a. Any lack of expected progress toward the annual goals described in §300.347(a), and in the general curriculum, if appropriate;
 - b. The results of any reevaluation conducted under §300.536;
 - c. Information about the child provided to, or by, the parents, as described in §300.533(a)(1);
 - d. The child's anticipated needs; or
 - e. Other matters.

IEP Team §300.344

General

Star Charter School assures that the IEP team for each child with a disability will include:

1. One or both of the student's parents;
2. At least one general education teacher of the student (if the student is, or may be, participating in the general education environment);
3. The special education teacher or the special education provider of the child;
4. A representative of the district, who:
 - a. is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;

- b. is knowledgeable about the general curriculum; and
- c. is knowledgeable about the availability of resources of the district.

The district may designate another staff member to serve as the representative, if the criteria 1-3 are satisfied (provided other district ARD/IEP members meet the other participant requirements). The superintendent will approve the list of qualified ARD/IEP representatives of the district.

5. Individuals who can interpret the instructional implications of evaluation results, who may be a member of the team described in this section. Individuals may include:
- a. speech/language pathologist, for speech-only referrals;
 - b. educational diagnostician; and/or
 - c. licensed specialist in school psychology/psychologist.
6. At the discretion of the parent or Star Charter School, other individuals who have knowledge or special expertise regarding the student, including related service personnel as appropriate, and
7. if appropriate, the student.

Transition Services Participants

Star Charter School will invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of:

- The student's transition services needs under §300.347(b) (1)
- The needed transition services for the students §300.347(b) (2); or
- Both.

If the student does not attend the IEP meeting, Star Charter School shall take steps to ensure that the student's preferences and interests are considered.

In implementing the requirements of §300.347(b)(2), Star Charter School will also take other steps to obtain participation of other agencies, as appropriate based on the student's needs and interests, in the planning of any transition services.

Determination of Knowledge and Special Expertise

The determination of the knowledge and special expertise of any individual described in the paragraph above (IEP Team-general) shall be made by the party (parents or school) who invited the individual to be a member of the IEP team.

Designating a Public Agency Representative

Star Charter School may designate another member of the IEP team from Star Charter School to also serve as the administrative representative if the criteria described above for that position on the IEP team are satisfied.

PARENT PARTICIPATION

Public Agency Responsibility – General

Star Charter School will take all necessary steps to ensure that one or both of the parents of a child with disability are present at each IEP meeting or are afforded the opportunity to participate, including:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
2. Scheduling the meeting at a mutually agreed on time and place.

Other Methods to Ensure Participation

If neither parent can attend, Star Charter School will use other methods to ensure parent participation, including individual or conference telephone calls.

Conducting an IEP without Parent Participation

A meeting may be conducted without a parent in attendance if Star Charter School is unable to convince the parents that

they should attend. In this case Star Charter School must have a record of its attempts to arrange a mutually agreed on time and place, such as:

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

Use of Interpreters

Star Charter School will take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Parent Copy of child's IEP

Star Charter School will give the parent a copy of the child's IEP at no cost to the parent.

DEVELOPMENT, REVIEW, AND REVISION OF THE IEP §300.346

Development of the IEP

General, In developing each child's IEP, the ARD/IEP team will consider:

- * The strengths of the child and the concerns of the parents for enhancing the education of their child;
- * The results of the initial or most recent evaluation of the child; and
- * As appropriate, the results of the child's performance on any general State or school-wide assessment programs.

The IEP Team also will consider the following if necessary:

- * In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies and supports to address that behavior;
- * In the case of the child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
- * In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille is not appropriate for the child;
- * Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs including opportunities for direct instruction in the child's language and communication mode; and
- * Consider whether the child requires assistive technology devices and services.

Review and Revision of IEP

In conducting a meeting to review, and if appropriate, revise a child's IEP, the IEP team shall consider the factors described in the paragraph above.

Statement in IEP

Statement in IEP, if in considering the special factors described in the paragraphs above, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE; the IEP team must include a statement to that effect in the child's IEP.

