



TCSA Model Board Policy Series

400 Series: Student Policies

Sustainable Education Solutions dba

Trinity Environmental Academy

INTRODUCTION

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

Overall Policy Framework

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

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

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

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

Scope of Service & Copyright Notice

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

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Module 400: *Students*

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

Module 100: Financial Operations

Module 200: Charter School Governance & Organization Module 300:

General School Operations

Module 500: Open Government

Module 600: Human Resources

Legal Abbreviations Used In the TCSA Model Board Policy Series

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

Table of Contents

400.020. ADMISSIONS & ENROLLMENT

- SECTION 1. Admissions
- SECTION 2. Enrollment
- SECTION 3. State Conservatorship Liaison
- SECTION 4. Equal Educational Opportunity
- SECTION 5. Sex Discrimination in Educational Plans

400.030. STUDENT TRANSPORTATION

- SECTION 1. Transportation to and from School
- SECTION 2. Transportation of Homeless Students and Students Receiving Special Education
- SECTION 3. Transportation of Students in Foster Care

400.040. ATTENDANCE

- SECTION 1. Compliance
- SECTION 2. Documented Absences
- SECTION 3. Warning Notice
- SECTION 4: Student Attendance Officer

400.050. PARENT AND COMMUNITY INVOLVEMENT

- SECTION 1. Parental Involvement Policy
- SECTION 2. Telephone Communication
- SECTION 3. Electronic Signatures

400.060 FERPA

- SECTION 1. Compliance
- SECTION 2. Custodian of Records
- SECTION 3. Annual Notice
- SECTION 4. Directory Information

NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS

400.070. ADOPTION OF A MAJOR CURRICULUM INITIATIVE

400.080. REQUIRED INSTRUCTION AND GRADUATION

- SECTION 1. Compliance
- SECTION 2. Graduation (UNDER DEVELOPMENT, NOT FOR BOARD PRESENTATION)
- SECTION 3. Annual Notice

400.090. BILINGUAL/ESL EDUCATION PROGRAM

- SECTION 1. Program Principles
- SECTION 2. Program Responsibilities
- SECTION 3. Establishment of Language Proficiency Assessment Committee (LPAC)
- SECTION 4. Training
- SECTION 5. Home Language Survey
- SECTION 6. Classification and Evaluation
- SECTION 7. Parental Notice and Consent
- SECTION 8. Documentation
- SECTION 9. Personnel
- SECTION 10. Bilingual/ESL Program Offering.

400.100. IDEA POLICIES AND PROCEDURES

- SECTION 1. Legal Framework
- SECTION 2. Regular Education Teacher IEP Review Request
- SECTION 3. Special Education Video Surveillance

400.110. SECTION 504

- SECTION 1. Policy of NonDiscrimination
- SECTION 2. Section 504 Coordinator
- SECTION 3. Section 504 Committee
- SECTION 4. Training
- SECTION 5. Notice of Nondiscrimination Policy
- SECTION 6. Identification of Students with Disabilities under 504 (Child Find)
- SECTION 7. Free and Appropriate Public Education
- SECTION 8. Education Setting
- SECTION 9. Evaluation and Placement
- SECTION 10. Procedural Safeguards
- SECTION 11. Students with Diabetes
- SECTION 12. Website Accessibility

400.120. HEALTH (NEW)

- SECTION 1. Immunizations and Reportable Diseases
- SECTION 2. Care for Students At-Risk for Anaphylaxis
- SECTION 3. Administration of Epinephrine Auto-Injector
- SECTION 4. Administration of Prescription Medication
- SECTION 5. Psychotropic Medication
- SECTION 6. Prohibition of Tobacco and Alcohol
- SECTION 7. Posting of Steroid Notice

400.140. STUDENT SAFETY

- SECTION 1. Discipline
- SECTION 2. Transfer Option for Victims of Violent Acts (NEW)
- SECTION 3. Child Abuse, Maltreatment, and Neglect
- SECTION 4. School Visitors
- SECTION 5. Weapon and Concealed Handgun Prohibition
- SECTION 6. Protection Eye Devices
- SECTION 7. Concussion Oversight of Student Athletes
- SECTION 8. Internet Use
- SECTION 9. Prohibition Against Harassment, Intimidation, or Bullying

400.150. APPOINTMENT OF EMPLOYEE AS SCHOOL MARSHALL (NEW)

- SECTION 1. Appointment of Employee as School Marshall
- SECTION 2. Eligibility
- SECTION 3. Identity of School Marshal and Confidentiality
- SECTION 4. Reimbursement
- SECTION 5. School Marshal Regulations

400.160. Miscellaneous Provisions Relating to Students

- SECTION 1. Religious Discrimination Prohibited
- SECTION 2. Homeless Children
- SECTION 3. The Texas Virtual School Network (TxVSN)
- SECTION 4. Multi-tiered Intervention Services

400.020. ADMISSIONS & ENROLLMENT

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Admissions

Section 1.1. Non-Discrimination Policy. TriEA does not discriminate in admissions based on gender, national origin, ethnicity, religion, disability, academic, artistic or athletic ability, sexual orientation or gender identity, or the district the child would otherwise attend.

Section 1.2. Admission Application Deadline. TriEA’s admission application period is from February 1 to March 15.

Section 1.3. Non-resident Transfer Students. TriEA will accept students from the following school districts as our primary geographic boundaries: Dallas ISD, Desoto ISD, and Lancaster ISD. Secondary geographic boundaries would consist of the following districts: Garland, Cedar Hill, Seagoville, Desoto, Duncanville, Mesquite, Grand Prairie, Arlington, Irving, and Red Oak. We will not have a transfer policy since all likely participants come from the surrounding cities listed above. If there is a spot open in any particular grade level, scholars will be selected from the lottery for those who reside in the primary boundaries of the districts listed above. If the lottery list is exhausted, it will be first come first serve from the secondary boundaries.

Section 1.4. Exclusion from Admission. TriEA reserves the right to exclude from admission a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under the Education Code, Chapter 37, Subchapter A.

SECTION 2. Enrollment

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

Section 2.2. Enrollment Documentation. Upon a student’s enrollment, the CEO, or CEO’s designee, shall ensure that a bona fide effort is made to secure all records and required documentation pertaining to the student.

Section 2.3. Residency Qualifying for Enrollment. The CEO, or CEO’s designee, shall ensure upon enrollment that:

- the student and either parent reside within the geographic boundary stated in the charter;
- the student does not reside within the geographic boundary stated in the charter but has a parent who does and that parent is a joint or the sole managing conservator or possessory conservator of the student;

- the student and the student’s guardian or other person having lawful control of the person under a court order reside within the geographic boundary stated in the charter;
- the student has established a separate residence under the TEC, §25.001(d), the person’s presence within the boundary is not for the primary purpose of participation in extracurricular activities, and the person has not engaged in conduct for which exclusion permitted and deemed warranted by the CEO, or CEO’s designee;
- the student is homeless, regardless of the residence of the student, of either parent, or of the person’s guardian or other person having lawful control of the person;
- the student is a foreign exchange student placed with a family that resides within the geographic boundary stated in the charter by a nationally recognized foreign exchange program¹;
- the student resides at a residential facility that is located within the geographic boundary stated in the charter;
- the student resides within the geographic boundary stated in the charter and either is 18 years old or older or has had the disabilities of minority removed;
- the student does not reside within the geographic boundary stated in the charter but has a grandparent who does and who provides a substantial amount of after-school care for the student; or
- the student is placed in foster care by an agency of the state or a political subdivision, and person’s foster parents reside within the geographic boundary stated in the charter.

Section 2.4. Establishing Residency. The CEO, or CEO’s designee may make reasonable inquiries to determine whether a student qualifies as a resident for purposes of enrollment. The CEO, or CEO’s designee, may request utility bill, receipts, lease information and other items verifying that the applicable residence is within the boundary stated in the charter.

SECTION 3. State Conservatorship Liaison

The CEO or designee is appointed the liaison with the Department of Family and Protective Services to facilitate the enrollment in the school, or the transfer to another public school, of a child who is in the conservatorship of the state. The CEO or designee shall cause for his or her name and contact information to be submitted to the Texas Education Agency in the time and manner and time required by agency rules.

Section 3.1. Continued Enrollment of Student in Conservatorship of State. A student who is placed in the conservatorship of the Department of Family and Protective Services and at a residence outside the geographic boundary served by TriEA shall be entitled to continue to attend TriEA.

SECTION 4. Equal Educational Opportunity

¹ Unless the governing board has applied for and been granted a waiver by the commissioner under the TEC, §25.001(e).

The governing body (“Board”) of TriEA adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 4.1. Policy of Equal Opportunity. No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination, harassment or retaliation in any TriEA program on the basis of age; race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law.

Section 4.2. Discrimination Prohibited. Each employee, officer and Board member of TriEA shall comply with the Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq. (“Age Act”); title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. (“Title VI”); title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX”); section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (“Section 504”); and part B of the Individuals with Disabilities Education Act, 20 U.S.C. 1411 et seq. (“IDEA”).

