

Ki education foundation BOARD POLICY MANUAL
POLICY GROUP 3 – STUDENTS
EQUAL EDUCATIONAL OPPORTUNITY

Sec. 1. NONDISCRIMINATION STATEMENT

Ki Charter Academy prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law. Ki Charter Academy further prohibits retaliation against anyone involved in the complaint process.

Sec. 2. PROHIBITED CONDUCT

In this policy, the term “prohibited conduct” includes discrimination, harassment, and/or retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Sec. 3. PROHIBITED DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, disability, age, or on any other basis prohibited by law, that adversely affects the student.

Sec. 4. PROHIBITED HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. 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;
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes; name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Sec. 5. PROHIBITED SEXUAL HARASSMENT

a) *By Ki Charter Academy Employees*

Sexual harassment of a student by a Ki Charter Academy employee is prohibited. Such conduct 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:

1. A Ki Charter Academy 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
2. The conduct is so severe, persistent, or pervasive that it:
 - a. 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
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and Ki Charter Academy employees are prohibited. Any sexual relationship between a student and a Ki Charter Academy employee is always prohibited, even if consensual.

b) *By Others*

Sexual harassment of a student, including harassment committed by another student, 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:

1. 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;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or conduct.

Sec. 6. PROHIBITED GENDER-BASED HARASSMENT

Gender-based harassment includes physical, verbal, or nonverbal conduct based on a student's gender, the student's expression of characteristics perceived as stereotypical for the student's

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gender, or the student’s failure to conform to stereotypical notions of femininity or masculinity. Gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that it:

1. 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;
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

Examples of gender-based harassment, regardless of the student’s or alleged harasser’s actual or perceived gender, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Sec. 7. PROHIBITED RETALIATION

Ki Charter Academy prohibits retaliation against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Sec. 8. FALSE CLAIMS

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a Ki Charter Academy investigation regarding discrimination or harassment is subject to appropriate discipline.

Sec. 9. REPORTING PROCEDURES

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, Principal, or the appropriate Compliance Coordinator listed in this policy.

Any Ki Charter Academy employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate Compliance Coordinator listed in this policy, and take any other steps required by this policy.

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a) *Definition of Compliance Coordinator*

For the purposes of this policy, Compliance Coordinators are the Title IX Coordinator, the ADA/Section 504 coordinator, and the Superintendent or designee.

i. *Title IX Coordinator*

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX Coordinator. Ki Charter Academy designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended: Chris Allison, Title IX Coordinator, 120 Bert Brown Rd, San Marcos, Texas 78666, 210-410-5673.

ii. *ADA/Section 504 Coordinator*

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. Ki Charter Academy designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended: La'Keisha Brite, Special Education Director, 120 Bert Brown Rd, San Marcos, Texas 78666, 512-927-7819.

iii. *Coordinator for Purposes of Compliance with Other Nondiscrimination Laws*

The following person(s) have been designated to coordinate Ki Charter Academy's compliance with all other antidiscrimination laws; Chris Allison, Title IX Coordinator, 120 Bert Brown Rd, San Marcos, Texas 78666, 210-410-5673.

a) *Alternate Reporting Procedures*

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or ADA/Section 504 Coordinator, may be directed to the Superintendent or designee. Reports concerning prohibited conduct by the Superintendent or designee may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

b) *Timely Reporting*

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair Ki Charter Academy's ability to investigate and address the prohibited conduct.

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c) *Notice to Parents*

A Ki Charter Academy official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a Ki Charter Academy employee or another adult.

d) *Investigation*

Ki Charter Academy may request, but shall not insist upon, a written report. If a report is made orally, the school official shall reduce the report to written form.

Upon receipt or notice of a report, the appropriate Compliance Coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Compliance Coordinator shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If appropriate, Ki Charter Academy shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by a Compliance Coordinator or designee, or by a third party designated by Ki Charter Academy, such as an attorney. When appropriate, the Principal shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

e) *Concluding the Investigation*

Absent extenuating circumstances, the investigation should be completed within ten school business days from the date of the report. If the investigator determines that additional time is needed to complete a thorough investigation of the complaint and/or issue a report, he or she shall inform the complainant in writing of the necessity to extend the time for investigating or responding and a specific date by which the report will be issued.

The investigator shall prepare a written report of the investigation. The report shall be filed with the Compliance Coordinator overseeing the investigation.

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f) *School Action*

If the results of an investigation indicate that prohibited conduct occurred, Ki Charter Academy shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

Ki Charter Academy may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

g) *Confidentiality*

To the greatest extent possible, Ki Charter Academy shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

h) *Appeal*

A student who is dissatisfied with the outcome of the investigation may appeal through Board Policy PG-3.124 (Parent and Student Complaints and Grievances), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

i) *Records Retention*

Retention of records shall be in accordance with the applicable schedule published by the Texas State Library and Archives Commission.

Sec. 10. ACCESS TO POLICY

Information regarding this policy shall be distributed annually to Ki Charter Academy employees and distributed to parents and students through the Student Handbook. Copies of the policy shall be readily available at each campus and the Ki Charter Academy administrative offices.

Sec. 11. BULLYING PROHIBITED

Ki Charter Academy prohibits bullying, including cyberbullying, as defined by the Texas Education Code. Retaliation against anyone involved in the complaint process is also prohibited.

“Bullying” means 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 satisfies the applicability requirements in Section 2 below, and that:

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1. 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;
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or Ki Charter Academy; or
4. Infringes on the rights of the victim at school.

Bullying also includes “cyberbullying,” which means bullying done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

Sec. 12. APPLICABILITY OF POLICY

This policy applies to:

1. Bullying that 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;
2. Bullying that 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; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
 - a. Interferes with a student’s educational opportunities or
 - b. Substantially disrupts the orderly operation of a classroom, Ki Charter Academy, or a school-sponsored or school-related activity.

Bullying can occur by physical contact or through electronic means and may include, by way of example, teasing, name-calling, inappropriate sexual comments, taunting, threatening to cause harm, leaving someone out on purpose, spreading rumors, embarrassing someone in public, hitting, kicking, tripping, destruction of property, taking someone’s property, or making mean or rude hand gestures.

Sec. 13. RETALIATION

Ki Charter Academy prohibits retaliation against any person, including a victim, witness, or another person who, in good faith, provides information concerning an incident of bullying.

Examples of retaliation include threats, rumor spreading, ostracism, assault, destruction of property, or unwarranted grade reductions / unjustified punishment by staff members.

Sec. 14. REPORTING PROCEDURES

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. Reports should generally be made to the Principal or to a student's teacher. Failure to immediately report may impair Ki Charter Academy's ability to investigate and address the prohibited conduct.

Any Ki Charter Academy employee who suspects or receives notice that a student or group of students has or may have experienced bullying and/or cyberbullying shall immediately notify the Principal or Principal's designee.

A report may be made orally or in writing. The Principal or Principal's designee shall reduce any oral reports to written form. The Superintendent or designee shall develop a written form on which incidents of suspected bullying may be reported. The form shall allow for the anonymous submission of reports of suspected bullying.

c) *False Claim*

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a Ki Charter Academy investigation regarding bullying and/or cyberbullying shall be subject to appropriate disciplinary action.

d) *Notice to Parent or Guardian*

The Principal or Principal's designee shall provide notice of an incident of bullying to:

1. A parent or guardian of the alleged victim on or before the third school day after the date the incident is reported; and
2. A parent or guardian of the alleged bully, within a reasonable amount of time after the incident.

Education Code 37.0832.

Sec. 15. INVESTIGATION OF REPORT

The Principal or Principal's designee shall determine whether the allegations in the report, if proven, would constitute prohibited discrimination and/or harassment, and if so proceed under Board Policy PG-3.1 (Prohibited Discrimination, Harassment, and Retaliation) instead.

The Principal or Principal's designee shall conduct an appropriate investigation based on the allegations in the report, and shall take prompt interim action calculated to prevent bullying during the course of the investigation, if appropriate.

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Absent extenuating circumstances, the investigation should be completed within ten Ki Charter Academy business days from the date of the initial report. However, the Principal or Principal’s designee shall take additional time if necessary to complete a thorough investigation.

Following completion of the investigation, the Principal or Principal’s designee will prepare a written decision regarding the complaint. If the results of an investigation indicate that bullying and/or cyberbullying occurred, Ki Charter Academy shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the Student Code of Conduct. Ki Charter Academy may take action based on the results of an investigation, even if Ki Charter Academy concludes that the conduct did not rise to the level of bullying and/or cyberbullying as defined in this policy.

Ki Charter Academy may not impose disciplinary measures on a student who, after an investigation, is found to be a victim of bullying on the basis of that student’s use of reasonable self-defense in response to the bullying.

Discipline for bullying of a student with disabilities must comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act.

a) *Confidentiality*

To the greatest extent possible, Ki Charter Academy shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

b) *Appeal*

A parent or student who is dissatisfied with the outcome of the investigation may appeal under Board Policy PG-3.124 (Parent and Student Complaints and Grievances).

Sec. 16. ASSISTANCE FROM PRINCIPAL

Any student who feels that he or she may be the victim of bullying should contact the Principal or Principal’s designee to obtain assistance and intervention in response to the potential bullying.

The Principal or Principal’s designee shall notify the victim, the student who engaged in bullying, and any student(s) who witnessed the bullying of available counseling options.

Sec. 17. ACCESS TO POLICY

Information regarding this policy shall be distributed annually to Ki Charter Academy employees and included in the Student Handbook. Copies of the policy shall be readily available at each campus and the Ki Charter Academy administrative offices.

Sec. 18. REPORT TO LOCAL LAW ENFORCEMENT

A Principal or the Principal’s designee may make a report to local law enforcement officials if, after an investigation is completed, the Principal or Principal’s designee has reasonable grounds to believe that a student engaged in conduct that constitutes an offense under Section 22.01 (Assault) or 42.07(a)(7) (Harassment) of the Texas Penal Code.

A Principal’s designee may include any employee under the supervision of the Principal, other than a school counselor.

A report to local law enforcement officials may include the name and address of each student the Principal or Principal’s designee believes may have participated in the conduct.

Sec. 19. NON-DISCRIMINATION IN ADMISSIONS

It is the policy of Ki Charter Academy to comply with all state and federal regulations regarding admission and not to discriminate during the admission and the lottery process on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. *Education Code 12.111(a)(5)*.

Sec. 20. GENERAL ELIGIBILITY FOR ADMISSION

Ki Charter Academy shall generally admit all persons who reside within Ki Charter Academy’s geographic boundaries and for whom Ki Charter Academy operates a grade level sought and who, as of September 1 of any school year, are at least five years of age and under 21 years of age, or are at least 21 years of age and under 26 years of age and admitted by Ki Charter Academy to complete the requirements for a high school diploma, if the person meets any of the following conditions:

1. The applicant and either parent reside in Ki Charter Academy’s geographic boundaries.
2. The applicant does not reside in Ki Charter Academy’s geographic boundaries, but one of the parents resides within Ki Charter Academy’s geographic boundaries and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the applicant.
3. The applicant and his or her guardian or other person having lawful control under a court order reside within Ki Charter Academy’s geographic boundaries.
4. The applicant is under the age of 18 and has established a separate residence in Ki Charter Academy’s geographic boundaries separate and apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the applicant’s presence in Ki Charter Academy is not for the primary purpose of participation in extracurricular activities. However, Ki Charter Academy is not required to admit an applicant under this provision if the applicant:

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- a. Has engaged in conduct or misbehavior within the preceding year that has resulted in removal to a disciplinary alternative education program or expulsion;
 - b. Has engaged in delinquent conduct or conduct in need of supervision and is on probation or other conditional release for that conduct; or
 - c. Has been convicted of a criminal offense and is on probation or other conditional release.
5. The applicant is homeless, regardless of the residence of the applicant, of either parent of the applicant, or of the applicant’s guardian or other person having lawful control of the applicant.
 6. The applicant is a foreign exchange student placed with a host family that resides in Ki Charter Academy’s geographic boundaries by a nationally recognized foreign exchange program, unless Ki Charter Academy has applied for and been granted a waiver by the Commissioner because:
 - a. Admission would impose a financial or staffing hardship on Ki Charter Academy;
 - b. Admission would diminish Ki Charter Academy’s ability to provide high-quality education services for Ki Charter Academy’s domestic students; or
 - c. Admission would require domestic students to compete with foreign exchange students for educational resources.
 7. The applicant resides at a residential facility, as defined in Education Code 5.001, located within Ki Charter Academy’s boundaries.
 8. The applicant resides in Ki Charter Academy’s boundaries and is 18 or older or the applicant’s disabilities of minority have been removed.
 9. The applicant does not reside in Ki Charter Academy’s boundaries, but a grandparent resides in Ki Charter Academy’s boundaries and provides a substantial amount of after-school care for the applicant as determined by the Board.
 10. The applicant and either parent of the applicant reside in a residence homestead that is located on a parcel of property any part of which is located in Ki Charter Academy’s geographic boundaries.

Education Code 25.001.

Sec. 21. APPLICATION REQUIREMENT

Ki Charter Academy requires applicants to submit a complete application form in order to be considered for admission. The Superintendent or designee shall set a beginning and closing date for the application window for each school year.

In order to be eligible for admission, the applicant or qualifying occupant specified by Education Code 25.001(b) must generally reside in the geographic boundaries set by the Ki Charter Academy charter, and satisfy any other admissions criteria specified in this policy. *See* Sec. 10 below.

Sec. 22. LOTTERY PROVISIONS

A “lottery” for purposes of this policy is a non-weighted, random selection process that determines the order of enrollment of student applicants. A lottery is to be conducted if the number of applicants exceeds the maximum enrollment. The lottery shall take place within 10 days after the closing date of the application period. The lottery will be conducted via lottery selection software. The principal or designee of each campus will conduct the computerized lottery, with supervision by at least one member of the sponsoring entity or his or her designee and a representative from the Ki Charter Academy administration. This ensures that the admissions list and the waiting list are selected randomly. Results of the lottery shall be certified by a notary public.

Sec. 23. DEVELOPMENT OF WAITING LIST

The lottery will be paused momentarily after all available seats are filled. The drawing will then continue, and the randomly-selected numbers will be used to create a waiting list. As space becomes available, applicants will be called from the waiting list beginning with applicants with the lowest number assignment. Applicants selected by lottery will be “deemed admitted” and may proceed from provisional admission (Texas Education Code Section 25.002) to enrollment.

Sec. 24. ADMISSION PROCESS OF RETURNING STUDENTS

Returning students (students who currently attend Ki Charter Academy and intend to return the next school year) are exempted from the lottery if they notify Ki Charter Academy of their intent to return for the next school year by the deadline designated by the Superintendent or designee for the then-current school year.

Sec. 25. SIBLINGS POLICY AND CHILDREN OF THE SCHOOL’S FOUNDERS AND EMPLOYEES

Siblings of returning students currently enrolled at a Ki Charter Academy campus and who timely notify Ki Charter Academy of their intent to return for the next school year are exempt from the lottery and, space permitting, are automatically enrolled. For this policy “sibling” shall mean a biological or legally adopted brother or sister residing in the same household as the applicant. Cousins, nieces, nephews and unrelated children sharing an address with the applicant are not siblings. Sibling enrollment is dependent on available space and does not guarantee enrollment of each listed sibling.

Children of Ki Charter Academy’s founders, teachers, and staff (so long as the total number of students allowed constitutes only a small percentage of the total enrollment) are exempt from lottery requirements, as permitted by federal guidance on the Charter Schools Program.

Sec. 26. APPLICATIONS SUBMITTED OUTSIDE THE DESIGNATED APPLICATION PERIOD

If a student applies to Ki Charter Academy outside of the designated application period, the student will be placed on a waiting list in the order of the date in which the application is received.

Sec. 27. STUDENTS WITH DOCUMENTED HISTORIES OF A CRIMINAL OFFENSE AND/OR MISCONDUCT

As authorized by Education Code § 12.111(a)(5)(A), Ki Charter Academy shall exclude from enrollment those students who have a documented history of a criminal offense, a juvenile court adjudication, or other discipline problems under Subchapter A, Chapter 37 of the Education Code.

Sec. 28. DOCUMENTS AND INFORMATION APPLICANTS ARE REQUIRED TO PROVIDE

Applicants must complete and submit the common admission application form developed and made available by the Texas Education Agency (“TEA”) under Education Code 12.1173.

Applicants are not required to provide transcripts or other academic records until after they are offered admission.