Requirement with Respect to Regular Education Teacher

The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review and revision of the child's IEP, including assisting in the determination of:

- a. Appropriate positive behavioral interventions and strategies for the child; and
- b. Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child consistent with §300.347(a) (3).

Content of IEP (§300.347)

General

The IEP for each child with a disability must include—

A. A statement of the child's present levels of educational performance, including—

1. How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for non-disabled children); or
2. For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.

B. A statement of measurable annual goals, including benchmarks or short-term objectives, related to –

1. Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for non-disabled children), or for preschool children, as appropriate, to participate in appropriate activities; and
2. Meeting each of the child's other educational needs that result from the child's disability.

C. A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child –

1. To advance appropriately toward attaining the annual goals;
2. To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
3. To be educated and participate with other children with disabilities and non-disabled children in the activities described in this section;

D. An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

E. A statement of any individual modifications in the administration of State or school-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

F. If the IEP team determines that the child will not participate in a particular State or school-wide assessment of student achievement (or part of an assessment), a statement of –

1. Why that assessment is not appropriate for the child; and
2. How the child will be assessed.

G. The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

H. A statement of

1. How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
2. How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of –
 - a. Their child's progress toward the annual goals; and
 - b. The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

Transition Services

The IEP must include for each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-

placement courses or a vocational education program); and

For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

Transfer of Rights

In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

Content of the Individualized Education Program (IEP) (§89.1055)

A. The individualized education program (IEP) developed by the admission, review, and dismissal (ARD) committee for each student with a disability shall comply with the requirements of 34 CFR §300.346 and §300.347, and Part 300, Appendix A.

B. The IEP must include a statement of an individual allowable accommodations in the administration of assessment instruments developed in accordance with TEC § 39.023(a) – (c), or school-wide assessments of student achievement that are needed in order for the student to participate in the assessment. If the ARD committee determines that the student will not participate in a particular state or school-wide assessment of student achievement (or part of an assessment), the IEP must include a statement of—

1. why that assessment is not appropriate for the child; and
2. how the child will be assessed using a locally developed alternate assessment.

C. If the ARD committee determines that the student is in need of extended school year (ESY) services, as described in §89.1065 of this title (relating to the Extended School Year Services (ESY Services)), then the IEP must also include goals and objectives for ESY services from the student's current IEP.

D. For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan (IFSP) shall also meet the requirements of TEC §30.002(e).

E. For students with autism/pervasive developmental disorders, information about the following shall be considered and, when needed, addressed in the IEP:

1. extended educational programming;
2. daily schedules reflecting minimal unstructured time;
3. in-home training or viable alternatives;
4. prioritized behavioral objectives;
5. prevocational and vocational needs of students 12 years of age or older;
6. parent training; and
7. suitable staff-to-students ratio.

F. If the ARD committee determines that services are not needed in one or more of the areas specified in subsection (e)(1) – (7) of this section, the IEP must include a statement to that effect and the basis upon which the determination was made.

The Report (§89.1050(e))

The written report of the ARD committee shall document the decisions of the committee with respect to issues discussed at the meeting. The report shall include the date, names, positions, and signatures of the members participating in each meeting in accordance with 34 CFR §§300.344, 300.345, 300.348 and 300.349. The report shall also indicate each member's agreement or disagree- ment with the committee's decisions. In the event TEC §29.005(d)(1), applies, the school shall provide a written or audio-taped copy of the student's IEP, as defined in 34 CFR §300.346 and §300.347. In the event TEC §29.005(d)(2) applies, the school shall make a good faith effort to provide a written or audio-taped copy of the student's IEP, as defined in 34 CFR §300.346 and 300.347.

Agency Responsibilities for Transition Services (§300.348)

If a participating agency, other than Star Charter School, fails to provide the transition services described in the IEP in accordance with §300.347(b)(1), Star Charter School shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

IEP Accountability (§300.350)

Star Charter School must –

- A. Provide special education and related services to a child with a disability in accordance with the child’s IEP; and
- B. Make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

Extended School Year Services (§300.309)

A. Star Charter School shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.

B. Extended school year services must be provided only if a child’s IEP team determines, on an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child;

C. In implementing the requirements of this section, Star Charter School may not –

- 1. Limit extended school year services to particular categories of disability; or
- 2. Unilaterally limit the type, amount, or duration of those services.