Section 4.3. Special Education and Section 504. TriEA shall not deny services to any individual eligible to participate in a special education or Section 504 program as provided by IDEA or Section 504. TriEA shall provide individuals with disabilities special education or Section 504 services as authorized by law.

Section 4.4. Dissemination of Policy. TriEA and, if applicable, SES, shall require the CEO to take specific and continuing steps to notify applicants for admission, students and parents, sources of referral of applicants for admission, and all professional organizations holding professional agreements with TriEA and, if applicable, SES, that it does not discriminate and that it is required by the Age Act, Title IX, IDEA and Section 504 not to discriminate in such manner. Such notification shall contain such information as required by federal regulations implementing these laws.

- a. TriEA and, if applicable, SES, shall require the CEO to prominently include a statement of the policy in each announcement, bulletin, catalog, or application form which made available to any person in connection with the recruitment of students.
- b. TriEA and, if applicable, SES, shall require the CEO to distribute without discrimination each publication described in Section 4.4(a), and shall apprise each of its admission and recruitment representatives of the policy of nondiscrimination described in paragraph 4.1 of this section, and require such representatives to adhere to such policy.

Section 4.5. Coordinator. TriEA and, if applicable, SES, has designated the CAO as the Title IX coordinator for students to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended. Contact information for the Title IX coordinator can be found by contacting the front office.

This coordinator shall also be responsible for coordinating efforts to comply with the ADA, Section 504, the Age Act, and this school's anti-discrimination and anti-bullying policy.

- a. This coordinator, and any other counselors or staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and hearing board members, will receive appropriate training about working with LGBT and gender nonconforming students and same-sex sexual violence

Section 4.6. Investigation of Complaints:

- a. Complaints. The Title IX Coordinator is responsible for the investigation of discrimination complaints filed by students or others. Complaints regarding any type of alleged discrimination shall be made in accordance with TriEA's complaint policy in Section 300.120.
- b. Investigation and Discipline. Any allegation of discrimination, harassment or retaliation of students in violation of the Age Act, Title VI, Title IX, Section 504 or IDEA by an employee, another student, or a third party shall be investigated and addressed. Acts of discrimination, bullying, harassment or retaliation may result in disciplinary action up to and including expulsion, termination or similar action.
- c. Conduct. For more information regarding prohibited behavior, see TriEA's Student Code of Conduct.

SECTION 5. Sex Discrimination in Education Programs

The governing body ("Board") of TRIEA adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

It is the policy of TriEA that all students are treated equally. TriEA does not discriminate in admissions based on gender, national origin, ethnicity, religion, disability, academic, artistic or athletic ability, sexual orientation or gender identity, or the district the child would otherwise attend.

Section 5.1 Dissemination of Nondiscrimination Policy

TriEA will include the following nondiscrimination policy on the school's webpage; application materials, and in the student and employee handbooks:

- a. Nondiscrimination Policy: TriEA does not discriminate in admissions based on gender, national origin, ethnicity, religion, disability, academic, artistic or athletic ability, sexual orientation or gender identity, or the district the child would otherwise attend, or any other basis protected by law in the educational program or activity which it operates. TriEA's Title IX Coordinator can be contacted by reaching the front office.

Section 5.2. Recruitment Training

All members of TriEA recruitment team, hiring staff, and Executive Director will be trained on the nondiscrimination policy.

Section 5.3. No Separate Education Programs. Except as expressly provided below, TriEA does not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

Section 5.4. Single-Sex Classes and Extracurricular Activities. TriEA does not, on the basis of sex, exclude any student from admission to a school or program unless it otherwise makes available to the student, pursuant to the same policies and criteria of admission, comparable courses, services, and facilities.

Section 5.5. Specific Circumstances.

- a. TriEA will treat all students equally in all areas of education programming, including students that do not conform to stereotypes, treating transgender students consistent with their gender identity in all aspects of the student's education, not considering marital or pregnancy status of a student, as required by Title IX.
- b. Gender Specific Programs and Classes. TriEA may separate students by sex or gender for portions of classes that deal exclusively with human sexuality.

400.030 Student Transportation

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) adopts the following policy which shall be effective on the date approved by the Board.

Section 1. Transportation to and from School:

It is the policy of TriEA to provide public bus passes or cards to its students for transportation to and from school for all students as funds are available. It is the responsibility of the Superintendent/Executive Director or designee to seek reimbursement from the State of Texas for the provision of the passes or cards as available.

Section 2. **Transportation of Homeless Students and Students Receiving Special Education**

Services The TriEA shall provide appropriate transportation services to any eligible homeless student and to any student with a disability whose ARD committee determines that the student needs transportation as a related service.

Section 3. **Transportation of Students in Foster Care.**

TriEA’s State Conservatorship Liaison or Foster Care Liaison, the CAO, will be the point of contact to arrange and implement an individual transportation plan for a student placed in Conservatorship of the Department of Family and Protective Services. In developing these procedures, TriEA worked with Region 10 ESC.

If DFPS determines the student’s school of origin is in the best interest, the State Conservatorship Liaison or Foster Care Liaison of TriEA will collaborate with DFPS staff and caregiver to determine how transportation will be arranged and provided. The State Conservatorship Liaison or Foster Care Liaison will create a communication plan between TriEA and DFPS to develop an individual transportation plan. Student’s safety will be the first priority in determining appropriate transportation, followed by cost effectiveness, reliability, and time and distance of commute. The following transportation options will be considered to provide transportation to the school of origin, school bus stop, or public transportation route:

- Arrange transportation by the foster parent or caregiver;
- Arrange transportation by a relative or adult approved by DFPS;
- Use existing transportation options, such as special education or homeless student transportation routes and services;
- Coordinate with the district the student is located in to provide transportation to a bus stop or district boundary;
- Determine whether a student needs transportation as part of an IEP;
- Contracting with a transportation service; or
- Arrange public transportation with a pass or voucher.

TriEA will also work with DFPS to determine how transportation will be funded. The State Conservatorship Liaison or Foster Care Liaison will work with the CEO or designee to calculate the cost of transportation. To offset the cost of transportation, TriEA will consider the following funding options:

- Cost sharing agreement between DFPS and TriEA;
- Offset of costs by DFPS;
- Cost sharing between TriEA and local school district student is living;
- Use of Title I funds;
- Use of Medicaid reimbursement if an IEP provides transportation;
- Available grant funds;
- Other:

400.040. ATTENDANCE

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Compliance

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

Section 2. Documented Absences

Section 2.1. Leaving Campus During School Hours. A student younger than 18 years old must have prior, written parent or guardian approval, before that student may leave the school campus during school hours.

Section 2.2. Absences. A student absent from school for any portion of the day, upon his or her return, must provide a written note to the school that explains the absence. The note must either be signed by a parent, guardian, or the student if the student is 18 years old or emancipated.

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

Section 3. Warning Notice

The CEO, or designee shall ensure that at the beginning of each school year the parents of students of TriEA receive notice that they are subject to prosecution and the student is subject to referral to truancy court for violation of attendance laws.

Section 4. School Attendance Officer

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

400.050 Parent and Community Involvement

The governing body (“Board”) of TriEA adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Parental Involvement

TCSA NOTE: POLICY ON THIS SUBJECT LEGALLY REQUIRED for each open-enrollment charter school that receives funds under Title I, Part A.

Trinity Environmental Academy will ensure that the Title 1 Parent Involvement Policy is annually agreed upon by members of the TriEA community and approved annually by the board.

NOTE: Only adopt the following policy if the charter school or charter holder uses an automated messaging system to contact parents, adult students, employees, or community members.

Section 2. Telephone Communication

As part of TriEA’s communication with parents, adult students, employees, and community members, TriEA may use an automated calling or notification system to share important information. These calls may include information about upcoming events, attendance, or disciplinary responses. In regards to automated phone calls and text messages, TriEA shall comply with the Telephone Consumer Protection Act (“TCPA”).

Section 2.1. Written Consent. Written consent will be obtained before TriEA sends any automated phone calls or texts of a non-emergency manner. Written consent forms will include

- a. clear disclosure of what messages are permitted
- b. notification that participation is voluntary
- c. a signature of the person consenting

Section 2.2. Opt-out of Automated Calls. Consent for automated calls can be revoked in writing at any time. In order to revoke consent, parent, adult student, or employee must provide written notice to the front office. Consent will automatically end one year after written consent is provided.

Section 2.3. Updating Contact Information. TriEA will send notice to parents, adult students, and employees at the beginning of the year to update contact information, including cell phone numbers. Parents are expected to update TriEA any time a cell phone number is changed or no longer used by the parent.

Section 2.4. Consent Form (Sample Template)

TriEA uses an automated phone system to call and/or text parents/guardians/adult students/employees via home phones and/or cell phones to inform you of emergencies and general information, including:

- weather closures/delays
- school events

Under Federal law, the school may not send automated messages for non-emergency purposes without prior consent.