Sec. 29. VERIFICATION OF RESIDENCY AND IMMUNIZATION RECORDS FOR ENROLLMENT

Verification of residency and current immunization records are required for all students enrolling. Every student enrolling for the first time must present a signed statement from a physician or documentation of immunizations as required by the Texas Department of Health, no later than 30 days after enrolling. Students who submit an affidavit from a physician stating immunizations should not be administered for medical reasons, and students who submit an affidavit signed by the student’s parent or guardian declining immunizations for reasons of conscience, will be excepted from this requirement. The parent or guardian must furnish records that verify the identity of the student.

A person’s “residence,” for the purpose of this policy is the true, fixed and permanent place where the qualifying occupant ordinarily lives and sleeps, not less than four nights during the school week and to which, when temporarily absent from the residence, the occupant intends to return. The qualifying occupant specified by Education Code 25.001(b) must generally reside in the authorized geographic boundaries of Ki Charter Academy, as described in the Ki Charter Academy charter. A person who is homeless, as defined by 42 U.S.C. 11302, need not reside within the geographic boundaries of Ki Charter Academy. In order to verify residency for enrollment, acceptable evidence of residency includes:

- Current property tax bill with parent/guardian’s name and property address;
- Current rental or lease agreement with parent/guardian’s name, student name, and address, as well as manager or owner’s name and telephone number;

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- Documents related to the purchase of the residence with the parent/guardian’s name and property address;
- Mail dated within 60 days before the application date from the following sources:
 - Social Security Administration;
 - A Texas State government agency;
 - Utility companies;
 - Credit card bill;
 - Financial institutions; including checking or savings;
 - Insurance companies;
 - State and Federal Revenue documents;
 - Paycheck information; and
 - Other sources or documents demonstrating residency.

If, at any time, a student's or qualifying occupant’s residence is in question, Ki Charter Academy may ask for additional documents for verification. If the parent or legal guardian cannot provide evidence of residency because the parent or legal guardian is living with a relative or friend, a notarized statement by the relative or friend may be accepted by Ki Charter Academy with the following stipulation:

- Notarized statement must state that the parent or legal guardian and child are living with the relative/friend;
- Notarized statement must state the name of the relative or friend who is on the relative or friend’s proof of residence;
- Notarized statement must state the same address of the relative or friend who is on the relative or friend’s proof of residence;
- A copy of the relative or friend’s proof of residence must be attached to the notarized statement (meeting the documentation criteria described above); and
- The notarized statement must be signed by the same name of relative or friend who is on the relative or friend’s proof of residence.

A person whose parent or guardian is an active-duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, may establish residency by providing to Ki Charter Academy a copy of a military order requiring the parent’s or guardian’s transfer to a military installation in or adjacent to Ki Charter Academy’s attendance zone. Such proof of residence shall be provided to Ki Charter Academy not later than the 10th day after the arrival date specified in the military order requiring the parent’s or guardian’s transfer. For purposes of this provision, the term “residence” includes residence in a military temporary lodging facility. *Education Code 25.001(c-1)-(c-2)*.

Subsequently, within 60 days, at least two current documents, Ki Charter Academy must be provided confirmation of residency from one or more of the following sources:

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- Credit card companies;
- U. S. Treasury;
- Social Security Administration, including benefits letter;
- Texas State government agencies (including city and county agencies);
- Utility companies;
- Financial institutions including checking, savings, or investment account statements;
- Insurance companies; or
- State and Federal Revenue departments.

Ki Charter Academy may conduct home-visits, at any time, to confirm residency of applicants and enrolled students. Falsification of residence on an enrollment form is a criminal offense.

Sec. 30. ADULT STUDENT ATTENDANCE REQUIREMENT FOR CONTINUED ADMISSION

A person who voluntarily attends school after his or her 19th birthday shall attend school each school day for the entire period the program of instruction is offered. Ki Charter Academy may revoke, for the remainder of the school year, the enrollment of a person who has more than five absences in a semester that are not excused under Education Code 25.087, except that Ki Charter Academy may not revoke the enrollment on a day on which the person is physically present at school. A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school grounds and a criminal trespass warning may be issued. Prior to revoking the person's enrollment, Ki Charter Academy shall issue a warning letter to the person, after the third unexcused absence, stating that the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester. As an alternative to revoking enrollment, Ki Charter Academy may impose a behavior improvement plan. *Education Code 25.085(e)*.

Sec. 31. STUDENT RESIDENCY SEPARATE FROM PARENT/GUARDIAN

In order to protect the best interests of students enrolled, for purposes of students under the age of 18 who have established a residence apart from the person's parent, guardian, or other person having lawful control, such persons must establish their separate residency and verify it with documentation acceptable to Ki Charter Academy in the same manner as other students. However, a student under 18 and not living with parents or guardian, who has engaged in conduct in the preceding year that has resulted in a disciplinary removal, alternative placement or expulsion, or who has engaged in delinquent conduct or conduct in need of supervision and is on probation or other conditional release for that conduct, or has been convicted of a criminal offense and is on probation or other conditional release, shall not be admitted to Ki Charter Academy. The Superintendent or designee shall follow "Students with Documented Histories of a Criminal Offense and/or Misconduct," above, in making such determination.

Sec. 32. ADMISSION OF HOMELESS STUDENTS

e) *Definitions*

“Enroll” and “enrollment” include attending classes and participating fully in school activities.

“Homeless child” or “homeless children” means children or youths who lack a fixed, regular, and adequate nighttime residence and includes:

1. Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
2. Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. Migratory children living in circumstances described above. “Migratory child” means a child who made a qualifying move in the preceding 36 months (a) as a migratory agricultural worker or a migratory fisher; or (b) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

“School of origin” means the school that the child attended when permanently housed or the school in which the child was last enrolled, including a preschool. When a child completes the final grade level served by the school of origin, the term “school of origin” shall include the designated receiving school at the next grade level for all feeder schools, as applicable.

“Unaccompanied youth” includes a homeless child or youth not in the physical custody of a parent or guardian.

f) *General Requirements*

As a condition of receiving federal funds under the McKinney-Vento Homeless Assistance Act, Ki Charter Academy shall, according to a homeless child’s best interest:

1. Continue the child’s education in the school of origin for the duration of homelessness;
 - a. If the child’s family becomes homeless between academic years or during an academic year; and
 - b. For the remainder of the academic year, if the child becomes permanently housed during an academic year; or
2. Enroll the child in any Ki Charter Academy school that non-homeless students who live in Ki Charter Academy’s geographic boundaries are eligible to attend.

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42 U.S.C. 11432(g)(3)(A).

In determining the best interest of a homeless child, Ki Charter Academy shall:

1. Presume that keeping the child in the school of origin is in the child’s best interest, except when doing so is contrary to the request of the child’s parent or guardian, or in the case of an unaccompanied youth the youth;
2. Consider student-centered factors related to the child’s best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children, giving priority to the request of the child’s parent or guardian or the unaccompanied youth;
3. If, after conducting the best interest determination based on consideration of the presumption in item 1 above and the student-centered factors in item 2 above, Ki Charter Academy determines that it is not in the child’s best interest to attend the school of origin or the school requested by the parent or guardian or the unaccompanied youth, provide the parent, guardian, or unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal as set forth in Sec. 13-f below; and
4. In the case of an unaccompanied youth, ensure that the homeless liaison assists in placement and enrollment decisions under these provisions, gives priority to the views of such unaccompanied youth, and provides the notice to such youth of the right to appeal as set forth in Sec. 13-f below.

42 U.S.C. 11432(g)(3)(B).

Ki Charter Academy shall not stigmatize or segregate a student who is homeless.

g) *Information from Parents*

Ki Charter Academy may require the parent or guardian of a homeless child to submit contact information. *42 U.S.C. 11432(g)(3)(H).*

h) *Enrollment*

Ki Charter Academy shall immediately enroll a homeless child, depending on available seats, even if the child:

1. Is unable to produce records normally required for enrollment, such as previous academic record, records of immunization and other required health records, proof of residency, or other document; or
2. Has missed application or enrollment deadlines during any period of homelessness.

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42 U.S.C. 11432(g)(3)(C).

i) *Enrollment in School of Origin*

In determining the best interest of the student for the purpose of continuing the student’s education in the school of origin, Ki Charter Academy shall presume that keeping the student in his or her school of origin is in the student’s best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth. Ki Charter Academy shall also consider the best interests of the student with regard to the impact of moving schools on the student’s achievement, education, health, and safety, including such relevant factors as:

1. Continuity of instruction;
2. Age and grade placement of the student;
3. Distance of the commute and its impact on the student’s education or special needs;
4. Personal safety of the student;
5. The student’s eligibility and need for any specialized services and supports, such as Section 504, special education and related services, or bilingual or English as a second language services;
6. Length of anticipated stay in a temporary shelter or other temporary location, if applicable;
7. Likely area of the family’s or youth’s future housing;
8. Time remaining in the school year; and
9. School placement of siblings.

Services, including transportation, that Ki Charter Academy is required to provide shall not be considered in determining the student’s school of attendance.

j) *Disputes Concerning Enrollment*

If a dispute arises over eligibility, or school selection or enrollment in a school:

1. The child shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;
2. The parent or guardian of the child or an unaccompanied youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by Ki Charter Academy, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
3. The parent, guardian, or unaccompanied youth shall be referred to the homeless liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
4. In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.

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42 U.S.C. 11432(g)(3)(E).

k) *Comparable Services*

Ki Charter Academy shall provide a homeless child with services comparable to those offered to other student in the school in which the child is enrolled. *42 U.S.C. 11432(g)(4).*

Sec. 33. ADMISSION OF MILITARY DEPENDENTS

a) *Applicability*

The provisions of Sec. 14 of this policy shall apply to the children of:

1. Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;
2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

Sec. 14 of this policy shall not apply to the children of:

1. Inactive members of the national guard and military reserves;
2. Members of the uniformed services now retired, except as provided above;
3. Veterans of the uniformed services, except as provided in this policy; and
4. Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Education Code 162.002 Article III.

b) *Definitions*

“Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

“Children of military families” means a school-aged child, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

“Deployment” means the period one month prior to the service members’ departure from their home station on military orders through six months after return to their home station.

“Transition” means:

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1. The formal and physical process of transferring from school to school; or
2. The period of time in which a student moves from one school in the sending state to another school in the receiving state.

“Uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

“Veteran” means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

Education Code 162.002 Article II.

c) *Eligibility for Enrollment*

Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

iv. *Continued Acceptance*

A transitioning military child, placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

Education Code 162.002 art. VI, § A.

d) *Education Records*

i. *Unofficial Records*

In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parents a complete set of unofficial education records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records, Ki Charter Academy shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

ii. *Official Records*

Simultaneous with the enrollment and conditional placement of the student, Ki Charter Academy shall request the student’s official education record from the sending district.

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Education Code 162.002 art. IV, §§ A–B.

e) Tuition

Ki Charter Academy is prohibited from charging tuition to:

1. A transitioning military child placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent; or
2. A student who is domiciled in another state and resides in military housing that is located within Ki Charter Academy’s boundaries.

Education Code 25.004, 162.002 art. VI, § A.

f) Grade-Level Placement

Students shall be allowed to continue their enrollment at grade level in Ki Charter Academy commensurate with their grade level, including kindergarten, from the sending district at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level shall be eligible for enrollment in the next highest grade level in Ki Charter Academy, regardless of age. A student transferring after the start of the school year shall enter Ki Charter Academy on his or her validated level from an accredited school in the sending state. *Education Code 162.002 art. IV, § D.*

g) Course Placement

When the student transfers before or during the school year, Ki Charter Academy shall initially honor placement of the student in educational courses based on the student’s enrollment in the sending district and/or educational assessments conducted at the sending district if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student’s academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude Ki Charter Academy from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s). *Education Code 162.002 art. V, § A.*

h) Educational Program Placement

Ki Charter Academy shall initially honor placement of the student in educational programs based on current educational assessments conducted at the sending district or participation/placement in like programs in the sending state. Such programs include, but are not limited to:

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1. Gifted and talented programs; and
2. English as a second language (ESL).

This does not preclude Ki Charter Academy from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, § B.*

i) Waivers

Ki Charter Academy administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered by Ki Charter Academy. *Education Code 162.002 art. IV, §§ A–B, D.*

Sec. 34. DISCREPANCIES IN STUDENT NAME

The Superintendent or designee shall notify the Missing Children and Missing Persons Information Clearinghouse if a child is enrolled under a name other than the name that appears on the identifying documents. If a student’s records have not been received within 30 days of a request, the Superintendent or designee shall notify local law enforcement for a determination of whether the child has been reported as missing. *Education Code 25.002(b).*

Sec. 35. FOOD ALLERGY INFORMATION

The parent of each student enrolled with Ki Charter Academy must complete a form provided by Ki Charter Academy that discloses (1) whether the child has a food allergy or a severe food allergy that should be disclosed to Ki Charter Academy to enable Ki Charter Academy to take any necessary precautions regarding the child’s safety and (2) specifies the food(s) to which the child is allergic and the nature of the allergic reaction.

For purposes of this requirement, the term “severe food allergy” means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

Ki Charter Academy may also require information from a child’s physician if the child has food allergies.

Food allergy information forms will be maintained in the child’s student records, and shall remain confidential. Information provided on food allergy information forms may be disclosed to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with Board policy and as permissible under the Family Educational Rights and Privacy Act of 1974 (“FERPA”).

Education Code 25.0022(a)-(c).

Sec. 36. COMPULSORY ATTENDANCE

A student who is at least six years of age, or who is younger than six and has previously been enrolled in first grade, and who has not yet reached his or her 19th birthday shall attend school, as well as any applicable accelerated instruction program, extended year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt. On enrollment in kindergarten or prekindergarten, a student shall attend school. *Education Code 25.085(a)-(c).*

Sec. 37. STUDENTS 19 AND OVER: VOLUNTARY ENROLLMENT

A student who voluntarily enrolls in school or voluntarily attends school after the student's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. If a student 19 or older has more than five unexcused absences in a semester, Ki Charter Academy may revoke the student's enrollment, except that Ki Charter Academy may not revoke the enrollment on a day on which the student is physically present at school. The student's presence on school property thereafter is unauthorized and may be considered trespassing.

Prior to revoking the student's enrollment, Ki Charter Academy shall issue a warning letter to the student, after the student's third unexcused absence, stating that the student's enrollment may be revoked for the remainder of the school year if the student has more than five unexcused absences in a semester. As an alternative to revoking enrollment, Ki Charter Academy may impose a behavior improvement plan described by Education Code 29.0915.

Education Code 25.085(e), (g).

Sec. 38. ACCELERATED INSTRUCTION

Unless exempted by law, a student must also attend:

1. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g); or
2. An accelerated instruction program to which the student is assigned under Education Code 28.0211.

Sec. 39. EXCUSED ABSENCES

Ki Charter Academy will excuse a student from attending school for the following purposes:

1) *Observing Religious Holy Days*

A student who is observing holy days is allowed up to one day of excused travel for travelling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site.

m) *Court Appearances*

A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site.

n) *Citizenship Paperwork*

A student who is appearing at a governmental office to complete paperwork required in connection with the student’s application for United States citizenship is allowed up to one day of excused travel for travelling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site.

o) *Citizenship Proceedings*

A student who is taking part in a United States naturalization oath ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site.

p) *Election Clerks*

A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site.

q) *Children in Conservatorship of DFPS*

Student absence will be excused for a student who is in the conservatorship of the Department of Family and Protective Services who misses school:

1. To participate in an activity ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours; or
2. To attend a mental health or therapy appointment or family visitation as ordered by a court under Family Code Chapter 262 or 263.

r) *Health Care Appointments*

Temporary absence resulting from an appointment with a health-care professional if the student commences classes or returns to school on the same day of the appointment. The appointment should be supported by a document such as a note from the health-care professional. “Temporary absence” includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student’s appointment with a health-care practitioner to receive a generally

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recognized service for persons with autism spectrum disorder, including applied behavior analysis, speech therapy, and occupational therapy.

s) *Taps at Military Funeral*

Ki Charter Academy may excuse a student in grades 6–12 for the purpose of sounding “Taps” at a military honors funeral held in Texas for a deceased veteran.

t) *Higher Education Visits*

Ki Charter Academy may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student’s junior and senior year for the purposes of determining the student’s interest in attending the institution of higher learning. Ki Charter Academy may not excuse for this purpose more than two days during the student’s junior year and two days during the student’s senior year. The student must obtain approval from the Principal or designee to visit an institution of higher education, follow campus procedures to verify such a visit, and make up any work missed.

u) *Military Dependents*

Ki Charter Academy shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student’s parent, stepparent, or guardian. Ki Charter Academy may not excuse a student under this provision more than five days in a school year. An excused absence for this reason must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment.

v) *Military Enlistment.*

Ki Charter Academy shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard. Ki Charter Academy may not excuse a student for this purpose more than four days of school during the period the student is enrolled in high school. Ki Charter Academy shall verify the student’s activities are related to pursuing enlistment in a branch of the armed services or the National Guard.

w) *Other Excused Absences.*

A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, Principal, or Superintendent.