D. As used in this section, the term extended school year services means special education and related services that—

- 1. Are provided to a child with a disability—
 - a. beyond the normal school year of Star Charter School;
 - b. in accordance with the child’s IEP; and
 - c. at no cost to the parents of the child; and
- 2. Meet the standards of the SEA.

Extended School Year Services (ESY Services) (§89.1065)

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

A. The need for ESY services must be determined on an individual student basis by the admission, review and dismissal (ARD) committee in accordance with 34 CFR §300.309, and the provisions of this section. In determining the need for and in providing ESY services, a school may not:

- 1. limit ESY services to particular categories of disability; or
- 2. unilaterally limit the type, amount, or duration of ESY services.

B. The need for ESY services must be documented from formal and/or informal evaluations provided by the school or the parents. The documentation shall demonstrate that in one or more critical areas addressed in the current individualized education program (IEP) objectives, the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time. Severe or substantial regression means that the student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY services.

C. The reasonable period of time for recoupment of acquired critical skills shall be determined on the basis of needs identified in each student’s IEP. If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the student or to others, ESY services may be justified without consideration of the period of time for recoupment of such skills. In any case, the period of time for recoupment shall not exceed eight weeks.

D. A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year.

- 1. Placement in a more restrictive instructional arrangement;

2. Significant loss of acquired skills necessary for the student to appropriately progress in the general curriculum;
3. Significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;
4. Loss of access to community-based independent living skills instruction or an independent living environment provided by noneducational sources as a result of regression in skills; or
5. Loss of access to on-the-job training or productive employment as a result of regression in skills.

E. If the school does not propose ESY services for discussion at the annual review of a student's IEP, the parent may request that the ARD committee discuss ESY services pursuant to 34 CFR §300.344.

F. If a student for whom ESY services were considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD committee shall reconsider the current IEP if the student's loss of critical skills interferes with the implementation of the student's IEP.

G. For students enrolling in a school during the school year, information obtained from the prior school school as well as information collected during the current year may be used to determine the need for ESY services.

H. The provision of ESY services is limited to the educational needs of the student and shall not supplant or limit the responsibility of other public agencies to continue to provide care and treatment services pursuant to policy or practice, even when those services are similar to, or the same as, the services addressed in the student's IEP. No student shall be denied ESY services because the student receives care and treatment services under the auspices of other agencies.

I. Schools are not eligible for reimbursement for ESY services provided to students for reasons other than those set forth in this section.

Discipline (§89.1050(g))

All disciplinary actions regarding students with disabilities shall be determined in accordance with 34 CFR §§300.121 and 300.519-300.529 (relating to disciplinary actions and procedures), the TEC, Chapter 37, Subchapter A (Alternative Settings for Behavior Management), and §89.1053 of this title (relating to Procedures for Use of Restraint and Time-Out).

Disagreements (§89.1050(h))

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. A decision of the committee concerning required elements of the IEP shall be made by mutual agreement of the required members if possible. The committee may agree to an annual IEP or an IEP of shorter duration.

A. When mutual agreement about all required elements of the IEP is not achieved, the party (the parents or adult student) who disagrees shall be offered a single opportunity to have the committee recess for a period of time not to exceed ten school days. This recess is not required when the student's presence on the campus presents a danger of physical harm to the student or others or when the student has committed an expellable offense or an offense which may lead to a placement in an alternative education program (AEP). The requirements of this subsection do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than the failure of the parents and the school school from reaching mutual agreement about all required elements of an IEP.

B. During the recess, the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons which may assist in enabling the ARD committee to reach mutual agreement.

C. The date, time and place for continuing the ARD committee meeting shall be determined by mutual agreement prior to the recess.

