

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Sec. 1. SCHOOL YEAR

Ki Charter Academy shall operate so that it provides the minimum number of instructional days specified in the charter contract currently on file with the State of Texas and as specified by Education Code 25.081.

Sec. 2. LENGTH OF SCHOOL DAY

A school day shall be at least 480 minutes each day, including intermissions and recesses.

Sec. 3. REQUIRED INSTRUCTION

A primary purposes of Ki Charter Academy’s curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. Ki Charter Academy shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks.

Sec. 4. REQUIRED CURRICULUM

Ki Charter Academy shall ensure that all students enrolled participate actively in a balanced curriculum designed to meet individual needs.

Ki Charter Academy shall offer to students in all grade levels the curriculum required by the charter contract currently on file with the State of Texas. This curriculum shall include, at appropriate grade levels:

1. A foundation curriculum that includes:
 - a. English language arts;
 - b. Mathematics;
 - c. Science; and
 - d. Social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
2. An enrichment curriculum that includes:
 - a. To the extent possible, languages other than English;
 - b. Health, with emphasis on:
 - i. Physical health, including the importance of proper nutrition and exercise;
 - ii. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

- iii. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
- c. Physical education;
- d. Fine arts;
- e. Career and technology education;
- f. Technology applications;
- g. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
- h. Personal financial literacy.

Education Code 12.111(a), 28.002(a).

Sec. 5. CHARACTER TRAITS INSTRUCTION

Ki Charter Academy shall adopt a character education program that includes the following positive character traits:

- 1. Courage;
- 2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
- 3. Integrity;
- 4. Respect and courtesy;
- 5. Responsibility, including accountability, diligence, perseverance, and self-control;
- 6. Fairness, including justice and freedom from prejudice;
- 7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
- 8. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law;
- 9. School pride; and
- 10. Gratitude.

This program shall be implemented in accordance with guidelines published by the Commissioner of Education / State Board of Education.

Education Code 29.906.

Sec. 6. SCHOOL CALENDAR

The Superintendent shall develop a school calendar reflecting Ki Charter Academy's operations in accordance with the requirements of the charter contract. The Superintendent or designee shall distribute the school calendar to all students and parents.

Ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Sec. 7. RECOGNITION DATES

Ki Charter Academy will regularly observe the following recognition days, weeks, and months by appropriate activities in public schools:

Hydrocephalus Awareness Month: September is Hydrocephalus Awareness Month to:

1. Increase public awareness of hydrocephalus; and
2. Encourage the development of partnerships between the federal government, health care professionals, and patient advocacy groups to advance the public's understanding of the condition, improve the diagnosis and treatment of the condition, and support research for a cure.

Gov't Code 622.106.

Texas History Month: March is Texas History Month in honor of those Texans who helped shape the history of the State of Texas and in recognition of events throughout Texas' history. Texas History Month shall be regularly observed by appropriate celebrations and activities in public schools to promote interest in and knowledge of Texas history. *Gov't Code 662.102.*

Celebrate Freedom Week: To educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded, the week in which September 17 falls is designated as Celebrate Freedom Week. *Education Code 29.907.*

Generation Texas Week: To educate middle school and high school students about the importance of higher education, the Superintendent shall designate one week during the school year as Generation Texas Week. The Superintendent shall designate one week during the school year as Generation Texas Week for all middle school, junior high, and high school students attending Ki Charter Academy.

During the designated week, each middle school and high school shall provide students with comprehensive grade-appropriate information regarding the pursuit of higher education. The information provided must include information regarding:

1. Higher education options available to students;
2. Standard admission requirements for institutions of higher education, including:
 - a. Overall high school grade point average;
 - b. Required curriculum;
 - c. College readiness standards and expectations as determined under Education Code 28.008; and
 - d. Scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

3. Automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803; and
4. Financial aid availability and requirement, including the financial aid information provided under Education Code 33.007(b).

Additionally, each middle school, junior high school, and high school shall provide to the students during the designated week at least one public speaker to promote the importance of higher education.

Education Code 29.911.

Holocaust Remembrance Week: The governor shall designate a week to be known as “Holocaust Remembrance Week” in public schools to educate students about the Holocaust and inspire a sense of responsibility to recognize and uphold human value and to prevent future atrocities.

Holocaust Remembrance Week shall include age-appropriate instruction, as determined by Ki Charter Academy:

1. Information about the history of and lessons learned from the Holocaust;
2. Participation, in person or using technology, in learning projects about the Holocaust; and
3. The use of materials developed or approved by the Texas Holocaust and Genocide Commission.

Education Code 29.9072.

American Indian Heritage Day: The last Friday in September is American Indian Heritage Day in recognition of the historic, cultural, and social contributions American Indian communities and leaders have made to this state. American Indian Heritage Day shall be regularly observed by appropriate ceremonies, activities, and programs in public schools to honor American Indians in this state and to celebrate the rich traditional and contemporary American Indian culture. *Gov’t Code 662.056.*

Constitution Day: Upon receipt of federal funds, Ki Charter Academy shall recognize September 17 as Constitution Day and hold an educational program on the United States Constitution for students served by Ki Charter Academy. *Pub. L. 108-447.*

Father of Texas Day: November 3 is Father of Texas Day in memory of Stephen F. Austin. Father of Texas Day shall be regularly observed by appropriate and patriotic programs in public schools to properly commemorate the birthday of Stephen F. Austin and to inspire a greater love for this state. *Gov’t Code 662.045.*

Public School Paraprofessional Day: The second Wednesday in May of each year is Public School Paraprofessional Day in recognition of education paraprofessionals including teacher

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

assistants, instructional aides, educational trainers, library attendants, bilingual assistants, special education associates, mentors, and tutors. Public School Paraprofessional Day shall be regularly observed by appropriate ceremonies and activities in public schools to properly recognize the paraprofessionals who have made tremendous contributions to the educational process. *Gov't Code 662.049.*

Sam Rayburn Day: January 6 is Sam Rayburn Day in memory of the Texas and American statesman, Sam Rayburn. Sam Rayburn Day shall be regularly observed by appropriate programs in public schools to commemorate the birthday of Sam Rayburn. *Gov't Code 662.041.*

September 11: To commemorate the events of September 11, 2001, in each year that date falls on a regular school day, each public elementary or secondary school shall provide for the observance of one minute of silence at the beginning of the first class period of that day. Immediately before the period of observance required by this section, the class instructor shall make a statement of reference to the memory of individuals who died on September 11, 2001. The period of observance required by this section may be held in conjunction with the minute of silence required by Section 25.082. *Education Code 25.0821.*

State of Texas Anniversary Remembrance Day: February 19 is State of Texas Anniversary Remembrance Day (STAR Day) in honor of Texas joining the Union and the day that James Pinckney Henderson became the first governor of the State of Texas in 1846. STAR Day shall be regularly observed by appropriate and patriotic programs in the public schools to properly commemorate the annexation of this state and to inspire a greater appreciation for the history of this state. *Gov't Code 662.047.*

Texas First Responders Day: September 11 is Texas First Responders Day in honor of the bravery, courage, and determination of Texas men and women who assist others in emergencies. Texas First Responders Day shall be regularly observed by appropriate ceremonies in public schools to honor Texas first responders. *Gov't Code 662.050.*

Texas Girls in STEM Day: March 1 is designated as Texas Girls in STEM Day to celebrate and encourage the participation of girls in fields related to science, technology, engineering, and mathematics. Texas Girls in STEM Day shall be regularly observed by appropriate ceremonies, activities, and programs in public schools to:

1. Encourage girls in this state to consider career fields in science, technology, engineering, and mathematics; and
2. Celebrate and honor the women of this state who have excelled in those fields.

Gov't Code 662.071.

Texas Military Heroes Day: The governor shall designate a day to be known as Texas Military Heroes Day in public schools to educate students about the sacrifices made by Texans who have

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

served in the armed forces of the United States. Texas Military Heroes Day will include appropriate instruction, as determined by Ki Charter Academy. Instruction may include:

1. Information about persons who have served in the armed forces of the United States and are from the community or the geographic area in which Ki Charter Academy is located; and
2. Participation, in person or using technology, in age-appropriate learning projects at battlefields and gravesites associated with a person who has served in the armed forces.

Education Code 29.9071.

Women’s Independence Day: August 26 is Women's Independence Day to commemorate the ratification in 1920 of the Nineteenth Amendment to the United States Constitution, which guaranteed women the right to vote. Women's Independence Day shall be regularly observed by appropriate programs in the public schools to inspire a greater appreciation of the importance of women’s suffrage. *Gov’t Code 662.051.*

Sec. 8. EXERCISE OF CONSTITUTIONAL RIGHT TO PRAY

Each Ki Charter Academy student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A person shall not require, encourage, or coerce a student to engage in or refrain from such prayer or meditation during any school activity. *Education Code 25.901.*

Sec. 9. GRADING AND REPORTING STANDARDS AND SYMBOLS

Grading Scale for All Students

Number	Letter Equivalent	Description
90-100	A	Outstanding progress and mastery of subject matter
80-89	B	Above average progress and mastery of subject matter
75-79	C	Average progress and understanding of course material
70-74	D	Below average progress and minimum passing grade
69 - below	F / I	Class requirements have not been met Incomplete (do not use on withdrawal form)
	EX	Exempt from Semester Exam and for ESOL (See Section B below)

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Students receive numerical grades per the following chart:

Grade Point System

The calculation of a student's Grade Point Average (GPA) is based on points assigned to grades as follows:

	(90-100)	(80-89)	(75-79)	(70-74)	(69 - Below)
Academic Core and Elective Courses	4	3	2	1	0
Online & Dual Credit Courses	4	3	2	1	0
Intervention Electives/Fundamental/ Applied Courses	3	2	1	1	0

All final grades, including those of correspondence courses, credit by examination with or without prior instruction for which a passing grade is earned, summer school courses, and high school courses taken in junior high are counted in the GPA. Exceptions are: student assistant, off-campus PE waiver courses, driver's education, and those courses taken by students as GPA-Exempt courses.

Sec. 10. HIGHEST RANKING GRADUATE

The principal(s) of Ki Charter’s high school campus(es) shall identify the Highest Ranking Graduate (HRG) as follows:

- a) A graduating student(s) with one full academic year, equivalent to 187 school days (may consist of consecutive academic years i.e. Spring of 2015 with Fall of 2016), is eligible to be considered as HRG.
- b) If no graduating student(s) meet the above criteria, the graduate with at least 30 days enrolled at at least one Ki Charter campus is eligible to be considered as HRG based on GPA.

Sec. 11. GRADUATION REQUIREMENTS

Credit counted toward high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course completed. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school in the state.

Sec. 12. ACADEMIC ACHIEVEMENT RECORD

Ki Charter Academy shall use the academic achievement record (transcript) form designated by the Commissioner of Education (“Commissioner”). This form shall serve as the academic record for each student and shall be maintained permanently by Ki Charter Academy.

Any credit earned by a student must be recorded on the academic achievement record, regardless of when the credit was earned. A student’s performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c), must be included in the student’s academic achievement record.

Copies of the academic achievement record shall be made available to students transferring to another public school. Ki Charter Academy shall respond promptly to all requests for student records from receiving schools.