Please complete this form to indicate your approval to receive non-emergency messages. This form is only for the [YEAR] school year and will need to be completed every year.

Student Name:

Parent/Guardian Name:

Preferred Contact Number: () Landline or Mobile/Cell

Secondary Contact Number: () Landline or Mobile/Cell

If any of this contact information changes, please notify the school immediately

_____ I give permission to send non-emergency messages to the phone numbers listed above via call or text by way of an automated system. I understand that I may opt out at any time by contacting the school in writing to have my number(s) removed. I am providing my current phone number(s) and will update the school if there are any changes.

_____ I do not give permission to send non-emergency messages to the phone numbers listed above. I understand this will remove my number from all call lists and I will not receive ANY automated messages, including those regarding emergencies.

Parent/Guardian Signature: _____ Date: _____

Section 3 Electronic Signatures

TriEA may request a digital or electronic signature from a parent, guardian, or adult student. However, a parent, guardian, or adult student must have the option to provide a handwritten signature if preferred.

400.060. FERPA

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Compliance

In regards to student records, TriEA shall comply with the Family Educational Rights and Privacy Act (“FERPA”).

Section 2. Custodian of Records

The CEO is designated the custodian of all student records. The principal of each school is designated as an agent of the Chief Academic Officer (CAO) for the purposes of the receipt of requests concerning the disclosure of student records.

Section 3. Annual Notice

The CEO shall ensure that all parents of students currently in attendance and current students who have reached 18 years of age annually receive a notice of their rights under FERPA.

Section 4. Directory Information

Section 4.1. Definition. Directory information is the following: (1) student’s name, (2) address, (3) telephone number, (4) date and place of birth, (5) participation in officially recognized activities and sports, (6) weight and height of members of athletic teams, (7) dates of attendance, (8) awards received, (9) grade level, (10) and other similar information.

Section 4.2. Disclosure. Directory information will be released to the public at the discretion of TriEA, in compliance with FERPA, unless a parent or student over 17 years old objects to part or all of its release in writing within 10 school days after receiving the annual notice described in Section 3 of this policy. Written objections shall be collected and maintained by the principal.

TCSA's Model Notice based on the *U.S. Department of Education Model Notice*

NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS

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

1. The right to inspect and review the student's education records within 45 days after the day the [Name of school ("School")] receives a request for access.

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

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

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

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

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or

grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

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

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

Family Policy Compliance Office

U.S. Department of

Education 400 Maryland

Avenue, SW Washington, DC

20202

Directory information is the following: (1) student's name, (2) address, (3) telephone number, (4) date and place of birth, (5) participation in officially recognized activities and sports, (6) weight and height of members of athletic teams, (7) dates of attendance, (8) awards received, (9) grade level, (10) and other similar information.

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

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is

already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to:
(a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))

400.70 ADOPTION OF A MAJOR CURRICULUM INITIATIVE

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, the Board of Directors of Trinity Environmental Academy (“TriEA”) shall, in accordance with the Texas Open Meetings Law, hold a meeting during which

1. Members of the public and employees of the school shall be given an opportunity to comment on the proposed initiative;
and
2. Information regarding the initiative is presented to the Board of Directors, including the cost of the curriculum initiative and any alternatives that were considered.

Prior to the adoption of the curriculum initiative by the Board of Directors of TriEA, the CEO or CEO’s designee, shall provide teachers and employees of the school an opportunity to express opinions regarding the initiative. Any opinions received by the CEO or CEO’s designee, shall be provided to the Board of Directors for their review and consideration.

400.080. REQUIRED INSTRUCTION AND GRADUATION

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) adopts the following policy, which shall be effective on the date that the policy is adopted by the Board.

Section 1. Compliance

The Executive Director shall ensure that TriEA maintains compliance with all state laws and regulations governing curriculum and graduation requirements.

Section 1.2. Pledge of Allegiance.

The principal, or designee, of each campus of TriEA shall ensure that TriEA maintains compliance with all state laws and regulations governing recitation of the Pledge of Allegiance to the United States and Texas flags and the regulations governing proper flag display in each classroom in which the pledges of allegiance are recited.

Section 1.3 Observance of Moment of Silence.

The principal, or designee, of each campus of TriEA shall ensure that TriEA maintains compliance with state law governing the observance of one minute of silence following the recitation of the pledges of allegiance to the United States and Texas flags.

Section 1.4. Commemoration of the Events of September 11, 2001.

The principal, or designee, of each campus of TriEA shall ensure that TriEA maintains compliance with state law governing the commemoration of the events of September 11, 2001.

Section 1.5. Instruction in Cardiopulmonary Resuscitation (CPR).

The principal, or designee, of each campus of TriEA that serves grades 7 through 12 shall ensure that TriEA maintains compliance with the state law and regulations governing instruction in cardiopulmonary resuscitation (CPR) and that each student receives CPR instruction at least once prior to graduation.

BILINGUAL / ESL EDUCATION PROGRAM

400.90. Section 1. Program Principles

SECTION 1.1. Board Commitment. The Board of Trinity Environmental Academy (“TriEA”) is committed to meeting the needs of non-English speaking students who are English Language Learners (ELL) or students of limited English proficiency (LEP) and to providing every ELL student with a full opportunity to participate in a bilingual education or English as a Second Language (ESL) program. Throughout this Policy ELL students and LEP students shall have the same meaning.

SECTION 1.2. Compliance with State and Federal Requirements. The CEO or CEO’s designee, shall ensure that the bilingual and/or ESL programs of TriEA operate in compliance with federal and state law.

Section 2. Program Responsibilities

The CEO will ensure that TriEA shall:

1. Identify ELL students based on criteria established by the state;
2. Provide bilingual education and/or ESL programs as integral parts of the TriEA regular program;
3. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for ELL students.

Section 3. Establishment of Language Proficiency Assessment Committee (LPAC)

TriEA shall establish and operate Language Proficiency Assessment Committee(s) in accordance with this policy and the LPAC procedures established by the CEO. It is the policy of TriEA to follow the LPAC Legal Framework developed by the Region 20 Education Service Center for the TriEA LPAC procedures.

The CEO or CEO's designee, shall ensure that a sufficient number of LPACs are established at TriEA to discharge LPAC duties within 20 school days of enrollment of an ELL student. The CEO shall ensure that this policy and all LPAC procedures are on file in the records of TriEA.

Section 3.1 Selection of LPAC Members. The CEO shall establish procedures for the selection, appointment and training of members of the LPAC for the special language program(s) operated by TriEA. Selection of parent members of LPAC(s) shall be made after soliciting volunteers and upon the recommendation of professionals involved in the bilingual/ESL programs. No parent serving on the LPAC shall be an employee of TriEA. Professional staff members of the LPAC(s) shall be assigned those duties by the ED or designee in accordance with the LPAC procedures.

Section 3.2. General Responsibilities of LPAC. The CEO shall establish procedures governing the TriEA LPAC for fulfilling LPAC responsibilities and duties. The TriEA LPAC shall accomplish the following general responsibilities:

1. Review of all pertinent information on ELL students upon initial enrollment and at the end of the school year;
2. Make recommendations concerning the most appropriate placement for the advancement of an ELL student;
3. Review each ELL student's progress at the end of the school year in order to determine future appropriate placement;
4. Monitor the progress of former ELL students who have transferred out of the special language program and designate the most appropriate placement for such student;
5. Determine the appropriateness of a program that extends beyond the school year based on the needs of each ELL student.

Section 4. Training

TriEA shall provide orientation and training for all members of the LPAC, which shall include a discussion of the committee's duties and a thorough explanation and review of all laws and rules governing the confidentiality of information regarding individual students. In performing their duties, committee members shall be acting for TriEA and shall observe requirements regarding confidentiality of student records. The CEO or CEO's designee shall ensure that each LPAC member receives a Certificate of Training and that such certificates are retained on file by TriEA.

Section 5. Home Language Survey

SECTION 5.1 Administration of Survey. TriEA shall include a Home Language Survey as part of the student enrollment documentation to determine the language normally used in the home and the language normally used by the student. The home language survey shall be conducted in English and in the home language, and signed by the student's parents if the student is in pre-kindergarten through grade 8, or by the student if the student is in grades 9 through 12. The CEO or CEO's designee shall ensure that an original copy of the survey is retained in the student's permanent record.

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

Section 6. ELL Classification and Instructional Placement

Section 6. Classification and Evaluation

SECTION 6.1. ELL Classification. The TriEA LPAC may classify a student as an ELL student if:

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

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

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

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

1. the academic progress in either language of the ELL students and the extent to which they are becoming English proficient;
2. the number of students who have been exited from the bilingual education and ESL program; and

3. the number of teachers and aides trained in the frequency, scope, and results of the training.

Section 7. PARENTAL NOTICE AND CONSENT

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

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

SECTION 7.2. Parental Request for Exit. The LPAC shall facilitate the exit of the student from bilingual education or an ESL program if the student's parent or guardian makes such request in writing.