D. If a ten day recess is implemented as provided in paragraph A of this subsection and the ARD committee still cannot reach mutual agreement, the school shall implement the IEP which it has determined to be appropriate for the student.

E. When mutual agreement is not reached, a written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.

F. When a school implements an IEP with which the parents disagree or the adult student disagrees, the school shall provide prior written notice to the parents or adult student as required in 34 CFR §300.503.

G. Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point when they disagree with decisions of the ARD committee.

Use of Confinement, Restraint, Seclusion and Time-Out (§37.0021)

A. It is the policy of this state to treat all students with dignity and respect. A student with a disability may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

B. In this section:

1. "Restraint" means the use of physical force or a mechanical device to restrict the free movement of all or a portion of a student's body.
2. "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:
 - a. is designed solely to seclude a person; and
 - b. contains less than 50 square feet of space.
3. "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
 - a. that is not locked; and
 - b. from which the student is not physically prevented from leaving.

C. A school employee or volunteer or an independent contractor of a school may not place a student in seclusion. This subsection does not apply to the use of seclusion in a facility to which the following law, rules, or regulations apply:

1. the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulation adopted under that Act, or any subsequent amendments to those regulations;
2. 40 TAC Sections 720.1001-720.1013; or
3. 25 TAC Section 412.308(e).

D. The commissioner by rule shall adopt procedures for the use of restraint and time-out by a school employee or volunteer or an independent contractor of a school in the case of a student receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:

1. be consistent with:
 - a. professionally accepted practices and standards of student discipline and techniques for behavior management; and
 - b. relevant health and safety standards; and
2. identify any discipline management practice or behavior management technique that requires a school employee or volunteer or an independent contractor of a school to be trained before using that practice or technique.

E. In the case of a conflict between a rule adopted under Subsection (d) and a rule adopted under Subchapter A, Chapter 29, the rule adopted under Subsection (d) controls.

F. For purposes of this subsection, "weapon" includes any weapon described under §37.007(a)(1). This section does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. the student possesses a weapon; and
2. the confinement is necessary to prevent the student from causing bodily harm to the student or another person.

Procedures for Use of Restraint and Time-Out (§89.1053)

A. In addition to the requirements of 34 CFR §300.346(a)(2)(i) and (c), school schools and charter schools must

implement the provisions of this section regarding the use of restraint and time-out. In accordance with the provisions of TEC §37.0021 (Use of Confinement, Restraint, Seclusion and Time-Out), it is the policy of the state to treat all students with dignity and respect.

B. Definitions.

1. Emergency means a situation in which a student's behavior poses a threat of:
 - a. imminent, serious physical harm to the student or others; or
 - b. imminent, serious property destruction.
2. Restraint means the use of physical force or a mechanical device to restrict the free movement of all or a portion of the student's body.
3. Time-out means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
 - a. that is not locked; and
 - b. from which the student is not physically prevented from leaving.

C. A school employee, volunteer, or independent contractor may use restraint only in an emergency as defined in subsection (b) of this section and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

D. Training for school employees, volunteers, or independent contractors shall be provided according to the following requirements:

1. Not later than 4/1/03, a core team of personnel on each campus must be trained in the use of restraint, and the team must include a campus administrator or designee and any general or special education personnel likely to use restraint.
2. After 4/1/03, personnel called upon to use restraint in an emergency and who have not received prior training must receive training with 30 school days following the use of restraint.
3. Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint.
4. All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint.

E. In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the following documentation requirements—

1. On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint;
2. On the day restraint is utilized, a good faith effort shall be made to verbally notify the parent(s) regarding the use of restraint;
3. Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.
4. Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the ARD committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a behavioral intervention plan (BIP).
5. Written notification to the parent(s) and documentation to the student's special education eligibility folder shall include the following:

- a. name of the student;
- b. name of the staff member(s) administering the restraint;
- c. date of the restraint and the time the restraint began and ended;
- d. location of the restraint;
- e. nature of the restraint;
- f. a description of the activity in which the student was engaged immediately preceding the use of restraint;
- g. the behavior that prompted the restraint;
- h. the efforts made to de-escalate the situation and alternatives to restraint that was attempted; and
- i. information documenting parent contact and notification.