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Education Code 25.087.

Sec. 40. PARENTAL CONSENT FOR ABSENCE

A student absent from school for any portion of a school day shall provide a note to the campus office upon return, signed by the parent or medical provider (see below) that describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted unless the student is 18 or older.

Sec. 41. FAILURE TO PROVIDE NOTE

Upon return to school, a student who has been absent and who fails within three days of the student's absence to bring a statement from a parent or medical provide verifying the illness or condition that caused the student's absence, the absence will be unexcused.

Sec. 42. MAKE-UP WORK

The student shall be allowed a reasonable time to make up schoolwork missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance. The student shall not be penalized for the absence. The Superintendent or designee shall prepare procedures for acceptance of make-up work.

Sec. 43. NOTICES TO PARENTS

Ki Charter Academy shall notify a student's parents in writing at the beginning of the school year that, if a student is absent from school on ten or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code 25.093; and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a). *Education Code 25.095(a).*

Sec. 44. NOTICE OF ABSENCES

Ki Charter Academy shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
 - a. It is the parent's duty to monitor the student's school attendance and require the student to attend school,
 - b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

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Education Code 25.095(b).

Sec. 45. FAILURE TO COMPLY WITH COMPULSORY ATTENDANCE

Ki Charter Academy employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school; from any class; from required special programs, such as additional special instruction, termed “accelerated instruction” by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, Ki Charter Academy shall, within ten school days of the student’s tenth absence, refer the student to a truancy court for truant conduct under Family Code 65.003(a). Ki Charter Academy may also file a complaint against the student’s parent in a county, justice, or municipal court for an offense under Education Code 25.093 if Ki Charter Academy provides evidence of the parent’s criminal negligence.

Education Code 25.0951.

Ki Charter Academy may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if Ki Charter Academy is applying truancy prevention measures to the student under Education Code 25.0915 and determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made. *Education Code 25.0951(d).*

Ki Charter Academy shall initiate truancy prevention measures under Education Code 25.0915 on a student, if the student fails to attend school without excuse on three or more days or parts of days within a four-week period, but does not fail to attend school for the time specified above. *Education Code 25.0915(a-4).*

a) *Truancy Prevention Measures*

In an effort to prevent truancy and to reduce the need for referrals to truancy court, Ki Charter Academy will take one or more of the following truancy prevention measures applicable to students identified as potential truants, designed to address student conduct related to truancy in the school setting before the student engages in truancy:

1. Impose a behavior improvement plan on the student signed by a Ki Charter Academy employee, that Ki Charter Academy has made a good faith effort to have signed by the student and the student’s parent or guardian, and that includes:
 - a. Specific description of the behavior that is required or prohibited for the student;
 - b. The period for which the plan will be effective, not to exceed 45 school days after the date the contract; or

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- c. The penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or
2. Impose school-based community service; or
3. Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student’s truancy.

Education Code 25.0915(a-1).

Ki Charter Academy shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student’s truancy is the result of:

1. Pregnancy;
2. Being in the state foster program;
3. Homelessness; or
4. Being the principal income earner for the student’s family.

Education Code 25.0915(a-3).

b) *Filing Requirements*

Each referral to a truancy court must include a statement from Ki Charter Academy certifying that Ki Charter Academy applied truancy prevention measures to the student and that the truancy prevention measures failed to meaningfully address the student’s school attendance. The referral must also specify whether the student is eligible for or receives special education services.

Education Code 25.0915(b).

Sec. 46. PARENTAL CONSENT FOR A STUDENT TO LEAVE CAMPUS

Ki Charter Academy operates a closed campus. Students are not allowed to leave for any reason during the school day without properly checking out in accordance with campus rules and procedures.

Sec. 47. RECORDS

Ki Charter Academy shall maintain records to reflect the average daily attendance for the allocation of Foundation School Program (“FSP”) and other funds allocated by the Texas Education Agency (“TEA”). Ki Charter Academy must maintain records and make reports concerning student attendance and participation in special programs as required by the Commissioner of Education (“Commissioner”). The Superintendent, Principals, and teachers are responsible to the Board and the state to maintain accurate, current attendance records. *19 TAC 129.21(a), (e).*

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Ki Charter Academy shall use the student attendance accounting standards established by the Commissioner to maintain records and make reports on student attendance and student participation in special programs. The official standards are described in TEA’s *Student Attendance Accounting Handbook* (“SAAH”). *19 TAC 129.1025*.

The Superintendent is responsible for the safekeeping of all attendance records and reports. The Superintendent may determine whether the properly certified attendance records or reports for the school year are to be stored in the central office, on the respective school campuses, or at another secure location. Regardless of where such records are filed or stored, they must be readily available for audit by the TEA. *19 TAC 129.21(d)*.

Sec. 48. MINIMUM ENROLLMENT

A student must be enrolled for at least two hours of instruction to be considered in membership for one half day, and for at least four hours of instruction to be considered in membership for one full day. *19 TAC 129.21(g)*.

x) *Full-Day Students*

Students enrolled on a full-day basis may earn one full day of attendance each school day. *19 TAC 129.21(h)(1)*.

y) *Half-Day Students*

Students enrolled on a half-day basis may earn only one half day attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half day they are scheduled to be present. *19 TAC 129.21(h)(1)*.

z) *Alternative Attendance Accounting Program*

Students who are enrolled in and participating in an alternative attendance accounting program approved by the Commissioner shall earn attendance according to the statutory and rule provisions applicable to that program. *19 TAC 129.21(h)(2)*.

Sec. 49. ATTENDANCE FOR STATE FUNDING PURPOSES

Attendance for all grades shall be determined by the absences recorded in the second or fifth period of the day, unless Ki Charter Academy has obtained permission from the TEA for an alternate period to record absences, unless the Board adopts a policy for recording absences in an alternate period or hour, or unless the students for which attendance is being taken are enrolled in and participating in a Commissioner-approved alternative attendance accounting program.

The established period in which absences are recorded may not be changed during the school year.

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Students absent during the daily period selected by Ki Charter Academy for taking attendance shall be counted absent for the entire day, unless the students are enrolled in and participating in a Commissioner-approved alternative attendance accounting program. Students present at the time attendance is taken shall be counted present for the entire day, unless the students are enrolled in and participating in a Commissioner-approved alternative attendance accounting program.

19 TAC 129.21(h).

a) *Funding for Off-Campus Programs*

Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program. A campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration of employment). This alternate attendance-taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, Ki Charter Academy must ensure that attendance is taken in accordance with the attendance accounting handbook adopted under 19 TAC 1025..

For Ki Charter Academy to receive FSP funding for a student participating in an off-campus program, Ki Charter Academy must have documentation of an agreement between Ki Charter Academy and the college. *19 TAC 129.1031(c), (d).*

Sec. 50. EXCEPTIONS

A student not actually on campus when attendance is taken may be considered in attendance for FSP purposes if:

a) *Board-Approved Activities*

The student is participating in a Board-approved activity under the direction of a member of Ki Charter Academy’s professional staff, or an adjunct staff member who has a bachelor’s degree and is eligible for participation in Teacher Retirement System of Texas (“TRS”).

b) *Mentorships*

The student is participating in a mentorship approved by Ki Charter Academy personnel to serve as one or more of the advanced measures needed to complete the Advanced/Distinguished Achievement Program.

c) *Excused Absences*

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The student is absent for one of the purposes listed in “Excused Absences for Compulsory Attendance Determinations” in Board Policy PG-3.36 (Compulsory Attendance).

d) *Other Absences*

The student’s absence is permitted by other conditions related to off-campus instruction described in the TEA’s SAAH.

19 TAC 129.21.

Sec. 51. PARENT CONSENT TO LEAVE CAMPUS

A student absent from school for any portion of a school day shall provide a note that describes the reason for the absence. The note shall be signed by the student’s parent or, if the student is 18 or older or is an emancipated minor, by the student.

Sec. 52. REPORTS TO TEA

In accordance with Commissioner rule, Ki Charter Academy will report the following through the Public Education Information Management System (PEIMS) information disaggregated by campus and grade regarding:

1. The number of students subject to compulsory attendance under TEC 25.085, who are not exempted from attendance under TEC 25.086, and fail to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year;
2. The number of students for whom Ki Charter Academy initiates a truancy prevention measure under TEC 25.0915(a-4); and
3. The number of parents of students against whom an attendance officer or other appropriate school official has filed a complaint of parent contributing to nonattendance under TEC 25.093.

Education Code 42.006(a-6).

Sec. 53. ATTENDANCE OFFICER

The Board has designated Campus Principals to serve as Ki Charter Academy’s Attendance Officer(s).

Sec. 54. POWERS AND DUTIES

The Attendance Officer(s) have the following powers and duties with respect to enforcement of compulsory school attendance requirements:

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1. To investigate each case of a violation of the compulsory school attendance requirements referred to the Attendance Officer(s);
2. To enforce compulsory school attendance requirements by:
 - a. Applying truancy prevention measures adopted under Education Code 25.0915 to a student; and
 - b. If the truancy prevention measures fail to meaningfully address the student’s conduct:
 - i. Referring a student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); and
 - ii. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;
3. To monitor school attendance compliance by each student investigated by the Attendance Officer(s);
4. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the Board, or the Commissioner of Education, to provide a record to the individual or entity requesting the record;
5. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the Attendance Officer(s) may not enter a residence without permission of the parent of the student or the owner or tenant of the residence; and
6. At the request of a parent, to escort a student from any location to a school campus to ensure the student’s compliance with compulsory school attendance requirements.

Education Code 25.091(a), (b-1).

Sec. 55. ATTENDANCE FOR CREDIT

Except as provided below and in accordance with Ki Charter Academy’s Charter, a student shall not be given credit or a final grade for a class unless the student is in attendance 90% of the days the class is offered. This restriction does not affect a student’s right to excused absences to observe religious holy days.

This attendance requirement includes both excused and unexcused absences. A student who attends fewer than 90% percent of the days the class is offered may be referred to the Attendance Review Committee (“Committee”) to determine whether the absences were due to extenuating circumstances and how the student may regain credit or earn a final grade.

Sec. 56. ATTENDANCE REVIEW COMMITTEE

The Board shall appoint one or more Committees to hear petitions for class credit by students who have not met the 90% rule to determine whether there are extenuating circumstances for the absences and how the student can regain credit, if appropriate.

aa) *Extenuating Circumstances*

In determining whether there were extenuating circumstances for the absences, the Committee will use the following guidelines:

1. All absences will be considered in determining whether a student has attended the required percentage of days.
2. If makeup work is completed, absences for the reasons listed at Board Policy PG-3.36 (Compulsory Attendance) will be considered days of attendance for this purpose.
3. A transfer or migrant student begins to accumulate absences only after he or she has enrolled in Ki Charter Academy.
4. For a student transferring into Ki Charter Academy after school begins, only those absences after enrollment will be considered.
5. In reaching a decision about the student's absences, the Committee will attempt to ensure that it is in the best interest of the student.
6. The Committee will consider the acceptability and authenticity of documented reasons for the student's absences.
7. The Committee will consider whether the absences were for reasons over which the student or the student's parent could exercise any control.
8. The Committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
9. The student, parent will be given an opportunity to present any information to the Committee about the absences and to talk about ways to earn or regain credit.

bb) *Conditions for Awarding Credit or a Final Grade*

The Committee may utilize any of the following conditions for regaining credit or earning a final grade for students with excessive absences:

1. Attending summer school.
2. Attending tutorial sessions, including Saturday school or before- or after-school programs.
3. Completing additional assignments, as determined by the Committee or teacher.
4. Maintaining attendance standards for the remainder of the semester.
5. Taking an examination to earn credit.

A student must earn a passing grade in order to receive credit or earn a passing grade.

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cc) Appeal

The student or parent may appeal the Committee’s decision to the Board by filing a written request with the Superintendent in accordance with Board Policy PG-3.124 (Parent and Student Complaints and Grievances).

Sec. 57. WITHDRAWAL FOR NONATTENDANCE

Ki Charter Academy may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent on ten or more consecutive school days; and
2. Repeated efforts by the attendance officer and/or Principal to locate the student have been unsuccessful.

Additionally, Ki Charter Academy may revoke the enrollment of a student 19 years of age or older who has more than five unexcused absences in one semester.

Sec. 58. ALCOHOL

To provide a safe and alcohol-free environment for students and employees, all alcoholic beverages are prohibited on Ki Charter Academy property at all times, and at all school-sanctioned activities occurring on or off school property. Student violators are subject to possible prosecution, as allowed by law, as well as the disciplinary terms of the Student Code of Conduct.

The Board of Directors may cooperate with local law enforcement officials and the Texas Alcoholic Beverage Commission in attempting to provide an alcohol-free environment and in enforcing the alcohol-free zone provisions in the Alcoholic Beverage Code.

Education Code 38.007(b).

Sec. 59. DRUG-FREE ZONES

In order to provide a safe drug-free environment for students and employees, Ki Charter Academy prohibits drugs and/or controlled substances (as defined in Health and Safety Code, Chapter 481) on Ki Charter Academy property at any time, and at all school-sanctioned activities occurring on or off Ki Charter Academy property.

A person commits an offense if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

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1. on the grounds or in a building of a public school; or
2. entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public school of this state is being held.

Education Code 37.122.

Sec. 60. ENFORCEMENT

Ki Charter Academy personnel shall enforce this policy on Ki Charter Academy property. Any student found in violation of these Policy shall be subject to disciplinary action in accordance with the Student Code of Conduct.

Ki Charter Academy prohibits students from smoking, using, or possessing e-cigarettes, vapor products, and tobacco products at school-related or school-sanctioned activities on or off Ki Charter Academy property.

E-Cigarette or electronic cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term also includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe; a dab pen; a vapor product; or any other similar device under another product name or description. Also included is any component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device. The term does not include a prescription medical device unrelated to the cessation of smoking.

The term includes:

1. A device regardless of whether it is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and
2. A component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Health and Safety Code 161.081(1-a).

Vapor product means electronic cigarettes (e-cigarettes) or any other device that uses a mechanical heating element, battery, or electronic circuit to deliver vapor that may include nicotine to the individual inhaling from the device, or any substance used to fill or refill the device.

Ki Charter Academy personnel shall enforce this policy on Ki Charter Academy property. Any student found in violation of this Policy shall be subject to disciplinary action in accordance with the Student Code of Conduct. *Education Code 38.006.*

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Sec. 61. ANTIVICTIMIZATION PROGRAM

Ki Charter Academy shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004.*

Sec. 62. DUTY TO REPORT

dd) *General Duty to Report*

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*. Ki Charter Academy may not require that school personnel report suspicions of child abuse or neglect to a school administrator prior to making a report to one of the agencies identified in Sec. 4 below. *19 TAC 61.1051(b)(5)*.

ee) *Reporting Abuse or Neglect of Persons with Disabilities*

Any person who has cause to believe that a person with a disability who is over the age of 18 or who has had the disabilities of minority removed is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services ("DFPS").

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose. *Human Resources Code 48.051, .054.*

ff) *Reporting Abuse or Neglect By A Professional*

Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect. A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, and juvenile probation, detention or correctional officers. *Family Code 261.101(b)*.

gg) Reporting Adult Victims of Abuse

A person or professional shall make a report in the manner required above if the person or professional has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1).*

hh) Refusal of Psychiatric or Psychological Treatment of a Child

An employee may not use the refusal of a parent, guardian, or managing or possessory conservator of a child to administer or consent to the administration of a psychotropic medication to a child, or to consent to any other psychiatric or psychological treatment of a child, as the sole basis for making a report of neglect of the child unless the refusal to consent:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111.

Sec. 63. CONTENTS OF REPORT

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104.

Sec. 64. ENTITIES TO WHOM REPORTS MUST BE MADE REPORTED

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to the DFPS, unless the report is made under item 3, below, or the report involves a juvenile justice program or facility.

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. The DFPS, including a local office where available;

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3. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
4. The agency designated by the court to be responsible for the protection of children.

Family Code 261.103(a); 19 TAC 61.1051(a)(1).