SECTION 7.3. Parental Notice of Exit. The TriEA LPAC is responsible for informing parents in writing when their student meets the exit criteria and exits from a bilingual education or ESL program. The notice shall be made in English and the home language of the student.

Section 7.4 Annual Progress Report. The TriEA LPAC is responsible for providing parents with an annual report on the progress of their ELL child in the bilingual or ESL program. The report shall be made in English and the home language of the student.

Section 8. Documentation

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

Section 9. Personnel

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

Section 10. Bilingual/ESL Program. TriEA shall offer a bilingual program if TriEA has an enrollment of 20 or more students classified as ELL students in any language classification in the

same grade level. The CEO shall ensure that the bilingual program offered by TriEA complies with applicable regulations.

[Section 10.1(a) Bilingual Education Program. TriEA shall offer a bilingual program for students in Grades K-6 and will examine and determine appropriate pathways to serve Grades 7th-8th as need warrants it and is applicable by law.

[Section 10.1(b) ESL Program. TriEA shall offer an ESL program for students in Grades 9-12 using the ESL/content-based program model.

Section 10.2 Summer Programs.

TCSA NOTE: Charter schools that offer bilingual education and offer prekindergarten and Grade 1 must offer a voluntary summer school program.

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

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

400.100. IDEA POLICIES & PROCEDURES

Section 1. Legal Framework

It is the policy of Trinity Environmental Academy (“TriEA”) to follow the Legal Framework for the child Centered Process developed through the Region 18 Education Service Center. Additional policies may be adopted by the governing board to evidence TriEA’s commitment to the framework and uploaded to Region 18’s Legal Framework website.

Section 2. Regular Education Teacher IEP Review Request

The CEO or CEO’s designee shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting: (1) to request a review of the student’s individualized education program; (2) that provides for a timely response from TriEA to the teacher’s request; and (3) that provides for notification to the student’s parent or legal guardian of that response.

Section 3. Special Education Video Surveillance

In an effort to promote student safety in certain self-contained classrooms and other special education settings, it is the policy of TriEA to install, maintain, and operate video equipment in the required classrooms upon request of a parent, staff member, or board of directors.

Section 3.1. Classrooms. Any self-contained classroom or other special education setting where the majority of the students spend more than 50 percent of their instructional time is eligible for the installation of video/audio surveillance equipment.

Section 3.2. Requesting Video/Audio Surveillance. A parent of a student in an eligible classroom, a teacher or paraprofessional in an eligible classroom, or an administrator at a campus with an eligible classroom, or the board of directors may request video/audio surveillance equipment be installed in an eligible classroom.

A parent, a staff member in a self-contained or special education classroom, or assistant principal must submit a written request for installation and operation of video/audio recording equipment in a specified self-contained or special education setting to the campus principal. A request submitted to the campus principal or a request by a campus principal must be submitted to the designated central office administrator.

A parent of a student whose ARD committee determines that a student’s placement the following year will be in an eligible classroom has until the later of the date on which the current school year ends, or the 10th school business day after the placement determination to request the installation of video equipment.

The board of directors may submit a written request for installation and operation of video/audio recording equipment in a specified self-contained or special education setting by submitting a written request to the designated central office administrator.

All written requests must identify the self-contained or other special education setting where equipment is being requested. A request for installation and operation of video equipment will be valid until the end of the school year or if the request is withdrawn by the requestor.

Section 3.3. Responding to Requests. Upon receipt of the request, the designated central office administrator will determine if the classroom requested meets the definition of a self-contained classroom or other special education setting.

TriEA will provide the requestor with a written response within 7 business days after receipt of the request informing the requestor whether the request has been approved or denied.

The approval will identify the classroom will receive equipment. The notice will indicate the deadline for the operation of the video/audio equipment.

A denial of the request will provide a reason for denial and provide the requestor with information on how to appeal this decision.

Section 3.4. Notification. After a request for video equipment installation is approved the CEO or CEO's designee will provide written notice, at least 5 days prior to installation of video equipment, to the parents of all students receiving special education services in a self-contained or other special education setting that will receive video equipment.

Ten (10) days prior to the end of the school year, TriEA will provide notice to the parents of each student in the classroom or setting with a video camera that the video camera operation will not continue the next school year, unless a person makes a written request.

A notice will be placed outside of each classroom with video surveillance reading: "This classroom is subject to ongoing and continuous video and audio recording."

Section 3.5. Installation of Video. Upon approval of a written request for installation of video equipment, the video equipment will be purchased by TriEA. TriEA cannot use IDEA-B or State SPED funds to purchase equipment.

Installation and operation will take place within 45 school days after the request has been approved. For a student whose ARD committee determines that a student's placement the following year will be in an eligible classroom and the parent requests a camera placed in the classroom by the last day of the school year or the 10th school business day after the placement determination, whichever is later, then camera will be installed by the 10th school day after the fall semester begins or the 45th school day after the request is made, whichever is later.

Video equipment will cover all areas in the classroom, except the inside of bathrooms or areas used for toileting or diapering a student, or removing or changing a student's clothes. Incidental recording of a small portion of a changing room or bathroom is permitted. Audio recordings will cover all areas in the classroom including the bathroom and changing area.

Following installation, TriEA will ensure the video equipment is properly operating, and then disable all live monitoring capabilities.

Note: Schools should adjust the beginning and ending operation time as needed to meet the school's administrative schedule. However, recording must take place at all times when children are in the classroom.

Section 3.6. Operation of Video Equipment and Maintaining Recordings. Video and audio equipment will operate at all times during the instructional day, during the regular school year and during extended school year (ESY) services. Recording will begin approximately 15 minutes before students arrive in the classroom, and end once all students are off campus.

TriEA will continue to operate the video equipment in a classroom for as long as the classroom or setting continues to meet the definition of self-contained classroom or other special education setting, or if the request for video equipment has been withdrawn. If a classroom no longer meets the definition, or the request is withdrawn, TriEA will send written notice to all parents of the students in that classroom that the video equipment will be discontinued 5 days prior to the discontinuing of the recording.

All recordings will be stored and kept for at least 3 months. If a person requests to see the video, the video will be kept until the person views the recording and a determination as to whether an incident occurred is made.

If an alleged incident is documented, the recording must be kept until the incident has been resolved, and the exhaustion of an appeal is complete.

Section 3.7. Reporting an Incident. A person can notify a campus administrator of an alleged incident by providing written notice to the campus administrator. All written notices must include:

- a. Date or time frame of alleged incident
- b. Location of alleged incident
- c. Teacher, personnel, or alleged student involved
- d. Student name

The campus administrator will provide written notice of receipt of the report within 48 hours to the person reporting. The campus administrator will review the video and audio recording within 5 school days of receiving the report and determine if the incident occurred. During

those 5 days, and during any subsequent investigation, the campus administrator will take any necessary measures to protect the student from possible harm. These steps may include:

- a. Changing classroom instructors or classroom assignment
- b. Provide counseling to student
- c. Add additional staff support to classroom

After reviewing the video recording, the campus administrator will provide written notice to the person reporting the incident of whether the alleged incident is recorded. Written notice will be sent within 10 school days after receipt of report.

Written notice does not suffice to meet the required reporting of abuse or neglect by the campus administrator or other personnel who views the recording. Any alleged abuse or neglect must be reported to the Texas Department of Family and Protective services immediately, or not later than 48 hours of becoming aware of the incident.

If an alleged incident is recorded, the campus administrator shall notify TriEA's CEO or CEO's designee and a formal investigation in accordance with school policy will begin.

Section 3.8. Access and Review of Video. All recordings made under this section are confidential and are not subject to regular or continual monitoring. Only campus administrators will have access to the recordings, and will grant access as outlined in this section.

Recordings will not be used for teacher evaluations or monitoring. Recordings will only be used for the promotion of student safety.

Following the receipt of an incident report, filed in accordance with Section 3.7, only the following will have access to view the recordings:

- a. Campus administrator trained in de-escalation and restraint techniques;
- b. A peace officer;
- c. A school nurse;
- d. A human resources staff member assigned to investigate;
- e. An employee who is involved in an incident documented by the recording and who requested to view the recording;
- f. A parent/guardian of a student involved in an incident documented by the recording and who requested to view the recording;
- g. Texas Department of Family and Protective Services personnel as part of an investigation under Texas Family Code §261.406;
- h. Appropriate TEA or SBOE Certificate personnel or agents, as part of an investigation

This section does not limit a parent's rights under FERPA if a student is involved in a significant incident recorded by the video equipment. If TriEA receives a request to view a recording under FERPA, TriEA will provide notice to parents within 10 school days of whether the video is a student record defined by FERPA and will be available for viewing.

Section 3.9. Grievance Process. If a person believes that TriEA is not implementing TEC §29.022 or is in violation of TEC §29.022, the person may file a local grievance in accordance with TriEA's grievance policy.

The board of directors, a parent, staff member, or administrator at TriEA may appeal a decision made by TriEA through the Texas Education Agency (TEA) appeals process. Information regarding an appeal under Section 7.058 of the Texas Education Code can be found on the TEA website.