Education Code § 28.025(e); 19 TAC § 74.5(b)-(d).

a) *Transcript Seals*

A student who completes high school graduation requirements shall have attached to the academic achievement record the State Board-approved seal. *19 TAC § 74.5(e).*

b) *Endorsement*

A student who completes the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record. *19 TAC § 74.5(f).*

c) *Performance Acknowledgment*

A student who earns a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record. *19 TAC § 74.5(g).*

d) *Distinguished Level of Achievement*

A student who earns the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record and on the diploma. *19 TAC § 74.5(h).*

e) *Completion of Speech Requirements*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

A student who demonstrates proficiency in speech as specified in 19 Texas Administrative Code § 74.11 shall have completion of the speech requirement clearly indicated on the academic achievement record. *19 TAC § 74.5(i).*

f) *Completion of CPR Instruction*

A student who completes instruction in cardiopulmonary resuscitation (CPR) as specified in 19 Texas Administrative Code § 74.38 in grade 9, 10, 11, or 12 shall have completion of the CPR instruction clearly indicated on the academic achievement record. *19 TAC § 74.5(j).*

g) *Proper Interaction with Peace Officers*

A student who completes the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record. *19 TAC § 74.5(k).*

h) *Languages Other than English*

A student who satisfies a graduation credit requirement related to a language other than English by successfully completing a dual language immersion program at an elementary school as specified in 19 Texas Administrative Code § 74.12(b)(5)(F) shall have the credit clearly indicated on the academic achievement record. *19 TAC § 74.5(l).*

i) *Certificate of Coursework Completion*

A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record shall include a notation of the date a certificate of completion was issued to the student. *19 TAC § 74.5(m).*

Ki Charter Academy may allow a student who receives a certificate to participate in a graduation with students receiving high school diplomas.

Sec. 13. COURSE AND DIPLOMA REQUIREMENTS

A student may graduate and receive a diploma only if:

1. The student successfully completes the curriculum requirements identified by the State Board of Education; or
2. The student successfully completes an individualized education program.

Education Code 28.025(c).

j) *Individual Graduation Committee*

Without complying with the requirements discussed above, a student may receive a diploma if the student is eligible for a diploma as determined by an individual graduation committee (IGC). *Education Code 25.025(c-6), .0258.*

For each 11th or 12th grade student who has failed to comply with end-of-course (EOC) assessment instrument performance requirements for not more than two courses, Ki Charter Academy shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. An IGC may not qualify a student to graduate before the student's 12th grade year.

The IGC shall be composed of:

1. The Principal or Principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) described above; and
4. As applicable:
 - a. The student's parent;
 - b. A designated advocate if the parent is unable to serve; or
 - c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

Ki Charter Academy shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)-(c), (c-2); 19 TAC 74.1025.

k) *Notice*

Ki Charter Academy shall ensure a good faith effort is made to timely notify the appropriate person(s) described under Sec. 1-a, Item 4 of the time and place for concerning the IGC and the purpose of the IGC. The notice must be:

1. Provided in person or by regular mail or e-mail;
2. Clear and easy to understand; and
3. Written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person(s).

Education Code 28.0258(d).

l) *Eligibility to Graduate*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

To be eligible to graduate and receive a high school diploma as determined by an IGC, a student must successfully complete the curriculum requirements for high school graduation identified by the State Board of Education.

A student’s IGC shall also recommend additional requirements by which the student may qualify to graduate, including:

1. Additional remediation; and
2. For each EOC assessment instrument on which the student failed to perform satisfactorily:
 - a. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
 - b. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g).

The IGC will consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the State Board of Education in determining whether a student is qualified to graduate. After considering the criteria, the IGC may determine that the student is qualified to graduate. A student may graduate and receive a diploma on the basis of the IGC’s decision only if the student successfully completes all additional requirements recommended by the IGC, the student meets applicable curriculum requirements, and the IGC’s vote is unanimous. The IGC’s decision is final and may not be appealed. *Education Code 28.0258(i).*

Sec. 14. GRADUATION REQUIREMENTS FOR STUDENTS ENTERING GRADE 9 IN OR AFTER THE 2014–2015 SCHOOL YEAR

To receive a high school diploma, a student entering grade 9 in the 2014–2015 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 (see Sec. 2-a, “Foundation High School Program,” below);
2. Testing requirements for graduation under 19 Administrative Code Chapter 101; and
3. Demonstrated proficiency, as determined by Ki Charter Academy, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing,

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program specified in 19 Administrative Code 74.12 and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (c).

a) *Foundation High School Program*

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

19 TAC 74.12.

b) *Endorsements*

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

Ki Charter Academy must make at least one endorsement available to students. If Ki Charter Academy offers only one endorsement, its curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

Ki Charter Academy shall permit a student to enroll in courses under more than one endorsement before the student’s junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

Ki Charter Academy may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13.

i. *Exception*

A student may graduate under the foundation high school program without earning an endorsement if, after the student’s sophomore year:

1. The student and the student’s parent or person standing in parental relation to the student are advised by a school administrator of the specific benefits of graduating from high school with one or more endorsements; and
2. The student’s parent or person standing in parental relation to the student files with a school administrator’s written permission, on a form adopted by Texas Education Agency, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(d).

c) ***Distinguished Level of Achievement***

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*.

d) Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has successfully completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by Ki Charter Academy; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

Ki Charter Academy may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(i), (j).

e) College Courses

Courses offered for dual credit at or in conjunction with an institution of higher education that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(h)*.

f) Languages Other than English

Students may earn credit for language other than English in accordance with 19 Administrative Code 74.12(b)(5). A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other than English in accordance with 19 Administrative Code 74.12(b)(5)(F). *19 TAC 74.12(b)(5)*.

g) Physical Education Substitutions

To the extent permitted by state rules applicable to the student's graduation program, Ki Charter Academy shall award state graduation credit in physical education for participation in approved activities and elective courses.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Ki Charter Academy shall award state graduation credit in physical education for appropriate private or commercially sponsored physical activity programs conducted either on or off campus, upon approval by the Commissioner of Education (“Commissioner”).

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student’s ability to participate in physical activity must be made by:

1. The student’s admission, review and dismissal (“ARD”) committee if the student receives special education services;
2. The student’s Section 504 Committee, if the student does not receive special education services under Education but is covered by Section 504; or
3. A committee, established by Ki Charter Academy, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 Committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6).

h) Community-Based Fine Arts Programs

In accordance with local Ki Charter Academy policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by Ki Charter Academy. Such credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. Ki Charter Academy must apply to the Commissioner for approval of the community-based fine arts program;
2. The State Board of Education must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code Chapter 117, Subchapter C;
3. Ki Charter Academy must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

Ki Charter Academy shall require that instructors of the community-based fine arts program provide Ki Charter Academy, at its request, the information necessary to obtain the criminal

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

history record information required for school personnel in accordance with 19 Administrative Code Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030.

i) *Performance Acknowledgments*

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student’s transcript for:

1. Outstanding performance:
 - a. In a dual credit course;
 - b. In bilingualism and biliteracy;
 - c. On a College Board advanced placement test or international baccalaureate examination;
 - d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student’s progress toward readiness for college and the workplace; or
 - e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14.

Sec. 15. TRANSFERS FROM OUT-OF-STATE OR NONPUBLIC SCHOOLS

An out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school is eligible to receive a Ki Charter Academy diploma, but must complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.51(f), .61(i).*

Sec. 16. STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

a) *Definitions*

“Modified curriculum” and “modified content” refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–118, 126–128, and

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(l)*.

“Employability and self-help skills” are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(j)*.

b) *Summary of Academic Achievement and Evaluation*

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(h), (i)*.

c) *Students Entering Grade 9 In or After the 2014-2015 School Year*

A student entering grade 9 in the 2014–2015 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or Ki Charter Academy standards if greater) in 19 Administrative Code Chapters 110-118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program specified in 19 Administrative Code 74.12 applicable to students in general education as well as satisfactory performance on the required state assessments, unless the student’s ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.
2. The student has demonstrated mastery of the required state standards (or Ki Charter Academy standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance on the required state assessments, unless the student’s ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student’s Individualized Education Program (“IEP”) and meet one of the following conditions:

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

- a. Consistent with the IEP, the student has obtained fulltime employment, based on the student’s abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of Ki Charter Academy.
- b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of Ki Charter Academy.
- c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
- d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (k).

d) *Endorsements*

A student enrolled in a special education program may earn an endorsement on his or her transcript by:

1. Successfully completing, with or without modification of the curriculum:
 - a. The curriculum requirements identified by the State Board of Education for the foundation high school program; and
 - b. The additional endorsement curriculum requirements prescribed by the State Board of Education; and
2. Successfully completing all curriculum requirements for the endorsement adopted by the State Board of Education:
 - a. Without modification of the curriculum; or
 - b. With modification of the curriculum, provided that the modified curriculum is sufficiently rigorous as determined by the student’s ARD committee.

The ARD committee shall determine whether the student is required to achieve satisfactory performance on an EOC instrument to earn an endorsement on the student’s transcript.

Education Code 28.025(c-7)-(c-8).

Sec. 17. GRADUATION OF MILITARY DEPENDENTS

a) *Course Waiver Requirements*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Ki Charter Academy shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district, or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, Ki Charter Academy shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

b) *Transfers During Senior Year*

Should a military student transferring at the beginning or during the student’s senior year be ineligible to graduate from Ki Charter Academy after all alternatives have been considered, the sending district and Ki Charter Academy shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district.

c) *Passing Standard Substitutions*

Ki Charter Academy may utilize a substitute passing standard adopted by the Commissioner on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in Texas for the first time after completing the ninth grade or who reenrolls in a Texas public school at or above the tenth grade level after an absence of at least two years from Texas public schools. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student’s high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, §§ A, C.

Sec. 18. GRADUATION OF A STUDENT WHO IS HOMELESS OR IN CONSERVATORSHIP OF DFPS

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

Sec. 19. END-OF-COURSE ASSESSMENTS (HIGH SCHOOL LEVEL)

Unless otherwise exempted by law, a student enrolled in a course for which an end-of-course (“EOC”) assessment exists as required by Education Code 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a).*

Sec. 20. STUDENTS IN GRADE 8 OR LOWER

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

A student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student’s assessment graduation requirements. *19 TAC 101.3021(d)*.

Sec. 21. ASSESSMENT REQUIREMENTS FOR GRADUATION

A student must meet satisfactory performance on a required EOC assessment only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

m) *Exceptions – English I or English II*

A student who was administered separate reading and writing EOC assessments for the English I or English II course has met that course’s assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 TAC 101.1007.

19 TAC 101.3022(b), (c).

n) *Exceptions – Credits Earned Prior to Enrollment*

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school and the credit has been accepted by a Texas public school, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment. *19 TAC 101.3021(e), .3022*.

Sec. 22. SUBSTITUTE ASSESSMENTS

A student may use certain assessments as substitute assessments approved by the Commissioner of Education (“Commissioner”) in place of an EOC assessment to meet the student’s assessment graduation requirements. A satisfactory score on an approved substitute assessment may be used in place of only one specific EOC assessment, unless otherwise allowed under Commissioner rule.