Sec. 65. IMMUNITIES

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106(a).*

Ki Charter Academy may not suspend or terminate the employment of, or otherwise discriminate against, a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b).*

Sec. 66. CRIMINAL OFFENSES

a) *Failure to Report*

A person commits a Class A misdemeanor if he or she has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report it as provided by law. Failure to report child abuse or neglect violates the Educator's Code of Ethics and may result in sanctions against an educator's certificate, as addressed in 19 TAC 249. *Family Code 261.109; 19 TAC 61.1051(b)(2)(A).*

b) *False Report*

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a).*

c) *Coercion*

A school employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency may be subject to Class C misdemeanor penalties. *Penal Code 39.06.*

Sec. 67. POTENTIAL SBEC PENALTIES

The State Board for Educator Certification (SBEC) may take action as allowed under 19 TAC 249.15(a) based on satisfactory evidence that a person has failed to report or has hindered the reporting of child abuse as required under Family Code 261.001, or has failed to notify the SBEC

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or the Superintendent or designee under the circumstances and in the manner required by Education Code 21.006 and 19 TAC 249.14(d)-(f). *19 TAC 249.15(b)(4)*.

Sec. 68. CONFIDENTIALITY

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act). Such information may be disclosed only for purposes consistent with federal or state law or under rules adopted by an investigating agency. *Family Code 261.201*.

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*.

Sec. 69. INVESTIGATIONS

a) *Reports to the School*

If the DFPS initiates an investigation and determines that the abuse or neglect involves a Ki Charter Academy employee, and that the child is a student at Ki Charter Academy, the department shall orally notify the Superintendent. *Family Code 261.105(d)*.

The DFPS shall, upon request, send a written report of its investigation, as appropriate, to the Principal, unless the Principal is alleged to have committed the abuse or neglect, to the Board, and to the Superintendent. *Family Code 261.406(b)*.

b) *Interviewing Students*

The investigating agency shall be permitted to interview the child at any reasonable time and place, including the child's school. *Family Code 261.302(b)*.

c) *Interfering with Investigation Confidentiality*

A person may not interfere with an investigation of a report of child abuse or neglect conducted by the DFPS. *Family Code 261.303(a)*.

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*.

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Sec. 70. ANNUAL REVIEW

The Board shall annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261, 19 TAC 61.1051, and 40 TAC Chapter 700 with respect to investigations by DFPS.

Sec. 71. VIOLATIONS OF POLICY

Any Ki Charter Academy employee who violates the reporting requirements under Chapter 261, Family Code is subject to disciplinary action, up to and including termination of employment.

Sec. 72. ANNUAL DISTRIBUTION AND STAFF DEVELOPMENT

The Superintendent or designee shall develop additional guidelines concerning the reporting of suspected child abuse and neglect. Such guidelines shall be distributed to all personnel at the beginning of each school year and shall be addressed in staff development programs at regular intervals determined by the Board. *19 TAC 61.1051(c)*.

Each school year, Ki Charter Academy shall provide training as required by Education Code 38.0041 to all new school employees as part of new employee orientation. *Education Code 38.0041; 19 TAC 61.1051(d)*.

Sec. 73. REQUIRED POSTER

Ki Charter Academy shall place a poster of the following specifications at every campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The poster must:

1. Be in a format and language that is clear, simple, and understandable to students;
2. Be in English and in Spanish;
3. Be 11x17 inches or larger;
4. Be in large print;
5. Be placed at eye-level to the student for easy viewing; and
6. Include the following information:
 - a. In bold print, the current toll-free DFPS abuse Hotline telephone number (1-800-252-5400);
 - b. Instructions to call 911 for emergencies; and
 - c. Directions for accessing the DFPS website (<http://www.txabusehotline.org>) for more information on reporting abuse, neglect, and exploitation.

Education Code 38.0042; 19 TAC 61.1051(e), (f).

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The Superintendent shall develop and publish a plan for addressing sexual abuse, sex trafficking, and other maltreatment of children as required by Texas Education Code 38.0041. Such plan shall include:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim of sexual abuse, sex trafficking, or other maltreatment, using resources developed by the Texas Education Agency (“TEA”);
2. Actions that a child who is a victim of sexual abuse, sex trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, sex trafficking, or other maltreatment.

Ki Charter Academy shall provide employee training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities. The training:

1. Must be provided, as part of a new employee orientation, to new Ki Charter Academy employees, including counselors and coaches, and other professional staff members according to a schedule adopted by the TEA until all employees have taken the training; and
2. Must include training concerning:
 - a. Factors indicating a child is at risk for sexual abuse, sex trafficking, or other maltreatment;
 - b. Likely warning signs indicating a child may be a victim of sexual abuse, sex trafficking, or other maltreatment;
 - c. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, sex trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
 - d. Techniques for reducing a child’s risk of sexual abuse, sex trafficking, or other maltreatment; and
 - e. Community organizations that have relevant existing research-based programs that are able to provide training or other education for school district or open-enrollment charter school staff members, students, and parents.

Ki Charter Academy shall maintain records that include the name of each staff member who participated in the training.

If the Superintendent or designee determines that Ki Charter Academy does not have sufficient resources to provide the training required under this policy, Ki Charter Academy shall work in

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conjunction with a community organization to provide the training at no cost to Ki Charter Academy.

Education Code 38.0041.

Sec. 74. IMMUNIZATION REQUIREMENTS

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis, unless exempted under applicable law. The Texas Department of State Health Services (“TDSHS”) may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school. *Education Code 38.001(a), (b).*

Students in kindergarten through twelfth grade shall have the following additional vaccines, according to the immunization schedules set forth in TDSHS regulations: pertussis, hepatitis B, hepatitis A, and varicella (chickenpox). TDSHS requires students enrolling in seventh through twelfth grades to have one dose of meningococcal vaccine on or after the student’s 11th birthday. *25 TAC 97.63.*

Under Health and Safety Code Chapter 81, Subchapter E, additional vaccinations may be required by TDSHS and/or the local health authority in specific situations under the mechanism of a control order containing control measures. *25 TAC 97.72.*

Sec. 75. IMMUNIZATION AWARENESS PROGRAM

Ki Charter Academy shall post prominently on its Web site:

1. A list, in English and Spanish, of:
 - a. The immunizations required by TDSHS for admission to public school;
 - b. Any immunizations or vaccines recommended for public school students by TDSHS. The list must include the influenza vaccine, unless TDSHS requires the influenza vaccine for admission to public school; and
 - c. Health clinics in Ki Charter Academy’s geographic boundaries that offer the influenza vaccine, to the extent those clinics are known to Ki Charter Academy; and
2. A link to the TDSHS Internet Web site where a person may obtain information relating to the procedures for claiming an exemption from the immunization requirements. The link must be presented in the same manner as the information provided under paragraph 1.

Education Code 38.019.

Sec. 76. APPLICABILITY OF IMMUNIZATION REQUIREMENTS

The vaccine requirements discussed in this policy apply to all students entering, attending, enrolling in, and/or transferring to Ki Charter Academy. 25 TAC 97.61(a).

ii) *Exceptions to Immunization Requirements*

Immunization is not required for admission if the student submits to Ki Charter Academy any of the following:

v. *Medical Reasons*

An affidavit or a certificate signed by the student’s physician (M.D. or D.O.) who is duly registered and licensed to practice medicine in the United States and who has examined the student. The affidavit or certificate must state that, in the physician’s opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or any member of the student’s household. Unless it is written in the statement that a lifelong condition exists, the exemption statement is valid for only one year from the date signed by the physician.

vi. *Reasons of Conscience*

An affidavit signed by the student or, if a minor, the student’s parent or legal guardian stating that the student declines immunization for reasons of conscience, including a religious belief. The affidavit will be valid for a two-year period. The affidavit must be on a form obtained from the TDSHS and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized. A student who has not received the required immunizations for reasons of conscience may be excluded from school in times of emergency or epidemic declared by the commissioner of state health services.

vii. *Military Duty*

If the student can prove that he or she is a member of the armed forces of the United States and is on active duty.

Education Code 38.001(c), (c-1), (f); Health and Safety Code 161.004(a), (d), .0041; 25 TAC 97.62.

Sec. 77. PROVISIONAL ENROLLMENT

A student may be provisionally admitted or enrolled if the student has begun the required immunizations. The student must have an immunization record that indicates the student has received at least one dose of each age-appropriate vaccine specified in the regulations.

a) *Completion of Vaccinations*

To remain enrolled, the student must continue to receive the necessary immunizations as rapidly as medically feasible. The student must complete the required subsequent doses in each vaccine series on schedule and as rapidly as is medically feasible and provide acceptable evidence of vaccination to Ki Charter Academy.

b) *Status Review*

Ki Charter Academy shall review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance and Ki Charter Academy shall exclude the student from school attendance until the required dose is administered.

Education Code 38.001(e); 25 TAC 97.66(a).

c) *Homeless Students*

A student who is homeless, as defined in the McKinney-Vento Homeless Assistance Act, shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. Ki Charter Academy shall promptly refer the student to appropriate health provider to obtain the required vaccinations. *25 TAC 97.66(b); 42 U.S.C. 11302.*

d) *Child in Foster Care*

A student who is a “child in foster care” as defined by 45 C.F.R. 1355.20(a) shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. Ki Charter Academy shall promptly refer the student to an appropriate health provider to obtain the required vaccinations. *25 TAC 97.66(c).*

e) *Transfer Students*

A student can be enrolled provisionally for no more than 30 days if the student transfers from one Texas school to another, and is awaiting the transfer of the immunization record. *25 TAC 97.69(a).*

f) *Military Dependents*

A military dependent can be enrolled provisionally for no more than 30 days if the student transfers from one school to another and is awaiting the transfer of the immunization record. The collection and exchange of information pertaining to immunizations shall be subject to confidentiality provisions prescribed by federal law. *Education Code 162.002 art. IV, C; 25 TAC 97.69(b).*

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Sec. 78. EVIDENCE OF IMMUNIZATION

A student shall show acceptable evidence of vaccination before entry, attendance, or transfer to Ki Charter Academy.

Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered. The following documentation is acceptable:

1. Documentation of vaccines administered that includes the signature or stamp of the physician or his or her designee, or public health personnel (immunization records generated from electronic health record systems must include clinic contact information and the provider's signature/stamp);
2. An official immunization record generated from a state or local health authority; or
3. An official record received from school officials including a record from another state.

25 TAC 97.68.

Serologic confirmations of immunity to measles, rubella, mumps, hepatitis A, hepatitis B, or varicella are acceptable. Evidence of measles, rubella, mumps, hepatitis A, hepatitis B, or varicella illnesses must consist of a valid laboratory report that indicates either confirmation of immunity or infection. A written statement from a parent, legal guardian, managing conservator, school nurse, or physician attesting to a child's positive history of varicella disease (chickenpox) or varicella immunity is acceptable in lieu of a vaccine record for that disease. 25 TAC 97.65.

Sec. 79. IMMUNIZATION RECORDS

Ki Charter Academy shall keep an individual immunization record during the period of attendance for each student admitted. The records shall be sufficient for a valid audit or other assessment to be completed. The records shall be open for inspection at all reasonable times by the Texas Education Agency, local health departments, or the TDSHS. Immunization records may be maintained in paper and/or electronic form. *Education Code 38.002(a); 25 TAC 97.67.*

a) *Transfer of Records*

Ki Charter Academy shall cooperate in transferring students' immunization records to other schools. Specific approval from students, parents, or guardians is not required before transferring those records. *Education Code 38.002(b).*

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b) *Annual Report*

Ki Charter Academy shall submit annual reports of the immunization status of students, in a format prescribed by and at the time and in the manner indicated by TDSHS, to monitor compliance with immunization requirements. *Education Code 38.002(c); 25 TAC 97.71.*

Sec. 80. CONSENT TO IMMUNIZATION

In addition to persons authorized to consent to immunization under Family Code Chapters 151 (parents) and 153 (conservators), the following persons may consent to the immunization of a child:

1. A guardian of the child; and
2. A person authorized under the law of another state or a court order to consent for the child.

Family Code 32.101(a).

Ki Charter Academy may give consent to the immunization if:

1. The persons listed above are not available; and
2. Ki Charter Academy has written authorization to consent from a person listed above.

Family Code 32.101(b)(5).

Ki Charter Academy may not consent for the child if it has actual knowledge that a person listed above has:

1. Expressly refused to give consent to the immunization;
2. Been told not to consent for the child; or
3. Withdrawn a prior written authorization for Ki Charter Academy to consent.

Family Code 32.101(c).

a) *Consent by Child*

A child may consent to the child's own immunization for a disease if the child is pregnant or is the parent of a child and has actual custody of that child, and the Centers for Disease Control and Prevention recommend or authorize the initial dose of an immunization for that disease to be administered before seven years of age. Consent by a child to immunization is not subject to disaffirmance because of minority.

Family Code 32.1011.

b) *Duty to Provide Information*

If Ki Charter Academy consents to immunization of a child, it shall provide the health-care provider with sufficient and accurate health history and other information necessary for the health-care provider to determine adequately the risks and benefits inherent in the proposed immunization and to determine whether immunization is advisable.

c) *Form of Consent*

Consent to immunization must be in writing, signed by the person giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment.

The consent must include:

1. The name of the child;
2. The name of one or both parents, if known, and the name of any managing conservator or guardian of the child; the name of the person giving consent and the person's relationship to the child;
3. A statement of the nature of the medical treatment to be given; and
4. The date the treatment is to begin.

Ki Charter Academy has the responsibility to ensure that the consent, if given, is an informed consent. Ki Charter Academy is not required to be present when the immunization is requested if a consent form has been given to the health-care provider.

Family Code 32.101(f), .002, .102.

d) *Liability*

Ki Charter Academy is not liable for damages arising from an immunization administered to a child authorized under Family Code Subchapter B except for injuries resulting from Ki Charter Academy's own acts of negligence. *Family Code 32.103.*

Sec. 81. CONSENT TO MEDICAL TREATMENT

Ki Charter Academy may consent to medical, dental, psychological, and surgical treatment of an enrolled student provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

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Family Code 32.001(a)(4).

jj) Form of Consent

Consent to medical treatment shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student;
2. The name of one or both parents or legal guardians, if known, and the name of the managing conservator or guardian of the student, if either has been appointed;
3. The name of the person giving consent and the person's relation to the student;
4. A statement of the nature of the medical treatment to be given; and
5. The date on which the treatment is to begin.

Family Code 32.002.

kk) Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is on active duty with the armed services of the United States of America;
2. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
3. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services, including all reportable diseases under Health and Safety Code 81.041;
4. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy;
5. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use; or
6. Is unmarried, is the parent of a child, and has actual custody of his or her child and consents to medical, dental, psychological, or surgical treatment for the child.

Family Code 32.003.

a) Purchasing Medication

Ki Charter Academy shall not purchase nonprescription medication to administer to a student.

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Sec. 82. SUNSCREEN PRODUCTS

A student may use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. *Education Code 38.021.*

Sec. 83. DIETARY SUPPLEMENTS

A Ki Charter Academy employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school duties; or
2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school duties.

Education Code 38.011(a), (c).

Sec. 84. PRESCRIPTION MEDICATION AND SPECIAL EDUCATION STUDENTS

A Ki Charter Academy employee is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services. An employee is not prohibited from consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services. *20 U.S.C. 1412(a)(25).*

Sec. 85. STUDENT ILLNESS

The Superintendent or designee shall establish procedures to ensure that proper attention is given to a student who becomes ill during the school day.

Sec. 86. ACCIDENTS INVOLVING STUDENTS

The Superintendent or designee shall establish emergency procedures to ensure appropriate attention for a student injured at school. Ki Charter Academy shall maintain records on all accidents requiring the attention of a medical doctor.

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Sec. 87. EMERGENCY TREATMENT FORMS

Each year, students and parents shall complete and sign a form that provides emergency information and authorizes school officials to obtain emergency medical treatment, as provided by law.

Sec. 88. STANDARDS FOR ADMINISTERING MEDICATION AT SCHOOL

All medications administered to students shall be FDA-approved pharmaceuticals administered within their approved dosage and within standards of acceptable medical regimen. Research pharmaceuticals may be administered if they are a part of a University Institutional Review Board-approved protocol. Intravenous (IV) medications and treatments shall not be administered by Ki Charter Academy personnel.

Sec. 89. AUTHORIZED PERSONNEL

Ki Charter Academy employees shall not give any student prescription medication, nonprescription medication, herbal substances, or dietary supplements of any type, except as provided below. Employees authorized by the Superintendent or designee may administer to students:

ll) *Administering Prescription Medication*

Prescription medication upon written request to administer the medication from the student's parent, guardian, or other person having legal control of the student. When administering prescription medication, the medication must be administered either:

1. From a container that appears to be from the original container and properly labeled; or
2. From a properly labeled unit dosage container filled by a registered nurse from a container that appears to be the original container and to be properly labeled.

All prescription medications shall have been prescribed by a physician licensed to practice medicine in the United States. All medications shall have been manufactured in the United States.