The board of directors, a parent, staff member, or administrator at TriEA may request an expedited review to the TEA if TriEA:

- a. denies a request for the installation of video/audio equipment;
- b. a request for an extension of time to begin operation; or
- c. a determination not to release the video recording to a person that requested it.

If the TEA determines that it is likely that TriEA will not prevail, TriEA will comply with the request, even if TriEA appeals the decision.

The special education dispute resolution procedures in 34 Code of Federal Regulations do not apply to complaints alleging TriEA is not in compliance with TEC §29.022.

400.110 SECTION 504

Section 1. Policy of Nondiscrimination

It is a policy of Trinity Environmental Academy (“TriEA”) not to discriminate based on disability in its educational programs as required by Section 504 of the Rehabilitation Act of 1973 (Section 504).

Section 2. Section 504 Coordinator

The following position is designated as Section 504 compliance coordinator:

DIRECTOR OF SPECIAL POPULATIONS, TRIEA

PO BOX 570975

DALLAS, TEXAS 75357

TELEPHONE NUMBER: (972) 920-6558

Section 3. Section 504 Committee

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

Section 4. Training

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

Section 5. Notice of Nondiscrimination Policy

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

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

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

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placing notices in school publications; and
4. Distributing memoranda or other written communications.

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

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

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

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

Section 7. Free and Appropriate Public Education

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

SECTION 7.2. Appropriate Education.

1. For the purpose of compliance with this policy, the provision of an appropriate education is the provision of regular or special education and related aids and services that are:
 - a. Designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met; and
 - b. Based upon adherence to procedures that satisfy the requirements of Section 9.
2. TriEA may implement an Individualized Education Program or Individualized Section 504 Plan developed in accordance with Section 504 as a means of meeting the standard established in SECTION 7.2(a).
3. TriEA may place a student with a disability or refer such a student for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of Section 504.
4. The CEO or CEO's designee shall facilitate accommodations for a Section 504 student taking the state-mandated assessments when the accommodations have been determined not to destroy the validity of the test, are necessary for the student to take

the test, are consistent with modifications provided the student in the classroom, and are approved by TEA.

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

Section 8. Education Setting

SECTION 8.1. Academic Setting. TriEA shall provide for the education of each enrolled disabled student, within the meaning Section 504, in the same setting with students who are not disabled to the maximum extent appropriate to the needs of the disabled student. A disabled student shall be placed in the regular educational environment operated by the school unless it is demonstrated by the school that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever the school places a student in a setting other than the regular educational environment pursuant to this paragraph the CEO or CEO's designee shall take into account the proximity of the alternate setting to the student's home.

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

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

Section 9. Evaluation and Placement

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

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

SECTION 9.3. Evaluation Procedures. The CEO or CEO's designee shall establish standards

and procedures for the evaluation and placement of students who, because of disability need or are believed to need special education or related services that ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

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

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision is made in conformity with specifications for educational settings in Section 8.

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

Section 10. Procedural Safeguards

SECTION 10.1. Notification Requirements.

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

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

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

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

SECTION 10.3. Impartial Hearing.

1. **Right to a Hearing.** The CEO or CEO's designee shall establish a process that ensures that a parent or guardian has the opportunity for an impartial hearing if they have a concern or complaint about the school's actions regarding the identification, evaluation, or educational placement of a student with disabilities.
2. **Impartial Hearing Officer.** The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the school or related to a member of the Board in a degree that would be prohibited under state laws and rules relating to nepotism. The impartial hearing officer is not required to be an attorney.
3. **Timeline.** TriEA shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.
4. **Appeal.** If a parent or guardian is dissatisfied with the outcome of the hearing and requests an appeal, the parent or guardian must specify the objections in writing and file them with the CEO and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The CEO shall appoint an independent appeals officer to conduct a review of the record as a whole. The officer

may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.

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

400.120. HEALTH

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Immunizations & Reportable Diseases

The Executive Director, or designee, of TriEA shall ensure compliance with immunization laws and regulations and that TriEA complies with laws and regulations regarding reportable diseases.

Section 1.2. HIV/AIDS STATUS.

- a. Equitable Treatment. Students with HIV/AIDS have the right to attend school and expect equitable treatment. HIV/AIDS is not a communicable condition for which a child must be excluded from school. A student may not be excluded child from attendance at school or school-related activities solely because of the child’s known or suspected HIV status.
- b. Confidentiality. Disclosure of a student’s HIV status is a violation of federal and state law. Knowledge of the HIV status of a child shall be kept confidential by school personnel and shall not be released without the consent of the parent or legal guardian of the child except where release is required or authorized by law. A school teacher does not have a right to know the HIV/AIDS status of a student and may not ask the HIV/AIDS status of a student. Administrators and nurses should help teachers to understand the district’s policy regarding students with HIV/AIDS.
- c. Reporting. The school superintendent or school’s designee shall determine if the school has an obligation to report a student’s HIV status. The school superintendent or school’s designee must make a report to the Department of State Health Services or other local health authority if he or she determines that the school has an obligation to report a student’s HIV status.

Section 2. Care for Students At-Risk for Anaphylaxis

TCSA Note: Policy on this subject legally required.

Section 2.1. Food Allergy Management in the School Setting.

- a. Food Allergy Management Team. The CEO shall create a food allergy management team to implement, coordinate, and monitor food allergy management at each TriEA campus. Members of the team may include: a school nurse, the principal, food service staff, custodial staff, a counselor, classroom teacher, and bus driver. The food allergy management team will work with parents in supporting students with food allergies on the campus as well as assist campus staff in implementing procedures and student specific strategies.

- b. Point of Contact. The CEO shall designate an employee, which is knowledgeable about food allergies, to serve as the point of contact for parents, healthcare providers, and the campus food allergy management team. The designee shall receive ongoing training in the management of food allergies in the school setting, including the provision of administration of epinephrine. The CEO's designee shall ensure that moderate to severe allergic reactions known to TriEA shall be documented and submitted in an annual report to the CEO; the CEO shall present this report to the Board during the annual review of the policies and procedures concerning food allergies and anaphylaxis.
- c. Storage of Medications. The CEO or CEO's designee shall develop procedures, in accordance with applicable laws, for the storage of medications that are relevant to food allergies and anaphylaxis.

Section 2.2. Identification of Students with Food Allergy At-Risk for Anaphylaxis.

- a. Food Allergy Information Upon Enrollment & After Diagnosis. The CEO or CEO's designee shall develop, implement, and monitor standardized procedures that will be utilized in obtaining information from a parent/legal guardian, as well as the child's healthcare provider, upon registration and as soon as possible after a child is diagnosed with a food allergy that places them at risk for anaphylaxis. Enrollment procedures shall include a request that a parent, or legal guardian, disclose whether their child has a food allergy or a severe food allergy that, in the judgment of the parent, or legal guardian, should be disclosed to TriEA to enable the TriEA to take any necessary precautions regarding the child's safety. Such information shall be kept confidential according to law and maintained in accordance with law. TCSA Note: See Appendix A in the Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis for sample forms.
- b. Parent Consent. The CEO or CEO's designee shall ensure TriEA documents and keep current parent consent for medication administration (e.g. epinephrine).
- c. Students Who's Disabilities Restrict Their Diets. The CEO or CEO's designee shall develop procedures to ensure that a student receives substitutions or modifications in school meals whenever TriEA receives a licensed physician's assessment indicating that food substitutions or modifications must be made for a student because of food allergies that may result in severe, life-threatening (anaphylaxis) reactions. TriEA must receive a signed statement by a license physician that identifies: (1) the child's disability; (2) an explanation of why the disability restricts the child's diet; (3) the major life activity affected by the disability; and (3) the food or foods to be omitted from the child's diet and the food or choice of foods that must be substituted.

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

- a. Food Allergy Action Plan (FAAP)/Emergency Action Plan (EAP): The FAAP/EAP, developed by the healthcare provider in collaboration with the parents or legal guardians, provides information about the child's food allergy, outlines the care that the child will need in managing the food allergy, and outlines actions to be taken in case of an allergic reaction. TCSA Note: See Appendix B in the Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis for sample FAAP/EAP forms. The CEO or CEO's designee shall ensure that the parents and the student (when age appropriate) meet with the campus food allergy management team to review the FAAP/EAP. This meeting should occur prior to the child attending school, after returning to school after an absence related to the diagnosis, and anytime there are changes to the student's FAAP/EAP.
- b. Individualized Healthcare Plan ("IHP") & 504 Plans. The school nurse will utilize the FAAP/EAP to develop and monitor an IHP which outlines day to day care for managing the student's food allergy. The school nurse may facilitate the process of implementing the FAAP/EAP in coordination with the campus food allergy management team and the parents. Where legally required, the school will also develop a 504 Plan to address the health and learning needs of the student. The ED, or ED's designee, shall ensure compliance with relevant disability laws.