A student at any grade level is eligible to use a substitute assessment in circumstances approved by the Commissioner if:

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

1. A student was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. A student received a satisfactory score on the substitute assessment as determined by the Commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a Texas Success Initiative (TSI) assessment, a student also meets the following criteria:
 - a. A student must have been enrolled in a college preparatory course for English language arts or mathematics and have been administered an appropriate TSI assessment at the end of that course.
 - i. A student under this provision who meets all TSI English language arts score requirements under Commissioner rule satisfies both the English I and English II EOC assessment graduation requirements.
 - ii. A student under this provision may satisfy an assessment graduation requirement in such a manner regardless of previous performance on an Algebra I, English I, or English II EOC assessment.
 - b. A student who did not meet satisfactory performance on the Algebra I or English II EOC assessments after retaking the assessment may use the corresponding TSI assessment in place of that EOC assessment.
 - i. For a student under this provision who took separate reading and writing assessments for the English II EOC assessment and who did not meet the English II assessment graduation requirement using those tests as specified in Commissioner rule relating to assessment requirements for graduation, the separate TSI reading or writing assessment may not be used to substitute for the corresponding English II reading or writing EOC assessment.

A student electing to substitute an assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above. If a student sits for an EOC assessment, Ki Charter Academy may not mark the substitute assessment bubble for that administration.

A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN, or any versions of these tests, must take the appropriate EOC assessment to meet the assessment graduation requirements for that subject. However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT-related assessment or a pre-ACT test (or any version of these tests) is eligible to meet the requirements for using a substitute assessment.

19 TAC 101.4002.

a) *Verification of Results*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

An eligible student is responsible for providing Ki Charter Academy an official copy of the student’s scores from the substitute assessment. Upon receipt of official results of an approved substitute assessment, Ki Charter Academy must:

1. Verify the student’s score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the Commissioner.

19 TAC 101.4005.

Sec. 23. SATISFACTORY PERFORMANCE

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the Commissioner, on each EOC assessment instrument administered to the student. *Education Code 39.025(a).*

Sec. 24. INDIVIDUAL GRADUATION COMMITTEE

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). *Education Code 28.0258, 39.025(a-5).*

Sec. 25. SPECIAL EDUCATION

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 TAC 89.1070 (Graduation Requirements) and 19 TAC 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student’s admission, review and dismissal (“ARD”) committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student’s ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above.

19 TAC 101.3022(f).

A student receiving special education services who successfully completes the requirements of his or her Individualized Education Program (“IEP”), including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student’s ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–2012 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student’s IEP will be assessed using alternate versions of EOC assessments as listed in 19 TAC 101.3011(b)(2).

19 TAC 101.3023(a)-(b).

Sec. 26. CREDIT BY EXAMINATION

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 TAC 74.24. *19 TAC 101.3021(c).*

Sec. 27. RETAKES

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. A student is not required to retake a course as a condition of retaking an EOC assessment instrument. If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course. *Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d).*

Sec. 28. DEFINITIONS

“Instructional materials” means content that conveys the essential knowledge and skills of a subject in the school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material, as defined by Education Code 31.1002(1).

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

“Open education resource instructional material” means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. *Education Code 31.002(1-a)*.

“Technological equipment” is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. *Education Code 31.002(4)*.

Sec. 29. LOCAL SELECTION

Ki Charter Academy shall establish a team, as needed, to select instructional materials and technological equipment to be purchased with Ki Charter Academy’s instructional materials allotment. The team shall make selections based upon Ki Charter Academy’s instructional needs and in accordance with administrative regulations.

The instructional materials allotment team shall ensure that selected materials, in combination with any other materials in use by Ki Charter Academy, allow Ki Charter Academy to certify that all students are provided with instructional materials that cover the essential knowledge and skills, as required by law.

The Board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice. *19 TAC 66.104(a)*.

o) *Notice to State Board of Education (“SBOE”)*

Each year, during a period established by the SBOE, the Board shall notify the SBOE of instructional materials selected in accordance with Education Code 31.101. *Education Code 31.101(a)*.

ii. Foundation Curriculum

For subjects in the foundation curriculum, the Board shall notify the SBOE of the instructional materials it selects from the instructional materials list, including the Commissioner of Education’s (“Commissioner”) instructional materials list. *Education Code 31.101(a)(1)*.

iii. Enrichment Textbooks

For a subject in the enrichment curriculum, the Board shall notify the SBOE of instructional material it selects from the instructional materials list, including the Commissioner’s instructional materials list, or that it selected materials that do not appear on the list. *Education Code 31.101(a)(2)*.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

iv. *Open Education Resource Instructional Materials*

In selecting material each year, Ki Charter Academy may consider the use of open education resource instructional materials. *Education Code 31.101(b)*.

Ki Charter Academy may adopt state-developed open education resource instructional materials at any time, regardless of the instructional material review and adoption cycle. *Education Code 37.073(c)*.

p) *Supplemental Materials*

The Board may select supplemental instructional materials adopted by the SBOE, as set forth at Education Code 31.035. If the Board selects supplemental instructional materials, Ki Charter Academy shall certify to Texas Education Agency (“TEA”) that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by Ki Charter Academy, cover the essential knowledge and skills for the course. *Education Code 31.035(d), (f)*.

q) *Special Education*

Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student’s ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. *19 TAC 66.104(c)*.

r) *Duration of Selection*

i. *Listed Materials*

If Ki Charter Academy selects subscription-based instructional material on the SBOE instructional materials list or electronic instructional material on the Commissioner’s instructional materials list, Ki Charter Academy may cancel the subscription and subscribe to new instructional materials on the SBOE list or electronic instructional material on the Commissioner’s list before the end of the state contract period if:

1. Ki Charter Academy has used the instructional material for at least one school year; and
2. TEA approves the change based on a written request to TEA by Ki Charter Academy that specifies the reasons for changing the electronic textbook or instructional material used by Ki Charter Academy.

Education Code 31.101(e).

ii. *Other Materials*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

For instructional material that is not on the instructional materials list, Ki Charter Academy must use the instructional materials for the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the instruction material is used. *Education Code 31.101(d)*.

Sec. 30. OWNERSHIP AND DISTRIBUTION OF INSTRUCTIONAL MATERIALS

Each instructional material purchased by Ki Charter Academy is the property of Ki Charter Academy. Electronic instructional material purchased by Ki Charter Academy is the property of Ki Charter Academy only to the extent of any applicable licensing agreement. The Board shall distribute printed instructional material to students in a manner that the Board determines is the most effective and economical. *Education Code 31.102*.

Sec. 31. CRIMINAL OFFENSE

A Board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

A Board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with funds from the state textbook fund.

“Gift, favor, or service” does not include:

1. Staff development, in-service, or teacher training; or
2. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152.

Sec. 32. REQUESTS FOR SUPPLIES

Employees should initiate requests for instructional supplies through the Principal.

Sec. 33. EMPLOYEE TRAINING

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

The Board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the Instructional Materials Allotment and the use of the instructional materials ordering system. Training shall be completed in accordance with 19 TAC 66.107(d).

Students shall be expected to make up assignments and tests after absences. Students shall receive a zero for any assignment or test not made up within the allotted time.

Teachers may assign additional work to ensure that students who have been absent have sufficient opportunity to master the Texas Essential Knowledge and Skills (TEKS) or to meet subject or course requirements. The assignments shall be based on the instructional objectives for the subject or course and may provide greater depth of subject matter than routine make-up work.

Sec. 34. TESTS AND MAKEUP WORK

Students shall be permitted to take tests administered in any class missed because of absence.

For any class missed, the teacher may assign the student make-up work based on the instructional objectives for the subject or course and the needs of the individual student in mastering the essential knowledge and skills or in meeting subject or course requirements.

A student shall be responsible for obtaining and completing the make-up work in a satisfactory manner and within the time specified by the teacher.

Sec. 35. LATE PROJECTS

Teachers may assign a late penalty to any project turned in after the due date in accordance with previously established guidelines approved by the Principal and disseminated to students.

Sec. 36. LOCAL TESTING

In addition to the state-administered assessment instruments, Ki Charter Academy may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. Any such locally adopted norm-referenced assessment instrument must be economical, nationally recognized, and state-approved.

For purposes of this Policy, “assessment instrument” means a Ki Charter Academy-commissioned achievement test, either nationally normed or criterion-referenced, that is group administered and reported publicly (such as to the Board) in the aggregate.

A company or organization scoring an assessment instrument shall send test results to Ki Charter Academy for verification. Ki Charter Academy shall have 90 days to verify the accuracy of test data and report the results to the Board.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Ki Charter Academy shall follow procedures for test security and confidentiality set forth in 19 TAC Chapter 101, Subchapter C. *Education Code 39.026, .032; 19 TAC 101.101.*

s) *Limits on Local Testing*

In a subject area for which a state assessment is administered, Ki Charter Academy may not administer locally required assessments designed to prepare students for state-administered assessments to any student on more than 10% of the instructional days in any school year. A campus-level planning and decision-making committee may limit the administration of locally required assessments to 10% or a lower percentage of the instructional days in any school year. This prohibition does not apply to the administration of college preparation assessments, advanced placement tests, international baccalaureate examinations, or state assessments. *Education Code 39.0262.*

Sec. 37. BENCHMARK ASSESSMENT INSTRUMENTS

“Benchmark assessment instrument” means a Ki Charter Academy-required assessment instrument designed to prepare students for a corresponding state-administered assessment instrument. An assessment instrument designed to prepare students for state-administered assessment instruments is one that:

1. Evaluates students’ potential performance relative to the state’s blueprint in whole for a state-administered assessment; or
2. Is primarily focused on test-taking techniques.

It does not include an assessment designed to evaluate students’ mastery of parts of the Texas Essential Knowledge and Skills or the efficacy of instructional practice.

Ki Charter Academy may not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.

This prohibition does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, or an independent classroom examination designed or adopted and administered by a classroom teacher.

A parent of or person standing in parental relation to a student who has special needs, as determined in accordance with Commissioner of Education rule, may request administration to the student of additional benchmark assessment instruments.

Education Code 39.0263; 19 TAC 101.6003.

Sec. 38. COLLEGE PREPARATION ASSESSMENTS

Each school year, and at state cost, Ki Charter Academy shall administer an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument:

1. To students in the spring of the eighth grade for the purpose of diagnosing the academic strengths and deficiencies of students before entrance into high school; and
2. To students in the tenth grade for the purpose of measuring a student’s progress toward readiness for college and the workplace.

The provisions of Education Code 39.0261(a)(1) and (a)(2), with respect to the administration of college preparation assessment instruments at state cost, apply only if the legislature appropriates funds for those purposes.

Education Code 39.0261(a)(1)-(a)(2), (f).

High school students, in the spring of the eleventh grade or during the twelfth grade, may select and take once, at state cost:

1. One of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes; or
2. The assessment instrument designated by the Texas Higher Education Coordinating Board under Education Code 51.334.

A high school student is not prohibited from taking a test more than once, at his or her own expense.

Education Code 39.0261(a)(3), (e).

Sec. 39. ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST

Each school year, Ki Charter Academy shall provide students in grades 10 through 12 an opportunity to take the Armed Services Vocational Aptitude Battery test (“ASVAB”) test and consult with a military recruiter.

The test must be scheduled:

1. During normal school hours; and
2. At a time that limits conflicts with extracurricular activities, to optimize student participation.

Ki Charter Academy shall provide each student in grades 10 through 12 and the student’s parent or person standing in parental relation to the student a notice of the date, time, and location of the scheduled administration of the ASVAB test.

Ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Ki Charter Academy may elect not to provide the ASVAB test only if it provides an alternative test that:

1. Assesses a student’s aptitude for success in a career field other than a career field that requires postsecondary education;
2. Is free to administer;
3. Requires minimal training and support of Ki Charter Academy faculty and staff to administer the test; and
4. Provides the student with a professional interpretation of the test results that allows the student to explore occupations that are consistent with the student’s interests and skills and develop strategies to attain the student’s career goals.