F. For the purposes of subsection (c) – (e) of this section, restraint does not include the use of:

1. physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
2. limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, or provide comfort;
3. limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing repetitive self-injurious behaviors; or
4. seat belts and other safety equipment used to secure students during transportation.

G. A school employee, volunteer, or independent contractor may use time-out in accordance with subsection (b)(3) of this section with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out.
2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's individualized education program (IEP) and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior.
3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

H. Training on use of time-out for school employees, volunteers, or independent contractors shall be provided according to the following requirements:

1. Not later than 4/1/03, general or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out.
2. After 4/1/03, newly-identified personnel called upon to implement time-out based on requirements established in a student's IEP and or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out.
3. Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must address the impact of time-out on the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.
4. All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out.

I. Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The admission, review, and dismissal (ARD) committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

J. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.

K. Beginning with the 2003-2004 school year, with the exception of actions covered by subsection (f) of this section,

cumulative data regarding the use of restraint must be reported through the Public Education Information Management System (PEIMS).

G. Least restrictive environment (LRE) placement (34 CFR 300.550-300.553; 19 TAC 89.63(a-c))

LEAST RESTRICTIVE ENVIRONMENT (LRE) PLACEMENT

General

Star Charter School will assure:

1. That to the maximum extent possible students with disabilities, including students in public or private institutions or other care facilities, are educated with non-disabled students to meet the student's individual education program and overall educational needs. In providing programs, services, and activities for students with disabilities, Star Charter School shall first consider the least restrictive environment of the general education program.
2. Special classes, separate schooling or other removal of students with disabilities from the general education environment occurs only when the nature and severity of the disability is such that education in general classes, (including art, music, and PE) with the use of supplementary aids and services, cannot be achieved satisfactorily.

Continuum of alternative Placements

Star Charter School assures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The continuum required in the paragraph above must:

1. Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institution); and
2. Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Instructional Arrangements and Settings

Star Charter School will provide services with special education personnel to students with disabilities in order to meet the special needs of those students in accordance with 34 CFR §§300.550-330.554

For the purpose of determining the student's instructional arrangement/setting, the regular school day is defined as the period of time determined appropriate by the ARD committee.

Instructional arrangements, settings shall be based on the individual needs and individualized education program (IEPs) of eligible students receiving special education services and may include the following.

1. Mainstream
2. Homebound
3. Hospital class
4. Speech Therapy
5. Resource Room/Services
6. Self-Contained (mild, moderate, or severe) regular campus
7. Off home Campus
8. Nonpublic Day School
9. Vocational Adjustment Class/Program
10. Residential Care and Treatment Facility
11. State School for Persons with Mental Retardation

Placements §300.552

In determining the educational placement of a child with a disability, including a preschool child with a disability, Star Charter School will ensure that:

1. The placement decision:
 - a. Is made by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

b. Is made in conformity with the LRE provision of this section, including §§300.550-300.554

2. The child's placement:

a. Is determined at least annually;

b. Is based on the child's IEP; and

c. Is as close as possible to the child's home;

3. Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if non-disabled;

4. In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

5. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Non-academic Setting § 300.553

In providing or arranging for the provision of non academic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth the §300.306, Star Charter School assures that each child with a disability participates with non-disabled children in those services and activities to the maximum extent appropriate to the needs of the child.

H. Transition planning (34 CFR 300.29; TEC 29.011; 19 TAC 89.1110)

TRANSITION PLANNING

Definition (34 CFR § 300.27)

Transition services means a coordinated set of activities for a student with a disability that:

1. is designed within an out-come oriented process, that promotes movement from school to post-school activities including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
2. is based on the individual student's needs, taking into account the student's preferences and interests; and
3. includes:
 - a. instruction,
 - b. related services,
 - c. community experiences,
 - d. development of employment, and
 - e. other post-school adult living objectives, and
 - f. when appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition Planning §29.011