Texas Department of State Health Services Guide to Medication Administration in the School Setting

mm) *Administering Nonprescription Medication*

i. *Nonprescription Medication Administered upon Parent Request*

Nonprescription medication may be administered by authorized Ki Charter Academy approved personnel upon a parent's written request, when properly labeled and in the original container; or

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if required by the individualized education program (“IEP”) or Section 504 plan of a student with disabilities.

ii. *Nonprescription Medication Administered by Ki Charter Academy*

Authorized Ki Charter Academy approved personnel may administer nonprescription medication on an emergency basis and consistent with protocols established by Ki Charter Academy’s medical adviser and parent consent given on an emergency treatment form.

nn)Herbal Substances or Dietary Supplements

Herbal substances or dietary supplements may be administered by authorized Ki Charter Academy approved personnel **only if** required by the IEP or Section 504 plan of a student with disabilities.

oo) Provision of Medication Off-Campus at School-Sponsored Events

For any Ki Charter Academy student attending a field trip or off-campus school-sponsored event, any prescription medication that Ki Charter Academy is required to administer under this policy shall be sent with the student’s teacher or another staff member trained in the proper administration of medication and who has been authorized to administer medication by the Superintendent or designee, along with instructions on the administration of the medication.

In addition to trained and authorized Ki Charter Academy teacher(s) and/or nurse(s), a licensed physician in Texas, a registered nurse licensed in Texas, or a vocational nurse licensed in Texas may serve as a Ki Charter Academy volunteer to administer prescription and non-prescription medication in accordance with this policy when on field trips and/or off-campus or on school-sponsored events. Prior to being allowed to do so, such individuals must meet with the school nurse for instruction and training on administration of medication for applicable students.

Nonprescription medication(s) generally are not administered by Ki Charter Academy during field trips and/or off-campus or on school-sponsored events.

In the event of an emergency medical situation involving a Ki Charter Academy student for which no Ki Charter Academy employee was previously aware and that occurs during a field trip and/or during an off-campus, school-sponsored event when no school nurse is present, emergency medical services shall immediately be notified by any Ki Charter Academy employee in attendance.

Sec. 90. PSYCHOTROPICS

Except as permitted by Education Code 38.016, a Ki Charter Academy employee shall not:

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1. Recommend to a student, parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent’s refusal to consent to psychiatric evaluation or examination or treatment of the student.

Education Code 38.016.

Sec. 91. REPORTS

Ki Charter Academy authorities, including the Superintendent, Principals, teachers, school health officials, or counselors, shall report to the local health authority those students attending school who are suspected of having a notifiable condition, as defined by state law and the Texas Department of State Health Services (“TDSHS”). If there is no local health authority appointed or if PC is outside the jurisdiction of a local health authority, the report shall be made to the regional director. *25 TAC 97.2(d), .5(a); Health and Safety Code 81.041–.042.*

pp) *Sexually Transmitted Diseases and HIV*

In addition to the reporting requirements identified above, the Superintendent or designee shall report cases and suspected cases of sexually transmitted diseases in the manner outlined in 25 TAC 97.133. *25 TAC 97.132(a)(1).*

qq) *Penalties*

A person commits a Class B misdemeanor if the person knowingly fails to report a reportable disease or health condition under Health and Safety Code Chapter 81, Subchapter B. *Health and Safety Code 81.049.*

Sec. 92. EXCLUSION FROM SCHOOL

Principals shall exclude from attendance any student suffering from a communicable condition listed in 25 TAC 97.7(a) until the readmission criteria for the condition are satisfied. *25 TAC 97.7(a).*

Additionally, Principals shall exclude from attendance any student having or suspected of having a communicable disease designated by the Commissioner of State Health Services as a cause for exclusion. A child excluded for such reason may be readmitted, as determined by the health authority, by:

1. Submitting a certificate of an attending physician, advanced practice nurse, or physician assistant attesting that the child does not currently have signs or symptoms of a communicable disease or to the disease’s non-communicability in a school setting;

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2. Submitting a permit for readmission issued by a local health authority; or
3. Meeting readmission criteria set by the Commissioner of State Health Services.

25 TAC 97.7(b)-(c).

Sec. 93. BACTERIAL MENINGITIS

In accordance with guidelines provided by the Texas Education Agency, Ki Charter Academy shall provide information relating to bacterial meningitis to its students and their parents each school year in a manner ensuring that the information is reasonably likely to come to the attention of the parents of each student. *Education Code 38.0025.*

Sec. 94. ISSUES RELATED TO HEAD LICE

a) *No Exclusions from School*

Students should not be excluded from school due to the presence of head lice. The Centers for Disease Control and Prevention (“CDC”), the American Academy of Pediatrics, and the TDSHS have noted that there is little evidence that exclusion from school reduces the transmission of head lice.

The goal of lice prevention and control in Ki Charter Academy is to limit the spread of lice from one student to another through accurate diagnosis and meaningful and consistent communication and education.

b) *Students with Head Lice*

When a student is suspected of having head lice, the school nurse or another school official shall inspect the child. Children shall be inspected by the school nurse or another school official with consideration for privacy and confidentiality.

Any student identified with live lice will be sent home after Ki Charter Academy contacts the parent. The parent will be advised to treat the child for head lice. Educational materials about treatment and prevention may be given to the parent/guardian.

c) *Parent Notice*

When the school nurse or other school official determines or otherwise becomes aware that a child enrolled in an elementary grade has lice, Ki Charter Academy shall provide written or electronic notice of that fact to:

1. The parent of the child with lice as soon as practicable, but not later than 48 hours after Ki Charter Academy, determines or becomes aware of that fact; and

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2. The parent of each child assigned to the same classroom as the child with lice not later than the fifth school day after the date on which Ki Charter Academy determines or becomes aware of that fact.

The notices provided to parents will include the recommendations of the CDC for the treatment and prevention of lice, and the notice to the parent of each child assigned to the same classroom as the child with lice (as described in item 2 above) may not identify the child with lice.

Education Code 38.031.

Sec. 95. STUDENTS AT RISK FOR ANAPHYLAXIS

rr) *Welfare Plan*

The Board shall adopt and implement a plan for the care of students with a diagnosed food allergy at risk for anaphylaxis based on “*Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis,*” as developed by the Commissioner of State Health Services.

The Board shall annually review and, as necessary, revise its policy for the care of students with a diagnosed food allergy risk for anaphylaxis to ensure the policy is consistent with the most current version of the “*Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis.*”

The adoption and implementation of such plan does not waive any liability or immunity of Ki Charter Academy or its officers or employees, or create any liability for or cause of action against Ki Charter Academy or its officers or employees.

ss) *Required Website Posting*

Each school year, Ki Charter Academy shall post a summary of the “*Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis*” on the Ki Charter Academy website, including instructions on obtaining access to the complete guidelines document. The Ki Charter Academy website must be accessible by each enrolled student and a parent or guardian of each student.

Any forms used by Ki Charter Academy requesting information from a parent or guardian enrolling a child with a food allergy must include information to access on Ki Charter Academy’s website a summary of the guidelines and instructions on obtaining access to the complete guidelines document.

Education Code 38.0151(b).

Sec. 96. FOOD ALLERGY MANAGEMENT

The Superintendent or designee shall develop and implement a student food allergy management plan for students at risk for anaphylaxis that incorporates the following components:

a) *General Procedures*

Procedures to limit the potential health risks to students with food allergies will include:

1. Specialized training for the employees responsible for the development, implementation, and monitoring of Ki Charter Academy’s food allergy management plan;
2. Training for employees regarding signs and symptoms of food allergies and emergency response in the event of an anaphylactic reaction;
3. General strategies to reduce the risk of exposure to common food allergies;
4. Methods for requesting and obtaining food allergy information from the parent of a student with a diagnosed food allergy; and
5. The annual review of Ki Charter Academy’s food allergy management plan.

b) *Students at Risk for Anaphylaxis*

Procedures for the care of students with diagnosed food allergies who are at risk for anaphylaxis will include:

1. Development and implementation of food allergy action plans, emergency action plans, and Section 504 plans, as appropriate;
2. Training, as necessary, for employees, including strategies for reducing student risk of exposure to diagnosed allergens; and
3. Periodic review of general procedures to limit the potential health risks to students.

c) *Distribution*

The Superintendent shall distribute information regarding this policy and Ki Charter Academy’s food allergy management plan annually in the student handbook. Information will also be made available at each Ki Charter Academy campus.

Sec. 97. SEIZURE MANAGEMENT AND TREATMENT PLANS

a) *General Requirements*

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The parent or guardian of a student with a seizure disorder may seek care for the student’s seizures while the student is at school or participating in a school activity by submitting to Ki Charter Academy a copy of a seizure management and treatment plan developed by the student’s parent or guardian and the physician responsible for the student’s seizure treatment. The plan must be submitted to and reviewed by Ki Charter Academy:

1. Before or at the beginning of the school year;
2. On enrollment of the student if the student enrolls after the beginning of the school year;
or
3. As soon as practicable following a diagnosis of a seizure disorder for the student.

Education Code 38.032(a).

b) *Seizure Management and Treatment Plan Requirements*

A seizure management and treatment plan must:

1. Identify the health care services the student may receive at school or while participating in a school activity;
2. Evaluate the student’s ability to manage and level of understanding of the student’s seizures; and
3. Be signed by the student’s parent or guardian and the physician responsible for the student’s seizure treatment.

Education Code 38.032(b).

c) *Immunity Protections*

The care of a student with a seizure disorder by a Ki Charter Academy employee under a seizure management plan is incident to or within the scope of the duties of the employee’s position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Education Code 22.0511. *Education Code 38.032(c).*

The immunity from liability provided by Education Code 22.0511 applies to an action or failure to act by a Ki Charter Academy employee in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure management plan submitted for the student. *Education Code 38.032(d).*

Sec. 98. PHYSICAL FITNESS ASSESSMENT

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Ki Charter Academy shall annually assess the physical fitness of students in grades 3 or higher using an assessment instrument adopted by the Commissioner of State Health Services (“CSHS”) (currently FitnessGram®). *Education Code 38.101(a), .102(a)*.

Ki Charter Academy is not required to assess a student for whom, as a result of disability or other condition identified by CSHS rule, the assessment instrument is inappropriate. *Education Code 38.101(b)*.

tt) Report to Texas Education Agency (“TEA”)

Ki Charter Academy shall compile the results of the physical fitness assessment and provide summary results, aggregated by grade level and any other appropriate category identified by CSHS rule, to the TEA. The summary results may not contain the names of individual students or teachers, or a student’s date of birth or social security number.

uu) Assessment Confidentiality

The results of individual student performance on the physical fitness assessment instrument are confidential and may be released only in accordance with state and federal law. *Education Code 38.103*.

Sec. 99. SCREENINGS: VISION AND HEARING

As soon as possible after admission and within a period set by CSHS rule, a student required to be screened shall undergo approved screening for vision and hearing disorders and any other special senses and communication disorders specified by the Texas Department of State Health Services (the “TDSHS”). *Health and Safety Code 36.005(a)*.

a) Superintendent’s Responsibility

The Superintendent shall ensure that each student admitted to Ki Charter Academy complies with the screening requirements set by the TDSHS or submits an affidavit of exemption. *Health and Safety Code 36.005(c)*.

b) Screening Schedule: Routine Screening

Children enrolled in prekindergarten and kindergarten must be screened each year within 120 days of enrollment. Children enrolled in the first, third, fifth, and seventh grades must receive vision and hearing screening in each of those grade years (can be done at any time during each of those years). Upon written request approved by the TDSHS, the screening of vision and hearing may instead occur in prekindergarten; kindergarten; and first, second, fourth, and sixth grades. *25 TAC 37.25(a)(2), (3), (6)*.

c) *Screening Schedule: Screening on Enrollment*

Students four years of age and older, who are enrolled in Ki Charter Academy for the first time, must be screened for possible vision and hearing problems within 120 calendar days of enrollment. If the student is enrolled within 60 days of the date school closes for the summer, the student must be tested within 120 days of the beginning of the following school year. Students enrolled who turn four years of age after September 1 of that year are exempt from screening until the following September. *25 TAC 37.25(a)(1), (5).*

d) *Outside Screening*

Except for students enrolled in prekindergarten, kindergarten, or first grade, Ki Charter Academy shall exempt a student from screening if the student's parent, managing conservator, or legal guardian, or the student under scenarios described at Family Code 32.003 submits a record showing that a professional examination was properly conducted during the grade year in question or during the previous year. The record must be submitted during the grade year for which the screening would otherwise be required. *25 TAC 37.25(a)(4).*

e) *Provisional Admission*

A parent, managing conservator, or legal guardian, or the student under scenarios described at Family Code 32.003 may execute an affidavit stating that a person, other than the screener used by Ki Charter Academy, shall conduct the screening (or that a licensed professional shall conduct an examination) as soon as is feasible. Ki Charter Academy may admit the student on a provisional basis for up to 60 days, or may deny admission until the screening record(s) are provided to Ki Charter Academy. *25 TAC 37.25(b).*

f) *Exemption – Religions Beliefs*

A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student's parent, managing conservator, or guardian must submit on or before the day of admission an affidavit stating the objections to screening. *Health and Safety Code 36.005(b); 25 TAC 37.25(c).*

g) *Records*

The Superintendent shall maintain on a form prescribed by the TDSHS in accordance with TDSHS rules, screening records for each student in attendance, and the records are open for inspection by the TDSHS or the local health department. *Health and Safety Code 36.006; 25 TAC 37.26.*

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A student’s screening records may be transferred among districts without the consent of the student or minor student’s parent, managing conservator, or guardian. *Health and Safety Code 36.006(c); 25 TAC 37.26(b)(4)*.

h) Annual Report

On or before June 30 of each year, Ki Charter Academy shall submit to the TDSHS a report on the vision and hearing screening status of its aggregate population screened during the reporting year. Ki Charter Academy shall report in the manner specified by the TDSHS. *Health and Safety Code 36.006(d); 25 TAC 37.26(b)(6)*.

Sec. 100. SCREENINGS: RISK ASSESSMENT FOR TYPE 2 DIABETES

As soon as possible after admission and as required by rule, each student required to be assessed shall undergo approved risk assessment for type 2 diabetes. The risk assessment should:

1. Identify students with acanthosis nigricans; and
2. Further assess students identified under paragraph 1 to determine the students’:
 - a. Body mass index; and
 - b. Blood pressure.

The risk assessment shall be performed at the same time hearing and vision screening or spinal screening is performed.

Health and Safety Code 95.002(d), .003(a).

a) Superintendent’s Responsibility

The Superintendent shall ensure that each student admitted to Ki Charter Academy complies with the risk assessment requirements or submits an affidavit of exemption. *Health and Safety Code 95.003(c)*.

b) Applicability

Students who attend public schools located in the TEA Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, and 20 shall be subject to risk assessment. *Health and Safety Code 95.002(b)*.

c) Outside Screening

The student or minor student’s parent, managing conservator, or guardian may substitute a professional examination for the risk assessment.

d) *Exemption – Religious Beliefs*

A student is exempt from risk assessment if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student’s parent, managing conservator, or guardian must submit to the Superintendent on or before the day of the risk assessment process, an affidavit stating the objections to the risk assessment. *Health and Safety Code 95.003(b)*.

e) *Records*

The Superintendent shall maintain the risk assessment records for each student in attendance and enter the risk assessment information for each student on the surveillance software selected by the University of Texas—Pan American Border Health Office (the Office). The risk assessment records are open for inspection by the Office or the local health department. *Health and Safety Code 95.004(a)*.

A student’s risk assessment records may be transferred among schools without the consent of the student or, if the student is a minor, the student’s parent, managing conservator, or guardian. *Health and Safety Code 95.004(c)*.

f) *Annual Report*

Ki Charter Academy shall submit to the Office an annual report on the risk assessment status of the students in attendance during the reporting year and shall include in the report any other required information. *Health and Safety Code 95.004(e)*.

Sec. 101. SCREENINGS: SPINAL SCREENING

Each student required by the TDSHS rule to be screened shall undergo approved screening for abnormal spinal curvature. *Health and Safety Code 37.002(a)*.

a) *Superintendent’s Responsibility*

The Superintendent shall ensure that each student admitted to Ki Charter Academy complies with the screening requirements or submits an affidavit of exemption. *Health and Safety Code 37.002(c), 25 TAC 37.144(b)*.

The Superintendent is also responsible for notifying a parent, guardian, or managing conservator of the requirement to conduct spinal screenings, the purpose and reasons for spinal screenings, the potential risk to the child if declined, the method used to perform a spinal screening, and the method to decline a spinal screening based on a religious belief exemption. *25 TAC 37.144(a)*.