Education Code 29.9015.

Sec. 40. CAREER AND TECHNOLOGY PROGRAM

The Board may conduct and supervise career and technology classes and other educational programs for students and spend local maintenance funds for the cost of those classes and programs. In developing a career and technology program, the Board shall consider the state plan for career and technology education. *Education Code 29.183.*

Sec. 41. DISTINGUISHED ACHIEVEMENT IN CAREER AND TECHNOLOGY EDUCATION

The Board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may:

1. Receive specific education in a career and technology profession that leads to postsecondary education or meets or exceeds business or industry standards; and
2. Obtain from Ki Charter Academy an award for distinguished achievement in career and technology education and a stamp or other notation on the student’s transcript that indicates receipt of the award.

An award granted under this provision is not in lieu of a diploma or certificate of coursework completion.

t) *Contracts with Other Entities*

The Board may contract with an entity identified in Education Code 29.184(a) for assistance in developing the program or providing instruction to students participating in the program. The Board may also contract with a local business or a local institution of higher education for assistance in developing or operating a career and technology education program. A program may provide education in areas of technology unique to the local area. *Education Code 29.187.*

u) *Insurance*

If a business that contracts with Ki Charter Academy obtains any insurance related to the student other than liability insurance, any proceeds of the insurance must be used for the benefit of the student and the student's family. *Education Code 29.187(g)*.

Sec. 42. PROVIDING CAREER AND TECHNICAL EDUCATION

The following provisions apply only if Ki Charter Academy receives federal career and technical education funds. *19 TAC 75.1021*.

a) *Students with Disabilities*

A student with a disability shall be provided career and technical education in accordance with all applicable federal law and regulations including the Individuals with Disabilities Education Act (“IDEA”) and its implementing regulations, state statutes, and rules of the State Board of Education and the Commissioner of Education (“Commissioner”).

A student with a disability shall be instructed in accordance with the student’s Individualized Education Program (“IEP”), in the least restrictive environment, as determined by the student’s admission, review and dismissal (“ARD”) committee. If a student with a disability is unable to receive a free appropriate public education (educational benefit) in a regular career and technical education program, using supplementary aids and services, the student may be served in separate programs designed to address the student’s occupational/training needs, such as career and technical education for students with disabilities.

A student with a disability identified in accordance with the IDEA is an eligible participant in career and technical education when the following requirements are met:

1. The ARD committee shall include a representative from career and technical education, preferably the teacher, when considering initial or continued placement of a student in career and technical education program;
2. Planning for the student shall be coordinated among career and technical education, special education, and state rehabilitation agencies and should include a coherent sequence of courses;
3. Ki Charter Academy shall monitor to determine if the instruction being provided to a student with a disability in career and technical education classes is consistent with the student’s IEP;
4. Ki Charter Academy shall provide supplementary services that each student with a disability needs to successfully complete a career and technical education program, such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices;

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

5. Ki Charter Academy shall help fulfill the transitional service requirements of the IDEA and implementing regulations, state statutes, and rules of the Commissioner for each student with a disability who is completing a coherent sequence of career and technical education courses.
6. When determining placement in a career and technical education classroom, the ARD committee shall consider a student's graduation plan, the content of the individual transition plan, the IEP, including the consideration of transition services, and classroom supports. Enrollment numbers should not create a harmful effect on student learning for a student with or without disabilities in accordance with the provisions in the IDEA and its implementing regulations.

19 TAC 75.1023.

b) *Student Organizations*

Ki Charter Academy may use federal career and technical education funds to provide opportunities for student participation in approved student leadership organizations and assist career and technical student organizations in accordance with all applicable federal and state laws, rules, and regulations. However, students shall not be required to join such an organization. Student participation in career and technical student organizations shall be governed in accordance with 19 TAC Chapter 76 (relating to extracurricular activities).

The following career and technical student organizations are recognized by the U.S. Department of Education and the TEA:

1. Business Professionals of America (BPA);
2. DECA;
3. Future Business Leaders of America (FBLA);
4. Future Educators Association (FEA);
5. FFA;
6. Family, Career, and Community Leaders of America (FCCLA);
7. Health Occupations Students of America (HOSA);
8. Technology Student Association (TSA); and
9. Skills USA.

19 TAC 75.1024.

c) *Program Evaluation*

Ki Charter Academy shall annually evaluate its career and technical education programs.
19 TAC 75.1025.

d) *Annual Notification*

DATE APPROVED: November 9, 2020

32 of 90

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Prior to the beginning of each school year, the Superintendent shall advise students, parents, employees, and the general public that all career and technical education opportunities will be offered without regard to race, color, national origin, sex, or disability. Such notification shall comply with the guidelines provided by the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap*, published by the Office for Civil Rights.

Sec. 43. COMPENSATORY SERVICES IN GENERAL

Students at all grade levels who have been identified as being at-risk of dropping out of school, who are not performing at grade level, or who did not perform satisfactorily on a state-mandated assessment will be provided accelerated and/or compensatory educational services in accordance with applicable law and based on needs assessment. Principals are responsible for ensuring that each identified student receives such appropriate accelerated and/or compensatory services.

The services provided to each identified student shall be consistent with Ki Charter Academy’s goals and strategies for assisting students in need of academic assistance and shall be reviewed for effectiveness at the close of each grading period.

Parents shall be encouraged to participate in the planning of educational services for their child and shall be kept informed regarding the child’s progress toward educational goals. Parents of students who are not successful in meeting requirements for promotion shall be informed of any available options, such as an extended year program or summer school.

Sec. 44. COMPENSATORY EDUCATION ALLOTMENT

On a schedule adopted by the Commissioner of Education (“Commissioner”), Ki Charter Academy shall report to the Texas Education Agency (“TEA”) the census block group in which each student enrolled in Ki Charter Academy who is educationally disadvantaged resides. *Education Code 48.104(i)*.

v) *Use*

At least 55% of Ki Charter Academy’s compensatory education funds must be used to:

1. Fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
 - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
 - b. Students at risk of dropping out of school and all other students; or

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

2. Support a program eligible under Title I of the ESEA and its subsequent amendments, and by federal regulations implementing the ESEA.

Education Code 48.104(i), (k).

Sec. 45. DROPOUT PREVENTION STRATEGIES

Upon request from the Commissioner, Ki Charter Academy shall submit a plan describing the manner in which Ki Charter Academy intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

Ki Charter Academy shall submit its plan no later than December 1 of each school year preceding the school year in which Ki Charter Academy will receive the compensatory education allotment to which the plan applies.

Ki Charter Academy may not spend or obligate more than 25% of its compensatory education or high school allotment without approval by the Commissioner.

A plan required by the Commissioner shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;
2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:
 - a. High-quality, college readiness instruction with strong academic and social supports;
 - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
 - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for that purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

Ki Charter Academy may enter into a partnership with a public junior college in order to fulfill a plan, in accordance with Education Code 29.402.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

Education Code 29.918.

Sec. 46. ACCELERATED INSTRUCTION – STATE ASSESSMENT PERFORMANCE

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c) in the third, fourth, fifth, sixth, seventh, or eighth grade, Ki Charter Academy shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.

A student who fails to perform satisfactorily on an assessment instrument required for promotion to the sixth grade or the ninth grade and who is promoted to the next grade level must complete accelerated instruction before placement in the next grade level. A student who fails to complete required accelerated instruction may not be promoted.

For each student who fails to perform satisfactorily on an assessment identified above, Ki Charter Academy shall allow attempts to re-take the assessment and perform satisfactorily as required under Education Code 28.0211.

Education Code 28.0211.

Sec. 47. ACCELERATED READING INSTRUCTION PROGRAM

Ki Charter Academy shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The Superintendent shall determine the form, content, and timing of the program.

Ki Charter Academy shall provide additional reading instruction and intervention to each student given the seventh-grade reading assessment, as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Education Code 28.006(g), (g-1), (k).

Sec. 48. INTENSIVE PROGRAM OF INSTRUCTION

a) *State Assessments*

Ki Charter Academy shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by Ki Charter Academy. The program shall be designed to:

1. Enable the student to:
 - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

- b. Attain a standard of annual growth specified by Ki Charter Academy and reported by Ki Charter Academy to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211.

b) *Students Receiving Special Education Services*

For a student in a special education program who does not perform satisfactorily on a state assessment instrument, the student’s admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student’s individualized education program; and
2. If applicable, carry out the purposes of Education Code 28.0211.

c) *Graduation Requirements*

Ki Charter Academy shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.

d) *Final Determination*

Ki Charter Academy’s determination of the appropriateness of an intensive program of instruction for a student is final.

Education Code 28.0213.

Sec. 49. END-OF-COURSE EXAM

A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course (“EOC”) assessment instruments, as applicable, as prescribed by Education Code 39.023(c), even if the student did not perform satisfactorily on a previous administration of the applicable EOC assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate EOC assessment instrument. *Education Code 39.025(a-1).*

Sec. 50. CREDIT BY EXAMINATION (WITH PRIOR INSTRUCTION)

The Principal (or a student’s attendance committee, as applicable) has authority to offer a student in any of grades 6–12 credit for an academic subject in which the student had some prior instruction

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

if the student scores 70% on a criterion-referenced test for the particular course. In order to obtain credit by examination with prior instruction, a student in any of grades 6–12 must also satisfy the following local requirements:

Any criterion-referenced test shall assess the student’s mastery of the essential knowledge and skills and shall be administered according to established Ki Charter Academy procedures.

Prior to offering a student an opportunity to demonstrate mastery or earn credit by this method, an appropriate Ki Charter Academy employee shall review the student’s records to determine whether the student has had prior instruction in the subject or course.

19 TAC 74.24(c)(12).

Sec. 51. CREDIT BY EXAMINATION (WITHOUT PRIOR INSTRUCTION)

Ki Charter Academy shall develop or purchase examinations for acceleration that thoroughly test the essential knowledge and skills for each primary school grade level and for credit for secondary school academic subjects.

w) *Grade 1 through Grade 5*

The Superintendent or designee shall approve procedures developed in accordance with SBOE rules to accelerate a student in grades 1–5 one grade if the student meets the following requirements:

1. The student scores 80% or above on a criterion-referenced test for the grade level to be skipped in each of the following areas: language arts, mathematics, science, and social studies;
2. A Ki Charter Academy representative recommends that the student accelerate; and
3. The student’s parent gives written approval of the acceleration.

19 TAC 74.24(b)(2).

x) *Grade 6 through Grade 12*

Ki Charter Academy shall give a student in grades 6–12 for an academic subject in which he or she has not had prior instruction if the student scores:

1. A three or higher on a College Board advanced placement examination for the applicable course;
2. A scaled score of 50 or higher on an examination administered through the College-Level Examination Program for the applicable course; or
3. 80% on any other criterion-referenced test for the applicable course.

Ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

19 TAC 74.24(c)(8).

For each high school course, Ki Charter Academy shall provide examinations developed by any of the following:

1. Texas Tech University;
2. The University of Texas at Austin;
3. Ki Charter Academy; or
4. Another entity if the assessment meets all requirements under 19 TAC 74.26(c)(2).