1. The Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission shall develop, agree to and by rule adopt a memorandum of understanding that establishes the respective responsibilities of each agency for the provision of services necessary to prepare students enrolled in special education programs for a successful transition to life outside of the public school system.
2. The Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission may request other appropriate agencies to participate in the development of the memorandum of understanding and each agency requested shall participate and adopt the memorandum. The memorandum must be agreed to by all participating agencies.
3. The memorandum may require an agency or school to provide a service only if the agency or school is providing that service at the time the memorandum is adopted. The memorandum shall require each participating agency to participate in the development of a transition plan required by section (5) below on the request of the school.
4. The Texas Education Agency shall coordinate the development of the memorandum of understanding.
5. Star Charter School shall develop and annually review an ITP for each student enrolled in a special education program who is at least 16 years of age.

The ITP shall be developed in a separate document from the IEP and may not be considered a part of the IEP.

Star Charter School shall coordinate development of the ITP with any participating agency as provided in the memorandum of understanding in order to provide continuity and coordination of services among the various agencies and between the ITP and IEP.

Star Charter School shall request the participation in the development of the ITP of any participating agency recommended by school personnel or requested by the student or the student's parent.

Star Charter School shall invite the student and the student's parents or guardians to participate in the development of the ITP.

Only those components of the ITP that are the responsibility of Star Charter School may be incorporated into the student's IEP.

Only the failure to implement those components of a student's ITP that are included in the IEP are subject to the due process procedures of IDEA or to TEA compliant procedures.

The failure of Star Charter School to develop and annually review an ITP for a student is subject only to TEA complaint

procedures and not to the due process procedures of IDEA.

A monitoring visit under §29.010 shall include a review of the transition planning requirements under this section.

Star Charter School is not liable for the failure of another agency to implement those components of the ITP that are designated as the responsibility of that agency under the memorandum of understanding.

The Memorandum of Understanding (MOU) on Transition Planning for Students Receiving Special Education Services §89.1110

Purpose: Under Texas Education Code §29.010, Transition Planning, the purpose of this memorandum of understanding (MOU) is to establish “the respective responsibility of each agency for the provision of the services necessary to prepare students enrolled in special education programs for and successful transition to life outside the public school system.”

The MOU was established among the following agencies:

1. Texas Commission for the Blind
2. Texas Department of Human Services
3. Texas Department of Mental Health and Mental Retardation
4. Texas Education Agency
5. Texas Employment Commission; and
6. Texas Department of Protective and Regulatory Services.
7. Star Charter School assures that it will meet all of the requirements of §89.1110.

I. Certified personnel for the provision of services to children with special needs

(34 CFR 300.26; 34 CFR 300.136; 19 TAC 89.1131; SBEC requirements)

Qualifications of Special Education Personnel (34 CFR §300.136)

The term “qualified” means that a person has met the Texas Education Agency approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which he or she is providing special education or related services. For teachers who currently are not certified or licensed for their assignment, there is documentation that required actions for certification/licensure are being taken.

All special education and related service personnel shall be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 CFR §300.21, §300.136; the TEC §21.002, §21.003, and §29.304; or appropriate state agency credentials.

Teachers who hold a special education certificate or endorsement may be assigned to any level of a basic special education instructional program serving eligible students between the ages of three and twenty-one in accordance with limitations of their certificate.

Except as stated in §89.1131 (b) (1) – (8).

Paraprofessional Personnel (TAC §89.1131)

Paraprofessional personnel must be certified and may be assigned to work with eligible students, general and special education teachers, and related service personnel. Aides may also be assigned to assist students with special education transportation, serve as a job coach or serve in support of community-based instruction.

Interpreting Services, Orientation and Mobility

Interpreting services for students who are deaf shall be provided by an interpreter who is certified in the appropriate language mode(s), if certification in such mode(s) is available.

Orientation and Mobility instruction must be provided by a certified orientation and mobility specialist (COMS) who is certified by the Academy for Certification of Vision Rehabilitation and Education.