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b) *Screening Schedule: Routine Screening*

Students who meet the criteria outlined in TDSHS policy shall be screened for abnormal spinal curvature before the end of the school year. 25 TAC 37.144(c)(1).

c) *Screening Schedule: Screening at Enrollment*

If a student is enrolled within 60 days of the date Ki Charter Academy closes for the summer, the student's screening must be conducted within 120 days of the beginning of the following school year. Ki Charter Academy may offer a student the opportunity for a spinal screening if the student has no record of having been screened previously. 25 TAC 37.144(c)(2), (3).

d) *Outside Screening*

The screening requirements may also be met by a professional examination as defined in 25 TAC 37.142(7). 25 TAC 37.144(c)(1).

e) *Provisional Admission*

A parent, managing conservator, or legal guardian, or the student under Family Code 32.003 may execute an affidavit stating that a person, other than the screener used by Ki Charter Academy, shall conduct the screening as soon as is feasible. Ki Charter Academy may admit the student on a provisional basis for up to 60 days, or may deny admission until the screening records are provided to Ki Charter Academy. The 60-day time period is from November 30 to January 30 of each school year. 25 TAC 37.144(d).

f) *Exemption – Religious Beliefs*

A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or member. To qualify for the exemption, the student's parent, managing conservator, or guardian must submit to the Superintendent on or before the day of the screening procedure an affidavit stating the objections to screening. *Health and Safety Code 37.002(b)*; 25 TAC 37.144(e).

g) *Records*

Ki Charter Academy must comply with recordkeeping and reporting requirements set out in 25 TAC 37.145(b).

h) *Transfer of Records*

Spinal screening records are transferrable between schools without the consent of the individual or, if the individual is a minor, the minor’s parent, managing conservator, or legal guardian. *25 TAC 37.145(b)(3)*.

i) *Annual Report*

On or before June 30 of each year, Ki Charter Academy shall submit to the TDSHS a complete and accurate annual report on the spinal screening status of its aggregate population screened during the reporting year. Ki Charter Academy shall report in the manner specified by the TDSHS (currently found at <http://chrstx.dshs.state.tx.us>. *25 TAC 37.145(b)(5)*).

Sec. 102. UNIVERSITY INTERSCHOLASTIC LEAGUE (“UIL”) PARTICIPATION

A student desiring to participate in the UIL athletic program shall submit to Ki Charter Academy a statement from a health care provider authorized under UIL rules indicating that the student has been examined and is physically able to participate in the athletic program. This examination is required for the first year of middle school competition and grades 9 and 11 of high school competition. In other years, the student shall complete a medical appraisal form. A student may be required to have a physical examination based on answers to the appraisal form.

Sec. 103. REFERRALS

Parents of students identified through screening programs as needing treatment or further examination shall be referred to health agencies as appropriate.

Sec. 104. ADDITIONAL POLICIES

As a condition of receiving funds under a program funded in whole or in part by the U.S. Department of Education (DOE), Ki Charter Academy shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the administration of physical examinations or screenings that Ki Charter Academy may administer to the student. Ki Charter Academy shall provide notice of the policies at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies.

At least annually at the beginning of the school year, Ki Charter Academy shall directly notify the parent of a student of the specific or approximate dates during the school year when any nonemergency, invasive physical examination or screening, described below, is scheduled or expected to be scheduled. The required notification applies to nonemergency, invasive physical examinations or screenings that are:

1. Required as a condition of attendance;

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2. Administered and scheduled by Ki Charter Academy in advance; and
3. Not necessary to protect the immediate health and safety of the student or of other students.

At a minimum, Ki Charter Academy shall offer an opportunity for the parent to opt the student out of participation in the examination or screening.

These provisions do not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

20 U.S.C. 1232h.

The Superintendent or designee shall ensure that the notice regarding legal restrictions on anabolic steroids required by Education Code 38.008 is posted in a conspicuous location in the gymnasium of each school in which there is a grade level of seven or higher and in each other place in a building where physical education classes are conducted.

Specifically, the notice shall state:

Anabolic steroids are for medical use only. State law prohibits possessing, dispensing, delivering, or administering an anabolic steroid in any manner not allowed by state law. State law provides that body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a person who is in good health is not a valid medical purpose. Only a medical doctor may prescribe an anabolic steroid or human growth hormone for a person. A violation of state law concerning anabolic steroids or human growth hormones is a criminal offense punishable by confinement in jail or imprisonment in the Texas Department of Criminal Justice.

Education Code 38.008.

Sec. 105. WELLNESS

Ki Charter Academy shall follow nutrition guidelines that advance student health and reduce childhood obesity and shall promote the general wellness of all students by implementing measurable goals to promote sound nutrition and health through nutrition education, physical activity, and other school-based activities.

Sec. 106. DEVELOPMENT OF LOCAL WELLNESS PLAN

The Superintendent or designee shall appoint a school wellness council (“SWC”) to review and consider evidence-based strategies and techniques and to develop nutrition guidelines and wellness goals as required by law. In developing, implementing, and reviewing the guidelines and goals of the local wellness plan, the SWC will allow participation by parents; students; representatives of

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Ki Charter Academy’s food service provider; Ki Charter Academy physical education teachers, campus and/or district-level administrators, and school health professionals; Board members; and community members.

The SWC shall develop a wellness policy to implement Ki Charter Academy’s nutrition guidelines and goals. The local wellness plan must address, at a minimum:

1. Strategies for soliciting involvement by and input from individuals interested in the wellness plan and policy;
2. Activities, benchmarks, and objectives for implementing wellness goals;
3. Methods for measuring implementation of wellness goals;
4. Ki Charter Academy’s standards for foods and beverages provided (but not sold) to students during the school day and while on campus; and
5. Methods for communicating to the public information about Ki Charter Academy’s local wellness plan.

The SWC will review and revise the wellness plan on a regular basis, and recommend revisions to the plan when necessary.

Sec. 107. NUTRITION GUIDELINES

Ki Charter Academy’s nutrition guidelines for reimbursable school meals and other foods and beverages sold or marketed to students during the school day will be designed to promote student health and reduce childhood obesity and shall be at least as restrictive as federal regulations and guidance, except when Ki Charter Academy allows an exemption for allowable fundraising activities.

Ki Charter Academy shall also establish standards for all foods and beverages provided (but not sold) to students during the school day; these standards must be included in the school wellness plan.

Sec. 108. WELLNESS GOALS

vv) Nutrition Education

Ki Charter Academy shall implement, in accordance with law, a coordinated health program with a nutrition education component and shall use health course curriculum that emphasizes the importance of proper nutrition. This program will encourage participation in the National School Lunch Program, the School Breakfast Program, and any other supplemental nutrition and food programs offered by Ki Charter Academy.

Additionally, Ki Charter Academy establishes the following goals for nutrition education:

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1. Students will receive nutrition education that fosters the adoption and maintenance of healthy eating behaviors.
2. Nutrition education will be a Ki Charter Academy-wide priority and will be integrated into other areas of the curriculum, as appropriate.
3. Staff responsible for nutrition education will be adequately prepared and will participate in professional development activities to effectively deliver the program as planned.
4. The food service staff, teachers, and other school personnel will coordinate the promotion of nutrition messages in the cafeteria, the classroom, and other appropriate settings.
5. Educational nutrition information will be shared with families and the general public to positively influence the health of students and community members.

ww) *Physical Activity*

Ki Charter Academy shall implement, in accordance with law, a coordinated health program with physical education and physical activity components and shall offer at least the amount of physical activity for all grades required by the Texas Education Code or Commissioner Rule.

In addition, Ki Charter Academy establishes the following goals for physical activity:

1. Ki Charter Academy will provide an environment that fosters safe and enjoyable fitness activities for all students, including those who are not participating in competitive sports.
2. Physical education classes will regularly emphasize moderate to vigorous activity.
3. Ki Charter Academy will encourage teachers to integrate physical activity into the academic curriculum where appropriate.
4. Ki Charter Academy will encourage parents to support their children's participation, to be active role models, and to include physical activity in family events.

xx) *Other School-Based Activities*

Ki Charter Academy establishes the following goals for creating an environment conducive to healthy nutrition and physical activity and to promote a consistent wellness message to the school community:

1. Ki Charter Academy shall allow sufficient time for students to eat meals in facilities that are clean, comfortable, and safe.
2. Ki Charter Academy shall promote employee wellness activities and involvement at suitable school activities.

Sec. 109. IMPLEMENTATION

The Superintendent or designee shall oversee the implementation of this policy and the development of the local wellness plan and appropriate administrative procedures related to this wellness policy.

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Sec. 110. EVALUATION

Ki Charter Academy shall comply with federal requirements for evaluating this policy and the wellness plan. Generally, Ki Charter Academy’s compliance with the local wellness plan shall be assessed at least once every three years. The Superintendent or designee shall conduct the assessment, which will consider:

1. The extent to which each school is in compliance with the local school wellness policy;
2. The extent to which the local school wellness policy aligns with model local school wellness policies; and
3. A description of the progress made toward attaining the goals described in the local wellness plan.

Sec. 111. PUBLIC NOTIFICATION

Ki Charter Academy must annually inform and update the public about the content and implementation of this wellness policy, and make the policy and any updates, along with the local wellness plan and program assessments, available to the public.

Sec. 112. RECORDS RETENTION

Ki Charter Academy shall retain all the required records associated with the wellness policy as required by law¹ and Ki Charter Academy’s record management program.

42 U.S.C. 1758b, 7 C.F.R. Part 210.

Sec. 113. TRANSFERS FOR SCHOOL SAFETY PURPOSES

A parent of a student who becomes a victim of a violent criminal offense, as defined below, or who is assigned to a campus assigned by the Texas Education Agency (“TEA”) as persistently dangerous shall be offered an opportunity to transfer to a safe public or charter school within Ki Charter Academy. *Every Student Succeeds Act (ESSA) Section 8532, TEA Unsafe School Choice Option Guidance Handbook.*

For each school safety transfer request, Ki Charter Academy shall explore appropriate transfer options. These options may include a transfer agreement with or enrollment in a neighboring school district or, if Ki Charter Academy operates more than one campus, a transfer to another Ki Charter Academy campus or school that serves the appropriate grade level. *TEA Unsafe School Choice Option Guidance Handbook.*

¹ Ki Charter Academy may refer to the Texas Department of Agriculture, Food and Nutrition Division’s “Administrator’s Reference Manual (ARM”) for the School Nutrition Program for guidance on record retention requirements.

yy) Transfers for Victims of Violent Criminal Offenses

For purposes of this policy, a student is considered to be a victim of a violent criminal offense if the student is a victim of one of the following Penal Code offenses while on the premises of a school or while attending a school-sponsored or school-related activity on or off school property:

- a. Aggravated assault on someone other than a district employee or volunteer;
- b. Aggravated kidnapping;
- c. Aggravated robbery;
- d. Attempted murder;
- e. Continuous sexual abuse of young child or children occurring on school property or while attending a school-sponsored or school-related activity on or off school property;
- f. Indecency with a child; or
- g. Sexual assault or aggravated sexual assault against someone other than a district employee or volunteer.

Within 14 calendar days after a violent criminal offense occurs in or on the grounds of the school the student attends, Ki Charter Academy will notify the parent of the student victim of the parent's right to request a transfer. The parent must then submit a written application for transfer to the Superintendent or designee. The Superintendent or designee will approve or disapprove the request within 14 calendar days after receipt.

A transfer arranged for any student who is the victim of a violent criminal offense will be renewed for as long as the threat to the student exists at the campus from which the student transferred.

For each violent criminal offense, Ki Charter Academy shall maintain, for at least five years, documentation reflecting the date and nature of the offense, notice provided to the parent concerning the transfer option, any submitted transfer application, action taken in response to a transfer application, and other relevant information concerning the offense.

zz) Transfers from a Persistently Dangerous School

A parent of a student attending a school identified by TEA as persistently dangerous shall be notified of the parent's right to request a transfer. Such notice shall be provided at least 14 calendar days prior to the start of the school year or, if a student enrolls after the school year begins, upon the student's enrollment.

In order to request a transfer for safety reasons, a parent must submit a written transfer application to the Superintendent or designee. The Superintendent or designee will complete the transfer prior to the start of the school year or, if applicable, within 14 calendar days of the request for a student who enrolls after the school year begins.

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A transfer arrangement for a student from a campus identified by the TEA as persistently dangerous will be renewed so long as the campus from which the student transferred remains identified by the TEA as persistently dangerous.

Ki Charter Academy shall maintain, in accordance with its adopted record retention schedule and/or the state’s record retention schedule for school records, documentation of notice to parents of the transfer options, transfer applications submitted, and actions taken in response to transfer applications. *TEA ESSA Unsafe School Choice Option LEA Requirements (August 22, 2019).*

Gang-related behavior and hazing shall be prohibited by Ki Charter Academy. The consequences for gang-related behaviors and hazing shall be addressed in the Student Code of Conduct.

The Principal or designee shall document and update as needed known or suspected gang-related apparel, gang hand signals, gang signatures, mottoes, graffiti, or persistent gang involvement and activity. The Student Handbook shall include notice to parents and students in this regard.

PART 1: EDUCATION RECORDS

Sec. 114. “EDUCATION RECORDS” DEFINED

For the purposes of this policy, the term “education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by Ki Charter Academy or by a person acting for Ki Charter Academy.

The term “education records” does not include:

1. Records that are created or received by Ki Charter Academy after an individual is no longer a student in attendance, and that are not directly related to the individual’s attendance as a student.
2. Records made by Ki Charter Academy personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of Ki Charter Academy that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is eighteen years of age or older, or who is attending an institution of postsecondary education, that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - b. Made, maintained, or used only in connection with treatment of the student; and

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- c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 C.F.R. 99.3.

State and federal law safeguard educational records from unauthorized inspection or use. All information relating to student performance, including grades, test results, and disciplinary records are considered confidential educational records. Release of those records are restricted to parents or guardians; school staff members with a legitimate educational interest; various governmental agencies or in response to a subpoena or court order; or a school to which the student transfers or subsequently enrolls. Release to any other person or agency will occur only with prior written consent of the parent or guardian.

Sec. 115. SCREENING RECORDS

The Principal of each Ki Charter Academy campus shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in Ki Charter Academy. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with provisions below concerning “Access by Other Persons.” *20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.145(b).*

Sec. 116. IMMUNIZATION RECORDS

Ki Charter Academy shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. Ki Charter Academy shall cooperate with other districts and schools in transferring students’ immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. *Education Code 38.002.*

Sec. 117. MEDICAL RECORDS

The parent or guardian of a student is entitled to access to the student’s medical records maintained by Ki Charter Academy. On request of a student’s parent or guardian, Ki Charter Academy shall provide a copy of the student’s medical records to the parent or guardian. Ki Charter Academy may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code. *Education Code 38.0095.*

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aaa) *Privacy Rule for Non-“Education Records”*

To the extent Ki Charter Academy is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), Ki Charter Academy must comply with the Privacy Rule, 45 CFR Part 164, with respect to protected health information that is not an education record. *45 C.F.R. 160.103, 164.501.*

Sec. 118. FOOD ALLERGY INFORMATION

Information regarding a child’s food allergy, regardless of how it is received by Ki Charter Academy, shall be retained in the child’s student records, but may not be placed in the health record maintained for the child by Ki Charter Academy.

a) *Exceptions*

If Ki Charter Academy receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by Ki Charter Academy. A registered nurse may enter appropriate notes about a child’s possible food allergy in the health record maintained for the child by Ki Charter Academy, including a notation that the child’s student records indicate that a parent has notified Ki Charter Academy of the child’s possible food allergy. *Education Code 25.0022(d)–(f).*

Sec. 119. ASSESSMENT INSTRUMENTS

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by Ki Charter Academy are confidential and may be made available only to the student, the student’s parent or guardian, and to Ki Charter Academy personnel directly involved with the student’s educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and school system, and made available to the public, with appropriate interpretations, at regularly scheduled Board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b).*

Sec. 120. ACADEMIC ACHIEVEMENT RECORDS (GRADES 9–12)

Ki Charter Academy shall use the academic achievement record (transcript) form adopted by the State Board. This form shall serve as the academic record for each student and shall be maintained permanently by Ki Charter Academy. Copies of the record shall be made available to students transferring to another district. The information may be provided to the student or to the receiving district or to both. Ki Charter Academy shall respond promptly to all requests for student records from receiving districts. *19 TAC 74.5.*

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Sec. 121. ENROLLMENT RECORDS

If a parent or other person with legal control of a child enrolls the child in Ki Charter Academy the parent or other person, or district in which the child most recently attended school, shall furnish to Ki Charter Academy all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the Commissioner in the Student Attendance Accounting Handbook.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

Ki Charter Academy must furnish information under items 1 and 2 not later than the tenth working day after the date Ki Charter Academy receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that Ki Charter Academy transfer a child's student records, Ki Charter Academy shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002.