19 TAC 74.24(c)(1)-(2).

A student may not attempt to earn credit by examination for a specific high school course more than two times. If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with Ki Charter Academy's prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course. *19 TAC 74.24(c)(9)-(10).*

y) Fees

Ki Charter Academy shall not charge for a Board-approved examination for acceleration for each primary school grade level or for credit for secondary school academic subjects. If a parent requests an alternative examination, Ki Charter Academy may administer and recognize results of a test purchased by the parent or student from Texas Tech University or the University of Texas at Austin. *19 TAC 74.24(a)(3).*

Sec. 52. GIFTED AND TALENTED PROGRAM

If allowed by the Ki Charter Academy charter, the Superintendent shall develop a gifted and talented program that is approved by the Board and disseminated to parents. The program shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently;
2. A continuum of leaning experiences that leads to the development of advanced-level products and performances;
3. In-school and, when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year; and
4. Opportunities to accelerate in areas of strength.

19 TAC 89.1, 89.3.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

For purposes of this policy, “gifted and talented student” means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. Exhibits high performance capability in an intellectual, creative, or artistic area;
2. Possesses an unusual capacity for leadership; or
3. Excels in a specific academic field.

Education Code 29.121.

Sec. 53. PROGRAM REQUIREMENTS

The program developed by the Superintendent shall incorporate the following requirements:

z) Nomination

Students may be nominated or referred for the gifted and talented program at any time by teachers, counselors, parents, or other interested persons.

aa) Conferences

Conferences shall be held with nominated students and their parent(s), if appropriate, to determine if the students are interested in the program.

bb) Screening and Identification Process

Assessment opportunities related to the screening and identification process for nominated and referred students shall be conducted at least once per school year.

cc) Parental Consent

Written parental consent shall be obtained before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections of the Family Educational Rights and Privacy Act.

dd) Identification

The program shall establish criteria to identify gifted and talented students. The criteria shall conform to the state definition of gifted and talented, and shall ensure the fair assessment of

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

students with special needs, including the culturally different, the economically disadvantaged, and students with disabilities.

ee) Assessments

Individual eligibility for the program shall be determined from data collected through both objective and subjective assessments measured against the criteria approved by the Board. Assessment tools may include, but are not limited to, achievement tests, creativity tests, behavioral checklists completed by teachers and parents, teacher nominations, student/parent conferences, and available student work product.

ff) Selection

Each Ki Charter Academy campus shall establish a selection committee to evaluate each nominated student according to the established criteria. The selection committee shall be composed of at least three educators who have received training in the nature and needs of gifted students. The selection committee shall select those students for whom the gifted and talented program is the most appropriate educational setting.

gg) Selection Notification

Parents and students shall be notified in writing upon selection of the student for the gifted and talented program. Participation in any program or services provided for gifted students is voluntary. Ki Charter Academy shall obtain written permission from the parent(s) before placing a student in the program.

hh) Reassessment

Ki Charter Academy shall reassess students to determine appropriate program placement when a student moves from the elementary level to the middle school level, and from the middle school level to high school.

ii) Transfer Students

When a student identified as gifted by a previous Texas public school enrolls in Ki Charter Academy, the student's records shall be reviewed by the appropriate selection committee to determine if placement in the Ki Charter Academy gifted and talented program is appropriate. If the transferring student's records are limited or not available, or if the identification criteria for placement in the program for gifted and talented students at the previous school are not comparable to Ki Charter Academy's, the standard procedures for identifying gifted and talented students shall be employed.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

The selection committee shall make its determination within 30 days of the student’s enrollment in Ki Charter Academy, and shall base its decision on the transferred records, observation reports of Ki Charter Academy teachers who instruct the student, and student and parent conferences.

jj) *Furloughs*

Any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the gifted and talented program may be placed on furlough. Ki Charter Academy, a parent, or the student may initiate a furlough.

The selection committee shall document the specific reasons for granting the furlough and the time period for which the furlough shall last. At the end of a furlough, the student may reenter the program, be placed on another furlough, or be exited from the program.

kk) *Program Exit*

Student performance in the program shall be monitored. The selection committee may exit a student from the program at any time if the selection committee determines it is in the student’s best interest and his or her educational needs. If a student or parent requests removal from the program, the selection committee shall meet with the parent and student before granting the request.

ll) *Appeals*

A parent or student may appeal a final decision of the selection committee regarding selection for or removal from the gifted and talented program. Appeals shall first be made to the selection committee. Any subsequent appeals shall be made in accordance with the policy on Parent and Student Complaints, beginning at Level One.

Sec. 54. GIFTED AND TALENTED TEACHERS

The Superintendent shall ensure that:

1. Prior to assignment in the program, teachers who provide instruction and services that are part of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students;
2. Teachers without the required training who provide instruction and services that are part of the gifted and talented program complete the 30-hour training requirement within one semester;
3. Teachers who provide instruction and services that are part of the program receive a minimum of six hours annually of professional development in gifted education; and

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

19 TAC 89.2.

Sec. 55. PROGRAM EVALUATION

The gifted and talented program shall be evaluated annually, and evaluation information shall be shared with Board members, administrators, teachers, counselors, students in the gifted and talented program, and the community. Evaluation information shall also be used to modify and update the program.

Sec. 56. COMMUNITY AWARENESS

The Superintendent shall ensure that information about the Ki Charter Academy gifted and talented program is available to parents and community members, and that they have an opportunity to develop an understanding of and support for the program.

Sec. 57. GENERAL HOMEBOUND EDUCATION

In accordance with the Texas Education Agency's *Student Attendance Accounting Handbook* (SAAH), a student may be eligible for general education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound for medical reasons specifically documented by a physician licensed to practice in the United States. The weeks of confinement need not be consecutive. A parent request for such services shall be made through the Principal in accordance with the SAAH and administrative procedures.

The Principal or designee shall convene a placement committee composed of at least a campus administrator, a teacher of the student, and the student's parent or guardian to consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type and amount of instruction to be provided and the length of the transition period when the student is able to return to the regular educational setting, based on current medical information.

19 TAC 89.63(c)(2).

Sec. 58. SPECIAL EDUCATION STUDENTS

Consistent with state rule and the SAAH, a student receiving special education services may be eligible for special education homebound services if the student is to be confined for a minimum of four weeks to hospital or homebound setting for medical reasons specifically documented by a physician licensed to practice in the United States. If a student is chronically ill, the student's

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

admission, review, and dismissal committee shall determine whether the weeks of confinement need be consecutive.

If the ARD committee determines that homebound instruction is appropriate, the committee shall determine the type and amount of instruction to be provided in accordance with law and, if applicable, the length of the transition period based on current medical information.

Sec. 59. DOCUMENTATION OF SERVICES

Ki Charter Academy shall maintain full documentation regarding students receiving homebound services in accordance with administrative procedures, the SAAH, and the student’s individualized education program, as applicable.

Sec. 60. TEXAS VIRTUAL SCHOOL NETWORK

The Texas Virtual School Network (“TxVSN”) is a state-led initiative for online learning authorized by Education Code Chapter 30A. The TxVSN is a partnership network administered by the Texas Education Agency (“TEA”) in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, institutions of higher education, and other eligible entities. *19 TAC 70.1001(4)*.

Sec. 61. PROHIBITION ON REQUIRED ENROLLMENT

Ki Charter Academy shall not require a student to enroll in an electronic course. *Education Code 30A.107(d)*.

Sec. 62. STUDENT ELIGIBILITY FOR TxVSN COURSES

A student is eligible to enroll in a course provided through the TxVSN only if the student:

1. On September 1 of the school year is younger than 21 years of age or younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 48.003;
2. Has not graduated from high school; and
3. Is otherwise eligible to enroll in a Texas public school.

A student is eligible to enroll full-time in courses provided through the TxVSN only if the student:

1. Was enrolled in a Texas public school in the preceding school year;
2. Is a dependent of a member of the United States military who has been deployed or transferred to the State of Texas and was enrolled in a publicly funded school outside of Texas in the preceding school year; or

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

3. Has been placed in substitute care in Texas, regardless of whether the student was enrolled in a Texas public school in the preceding school year.

mm) *Exception for Military Dependents*

A student is eligible to enroll in one or more courses provided through the TxVSN or enroll full-time in courses provided through the TxVSN if the student:

1. Is a dependent of a member of the United States military;
2. Was previously enrolled in high school in Texas; and
3. No longer resides in the State of Texas due to a military deployment or transfer.

Education Code 30A.002; 19 TAC 70.1013.

nn) *Enrolled Students*

A student who is enrolled in Ki Charter Academy as a full-time student may take one or more electronic courses through the TxVSN. *Education Code 30A.107(b).*

oo) *Unenrolled Students*

A student who resides in Texas but is not enrolled in Ki Charter Academy as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TxVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TxVSN;
2. Is not considered to be a public school student;
3. Must obtain access to a course provided through the TxVSN through the school district or open-enrollment charter school attendance zone in which the student resides;
4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the TxVSN; and
5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

Education Code 30A.107(c).

pp) *Compulsory Attendance*

Students are not required to be in physical attendance while participating in a TxVSN course. Students are considered to have met attendance requirements for a course upon successful completion of a TxVSN course. A student who has successfully completed the grade level or

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

course is eligible to receive any weighted funding for which the student is eligible. Ki Charter Academy shall maintain documentation to support a student's successful completion to support verification of compulsory attendance. *19 TAC 70.1001(9), .1017.*

Sec. 63. STUDENT PARTICIPATION IN THE TxVSN

The Superintendent or designee shall establish procedures for students to enroll in courses provided by the TxVSN.

Enrollment in courses through the TxVSN shall not be subject to limitations Ki Charter Academy may impose for other distance learning courses.

Sec. 64. NOTICE

At the time and in the manner that Ki Charter Academy informs students and parents about courses that are offered in Ki Charter Academy's traditional classroom setting, Ki Charter Academy shall notify parents and students of the option to enroll in an electronic course offered through the TxVSN. *Education Code 26.0031(a).*

Sec. 65. REQUESTS TO ENROLL

Except as provided below, Ki Charter Academy may not deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TxVSN.

Ki Charter Academy may deny a request to enroll a student in an electronic course if:

1. A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;
2. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the course provider; or
3. Ki Charter Academy offers a substantially similar course.

The course provider shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

If a parent of a student requests permission to enroll the student in a TxVSN course, Ki Charter Academy has discretion to select a course provider approved by TEA for the course in which the student will enroll based on factors including the informed choice report required by Education Code 30A.108(b). *Education Code 26.0031.*

a) *Appeals*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

A parent may appeal to the Commissioner of Education (the “Commissioner”) Ki Charter Academy’s decision to deny a request to enroll a student in an electronic course offered through the TxVSN. The Commissioner’s decision is final and may not be appealed. *Education Code 26.0031; 19 TAC 70.1008, .1035.*

b) *Students with Disabilities*

The determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student’s admission, review, and dismissal (“ARD”) committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act and Section 504, Rehabilitation Act of 1973. *Education Code 30A.007(b).*

Sec. 66. STUDENT ASSESSMENT

All students enrolled in the TxVSN are required to take the statewide assessments as required in Education Code 39.023. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.

Ki Charter Academy shall report to the Commissioner through the Public Education Information Management System (“PEIMS”) the results of assessment instruments administered to students enrolled in an electronic course offered through the TxVSN separately from the results of assessment instruments administered to other students.

Education Code 30A.110; 19 TAC 70.1023.