J. Services to expelled students (34 CFR 300.121(d); 34 CFR 300.522; TEC Chapter 37 – 10 day rule)

FAPE for children suspended or expelled from school

1. Star Charter School need not provide services during periods of removal under §300.520(a)(1) to a child with a disability who has been removed from his or her current placement 10 school days or less in the school year, if services are not provided to a child without disabilities who has been similarly removed.
2. In the case of a child with a disability who has been removed for his or her current placement for more than 10 school days in that school year, Star Charter School, for the remainder of the removals, must:
 - a. Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is:
 1. Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change in placement under §300.519(b)(§300.520(a)(1)); or
 2. For behavior that is not a manifestation of the child's disability, consistent with §300.524; and
 - b. Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is:
 1. For drug or weapon offenses under §300.520(a)(2); or
 2. Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with §300.521
 - c. School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(§300.520(a) (1)).
 - d. The child's IEP team determines that extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524

Determination of Setting

General - The interim alternative educational setting referred to in §300.520(a) (2) must be determined by the IEP team.

Additional Requirements - Any interim alternative educational setting in which a child is placed under §§300.520(a) (2) or 300.521 must:

1. Be selected as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's IEP, that will enable the child to meet the goals set out in that IEP; and
2. Include services and modifications to address the behavior described in §§300.520(a) (2) or 300.521, that are designed to prevent the behavior from recurring.

Placement of Students with Disabilities §37.004

Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's admission, review, and dismissal committee conducts a manifestation determination review under 20 U.S.C. Section 1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

- (1) functional behavioral assessments;
- (2) positive behavioral interventions, strategies, and supports; and
- (3) behavioral intervention plans.

Star Charter School shall comply with additional mandates for enrolled students with disabilities listed in TEC § 37.004.

K. Allowable expenditures of state special education funds (19 TAC 89.1125)

- A. Persons paid from special education funds shall be assigned to instructional or other duties in the special education program and/or to provide support services to the regular education program in order for students with disabilities to be included in the regular program. Support services shall include, but not be limited to, collaborative planning, co-teaching, small group instruction with special and regular education students, direct instruction to special education students, or other support services determined necessary by the admission, review and dismissal (ARD) committee for an appropriate program for the student with disabilities. Assignments may include duties supportive to school operations equivalent to those assigned to regular education personnel.
- B. Personnel assigned to provide support services to the regular education program as stated in subsection A of this section may be fully funded from special education funds.
- C. If personnel are assigned to special education on less than a full-time basis, except as stated in subsection A of this section, only that portion of time for which the personnel are assigned to students with disabilities shall be paid from state special education funds.
- D. State special education funds may be used for special materials, supplies, and equipment which are directly related to the development and implementation of individualized education programs (IEPs) of students and which are not ordinarily purchased for the regular classroom. Office and routine classroom supplies are not allowable. Special equipment may include instructional and assistive technology devices, audiovisual equipment, computers for instruction or assessment purposes, and assessment equipment only if used directly with students.
- E. State special education funds may be used to contract with consultants to provide staff development, program planning and evaluation, instructional services, assessments, and related services to students with disabilities.
- F. State special education funds may be used for transportation only to and from residential placements. Prior to using federal funds for transportation costs to and from a residential facility, a district must use state or local funds based on actual expenses up to the state transportation maximum for private transportation contracts.
- G. State special education funds may be used to pay staff travel to perform services directly related to the education of eligible students with disabilities. Funds may also be used to pay travel of staff (including administrators, general education teachers, and special education teachers and service providers) to attend staff development meetings for the purpose of improving performance in assigned positions directly related to the education of eligible students with disabilities. In no event shall the purpose for attending such staff development meetings include time spent in performing functions relating to the operation of professional organizations. In accordance with 34 CFR § 300.382(j), funds may also be used to pay for the joint training of parents and special education, related services, and general education personnel.

Maximum Allowable Indirect Cost (§105.11)

No more than 15% of Star Charter School's Foundation School Program special allotments under TEC Chapter 42, Subchapter C, may be expended for indirect costs related to the following programs: compensatory education, gifted and talented education, bilingual education and special language programs, career and technology education, and special education, indirect costs may be attributed to the following expenditure function codes: 34 – Student Transportation; 41 – General Administration; 81 – Facilities Acquisition and

construction; and the Function 90 series of the general fund, as defined in the TEA bulletin, Financial Accountability System Resource Guide.