PART 2: ACCESS, DISCLOSURE, AND AMENDMENT

Sec. 1. DEFINITIONS

a) *Attendance*

“Attendance” includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

b) *Disclosure*

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

c) *Parent*

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“Parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

d) *Personally Identifiable Information*

“Personally identifiable information” includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier, such as the student’s biometric record, defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); social security number; or student number;
5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the Ki Charter Academy community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who Ki Charter Academy reasonably believes knows the identity of the student to whom the education record relates.

e) *Record*

“Record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche.

f) *Authorized Representative*

“Authorized representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

g) *Education Program*

“Education program” means any program that is principally engaged in the provision of education, including but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

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34 C.F.R. 99.3.

h) *Signed and Dated Written Consent*

“Signed and dated written consent” may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person’s approval of the information contained in the electronic consent.

34 C.F.R. 99.30(d).

Sec. 2. ACCESS BY PARENTS

Access to the education records of a student who is or has been in attendance at Ki Charter Academy shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes.

34 C.F.R. 99.10, .31(a)(8).

Ki Charter Academy shall presume that a parent has authority to inspect and review the student’s records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child’s records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator.

34 C.F.R. 99.4; Family Code 153.012, .073.

Sec. 3. ACCESS BY STUDENT

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student. Nothing in this section prevents Ki Charter Academy from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

34 C.F.R. 99.5.

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed. *34 C.F.R. 99.12(a).*

Sec. 4. ACCESS BY OTHER PERSONS

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Personally identifiable information in education records shall not be released without the written consent of the student’s parents, except to the following:

a) *School Officials*

School officials, including teachers, who have legitimate educational interests are authorized to review personally identifiable information in education records. An administrator, nurse, or teacher is entitled to access a student’s medical records maintained by Ki Charter Academy for reasons determined in Ki Charter Academy policy.

A contractor, consultant, volunteer, or other party to whom Ki Charter Academy has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

1. Performs an institutional service or function for which Ki Charter Academy would otherwise use employees;
2. Is under the direct control of Ki Charter Academy with respect to the use and maintenance of education records; and
3. Is subject to the requirements of 34 CFR 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

Ki Charter Academy must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

34 C.F.R. 99.31, .36; Education Code 38.009.

b) *Officials of Other Schools*

Officials of other schools or school systems in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student’s enrollment or transfer, provided that Ki Charter Academy either:

1. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
2. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

In either case, Ki Charter Academy shall furnish a copy of the transferred records to the parent if requested and shall give the parent an opportunity for a hearing to challenge the content of the record.

34 C.F.R. 99.34.

c) *Authorized Governmental Representatives*

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. *34 C.F.R. 99.35.*

Ki Charter Academy may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (“FERPA”) and any regulation implementing FERPA. Ki Charter Academy is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 CFR 214.3, or any corresponding regulation. *8 U.S.C. 1372(c)(2); 8 C.F.R. 214.1(h).*

d) *Financial Aid Personnel*

Personnel involved with a student’s application for, or receipt of, financial aid.

e) *Juvenile Justice Officials*

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released; and
2. The officials and authorities to whom such information is disclosed certify in writing to Ki Charter Academy that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent or the student.

The Superintendent or designee shall disclose information contained in a student’s educational records to a juvenile service provider as required by Family Code 58.0051.

Education Code 37.084(a).

f) *Organizations Conducting Surveys*

Organizations conducting studies for, or on behalf of, Ki Charter Academy for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

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Ki Charter Academy must enter into a written agreement with the organization that:

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
4. Requires the organization to destroy or return to Ki Charter Academy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.

If Ki Charter Academy enters into an agreement with an organization conducting a study, it may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to Ki Charter Academy in accordance with the requirements of 34 C.F.R. 99.33(b).

Ki Charter Academy is not required to initiate a study or agree with or endorse the conclusions or results of the study.

g) *Accrediting Organizations*

Accrediting organizations that require the information for purposes of accreditation.

h) *Health & Safety Emergency*

Appropriate persons, including the student's parents, who, in an emergency, must have such information in order to protect the health or safety of the student or other person. In making a determination, Ki Charter Academy may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If Ki Charter Academy determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. 34 C.F.R. 99.36.

i) *Secretary of Agriculture*

The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements

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of schools receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act. *20 U.S.C. 1232g(b)(1)(K)*.

j) *State or Local Child Welfare Agency*

An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student’s case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student. *20 U.S.C. 1232g(b)(1)(L)*.

k) *Directory Information*

Any person requesting directory information after Ki Charter Academy has given public notice of that definition. *34 C.F.R. 99.37*.

l) *Written Consent*

The parent shall provide a signed and dated written consent before Ki Charter Academy discloses personally identifiable information from a student’s education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released. *34 C.F.R. 99.30*.

Sec. 5. INFORMATION COLLECTION

a) *DOE Funded Surveys*

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (DOE), to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student’s parents.
2. Mental and psychological problems of the student or the student’s family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student’s parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

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20 U.S.C. 1232h(b).

b) Information Collection Funded by Other Sources

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOEKi Charter Academy shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232(c)(2). *20 U.S.C. 1232h(c)(1)–(4).*

Sec. 6. SUBPOENAED RECORDS

Ki Charter Academy shall release student records to an entity or persons designated in a subpoena. Ki Charter Academy shall not disclose to any person the existence or contents of the subpoena if a court orders Ki Charter Academy to refrain from such disclosure. Unless the court or other issuing agency orders Ki Charter Academy to refrain from such disclosure or the order is an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331, Ki Charter Academy shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding. *20 U.S.C. 1232g(b)(1)(J), (b)(2)(B); 34 C.F.R. 99.31(a)(9).*

Sec. 7. SEX OFFENDERS

Ki Charter Academy may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to Ki Charter Academy under 42 U.S.C. 14071 and applicable federal guidelines. *34 C.F.R. 99.31(a)(16).*

Sec. 8. REQUEST PROCEDURE

Upon request of a properly qualified individual, access to a student’s education record shall be granted within a reasonable period of time, not to exceed 45 days. Ki Charter Academy shall respond to reasonable requests for explanations and interpretations of the records. *34 C.F.R. 99.10.*

Sec. 9. DESTRUCTION OF RECORDS

Ki Charter Academy shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 C.F.R. 99.10(e).*

Sec. 10. DE-IDENTIFIED RECORDS

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Ki Charter Academy, or a party that has received education records or information from education records, may release the records or information without the parent’s written consent after the removal of all personally identifiable information provided that Ki Charter Academy or other party has made a reasonable determination that a student’s identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

a) *Education Research*

Ki Charter Academy, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. Ki Charter Academy or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student’s social security number or other personal information.

Sec. 11. AUTHENTICATING REQUESTORS’ IDENTITIES

Ki Charter Academy must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom Ki Charter Academy discloses personally identifiable information from education records. *34 C.F.R. 99.31(b)–(c)*.

Sec. 12. TRANSFER NOT PERMITTED

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student’s parent. If a third party permits access to information in violation of this policy, Ki Charter Academy shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. 1232g(b)(4)(B); 34 C.F.R. 99.33(a)(1)*.

Ki Charter Academy shall inform a party to whom a disclosure is made of the requirements of 34 CFR 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. 99.33(c)–(d)*.

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Ki Charter Academy may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of Ki Charter Academy if:

1. The disclosures meet the requirements of 34 CFR 99.31; and
2. Ki Charter Academy has complied with the requirements of 34 CFR 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 CFR 99.32(b)(2).

34 C.F.R. 99.33(b).

Sec. 13. RECORD OF ACCESS TO STUDENT RECORDS

Each campus shall maintain a record, kept with the education record of each student, that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 CFR 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. Ki Charter Academy must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 CFR 99.32(b)(2) and make it available in response to a parent's request to review the record.

Ki Charter Academy must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception (see "Health & Safety Emergency," above):

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom Ki Charter Academy disclosed the information.

34 C.F.R. 99.32.

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as Ki Charter Academy maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g(b)(4)(A).*

The record shall not include requests for access by, or access granted to, parents of the student or officials of Ki Charter Academy, requests accompanied by prior written consent of the parent,

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requests for directory information, or a party seeking or receiving records in accordance with a subpoena or *ex parte* order. *34 C.F.R. 99.32(d)*.

Sec. 14. RIGHT TO AMEND RECORDS

The parent of a student whose records are covered by this policy may ask Ki Charter Academy to amend the student’s record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student’s right of privacy or other rights. If Ki Charter Academy decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student’s education records.

If Ki Charter Academy decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, Ki Charter Academy decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of Ki Charter Academy. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

34 C.F.R. 99.20–.21.

Sec. 15. FEES FOR COPIES

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis. *20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012.*

Sec. 16. RECORDS OF STUDENTS WITH DISABILITIES

Ki Charter Academy shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities. *34 C.F.R. 300.613(a)*.

a) *Access Rights*

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect Ki Charter Academy records relating to the education of their child:

1. Parents may request that a representative inspect and review the records.
2. Ki Charter Academy shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (“IE”P) or hearing relating to

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the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request.

3. Ki Charter Academy shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records.

34 CFR 300.613, .614.

b) *List of Types and Locations of Information*

Ki Charter Academy shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616.*

c) *Parental Consent*

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. Ki Charter Academy may not release information from these records without parental consent except as provided in FERPA. *34 C.F.R. 300.622.*

d) *Confidentiality*

Ki Charter Academy shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in Ki Charter Academy shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. Ki Charter Academy shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623.*

e) *Destruction of Information*

Ki Charter Academy shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

34 C.F.R. 300.624.

DATE APPROVED: November 9, 2020

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Sec. 17. ANNUAL NOTIFICATION OF RIGHTS

Ki Charter Academy shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA. For purposes of FERPA and student information confidentiality under this policy, a student is considered “in attendance” from the time Ki Charter Academy receives a completed Lottery Information Form or completed Admissions Application packet from the student or, otherwise, from the time the student first attends classes at Ki Charter Academy and is enrolled, until the student withdraws or graduates from Ki Charter Academy.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student’s education records;
2. Seek amendment of the student’s education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that the Act and 34 CFR 99.31 authorize disclosure without consent; and
4. File with the United States Department of Education a complaint under 34 CFR 99.63 and 99.64 concerning alleged failures by Ki Charter Academy to comply with the requirements of the Act and 34 CFR part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 CFR 99.20.
3. If Ki Charter Academy has a policy of disclosing education records under 34 CFR 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

Ki Charter Academy may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights. Ki Charter Academy shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

20 U.S.C. 1232g(e); 34 C.F.R. 99.7.

Sec. 18. CUSTODIAN OF RECORDS

The Superintendent or designee is designated as the custodian of all student records. The Principal of each campus is designated as an agent of the Superintendent or designee for the purposes of the receipt of requests concerning the disclosure of student records.

Sec. 19. PARENTAL RIGHTS AND STUDENT PRIVACY LOCAL POLICY

As a condition of receiving funds under any applicable program, Ki Charter Academy adopts the following policies, pursuant to 20 U.S.C. 1232h(c)(1):

1. Parents have a right to inspect any survey created by a third party before the survey is administered or distributed by Ki Charter Academy to the student. Parents should submit such a request to the Principal, and shall be provided an opportunity to inspect the survey within a reasonable period of time as determined by Principal. Upon a parent's request to inspect a survey, the parent's child shall not participate in the survey until the parent has had a reasonable opportunity to inspect the survey, as determined by the Principal.
2. In the event a survey contains the items listed above, and is administered or distributed to students, Ki Charter Academy shall comply with FERPA and other applicable law to protect student privacy.
3. Parents have a right to inspect any instructional material used in the educational curriculum for the student. Parents should submit such a request to the Principal. The Principal shall provide reasonable access to parents within a reasonable period of time, as determined by the Principal.
4. Ki Charter Academy may administer physical examinations or other screenings to students as required and/or authorized by state or federal law and in accordance with other applicable policy.
5. Ki Charter Academy shall not collect, disclose, or use a student's personal information for the purpose of marketing or selling that information to third parties. This policy does not apply to or restrict the use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services offered by Ki Charter Academy, for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs, or as otherwise required by law. This policy is also subject to state and federal public information laws and FERPA, that makes some student personal information, defined above as Directory Information, public.
6. Parents have a right to inspect any instrument used in collection of personal information, described above, before the instrument is administered to the student. Parents should submit such a request to the Principal. The Principal shall provide reasonable access to parents within a reasonable period of time, as determined by the Principal. Upon a parent's request to inspect such an instrument, the parent's child shall not participate until the parent has had a reasonable opportunity to inspect the instrument, as determined by the Principal.

The Superintendent or designee shall ensure that parents are provided reasonable notice of the adoption or continued use of these policies. Such notice shall be provided directly to the parents of the students in attendance at Ki Charter Academy. At a minimum, Ki Charter Academy shall:

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1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described above.

Sec. 20. NOTICE OF SCHEDULED ACTIVITIES

The Superintendent or designee shall ensure that Ki Charter Academy directly notifies parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described above.
3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by Ki Charter Academy in advance, and not necessary to protect the immediate health and safety of the student or of other students.

PART 3: DIRECTORY INFORMATION

Certain information about students is considered “directory information” and will be released to anyone who follows procedures for requesting it unless the parent, or eligible student objects in writing to its release within ten calendar days of receiving notice of FERPA rights. A parent or eligible student may also choose to opt out of the release of directory information at any time during the school year. At any time after restricting the release of directory information, a parent or eligible student may in writing authorize Ki Charter Academy to release directory information. *34 C.F.R. 99.37.*

Sec. 1. DEFINITION

a) *School-Related Purposes*

Ki Charter Academy has designated the following categories of information as directory information for purposes of disclosure relating to school-sponsored/school-affiliated purposes:

1. student’s name;
2. address;
3. telephone listing;
4. electronic mail address;
5. photograph (including video image);
6. date and place of birth;

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7. major field of study;
8. degrees, honors, and awards received;
9. dates of attendance;
10. grade level;
11. most recent educational institution attended;
12. participation in officially recognized activities and sports; and
13. weight and height of members of athletic teams.

Directory information does not include a student's:

1. Social security number; or
2. Student identification number, unless the student identification number, user identification number, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user.

School-sponsored/school-affiliated purposes are those events or activities that Ki Charter Academy conducts and/or sponsors to support the educational mission of Ki Charter Academy. Examples include, but are not limited to:

1. extracurricular programs or events (e.g., school plays, concerts, athletic events, graduation ceremony);
2. publications (e.g., newsletters, yearbook, etc.);
3. honor roll and other student recognition lists; and
4. marketing materials of Ki Charter Academy (e.g., print media, website, videos, newspaper, etc.).

b) *Military Recruiters and Institutions of Higher Education*

Ki Charter Academy has designated the following categories of information as directory information for the purpose of disclosure to military recruiters and institutions of higher education, but only for secondary students:

1. student's name;
2. address;
3. e-mail address; and
4. telephone listing.

c) *Law Enforcement Authorities*

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Ki Charter Academy has designated the following categories of information as directory information for purposes of responding to requests for general student information made by law enforcement officials and authorities:

1. student's name;
2. address; and
3. telephone listing.

Ki Charter Academy will comply with a request by a military recruiter or an institution of higher education for secondary students' names, addresses, and telephone listings unless a parent or eligible student has advised Ki Charter Academy in writing not to release a student's information without prior written consent.

d) *Release of Directory Information*

Ki Charter Academy shall not release directory information except for the purposes indicated above, namely:

1. disclosure relating to school-sponsored/school-affiliated purposes;
2. disclosure to military recruiters and institutions of higher education, but only for secondary students; and
3. disclosure to law enforcement officials and authorities.

As such, there is no directory information available to any persons not meeting the above requirements and purposes.

Sec. 2. IN CLASS

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent Ki Charter Academy from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

Sec. 3. FORMER STUDENTS

Ki Charter Academy may disclose directory information about former students without satisfying the public notice conditions above. However, Ki Charter Academy must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

Sec. 4. CONFIRMATION OF IDENTITY OR RECORDS

Ki Charter Academy may not disclose or confirm directory information without meeting the written consent requirements in 34 CFR 99.30 if a student's social security number or other non-

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directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.

34 C.F.R. 99.3, .37.

PART 4: INFORMATION FROM LAW ENFORCEMENT

Sec. 1. ORAL NOTICE OF ARREST OR REFERRAL

Upon receipt of oral notice from a law enforcement agency that it has arrested a student or referred a student to the juvenile board for a specified offense, the Superintendent shall promptly notify all instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.