Sec. 67. FEES

Ki Charter Academy may charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in Texas and:

1. Is enrolled in Ki Charter Academy as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other public schools; or
2. Elects to enroll in a TxVSN course for which Ki Charter Academy declines to pay the cost as authorized by Education Code 26.0031(c-1).

Ki Charter Academy may charge a fee for enrollment in a TxVSN course during the summer.

Ki Charter Academy shall charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in Texas and is not enrolled in a school district or open-enrollment charter school as a full-time student.

A TxVSN course cost may not exceed the lesser of the cost of providing the course or \$400.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

If Ki Charter Academy is not the provider school, Ki Charter Academy may charge a student enrolled in Ki Charter Academy a nominal fee, not to exceed the amount specified by the Commissioner, if the student enrolls in an electronic course provided through the TxVSN that exceeds the course load normally taken by students in the equivalent grade level. *Education Code 30A.155.*

Ki Charter Academy may decline to pay the course costs for a student who chooses to enroll in more than three year-long electronic courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional electronic courses offered through the TxVSN at the student's expense.

Ki Charter Academy, if it is not the course provider, may charge a student enrolled in Ki Charter Academy a nominal fee, not to exceed \$50, if the student enrolls in a TxVSN course that exceeds the course load normally taken by students in the equivalent grade level.

Education Code 30A.155(a)–(c-1); 19 TAC 70.1025.

Sec. 68. PROVISION OF COMPUTER EQUIPMENT AND INTERNET SERVICE

This policy does not:

1. Require Ki Charter Academy to provide a student with home computer equipment or Internet access for a course provided through the TxVSN; or
2. Prohibit Ki Charter Academy from providing a student with home computer equipment or Internet access for a course provided through the TxVSN.

Education Code 30A.003.

Sec. 69. APPLICABILITY

This policy does not affect the provision of a course to a student while the student is located on the physical premises of Ki Charter Academy, unless Ki Charter Academy chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of Ki Charter Academy.

This policy does not apply to a virtual course provided by Ki Charter Academy only to students enrolled in Ki Charter Academy if the course is not provided as part of the TxVSN. *Education Code 30A.004.*

Sec. 70. KI CHARTER ACADEMY AS PROVIDER

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Ki Charter Academy is eligible to act as a course provider only if Ki Charter Academy is rated acceptable under Education Code 39.054. Additionally, Ki Charter Academy may serve as a course provider only:

1. To a student within its service area; or
2. To another student in the state:
 - a. Through an agreement with the school district in which the student resides; or
 - b. If the student receives educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice, through an agreement with the applicable agency.

Education Code 30A.101(a).

Sec. 71. CONTRACTS WITH VIRTUAL SCHOOL SERVICE PROVIDERS

Each contract between Ki Charter Academy and an administering authority (as that term is defined by Education Code 30A.001(1)) must:

1. Provide that the administering authority may cancel the contract without penalty if legislative authorization for Ki Charter Academy through the TxVSN is revoked; and
2. Be submitted to the Commissioner.

A contract submitted under this provision is public information for purposes of Chapter 552, Government Code. *Education Code 30A.056.*

Sec. 72. STUDENTS WITH DISABILITIES

Ki Charter Academy may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. *Education Code 29.008(a).*

Sec. 73. STUDENT TESTING REQUIREMENTS

All Ki Charter Academy students receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code, Chapter 39, Subchapter B. *19 TAC 101.5(a).*

Unless exempted by applicable law, a student may not receive a high school diploma until the student has performed satisfactorily on applicable end-of-course (“EOC”) assessment instruments. *Education Code 39.025(a); 19 TAC 101.4001.*

Sec. 74. ENGLISH LEARNER STUDENTS

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

In grades 3–12, English learner¹ students shall participate in the state assessment in accordance with the Commissioner of Education’s (“Commissioner”) rules at 19 TAC Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)*.

Sec. 75. SPECIAL EDUCATION

The student’s admission, review and dismissal (“ARD”) committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma. *Education Code 39.025(a-4)*.

Sec. 76. MILITARY DEPENDENTS

If a student is a military dependent, Ki Charter Academy shall accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated for a military dependent transferring in his or her senior year, then the provisions of Education Code 162.002 art. VII, Section C shall apply.

qq) *Substitute Passing Standard*

A substitute passing standard adopted by the Commissioner may be applied only for a qualified military dependent who enrolls in a Texas public school in this state for the first time after completing the ninth grade or who reenrolls in a Texas public school at or above the tenth grade level after an absence of at least two years from Texas public schools. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student’s high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, §§ B–C.

Sec. 77. ADMINISTRATION OF ASSESSMENTS

Ki Charter Academy shall follow the test administration procedures established by the Texas Education Agency (“TEA”) in the applicable test administration materials. The Superintendent shall be responsible for administering tests. *19 TAC 101.25, 101.27.*

¹ In this policy, the term “English learner” is synonymous with “limited English proficient (LEP)” student, as that term is used in Subchapter B, Chapter 29, Education Code.

a) *Assessment Schedule*

The Commissioner shall specify the schedule for testing and field testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs. The Commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state. *19 TAC 101.25.*

b) *Alternate Test Dates*

Ki Charter Academy or a campus may request from the Commissioner an alternate test date. Alternate test dates will only be allowed if Ki Charter Academy or campus is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect Ki Charter Academy's or campus' ability to administer an assessment or the students' performance on an assessment. "Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause Ki Charter Academy or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the Commissioner may prohibit Ki Charter Academy or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of Ki Charter Academy, campus, and students.

19 TAC 101.5003.

Sec. 78. NOTICE TO STUDENTS AND PARENTS

The Superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of the topics addressed below:

a) *Grade Advancement Testing*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

The testing requirements for grade advancement and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in Ki Charter Academy, and no later than the beginning of the student's first-grade year for all other students. The Superintendent shall also provide such notice for students in grades 1–8 who are new to Ki Charter Academy.

b) *Graduation Testing*

The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The Superintendent shall also provide such notice for students in grades 7–12 who are new to Ki Charter Academy. Notice of the dates, times, and locations of testing shall be provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012.

Sec. 79. ASSESSMENTS IN GRADES 3–8

Unless otherwise excepted or exempted by law, all students shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

Education Code 39.023(a).

a) *Exception*

Except as required for purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is receiving instruction in the entire curriculum for that subject.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(p), 39.023(a-2); 19 TAC 101.3011.

b) *Kindergarten Assessment*

A kindergarten student may not be administered an assessment instrument under Education Code 39.023 except to determine whether the student is entitled to the benefit of the Foundation School Program. *Education Code 39.023(a-16).*

c) *Prekindergarten Assessment*

A prekindergarten student's performance on an assessment instrument may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.027.*

d) *Assessment Accommodations*

Assessment accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible accommodations shall be described in the appropriate test administration materials.

The committee established to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student. For a student receiving special education services, the ARD committee shall determine the allowable accommodations and shall document them in the student's Individualized Education Program ("IEP").

19 TAC 101.3013; Education Code 39.023(a)-(c), (n); 34 CFR 300.320(a)(6).

Sec. 80. END-OF-COURSE ASSESSMENTS

Students in grade 9 and above who are enrolled in a course for which an EOC assessment exists as required by Education Code 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a).*

a) *Students Enrolled Below High School Level*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

A student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 TAC 101.3022. *19 TAC 101.3021(d)*.

b) *Assessment Requirements for Graduation*

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

v. *Exceptions: English I or English II*

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English learners who meet the criteria in 19 TAC 101.1007.

vi. *Exceptions: Credits Earned Prior to Enrollment*

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school and the credit has been accepted by a Texas public school, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–2012 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022.

c) *Substitute Assessments*

A student may use certain assessments as substitute assessments in place of an EOC assessment, to meet the student's assessment graduation requirements in accordance with the Commissioner's chart at 19 TAC 101.4002(b). An approved substitute assessment may be used in place of only one specific EOC assessment.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

A student is eligible to use a substitute assessment if the student meets all eligibility criteria listed in 19 TAC 101.4002(c)-(d).

A student electing to substitute an assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above.

A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN as indicated in the chart at 19 TAC 101.4002(b) must take the appropriate EOC assessment to meet the assessment graduation requirements for that subject.

i. Verification of Results

An eligible student is responsible for providing Ki Charter Academy an official copy of the student's scores from the substitute assessment. Upon receipt of official results of an approved substitute assessment, Ki Charter Academy must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the Commissioner.

19 TAC 101.4002, .4005.

d) Satisfactory Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the Commissioner, on each EOC assessment instrument administered to the student. *Education Code 39.025(a).*

e) Individual Graduation Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee ("IGC"). *Education Code 28.0258, 39.025(a-2).*

f) Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 TAC 89.1070 (Graduation Requirements) and 19 TAC 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. *19 TAC 101.3022(f)*.

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

All students in grades 9–12 with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 TAC 101.3011(b)(2).

19 TAC 101.3023(a)-(b).

g) Credit by Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 TAC 74.24. *19 TAC 101.3021(c)*.

h) Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. A student is not required to retake a course as a condition of retaking an EOC assessment instrument. If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course. *Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)*.

Sec. 81. REPORTING RESULTS

a) Public Reports

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

scheduled meetings of the Board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*.

b) *Reports to the Board*

The Superintendent shall accurately report all test results, with appropriate interpretations, to the Board according to the schedule in the applicable test administration materials.

c) *Reports to Students, Parents, and Teachers*

Ki Charter Academy shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated in Section 12-c below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, Ki Charter Academy shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. *19 TAC 101.3014*.

The TEA has adopted a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. Ki Charter Academy shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. Ki Charter Academy may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*.

d) *Parent's Right-to-Know Under ESSA*

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), Ki Charter Academy shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*.

Sec. 82. OUT-OF-STATE TRANSFERS

Ki Charter Academy shall accurately report to TEA whether that student transferred into Ki Charter Academy from out of state during the current school year. Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. Ki Charter Academy shall follow procedures specified in those test administration materials.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

The assessment results of the out-of-state transfer students shall be reported separately to Ki Charter Academy from the results of its other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014.

Sec. 83. ACCELERATED INSTRUCTION

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, Ki Charter Academy shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0211(a-1).*

Ki Charter Academy shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1).*

Sec. 84. ASSESSMENT SECURITY AND CONFIDENTIALITY

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

The Superintendent and campus principals in all Ki Charter Academy schools shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as Ki Charter Academy becomes aware of any alleged or suspected violation of the security or confidential integrity of an assessment;
3. Report all confirmed testing violations to TEA within 10 working days of Ki Charter Academy becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure assessment materials are Ki Charter Academy employees who have:
 - a. Met the requirements to participate in the student assessment program;
 - b. Received annual training in test security and test administration procedures; and
 - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

- aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of assessment materials by:
 - a. Verifying that all boxes of testing materials have been accounted for and match Ki Charter Academy shipping notices upon receipt from the state’s testing contractor(s);
 - b. Requiring campuses to immediately inventory all testing materials received and to notify the Ki Charter Academy testing coordinator of any shortages or discrepancies;
 - c. Immediately notifying the state’s testing contractor(s) of any discrepancies between the materials received and Ki Charter Academy’s shipping notices;
 - d. Placing test booklets and answer documents in secure, limited-access, locked storage when not in use;
 - e. Collecting and destroying any scratch paper, graph paper, or reference materials that students have written on, as well as any recordings, after the completion of a test administration;
 - f. Requiring that all secure materials assigned to individual campuses have been accounted for and packaged in accordance with the procedures for returning materials as detailed in the test administration materials;
 - g. Requiring that all test item image cards and photocopies or reproductions of secure test materials have been collected and returned to the Ki Charter Academy testing coordinator for return to the testing contractor(s); and
 - h. Maintaining inventory and shipping records for five years.