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

- a. Procedures. The food allergy management team shall develop procedures that outline district-wide, campus-wide, classroom-wide, and individual strategies that are to be utilized for managing students with food allergies at-risk for anaphylaxis. In developing these procedures, consideration shall be given in promoting safety in the following areas, including, but not limited to: the cafeteria, all classrooms, hallways, common areas in the school, on the bus, and during all school-sponsored activities, including field trips, athletic events, on-campus, off-campus, and before and after school activities. The CEO's designee serving as the point of contact, working in collaboration with the campus food allergy management team, and parents may help in developing individual campus strategies to support students with food allergies at-risk for anaphylaxis.
- b. Environmental Controls. The food allergy management team shall develop and implement appropriate environmental controls to help minimize the risk of exposure to a food allergen. Environmental controls include, but are not limited to, consideration of the following:

- i. Identifying high-risk areas in the school and implementing strategies to limit exposure to food allergens and implementing general risk reduction strategies throughout the school and at school-sponsored activities. Students at-risk for anaphylaxis should not be excluded from the classroom activities based on their food allergies.
- ii. Limiting, reducing, and/or eliminating food from the classroom(s) and other learning environments used by children with food allergies at-risk for anaphylaxis.
- iii. Notifying and educating school staff and parents of the need to limit foods as needed on the campus, in the classroom, or at school sponsored activities.
- iv. Developing procedures for the management of parent-provided classroom snacks as allowed by Texas statute, with consideration given to students with food allergies at-risk of anaphylaxis.
- v. Implementing appropriate cleaning protocols in the school, with special attention to identified high-risk areas.
- vi. Providing training to the school food service departments to reduce the risk of cross-contamination during food preparation and food service, as well as minimizing foods served in the cafeteria that may contain food allergens.
- vii. Providing training on food allergy awareness to teachers, staff, and parents
- viii. Posting of visual reminders promoting food allergy awareness
- ix. Educating children about not trading or sharing food, snacks, drinks, or utensils
- x. Implementing hand washing protocols before and after meals. Hand washing should be done with soap and water, as hand sanitizers are not sufficient for removing allergens.
- xi. Assign staff trained in the administration of epinephrine as monitors in the food service area, as appropriate.
- xii. Provide ready access to epinephrine in an accessible, secure but unlocked area.
- xiii. Consider risk reduction strategies for the school bus, during extracurricular activities, on field trips, during before-and after school activities, and at sporting events.
- xiv. Reinforce rules and expectations about bullying, including bullying of

students with food allergies.

Section 2.5. Training for School Staff on Anaphylaxis and Emergency Response.

- a. Training Schedule. The CEO or CEO's designee shall establish a training schedule that ensures that, at a minimum annually, all school staff is trained to recognize and manage a life threatening anaphylactic reaction. The training schedule may implement a tiered approach including an "awareness training" for all staff and a more "comprehensive training" for the campus food allergy management team and school staff members that will be responsible for the care of individual students.

- b. Awareness training. Awareness training is intended to give an overview of food allergies and anaphylaxis including the signs and symptoms of an allergic reaction, as well as treatment of anaphylaxis. At a minimum the training must include information about the most common food allergens, the hazards related to the use of food for instructional purposes, and the importance of environmental controls in protecting the health of students at risk for food allergy related to anaphylaxis. Additionally, the training must provide information about how to respond when a child exhibits the signs and symptoms of an allergic reaction to food, provide information on implementing the FAAP/EAP, including the skills needed in administration of epinephrine, and notifying the local EMS utilizing the school's emergency response policy and procedures.

- c. Comprehensive training. Comprehensive training, at a minimum, should include training on: identifying students at-risk for anaphylaxis and planning for students that do not have epinephrine at school; the signs and symptoms of anaphylaxis; implementing FAAPs/EAPs; the administration and storage of epinephrine; development and implementation of IHPs/504 Plans; communication procedures for initiating emergency protocols, including substitute staff; environmental control measures, to reduce the risk of exposure to a food allergen, including safe food handling, hand washing, and cleaning procedures; working with local EMS; and post anaphylaxis debriefing and monitoring of the food allergy management plans on the campus.

Section 2.6. Post-Anaphylaxis Reaction Review

In the event that a student has a moderate to severe reaction, to prepare for the child's return to school, the CEO's designee and the campus food allergy management team shall collaborate with the student's parents in collecting and reviewing information and implement- ing the following activities in order to prepare for the child's return to the classroom:

- a. Identify, if possible, the source of allergen exposure and take steps to prevent future reactions.

- b. Review accurate and updated information on the allergic reaction including any new medication(s) which would require new consent forms to be signed by the parents.
- c. Identify and interview those who were involved in the emergency care of the student and those that witnessed the event.
- d. Meet with school staff to review the implementation of procedures.
- e. If the allergic reaction is thought to be from food provided by the school food service, work with the school food service department to ascertain what potential food item was served/consumed, how to reduce risk in the cafeteria by reviewing food labels, minimizing cross-contamination and other strategies.
- f. Review of the FAAP/EAP, IHP, and/or 504 Plan and amend to address any changes that were made by the student's healthcare provider.
- g. If an epinephrine auto-injector was utilized during the reaction, ensure that the parent/guardian replaces it with a new one.

Section 2.7. Review of Policies & Procedures

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

Section 3. Administration of Prescription Medication

Section 3.1. Written Request Required.

Unless otherwise authorized by this policy, employees, agents, and volunteers are prohibited from administering any medication to students, including vitamins and food supplements.

The principal of each TriEA campus shall ensure that a written request to administer prescription medication to a student is received from the student's parent, legal guardian, or person having legal control of the student before prescription medication may be administered by an TriEA employee.

Section 3.2. Authorized Employees.

Employees authorized by TriEA to administer prescription medication include

- CEO designated school personnel

Section 3.3. Prescription Medication Dispenser.

Employees authorized to administer prescription medication to a student shall ensure that the medication is administered from either:

- a. A container that appears to be in the original container and properly labeled; or
- b. From a properly labeled unit dosage container filled by an authorized employee from a container described by Section 2.3(a).

Section 3.4. Self-Administration of Prescription Asthma or Anaphylaxis Medicine.

The principal of each campus shall ensure that a student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine in accordance with legal requirements.

TCSA Note: Only adopt Section 4.5 if the Board has chosen to provide liability insurance for a licensed physician or registered nurse.

Section 3.5. Non-Prescription Medication. A licensed physician or registered nurse who provides volunteer services to **TriEA** may administer to a student:

- a. Nonprescription medication; or
- b. Medication currently prescribed for the student by the student's personal physician.

Section 3.6. Sunscreen.

A student may use and possess sun-screen for the protection of overexposure to the sun.

Section 4. Psychotropic Medication

Section 4.1. Employee Prohibition: An employee may not:

- a. Recommend that a student use a psychotropic drug;
- b. Suggest any particular diagnosis; or
- c. Preclude a student from attending class or participating in a school related activity if the parent refuses to consent to the administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of the student.

Section 4.2. Exceptions to Prohibition: Section 3.1 does not prevent an employee from:

- a. Making an appropriate referral under the Individuals with Disabilities Education Act;

- b. Recommending that a child be evaluated by an appropriate medical practitioner if the employee is a registered nurse, advance nurse practitioner, physician, or certified/credentialed mental health professional
- c. Discussing any aspect of a student's behavior or academic progress with the student's parent/guardian or another charter school employee.

Section 5. Prohibition of Tobacco and Alcohol

Smoking, using e-cigarettes, using tobacco products, and the use of alcoholic beverages at school-related or school-sanctioned activities, on or off school property, is strictly prohibited.

TriEA students are also prohibited from possessing e-cigarettes or tobacco products at a school-related or school-sanctioned activity, on or off school property. The CEO shall ensure that this prohibition is enforced by school personnel.

Section 6. Posting of Steroid Notice

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

400.140. STUDENT SAFETY

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Discipline

Section 1.1. Student Code of Conduct. The Board shall adopt a student code of conduct in accordance with law. Annually, the Board shall review the student code of conduct and make changes as necessary.

Section 1.2. Distribution of Code of Conduct. The principal of each TriEA campus shall ensure that the student code of conduct is distributed to each student at the beginning of the school year. Transfer students shall receive a student code of conduct upon enrollment.

Section 1.3. Students with Disabilities. The change in placement and/or any disciplinary action regarding a student with a disability, who needs or is believed to need special education and related services under the Individuals with Disabilities and Education Act, shall be in compliance with applicable federal and state laws and regulations.

Section 2. Transfer Option for Victims of Violent Acts

The CEO or CEO’s designee, shall develop local procedures (once multiple same-grade campuses exist) allowing for the transfer of a student to attend a safe school if the student becomes a victim of a violent criminal offense while on a school campus or on any school property, or while attending a school-sponsored or school-related activity.

Section 3. Child Abuse, Maltreatment and Neglect

TCSA NOTE: POLICY ON THIS SUBJECT LEGALLY REQUIRED (Updated August 2017)

Section 3.1. Sexual Abuse of Children, Neglect, Sex Trafficking, and Maltreatment of Children.