Sec. 2. WRITTEN NOTICE OF ARREST OR REFERRAL

Upon subsequent receipt of confidential, written notice of the arrest or referral, the Superintendent or designee may send the information in the confidential notice to a Ki Charter Academy employee having direct supervisory responsibility over the student if the Superintendent or designee determines that the employee needs the information for educational purposes or for the protection of the person informed or others.

Sec. 3. ORAL NOTICE OF CONVICTION OR ADJUDICATION

Upon receipt of oral notice from a prosecuting attorney of a student's conviction, deferred prosecution, or adjudication of a specified offense, including a statement as to whether the student is required to register as a sex offender, the Superintendent shall, within 24 hours of receiving the notice, notify all instructional and support personnel who have regular contact with the student.

Sec. 4. NOTICE OF TRANSFER OR REENROLLMENT

Upon receipt of notice from a parole, probation, or community supervision office having jurisdiction over a student that a student has transferred or reenrolled, the Superintendent shall, within 24 hours of receiving the notice, notify all instructional and support personnel who have regular contact with the student.

A person who receives information described above shall not disclose it except as specifically authorized by Code of Criminal Procedure 15.27.

Required oral or written notice must include all pertinent details of the offense or conduct, including details of any assaultive behavior or other violence; weapons used in the commission of the offense or conduct; or weapons possessed during the commission of the offense or conduct.

Information received by Ki Charter Academy under this provision shall not be attached to the permanent academic file of the student who is the subject of the report. Ki Charter Academy shall destroy the information at the end of the academic year in which the report was filed.

Sec. 5. DUTY TO FLAG RECORDS

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in Ki Charter Academy is missing, Ki Charter Academy shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, Ki Charter Academy will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.

a) *Request in Person*

When a request for a flagged record is made in person, Ki Charter Academy may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;
2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

After providing the information listed above, Ki Charter Academy shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

b) *Request in Writing*

When a request for a flagged record is made in writing, Ki Charter Academy may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, Ki Charter Academy shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

c) *Removal of Flag*

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, Ki Charter Academy shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearing-house. If a response is not received after the 45th day after the date of the request for confirmation, Ki Charter Academy may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearing-house that the flag has been removed.

Code of Criminal Procedure 63.020–.022.

Ki Charter Academy shall participate in an electronic student records system that satisfies standards approved by the Commissioner.

The electronic student records system must permit an authorized state or Ki Charter Academy official to electronically transfer to and from an educational institution in which the student is enrolled and retrieve student transcripts, including information concerning a student's:

1. Course or grade completion;
2. Teachers of record;
3. Assessment instrument results;
4. Receipt of special education services, including placement in a special education program and the individualized education program developed; and
5. Personal graduation plan as described by Education Code 28.0212 or 28.02121, as applicable.

Any person involved in the transfer and retrieval of student information is subject to any state or federal law governing the release of or providing access to any confidential information to the same extent as the educational institution from which the data is collected. A person may not release or distribute the data to any other person in a form that contains confidential information.

Education Code 7.010.

Sec. 122. STATEMENT OF NONDISCRIMINATION

Ki Charter Academy does not exclude from participation in, deny the benefits of, or subject to discrimination on the basis of race, religion, color, national origin, sex, age, disability, or relationship or association with an individual with a disability in providing educational services,

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activities, and programs, including vocational and career technology programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; the Individuals with Disabilities Education Act, as amended; Title IX of the Educational Amendments of 1972, as amended; the Americans with Disabilities Act (“ADA”), as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

Sec. 123. GRIEVANCE PROCEDURES

Ki Charter Academy shall adopt and public grievance procedures for prompt and equitable resolution of student complaints alleging discrimination under applicable law. *34 CFR 106.8 (Title IX); 34 CFR 104.7 (Section 504)*. The Superintendent or designee shall ensure that such grievance procedures are distributed and otherwise made available to parents and students.

bbb) *Title IX Coordinator*

Ki Charter Academy designates the following person(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended: Chris Allison, Title IX Coordinator, 120 Bert Brown Rd, San Marcos, Texas 78666, 210-410-5673.

ccc) *ADA/Section 504 Coordinator*

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. Ki Charter Academy designates the following person(s) to coordinate its efforts to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended: La’Keisha Brite, Special Education Director, 120 Bert Brown Rd, San Marcos, Texas 78666, 512-927-7819.

ddd) *Coordinator for Purposes of Compliance with Other Nondiscrimination Laws*

The following person(s) have been designated to coordinate Ki Charter Academy’s compliance with all other antidiscrimination laws: Chris Allison, Title IX Coordinator, 120 Bert Brown Rd, San Marcos, Texas 78666, 210-410-5673.

Sec. 124. EQUAL EDUCATIONAL OPPORTUNITY

Ki Charter Academy shall provide necessary services and supports to provide students equal access to educational opportunities. Certain instructional or other accommodations, including on state-mandated assessments, may be made when necessary, when allowable, and when these accommodations do not modify the rigor or content expectations of a subject, course, or assessment.

If Ki Charter Academy has reason to believe that a student has a disability that may require additional services and supports in order for the student to receive an appropriate education as this

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term is defined by law, Section 504 and/or the Individuals with Disabilities Education Act (“IDEA”) shall govern the evaluation, services, and supports provided by Ki Charter Academy.

Sec. 125. COMPLAINTS

Except as otherwise provided in Policy or Procedure, allegations of unlawful discrimination, prohibited harassment, or retaliation shall be made under PG-3.1 (Freedom from Discrimination, Harassment, and Retaliation).

Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be filed under the General Provisions of PG-3.124, except that the deadline for filing an initial Level One grievance shall be twenty (20) school days.

Sec. 126. RETALIATION

Ki Charter Academy shall not coerce, intimidate, threaten, retaliate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws. *34 CFR 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX).*

Sec. 127. DISABILITY DISCRIMINATION

Under the ADA, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Ki Charter Academy, or be subjected to discrimination by Ki Charter Academy. *42 U.S.C.A. 12132; 28 CFR 35.130.*

Under Section 504, no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

a) *Student with a Disability*

A “student with a disability” is one who has a physical or mental impairment that substantially limits one or more of the student’s major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

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An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

A student meets the requirement of being “regarded as” having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment one with an actual or expected duration of six months or fewer.

29 U.S.C. 705(20)(B), 42 U.S.C. 12102(1), (3)–(4).

b) *Qualified Individual with a Disability*

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by Ki Charter Academy. 42 U.S.C. 12131(2).

c) *Major Life Activities*

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. “Major life activity” also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. 42 U.S.C. 12102(2).

d) *Reasonable Modification*

Ki Charter Academy shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless Ki Charter Academy can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. 28 CFR 35.130(b)(7).

e) *Direct Threat*

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below.

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Ki Charter Academy is not required to permit an individual to participate in or benefit from the services, programs, or activities of Ki Charter Academy when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, Ki Charter Academy must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 *CFR* 35.139.

f) *Free Appropriate Public Education (“FAPE”)*

Ki Charter Academy shall provide a free appropriate public education to each qualified student with a disability within Ki Charter Academy’s jurisdiction, regardless of the nature or severity of the student’s disability. A student with a disability is “qualified” if he or she is between the ages of three and 21. An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student’s individual educational needs as adequately as the needs of students who do not have disabilities are met; and
2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

34 *CFR* 104.33(b).

g) *Educational Setting*

Ki Charter Academy shall place a student with a disability in the regular educational environment, unless Ki Charter Academy demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily. 34 *CFR* 104.34(a).

In providing or arranging for nonacademic and extracurricular services and activities, Ki Charter Academy shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. 34 *CFR* 104.34(b), 104.37.

h) *Evaluation and Placement*

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Ki Charter Academy shall establish standards and procedures for the evaluation and placement of persons who, because of disability, need or are believed to need special education and related services. Ki Charter Academy shall conduct an evaluation before the initial placement, or any significant change in placement, of the student. *34 CFR 104.35.*

i) *Military Dependents*

In compliance with the requirements of Section 504, and with Title II of the ADA, Ki Charter Academy shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude Ki Charter Academy from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C.*

j) *Procedural Safeguards*

Ki Charter Academy shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. *34 CFR 104.36.*

Sec. 128. HOMELESS CHILDREN

Ki Charter Academy shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status.

a) *Liaison*

Ki Charter Academy shall designate an appropriate staff person as the liaison for homeless children. Ki Charter Academy shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaison. *42 U.S.C. 11432(g)(1)(J)(i), (ii), (g)(6)(B).*

Sec. 129. DISCRIMINATION ON THE BASIS OF SEX

No person shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by Ki Charter Academy. *20 U.S.C. 1681(a).*

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Ki Charter Academy shall 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. *34 CFR 106.34.*

a) *Sexual Harassment*

Sexual harassment of students is discrimination on the basis of sex under Title IX.

b) *Separate Facilities*

Ki Charter Academy may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. *34 CFR 106.33.*

c) *Human Sexuality Classes*

Portions of classes in elementary and secondary school that deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

d) *Vocal Music Activities*

Ki Charter Academy may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

34 CFR 106.34.

e) *Single-Sex Programs*

Ki Charter Academy shall not, on the basis of sex, exclude any student from admission to an institution of vocational education operated by Ki Charter Academy. *34 CFR 106.35.*

f) *Pregnancy and Marital Status*

Ki Charter Academy shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. *34 CFR 106.40.*

g) *Physical Education Classes and Contact Sports*

Ki Charter Academy may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

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Ki Charter Academy may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

34 CFR 106.34.

h) *Athletic Programs*

Ki Charter Academy shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

viii. *Single-Sex Teams*

Ki Charter Academy may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport.

ix. *Equal Athletic Opportunities*

Ki Charter Academy shall provide equal interscholastic and/or intramural athletic opportunity for members of both sexes. The following factors will be considered in determining whether Ki Charter Academy provides equal athletic opportunities:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. The provision of equipment and supplies;
3. Scheduling of games and practice time;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms, practice and competitive facilities;
8. Provision of medical and training facilities and services;
9. Provision of housing and dining facilities and services; and
10. Publicity.

34 CFR 106.41.

Sec. 130. SECTION 504 COMMITTEES

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Ki Charter Academy shall form Section 504 committees as necessary. The Section 504 coordinator and members of each Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services and supports to a student who has a disability that results in a substantial limitation of a major life activity.

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

a) *Referrals*

If a teacher, school counselor, administrator, or other Ki Charter Academy employee has reason to believe that a student may have a disability as defined by Section 504, Ki Charter Academy shall evaluate the student. A student may also be referred for evaluation by the student's parent.

b) *Notice and Consent*

Ki Charter Academy shall seek written parental consent prior to conducting a formal evaluation. Ordinary observations in the classroom or other school setting shall not require prior parental consent.

c) *Evaluation and Placement*

The results of an evaluation shall be considered before any action is taken to place a student with a disability or make a significant change in placement in an instructional program. The Superintendent shall ensure that Ki Charter Academy's procedures for tests and other evaluation materials comply with the minimum requirements of law. In interpreting evaluation data and when making decisions related to necessary services and supports, each Section 504 committee shall carefully consider and document information from a variety of sources in accordance with law.

d) *Review and Reevaluation Procedure*

To address the periodic reevaluation requirement of law, Ki Charter Academy shall adhere to the reevaluation timelines in the IDEA regulations.

A parent, teacher, or other Ki Charter Academy employee may request a review of a student's services and supports at any time, but a formal reevaluation shall generally occur no more frequently than once a year.

e) *Examining Records*

A parent shall make any request to review his or her child's education records to the campus principal or other identified custodian of records.

f) *Right to Impartial Hearing*

A parent shall be given written notice of the due process right to an impartial hearing if the parent has a concern or complaint about Ki Charter Academy’s actions regarding the identification, evaluation, or educational placement of a student with a disability. The impartial hearing shall be conducted by a person who is knowledgeable about Section 504 issues and who is not employed by Ki Charter Academy or related to a member of the Board in a degree that would be prohibited under the nepotism statute. The impartial hearing officer is not required to be an attorney. Ki Charter Academy and the parent shall be entitled to legal representation at the impartial hearing. *34 CFR 104.36.*

g) *Records Retention*

Records specific to identification, evaluation, and placement as these pertain to Section 504 shall be retained by Ki Charter Academy in accordance with law and Ki Charter Academy’s local records retention schedules.

Sec. 131. SERVICE ANIMALS (FEDERAL LAW REQUIREMENTS)

“Service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition, unless otherwise allowed by Board Policy. The work or tasks performed by a service animal must be directly related to the handler’s disability. *28 C.F.R. 35.104.*

a) *Policies, Practices, or Procedures*

Ki Charter Academy shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability, unless Ki Charter Academy can demonstrate that the service animal is out of control and the service animal’s handler does not take effective action to control it or the service animal is not housebroken. *28 C.F.R. 35.136(a), (b).*

b) *Access*

Individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of Ki Charter Academy facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. *28 C.F.R. 35.136(g).*

i. Exceptions

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Ki Charter Academy may ask an individual with a disability to remove a service animal from the premises if:

1. The service animal is out of control and the service animal’s handler does not take effective action to control it; or
2. The service animal is not housebroken.

28 C.F.R. 35.136(b).

Ki Charter Academy is not required to permit an individual to participate in or benefit from the services, programs, or activities of Ki Charter Academy when that individual poses a direct threat to the health or safety of others. 28 C.F.R. 35.139.

If Ki Charter Academy properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. 28 C.F.R. 35.136(c).

ii. *Animal Under Handler’s Control*

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control, whether by voice control, signals, or other effective means. 28 C.F.R. 35.136(d).

c) *Inquiries*

Ki Charter Academy shall not ask about the nature or extent of a person’s disability, but may make two inquiries to determine whether an animal qualifies as a service animal. Ki Charter Academy may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.

Ki Charter Academy shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Generally, Ki Charter Academy may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). 28 C.F.R. 35.136(f).

d) *Care or Supervision of Animal*

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Ki Charter Academy is not responsible for the care or supervision of a service animal. *28 C.F.R. 35.136(e)*.

e) *Surcharges*

Ki Charter Academy shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

An individual with a disability may be charged for damage caused by his or service animal if Ki Charter Academy normally charges individuals for the damage they cause. *28 C.F.R. 35.136(h)*.

f) *Miniature Horses*

Ki Charter Academy shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

i. Assessment Factors

In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, Ki Charter Academy shall consider:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

ii. Other Requirements

Provisions at 28 CFR 35.136(c) through (h) shall also apply to miniature horses.

28 C.F.R. 35.136(i).

Sec. 132. ASSISTANCE ANIMALS (STATE LAW REQUIREMENTS)

“Assistance animal” means a canine that is specially trained or equipped to help a person with a disability and that is used by a person with a disability. *Human Resources Code 121.002(1)*.

a) *Assistance Animal Access*

No person with a disability may be denied admittance to Ki Charter Academy because of the person's disability or may be denied the use of an assistance animal. Ki Charter Academy may not limit the use of Ki Charter Academy facilities to a designated class of persons and thereby prohibit the use of Ki Charter Academy facilities by persons with disabilities who, except for their use of assistance animals, would fall within the designated class. An assistance animal in training shall not be denied admittance to Ki Charter Academy when accompanied by an approved trainer. *Human Resources Code 121.003(c), (e), (i).*

b) *Harassment and Harm Prohibited*

A person may not assault, harass, interfere with, kill, or injure in any way, or attempt to assault, harass, interfere with, kill, or injure in any way, an assistance animal. "Harass" means any conduct that is directed at an assistance animal that impedes or interferes with, or is intended to impede or interfere with, the animal's performance of its duties or places a person with a disability who is using an assistance animal, or a trainer who is training an assistance animal, in danger of injury.

A person is not entitled to make demands or inquiries relating to the qualifications or certifications of a service animal for purposes of admittance to a Ki Charter Academy facility except to determine the basic type of assistance provided by the service animal to a person with a disability. If a person's disability is not readily apparent, a staff member or administrator may inquire about whether the service animal is required because the person has a disability and what type of work or task the service animal is trained to perform. *Human Resources Code 121.002, .003(j)-(l).*

c) *Transportation*

Ki Charter Academy may not refuse to provide transportation to or from school and/or school related activities to a student solely because of the student's disability, nor may a student be required to pay a fee because of his or her use of an assistance animal. *Human Resources Code 121.003(b).*

d) *Responsibilities of Students with Disabilities*

A student with a disability who uses an assistance animal for assistance in travel is liable for any damages done to the premises or facilities by the animal.

A student with a disability who uses an assistance animal for assistance in travel or auditory awareness shall keep the animal properly harnessed or leashed, and a person who is injured by the animal because of the failure of a person with a disability to properly harness or leash the animal is entitled to maintain a cause of action for damages in a court of competent jurisdiction under the same law applicable to other causes brought for the redress of injuries caused by animals. *Human Resources Code 121.005.*

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