CFR=Code of Federal Regulations

TEC=Texas Education Code

TAC=Texas Administrative Code

Attachments submitted with renewal document:

- **Attachment 1, Organizational Chart** (as applicable at renewal)
- **Attachment 2, Criminal History Records for Board Members** (as applicable at renewal)
- **Attachment 3, Board Member Biographical Affidavits** (as applicable at renewal)
- **Attachment 4, Special Needs Students/Programs Information Request**
 - **Current Brochure and Preliminary Application Sheet (A & B)** (as applicable at renewal)
 - **Enrollment Packet (C)** (as applicable at renewal)
 - **Description of Instructional Settings (D)** (included in this document)
 - **Description of placement process (E)** (included in this document)
- **Attachment 5, Electronic Application Certification** (as applicable at renewal)
- **Attachment 6, Written Resolutions** (as applicable at renewal)

Instructional Settings (Part D)

Star Charter School will provide services with special education personnel to students with disabilities in order to meet the special needs of those students in accordance with 34 CFR §§300.550-330.554

For the purpose of determining the student's instructional arrangement/setting, the regular school day is defined as the period of time determined appropriate by the ARD committee.

Instructional arrangements, settings shall be based on the individual needs and individualized education program (IEPs) of eligible students receiving special education services and may include the following.

1. Mainstream
2. Homebound
3. Hospital class
4. Speech Therapy
5. Resource Room/Services
6. Self-Contained (mild, moderate, or severe) regular campus
7. Off home Campus
8. Nonpublic Day School
9. Vocational Adjustment Class/Program
10. Residential Care and Treatment Facility
11. State School for Persons with Mental Retardation

Current instructional arrangements include the following: mainstream, mainstream reduced class-size (less than 1:15), resource services (counseling, speech therapy, etc.) Star Charter maintains a full-time certified Special Education coordinator on campus, and maintains additional services through its membership in the Austin Area Charter Schools Cooperative for Special Education. The Coop maintains qualified personnel for support services including diagnostic services, counseling, speech therapy, and additional support services as determined by need.

Transfer Students (Part E)

The goal of all support services, including special education services, is progression toward success in any instructional arrangement. Instructional settings are determined by the ARD committee according to TEC, TAC, and CFR guidelines. Initial placement of a transfer special education student prior to the 30 day transfer ARD is determined by the appropriately credentialed Special Education personnel in accordance with the information available about the student at the time.

Policies:

1. When a student transfers within the state, the ARD committee may, but is not required to, meet when the student enrolls and a copy of the student's IEP is available, the parent (s) indicate in writing that they are satisfied with the current IEP, and Star Charter School determines that the current IEP is appropriate and can be implemented as written; or
2. If the conditions of the paragraph above can not be met by Star Charter School, then the ARD committee must meet when the student enrolls and the parents verify that the student was receiving special education services in their previous school, or the previous school verifies in writing or by telephone that the student was receiving special education services. At this meeting, the ARD committee must do one of the following:
 - a. the ARD committee may determine that it has appropriate evaluation data and other information to develop and begin implementation of a complete IEP for the student; or
 - b. The ARD committee may determine that valid evaluation data and other information from the previous school are not sufficient or available to develop a complete IEP. In this event, the ARD committee may authorize the provision of temporary special education services pending receipt of valid evaluation data from the previous school or the collection of new evaluation data by Star Charter School staff. In this situation, a second ARD committee meeting must be held within 30 days school days from the date of the first ARD committee meeting to finalize or develop an IEP based on the current information.

3. In accordance with TEC §25.002, the school in which the student was previously enrolled shall furnish the new school with a copy of the student's records, including the child's special education records, not later than the 30th calendar day after the student was enrolled in the new school. FERPA does not require the student's current and previous school to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34 CFR §99.31(a)(2) and §99.34.