19 TAC 101.3031(a)(1)-(a)(2).

a) *Security and Confidentiality Violations*

Violations of the security and confidential integrity of an assessment include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students’ tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

11. Encouraging or assisting an individual to engage in the conduct described in subparagraphs (1)-(10) above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in conduct described in subparagraphs (1)-(11) above or in any other serious violation of security and confidentiality under this section;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

i. Consequences / Penalties

If Ki Charter Academy determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, Ki Charter Academy shall invalidate the student's test results. Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Education Certification for sanctions; and
3. Lowering Ki Charter Academy's accreditation status Ki Charter Academy's or campus's accountability ratings, or appointment of a monitor, conservator, or a management team in accordance with Education Code Chapter 39A.

ii. Test Administration Procedures and Training Activities

Test administration procedures shall be delineated in the test administration materials provided to Ki Charter Academy annually. Ki Charter Academy must comply with all of the applicable requirements specified in the test administration materials.

Ki Charter Academy shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

iii. Record Retention

Ki Charter Academy shall maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a-3)-(d).

iv. Development of Procedures

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

The Superintendent and each Principal must develop procedures to ensure the security and confidentiality of state assessments, and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of an assessment.

b) *Minimize Disruptions*

In implementing the Commissioner’s procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, Ki Charter Academy shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*.

c) *Assessment Confidentiality Results*

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA). *Education Code 39.030(b)*.

Sec. 85. SELECTION OF READING INSTRUMENTS

The Commissioner of Education (“Commissioner”) shall adopt a list of reading instruments that Ki Charter Academy may use to diagnose student reading development and comprehension. Ki Charter Academy may adopt a list of reading instruments for use in addition to the reading instruments on the Commissioner’s list. Each reading instrument adopted must be based on scientific research concerning reading skills development and reading comprehension. A list of adopted reading instruments must provide for diagnosing the reading development and comprehension of students participating in a bilingual education or special language program. *Education Code 28.006(b)*.

Sec. 86. STUDENT READING ASSESSMENTS

rr) *Kindergarten through Second Grade*

Ki Charter Academy shall administer, at the kindergarten and first and second grade levels, a reading instrument on the list adopted by the Commissioner or by Ki Charter Academy. The reading instrument shall be administered in accordance with the Commissioner’s recommendations under Education Code 28.006(a)(1).

ss) *Seventh Grade*

During the first six weeks of the school year, Ki Charter Academy shall administer the reading instrument specified by the Commissioner to each student in seventh grade whose performance on the sixth-grade state reading assessment in reading did not meet the passing standard. The admission, review and dismissal (“ARD”) committee or the Section 504 committee for each student who was administered a modified state assessment in reading may determine if the

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

diagnostic assessment is appropriate for use with that student. *Education Code 28.006(c-1); 19 TAC 101.6001(a).*

A seventh-grade student who does not have a score for the statewide reading assessment in grade six may be given an equivalent comprehension assessment. If that student does not meet the passing standard, then the student must be administered the diagnostic reading assessment selected by the Commissioner. *19 TAC 101.6001(b).*

Ki Charter Academy must use the Texas Middle School Fluency Assessment and/or an alternate diagnostic reading instrument. Ki Charter Academy may submit an alternate diagnostic reading instrument to the Texas Education Agency (“TEA”) for approval. An alternate diagnostic reading instrument must:

1. Be based on published scientific research in reading;
2. Be age and grade-level appropriate, valid, and reliable;
3. Identify specific skill difficulties in word analysis, fluency, and comprehension; and
4. Assist the teacher in making individualized instructional decisions based on the assessment results.

19 TAC 101.6001(c), (d).

Sec. 87. SUPERINTENDENT REPORTS

The Superintendent shall:

1. Report the results of the reading instruments to the Commissioner and the Board;
2. Report, in writing, to a student’s parent or guardian the student’s results on the reading instrument not later than the 60th calendar day after the date on which a reading instrument was administered; and
3. Report each student’s raw score on the reading instrument to the TEA using the school readiness certification system.

Education Code 28.006(d).

Sec. 88. PARENTAL NOTIFICATION

Ki Charter Academy shall notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. Ki Charter Academy shall make a good faith effort to ensure that this notice is provided either in person or by regular mail, and that the notice is clear and easy to understand and is written in English and in the parent or guardian’s native language. *Education Code 28.006(g)-(h).*

Sec. 89. ACCELERATED READING INSTRUCTION PROGRAM

Ki Charter Academy shall implement an accelerated reading instruction program that provides reading instruction addressing reading deficiencies to students identified as at risk for dyslexia or other reading difficulties, and shall determine the form, content, and timing of that program. The ARD committee of a student who participates in Ki Charter Academy’s special education program and who does not perform satisfactorily on a reading instrument shall determine the manner in which the student will participate in an accelerated reading instruction program. *Education Code 28.006(g)*.

Sec. 90. UNSATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, Ki Charter Academy shall provide to the student accelerated instruction in the applicable subject area.

Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. Ki Charter Academy shall be responsible for providing transportation to students required to attend accelerated instruction programs if these programs occur outside of regular school hours.

Accelerated instruction shall be based on, but not limited to, guidelines on research-based best practices and effective strategies as outlined in the Student Success Initiative (“SSI”) manual, published annually by the Texas Education Agency (“TEA”).

Ki Charter Academy must accommodate the request of an out-of-district student to participate in any established, on-campus summer accelerated instruction program, provided the student is living away from his or her home district and the program matches the accelerated instruction prescribed by the student’s Grade Placement Committee (“GPC”). *Education Code 28.0211(a-1); 19 TAC 101.2001(c), .2006(a)–(d)*.

Sec. 91. UNSATISFACTORY PERFORMANCE

tt) *On Grade Advancement Tests*

Ki Charter Academy shall provide to a student who initially fails to perform satisfactorily on a grade advancement test at least two additional opportunities to take the assessment instrument. *Education Code 28.0211(b)*.

uu) *Accelerated Instruction*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Each time a student fails to perform satisfactorily on a grade advancement test, Ki Charter Academy shall provide the student with accelerated instruction in the applicable subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. A student who fails to perform satisfactorily on a grade advancement test shall be provided accelerated instruction before the next administration of the applicable assessment. An accelerated instruction group for students who have failed an assessment may not have a ratio of more than ten students for each teacher per class. The accelerated instruction must satisfy the standards found in 19 TAC 101.2006. *Education Code 28.0211(c); 19 TAC 101.2006(e)(1)*.

If a student fails to perform satisfactorily on a grade advancement test after three attempts, the accelerated instruction shall be provided during the next school year according to an educational plan developed for the student by the student's GPC. Ki Charter Academy shall provide the instruction regardless of whether the student has been promoted or retained. The educational plan shall be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure the student is progressing in accordance with the plan. Ki Charter Academy shall administer to the student the assessment instrument for the grade level in which the student is placed at the time Ki Charter Academy regularly administers the assessment instrument for that school year. *Education Code 28.0211(f)*.

vv) Parental Notification of Performance and Accelerated Instruction

In addition to providing the accelerated instruction, Ki Charter Academy shall notify the student's parent or guardian of:

1. The student's failure to perform satisfactorily on the assessment instrument;
2. The accelerated instruction program to which the student is assigned; and
3. The possibility that the student might be retained at the same grade level for the next school year.

Whenever Ki Charter Academy is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, Ki Charter Academy shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language. *Education Code 28.0211(d), (h)*.

ww) Notice After Early Identification of At-Risk Students

Ki Charter Academy shall provide early notice to parents or guardians of students identified in a preceding grade to be at risk of failure on the first administration of the assessment required for grade advancement the next year. The Superintendent shall establish the instruments/procedures to be used to make this determination. This notice shall include accelerated instruction

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

participation requirements as stipulated by 19 TAC 101.2006 and be provided before the end of the school year preceding the grade advancement requirements. *19 TAC 101.2009(b)*.

xx) Notice After First Testing Opportunity

The Superintendent shall establish procedures to notify the parent or guardian of a student who has failed to demonstrate proficiency on the first administration of a grade advancement assessment. This notification should be made within five working days of Ki Charter Academy's receipt of student assessment results. This notice shall include the student's assessment results, a description of Ki Charter Academy's grade advancement policy, the required accelerated instruction to which the student has been assigned, and the possibility that the student might be retained at the same grade level for the next school year. In addition, the notice shall encourage parents or guardians to meet immediately with the student's teacher to outline mutual responsibilities to support the student during accelerated instruction. *19 TAC 101.2009(c)*.

yy) Notice After Second Testing Opportunity

Within five working days of Ki Charter Academy's receipt of student assessment results for the second administration of the assessment required for grade advancement, Ki Charter Academy shall notify the Principal of student assessment results for each student who fails to demonstrate proficiency. Upon receipt of this notice, the Principal shall notify the teacher and parent or guardian of the assessment results. This notice shall include a description of the purpose and responsibilities of a GPC and the time and place for the first meeting of the GPC. *19 TAC 101.2007(c)*.

zz) Grade Placement Committee

After a student fails to perform satisfactorily on an assessment instrument a second time, a GPC shall be established to prescribe the accelerated instruction the student is to receive before the assessment instrument is administered the third time. The Superintendent shall establish procedures for convening the GPC.

In accordance with 19 TAC 101.2006(d), decisions by the GPC shall be made on an individual student basis, address required participation of the student in accelerated instruction, and ensure the most effective instruction to support the student's academic achievement on grade level.

The GPC shall be composed of the Principal or the Principal's designee, the student's parent or guardian, and the student's teacher of the subject of the grade advancement assessment on which the student failed to perform satisfactorily. If this teacher is unavailable, the Principal shall designate to serve on the committee a teacher certified in the subject of the assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

If more than one parent or guardian has the authority to make educational decisions regarding the student, a good faith effort must be made to notify both parents, but participation of any one parent or guardian is sufficient. Either parent or only one guardian may initiate an appeal. If both parents or guardians serve on the GPC but do not agree, either may agree to promote the student if the remaining members of the GPC also agree to the promotion. Ki Charter Academy may accept a parent's or guardian's written designation of another person to serve on the GPC for all purposes. Ki Charter Academy may accept a parent's or guardian's written and signed waiver of participation in the GPC and designation of the remaining members of the GPC as the decision-making entity for all purposes.