- a. The CEO or CEO’s designee, shall develop and implement procedures detailing methods to increase staff, student, and parent awareness of the sexual abuse, neglect, sex trafficking, and other maltreatment of children, including prevention techniques and knowledge of likely warning signs.
- b. The CEO or CEO’s designee, shall be responsible for having a safety plan developed that details action that a child who is a victim of sexual abuse, neglect, sex trafficking or other maltreatment should take to obtain assistance and intervention. This plan shall also provide for available counseling options.
- c. Resources used to implement this policy will include those developed by the

Texas Education A.

- d. The procedures shall include how a child that is a victim of sexual abuse, neglect, sex trafficking, and other maltreatment may obtain assistance and intervention and counseling options available to the child.

Section 3.2. Required Training. As part of new employee orientation, new open-enrollment charter school employees and those existing charter school employees who have not yet received such training, shall receive training concerning prevention techniques for, and recognition of, sexual abuse, neglect, sex trafficking and all other maltreatment of children. At the discretion of the CEO or CEO's designee, any charter school staff member may annually receive training in these areas.

- a. The CEO or CEO's designee, shall ensure that training under this section shall comport with legally mandated criteria, including training that concerns:
 - i. Factors indicating a child is at risk for sexual abuse, neglect, sex trafficking, and all other maltreatment of children;
 - ii. Likely warning signs indicating a child may be a victim of sexual abuse, neglect, sex trafficking, and all other maltreatment of children;
 - iii. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, neglect, sex trafficking, and all other maltreatment of children, including referral to a school counselor, social worker, or another mental health professional;
 - iv. Techniques for reducing a child's risk of sexual abuse, neglect, sex trafficking, and all other maltreatment of children; and
 - v. Community organizations that have relevant existing research-based programs that are able to provide training or other education for charter school staff members, students, and parents.

Section 3.3. Reporting Child Abuse. A(n) TriEA employee, volunteer, or agent that believes a child has been adversely affected by physical or mental abuse or neglect shall make a report within 48 hours of first suspecting such abuse or neglect. The report shall be made to law enforcement or the Department of Family and Protective Services, Child Protective Services.

The CEO or CEO's designee, shall ensure notice of this requirement is disseminated to all employees, volunteers, and agents.

The CEO or CEO's designee, shall ensure that TriEA posts a sign in English and in Spanish that contains the toll-free number operated by the Department of Family and Protective Services

to receive reports of child abuse or neglect in a clearly visible location in a public area of the school that is readily accessible to students.

Section 4. School Visitors (Updated August 2017)

TCSA NOTE: The governing body of a charter school is legally required to adopt a policy regarding the action to be taken by the administration of a school campus when a visitor is identified as a sex offender.

Section 4.1. Visitors. The CEO or CEO's designee, shall ensure conspicuous signs are posted at each campus entrance requiring all visitors to sign-in at the school campus administrative office. All visitors must present a form of identification or at a minimum their name and date of birth. TriEA personnel shall process each visitor through the Texas Department of Public Safety's Sex Offender Registry Search or other database system which checks for sex offender status. All visitors will be issued a badge that is to be worn at all times while visiting the school campus. Upon their departure they must sign-out at the central administrative office and return the visitor's badge.

Visitors who do not submit a form of identification or their name and date of birth for the purpose of checking sex offender status shall not be allowed on school grounds. However, a parent/legal guardian of a student enrolled at TriEA, who has previously established with the school that they are the parent/guardian of the student, but does not provide identification or their name and date of birth at the time of the school visit, shall follow the policy outlined in Section 4.2(a) and (b).

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

a. Exceptions

- i. A student enrolled in the school, or a student visiting from another school participating in any event at the school;
- ii. A parent/guardian registered sex offender may enter school grounds for the following limited purposes:
 1. To attend a conference at the school with school personnel to discuss the academic and/or social progress of the parent/guardian's child;
 2. When the principal has requested the parent/guardian's presence for any other reason concerning the parent/guardian's child; or
 3. To pick up their child from school.

b. Requirements for the Exception to Apply:

- i. The parent/guardian must notify the principal of the purpose of the visit and when the visit will occur, including date and time, before the parent/guardian enters the school grounds.
- ii. The principal shall notify the administrative offices of the parent/guardian's intent to visit.
- iii. The parent/guardian must check in at the campus administrative office upon arrival and departure from the school.
- iv. The parent/guardian must remain under the direct supervision of staff at all times.

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

SECTION 5. Weapon and Handgun Prohibition (Updated August 2017)

TCSA NOTE: Each Board should adopt a policy defining 'School-Sponsored Activity.' While considering definitions, the board should review whether students and/or teachers are present for the activity. Additionally, consider when these activities take place, such as pick-up and drop-off, after school, or during transitions.

Section 5.1. Weapons Prohibited. TriEA prohibits the use or possession of any firearm, illegal knife, club, or other weapon while on the premises of the school or any school grounds or building in which a school-sponsored activity is being conducted. Use or possession of any firearm is also prohibited while school-sponsored activities are taking place in the parking lots, sidewalks, or driveways.

This policy does not prohibit a handgun license holder from storing a firearm or ammunition in the license holder's personal vehicle, so long as the firearm or ammunition is in a locked vehicle and cannot be seen.

TCSA NOTE: Section 5.2 is optional if the Board chooses to adopt a policy prohibiting handguns on school campus.

Section 5.2. Handgun Prohibition. TriEA prohibits the use or possession of a handgun on all TriEA campuses and property, even if the handgun is carried by a licensed handgun holder. The Executive Director shall ensure signs, containing the following language are conspicuously placed on school campuses and property: "Pursuant to Section 30.06, Penal Code (trespass by holder of a license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a handgun." Or: "Pursuant to Section 30.07, Penal Code (trespass by holder of a license to carry a handgun), a person licensed under Subchapter H, Chapter 411,

Government Code (handgun law), may not enter this property with a handgun.”

SECTION 6. Protective Eye Devices

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

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

SECTION 7. Concussion Oversight of Student Athletes (Updated August 2017 to add chiropractor)

Section 7.1. Approval of Concussion Oversight Team. In accordance with laws and regulations, the Board approves of the following individuals to serve as members of TriEA’s concussion oversight team:

1. ***TriEA Coach***

Section 7.2. Return-to-Play Protocol. The concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student’s return to inter-scholastic athletics practice or competition following the force or impact believed to have caused a concussion.

Section 7.3. Training. The CEO shall ensure that affected school employees take a concussion training course as provided by law.

SECTION 8. Internet Use

TCSA NOTE: CHARTER HOLDERS/SCHOOLS THAT RECEIVE UNIVERSAL DISCOUNT RATES FOR INTERNET SERVICES ARE LEGALLY REQUIRED TO ADOPT AN INTERNET SAFETY POLICY. A POLICY IS ALSO LEGALLY REQUIRED IF Title II FUNDS ARE USED TO PURCHASE COMPUTERS WHICH ACCESS THE INTERNET, OR TO PAY DIRECT COSTS ASSOCIATED WITH ACCESSING THE INTERNET.

SECTION 8.1. Computer System Access. Access to all of TriEA's computers, computer networks, electronic mail, and the Internet is for educational and administrative purposes. The CEO or CEO's designee, shall require all users to agree in writing to comply with TriEA's policies and procedures in regards to such access. Failure to comply may result in disciplinary action.

SECTION 8.2. Protection Measure. The CEO or CEO's designee, shall ensure that TriEA utilizes a filtering device or software that prevents any TriEA computer, and prevents TriEA's Internet service, from accessing material that is obscene, child pornography, or harmful to minors.

SECTION 8.3. Internet Safety. The CEO or CEO's designee, shall implement a safety plan that ensures:

- a. Online activities of minors are monitored at the discretion of the CEO or CEO's designee,
- b. Students' Internet access to inappropriate material is controlled;
- c. Students' safety is ensured when using electronic communication, including, but not limited to electronic mail, social networking sites, and chat rooms;
- d. The prevention of unauthorized access, including hacking, and other unlawful activities
- e. The prevention of the unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- f. Students are educated about appropriate online behavior including interacting with other individuals on social networking websites and chat rooms, and cyber-bullying awareness and response.

SECTION 8.4. Monitored Computer Use. The use of TriEA's computers and/or Internet system is not confidential and may be monitored by designated TriEA personnel to ensure appropriate use.

NOTE: When updating your policies under 400.140, also review your student code of conduct to ensure both policies are in agreement.

Section 9. Prohibition Against Discrimination, Harassment, Intimidation, or Bullying
TriEA strives to provide students and staff with a school environment free from discrimination, harassment, intimidation and bullying. The CEO shall take appropriate actions to ensure TriEA's Harassment, Intimidation and Bullying Policy and procedures are enforced.

Section 9.1. Dissemination of Policy. At the beginning of each school year, TriEA's Prohibition Against Harassment, Intimidation, or Bullying Policy will be disseminated to all students, parents, employees and volunteers. TriEA will also make information available to students about recognizing and preventing harassment, intimidation, or bullying.

Staff will receive the policy annually during new employee orientation or the first staff development of the year. Staff will receive training in harassment, intimidation, and bullying prevention, awareness, and reporting.

Section 9.2. Prohibition. TriEA explicitly prohibits discrimination, harassment, intimidation, and/or bullying on the basis of race, color, national origin, sex, gender, gender identity, disability, age, sexual orientation, and/or religion, or any other basis protected by law. TriEA prohibits discrimination, harassment, intimidation, or bullying in any form, whether it:

- a. occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
- b. occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; or
- c. is considered cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity, **if** the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Section 9.3. Definitions.

- a. Discrimination against a student is defined as conduct directed at the student on the basis of race, color, national origin, sex/gender, gender identity, disability, age, sexual orientation, religion, or any other basis prohibited by law, that adversely affects the student.
- b. Sexual harassment by an employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when
 - A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or

- The conduct is so severe, persistent, or pervasive that it:
 1. Affects the student’s ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student’s educational opportunities; or
 2. Creates an intimidating, threatening, hostile, or abusive educational environment
 - Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.
- c. Sexual harassment by others includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:
- Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
 - Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
 - Otherwise adversely affects the student’s educational opportunities.
- d. Bullying includes a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:
- has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property;
 - is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
 - materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
 - infringes on the rights of the victim at school. Bullying includes cyberbullying.

- e. Cyberbullying is bullying that is done through the use of any electronic communication device, including a cell phone or other phone, a computer, a camera, e-mail, an Internet website, or any other Internet-based communication tool. Cyberbullying includes conduct that occurs off school property or outside of a school-sponsored or school-related activity if it:
- interferes with a student's educational opportunities, or
 - substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Section 9.4. Reporting. TriEA encourages students who believe they are being subjected to discrimination, harassment, intimidation, or bullying and students who have first-hand knowledge of such harassment, to report the matter promptly to any TriEA employee, adult volunteer, contractor, or agent who is not involved in the alleged discrimination, harassment, intimidation or bullying. Reports may be made orally or in writing, and reports may be made anonymously. Students or parents may contact principal or designee to obtain a form that may be used to submit the report, but use of a form is not required to make a report.

Any TriEA employee, adult volunteer, contractor or agent who witnesses, overhears or receives a report, formal or informal, written or oral, of discrimination, harassment, intimidation, or bullying shall immediately report the incident to the campus administrator responsible for discipline or the principal.

Section 9.5. Notification. The principal or principal's designee will provide notice of an incident of bullying:

- a. to the parent or guardian of the alleged victim within three (3) business days after the incident is reported; and
- b. to the parent or guardian of the alleged bully within a reasonable amount of time after the reported incident.

Section 9.6. Investigation. Once a campus administrator receives a report of intimidation, harassment, and/or bullying of a student, the campus administrator must begin an immediate, appropriate, and impartial investigation of the incident. An investigation will include:

- a. Conducting interviews of students involved;
- b. Conducting interviews of witnesses; and
- c. Reviewing any video surveillance available;

If a report of bullying gives the school reasonable belief that a student may have evidence of bullying or cyberbullying, TriEA may conduct a search in accordance with school policy and in compliance with

state and federal law.

TriEA may report an incident of bullying to local law enforcement, if a campus administrator believes that the type of bullying or cyberbullying necessitates the involvement of law enforcement.

If an investigation reveals that harassment, intimidation, or bullying has occurred, the campus administrator, must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent harassment from recurring. Any steps taken to remediate the situation should not penalize the student who was harassed, intimidated, and/or bullied. Steps may include, but are not limited to:

TCSA NOTE: the following are examples and not specific in law. Charter schools should consider all available discipline, restorative, and research-based practices that are available to appropriately respond to bullying

- a. Discipline in accordance with the Student Code of Conduct;
- b. Change of classroom placement;
- c. Change of campus placement;
- d. Mediation between students;
- e. Social and behavioral skills training for students;

The campus administrator will also ensure that a student who is a victim of intimidation, harassment, or bullying, a witness to intimidation, harassment, or bullying, and for a student who engages in intimidation, harassment, or bullying is provided with information regarding school counseling options.

Section 9.7. Consequences. Any student found to have engaged in harassment, intimidation, and/or bullying in violation of this policy may be subject to disciplinary action up to and including expulsion. A student who is a victim of bullying, that has been found to have acted in self-defense, may not be disciplined. Students who qualify for special education services will be disciplined in accordance with the Individuals with Disabilities Education Act. Students and parents can review the Student Code of Conduct for the full disciplinary policy of TriEA.

Any staff member who permits harassment, intimidation, or bullying of a student may be subject to disciplinary action up to and including termination of employment. Any staff member who receives complaints of harassment, intimidation, and bullying and does not act promptly or does not forward the complaint to the staff member's supervisor shall be subject to disciplinary action up to and including termination of employment. Staff members may review the personnel handbook/employee handbook regarding staff discipline.

Section 9.8. Compensatory Services. TriEA may be required to provide additional services to a student

who is harassed in order to address the effects of the harassment. The need for compensatory services and the services provided will be determined on an individual basis.

Section 9.9. Retaliation Prohibited. TriEA prohibits retaliation against any person who in good faith reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with TriEA policies and procedures. Individuals who intentionally fabricate allegations of harassment, intimidation or bullying may be subject to disciplinary action in accordance with TriEA policies and procedures.

400.160. MISCELLANEOUS PROVISIONS RELATING TO STUDENTS

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Religious Discrimination Prohibited

TriEA prohibits discrimination, harassment, or retaliation on the basis of religion. A student enrolled at TriEA has the right to silently pray or meditate at TriEA so long as it does not disrupt the instructional or other activities of the school. TriEA shall not require, encourage, or coerce any student to engage in or to refrain from prayer or meditation during any school activity.

Section 2. Homeless Children

Section 2.1. Homeless Liaison. The CAO is appointed the homeless liaison of TriEA.

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

Section 3. The Texas Virtual School Network (VSN).

The governing body (“Board”) of TriEA adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

TCSA NOTE: POLICY ON THIS SUBJECT LEGALLY REQUIRED

TCSA NOTE: Charter schools operating full-time online programs on January 1, 2013, should delete subsection (d) of Section 4.1 and should delete or modify Section 4.3.

Section 3.1. Enrollment in TxVSN Courses. Students of TriEA shall have the opportunity to enroll in courses through the Texas Virtual School Network (TxVSN) in accordance with this Policy. A student enrolled full-time in TriEA student shall not be denied enrollment in an electronic course through the VSN unless TriEA determines:

- a. The student requests to enroll in a TxVSN course(s) that is inconsistent with the student’s graduation plan, the requirements for college admission or the requirements for earning an industry certification (as applicable to the student);
- b. The student seeks to enroll in a TxVSN course prior to, or after the expiration of, the course enrollment period of TriEA;
- c. TriEA offers a substantially similar course;
- d. The student seeks to enroll in more than three electronic courses through the TxVSN at no cost to the student.

Section 3.2. Inducements Prohibited. No employee, board member or other representative of TriEA shall promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the Texas VSN.

Section 3.3 Fees for Enrollment in Additional VSN Courses. TriEA shall charge a fee for a student seeking to enroll in a course through the VSN if the Executive Director, or designee, determines;

- a. the student seeks to enroll in a course through the VSN that is beyond the normal course load taken by students in the equivalent grade level; or
- b. the student is currently enrolled in three (3) full-time courses through the VSN and the student seeks to enroll in an additional course through the VSN.
- c. The fee charged by TriEA for enrollment in a course through the VSN under this policy shall not exceed the lesser of the cost of providing the course or \$400.

Section 3.4 Parental Notification. The principal, or designee of each TriEA middle school or high school campus shall be responsible for annually distributing a copy of this policy to a parent of each student enrolled in the school.

Section 4. Multi-tiered Intervention Services *(Updated August 2017)*

The governing body ("Board") of TriEA adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 4.1. Parent Rights. Parents of children at TriEA have the right to access any records related to assistance provided for learning difficulties, including information collected while the student receives intervention services through TriEA's Behavior and Academic RTI Program.

Parents also have the right to request an evaluation for special education or Section 504 services at any time if the parent believes the student is in need of aids, accommodations, or specialized instruction. An explanation of these rights, in accordance with the Texas Education Code §26.0081, may be found www.triea.org/compliance.

Section 4.2. Notice of Intervention. TriEA's Behavior and Academic RTI Program Coordinator(s) shall provide each parent of a student receiving intervention services above the general intervention services offered to all students written notice 5 days prior to a child beginning to receive intervention. The notice will include:

- a. A description of the intervention that may be provided;

- b. A description of the interventions the student has already received under the base level of intervention;
- c. An estimated time frame for the duration of the intervention services;
- d. An estimated time frame for when progress reports will be provided; and
- e. An explanation of the parent's right to request aids, accommodations, or a special education or Section 504 evaluation.