If a parent or guardian or designee is unable to attend a meeting, Ki Charter Academy may use other methods to ensure parent participation, including individual or conference telephone calls. Ki Charter Academy may designate another person to act on behalf of the student in place of a parent, guardian, or designee if no such person can be located. A surrogate parent named to act on behalf of a student with a disability shall be considered a parent for this purpose. Ki Charter Academy shall make a good faith effort to notify a parent or guardian to attend the GPC. If the parent or guardian is unavailable, the remaining members of the GPC must convene as required by law and take all necessary actions required, except that the GPC may not agree to promote a student under Education Code 28.0211(e) unless a parent, guardian, or designee has appealed. *Education Code 28.0211(c); 19 TAC 101.2007(a), (b).*

aaa) *Alternate Assessment*

For the third testing opportunity, the Board may choose to use a state-approved alternate assessment instead of the statewide assessment instrument, and select from a list provided annually by the Commissioner of Education ("Commissioner") only one test for each applicable grade and subject. The alternate assessment must be given during the period established by the Commissioner in the assessment calendar to coincide with the date of the third administration of the statewide assessment. *19 TAC 101.2011(a)–(b).*

bbb) *Parental Waiver*

The Superintendent shall establish a waiver process by which a parent or guardian may request that a student not participate in the third test opportunity due to potential harm to the student. The waiver must provide documentation of potential harm, student need, and other appropriate information. If a parental waiver is granted, the student must still participate in all required accelerated instruction and is subject to retention based on the failure on the second test administration. *19 TAC 101.2015.*

ccc) *Notice After Third Testing Opportunity*

The GPC must convene again if a student fails to demonstrate proficiency on the third administration of an assessment required for grade advancement and is thereby automatically

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

retained at the same grade level. Within five working days of receipt of student assessment results, Ki Charter Academy shall notify the Principal or Principal's designee of the assessment results for each eligible student who fails to demonstrate proficiency. Upon receipt of this notice, the Principal shall notify the teacher and parent or guardian of the time and place for the GPC to hold a meeting. This notice shall inform the parent or guardian of the opportunity to appeal the automatic retention of the student. The Superintendent shall establish a procedure to ensure a good faith effort is made toward securing the parent's or guardian's receipt of the retention notification. *19 TAC 101.2007(e)*.

Sec. 92. RETENTION AND APPEAL

A student who fails to perform satisfactorily after at least three attempts on one of the grade advancement tests shall be retained at the same grade level for the next school year. The parent or guardian may appeal the retention by submitting a request to the GPC within five working days of receipt of the retention notification. *Education Code 28.0211(e); 19 TAC 101.2007(e)*.

The GPC may not agree to promote a student unless a parent, guardian, or designee has appealed. *19 TAC 101.2007(b)(2)*.

If an appeal is initiated by the parent or guardian, the GPC may decide in favor of promotion only if the GPC concludes, upon review of all facts and circumstances, and in accordance with standards adopted by the Board, that the student is likely to perform on grade level given additional accelerated instruction during the next school year. A student may be promoted only if the decision of the GPC is unanimous and the student has completed all required accelerated instruction.

The review and decision of the GPC must be appropriately documented as meeting the standards adopted by the Board and made in conformance with procedures specified in the SSI manual and as required by 19 TAC 101.2001(b). These standards must include consideration of the following:

1. The recommendation of the student's teacher;
2. The student's grades;
3. The student's assessment scores; and
4. Any other necessary academic information as determined by Ki Charter Academy.

19 TAC 101.2007(f).

The placement decision by the GPC shall be made before the start of the next school year, or if applicable, upon re-enrollment of the student after this date. *19 TAC 101.2007(g)*.

The GPC's decision regarding placement is final and may not be appealed. *Education Code 28.0211(e)*.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

A student who is promoted to the next grade level must complete accelerated instruction required under Education Code 28.0211(a-1) before placement in the next grade level. A student who fails to complete required accelerated instruction may not be promoted. *Education Code 28.0211(a-2); 19 TAC 101.2006(e)(2)*.

In each subject in which the student failed to perform satisfactorily on the grade advancement test, a student who is promoted by the GPC must be assigned to a teacher who meets all state and federal qualifications to teach that subject and grade. *Education Code 28.0211(n)*.

Sec. 93. TRANSFER STUDENTS

A student who has been promoted upon completion of a school year in a school other than a Texas public school may be enrolled in that grade without regard to whether the student has successfully completed a grade advancement test. This does not limit Ki Charter Academy’s ability to appropriately place such a student. 19 TAC 101.2007(h).

Sec. 94. LIMITED ENGLISH PROFICIENT STUDENTS

The language proficiency assessment committee (LPAC) shall determine appropriate assessment and accelerated instruction for a limited English proficient (LEP) student who is administered a grade advancement test in English or Spanish, except as provided by 19 TAC 101.1005. The GPC for a LEP student shall make its decisions in consultation with a member of the student’s LPAC. Assessment decisions must be made on an individual basis and in accordance with procedures established by the TEA. *19 TAC 101.2003(e)*.

Sec. 95. SPECIAL EDUCATION STUDENTS

A student who is receiving special education services, including a LEP student, who is enrolled in grade 5 or 8, and who is receiving instruction in the essential knowledge and skills in reading or mathematics is eligible for grade advancement testing as outlined in the official SSI manual. The student’s admission, review, and dismissal (“ARD”) committee shall determine appropriate assessment and accelerated instruction for the student. Decisions regarding assessments for LEP students who receive special education services shall be made by the ARD committee in conjunction with the LPAC.

The ARD committee of a student who does not perform satisfactorily on an assessment instrument in grade 5 or 8 must meet before the student is administered the assessment instrument for the second time. The committee will determine the manner in which the student will participate in an accelerated instruction program and whether the student will be promoted in accordance with provisions below or retained.

At a meeting of the ARD committee, the committee may promote the student to the next grade level if the committee concludes that the student has made sufficient progress in the measurable

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

academic goals contained in the student’s individualized education program. If the student is promoted, Ki Charter Academy is not required to provide an additional opportunity for the student to perform satisfactorily on the assessment instrument.

Not later than September 1 of each school year, Ki Charter Academy must notify the parent or person standing in parental relation to a student enrolled in Ki Charter Academy’s special education program, of the options of the ARD committee if the student does not perform satisfactorily on an assessment instrument. *Education Code 28.0211(i), (i-1), (i-2); 19 TAC 101.2003(d), (f).*

Sec. 96. LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE (LPAC)

The language proficiency assessment committee (“LPAC”) shall select the appropriate assessment option for English learners², in accordance with 19 TAC 101.1005. LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by the Texas Education Agency (“TEA”).

The LPAC shall document in the student’s permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 TAC 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 TAC 101.1005; and
3. In conjunction with the admission, review, and dismissal (“ARD”) committee, the need for allowable testing accommodations under 19 TAC 101.1003 and .1005.

19 TAC 101.1003(b), (c), .1005(a), (c).

Sec. 97. DEFINITIONS

“Recent unschooled immigrant” means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. *Education Code 39.027(g).*

“Unschooled asylee or refugee” means a student who:

1. Initially enrolled in a school in the United States as:
 - a. An asylee as defined by 45 C.F.R. 400.41; or

² In this policy, the term “English learner” is synonymous with “limited English proficient (LEP)” student, as that term is used in Subchapter B, Chapter 29, Education Code.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

- b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with “Asylee,” “Refugee,” or “Asylum”; and
3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

Education Code 39.027(a-1); 19 TAC 101.1005(c).

“Inadequate schooling outside the United States” is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d).*

Sec. 98. ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS

In kindergarten through grade 12, an English learner shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state requirements under Education Code, Chapter 39, Subchapter B, and applicable federal requirements. *19 TAC 101.1003(a).*

Sec. 99. LIMITATIONS ON EXEMPTIONS

ddd) *First Year after Enrollment*

An English learner may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of an English learner. *Education Code 39.027(a)(1).*

eee) *Subsequent Years*

An English learner granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or
2. An additional four years if the student’s initial enrollment in a school in the United States was as an unschooled asylee or refugee.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student’s academic progress in a valid, reliable manner.

fff) *Minimum Days for Enrollment*

Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).

Education Code 39.027(a)(1)–(2), (a-1), (a-2), (g).

Sec. 100. TESTING IN GRADES 3–8

An English learner shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.

a) *Spanish-Version Assessment*

A Spanish-speaking English learner in grades 3–5 may be administered the state’s Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student’s academic progress.

b) *Linguistically Accommodated Assessments*

An English learner in grade 3 or higher may be administered the linguistically accommodated English version of the state’s mathematics, science, or social studies assessment if:

1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student’s academic progress;
2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessment under 19 TAC 101.1003; and
3. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less.

c) *Exemption for Asylee or Refugee*

An unschooled asylee or refugee who meets the criteria discussed above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

19 TAC 101.1005(b), (c).

d) Refusal of Services

An English learner whose parent or guardian has declined bilingual education/ESL services is not eligible for special assessment, accommodation, or accountability provisions made available to English learners on the basis of limited English proficiency. *19 TAC 101.1005(f).*

Sec. 101. END-OF-COURSE ASSESSMENTS

An English learner shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b).*

An English learner shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

a) Exception

If an English learner enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above and has been enrolled in U.S. schools for three school years or less, or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment.

19 TAC 101.1007(a), (b).

Sec. 102. NON-ENGLISH LEARNER STUDENTS

Ki Charter Academy may administer the assessment of academic skills in Spanish to a student who is not identified as an English learner but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(g).*

Sec. 103. SPECIAL EDUCATION

For each English learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

a) *Selecting Assessments*

The ARD committee shall document the decisions and justifications in the student’s individualized education program (IEP). *19 TAC 101.1005(a)*.

b) *English Language Proficiency Tests*

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an English learner who receives special education services to participate in an English language proficiency assessment required above for reasons associated with the student’s particular disability. The ARD committee shall document the decisions and justifications in the student’s IEP, and the LPAC shall document the decisions and justifications in the student’s permanent record file. *19 TAC 101.1003(b)*.

In the case of an English learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c)*.

c) *Alternative Assessment Instruments*

In certain cases, an English learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. *19 TAC 101.1005(b)*.

An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c)*.

d) *Testing Accommodations*

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*.

Sec. 104. GRADE ADVANCEMENT REQUIREMENTS

The LPAC shall determine appropriate assessment and accelerated instruction for an English learner who is administered a grade advancement test in English or Spanish, except as provided by 19 TAC 101.1005. The grade placement committee for an English learner shall make its decisions in consultation with a member of the student’s LPAC. *19 TAC 101.2003(e)*.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Sec. 105. NONDISCRIMINATION POLICY

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any service, program, or activity provided or offered by Ki Charter Academy. *42 U.S.C. 12132; 29 U.S.C. 794(a); 34 CFR 104.4(a).*

Sec. 106. FREE APPROPRIATE PUBLIC EDUCATION

Eligible students with disabilities shall enjoy the right to a free appropriate public education (“FAPE”), which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a).*

FAPE means special education and related services that:

- 1) Have been provided at public expense, under public supervision and direction, and without charge;
- 2) Meet standards set out by the Texas Education Agency (“TEA”);
- 3) Include an appropriate preschool, elementary school, or secondary school education; and
- 4) Are provided in conformity with the student’s individualized education program (“IEP”).

20 U.S.C. 1401(9); 34 CFR 300.13, 300.17, 300.36.

Sec. 107. LEAST RESTRICTIVE ENVIRONMENT

Ki Charter Academy shall ensure that, to the maximum extent possible, children with disabilities shall be educated with children who are not disabled. Special classes, special schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the child’s disability is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved. *20 U.S.C. 1412(a)(5); 34 CFR 300.114(a)(2).*

Sec. 108. DISCIPLINE

All disciplinary actions regarding students with disabilities shall be determined in accordance with applicable federal regulations, Education Code Chapter 37, and 19 Administrative Code 89.1053. *19 TAC 89.1050(k).*

Sec. 109. INSTRUCTIONAL ARRANGEMENTS AND SETTINGS

Instructional arrangements and settings shall be based on the individual needs and IEPs of eligible students receiving special education services. Instructional arrangements and settings include:

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

1. Mainstream: services provided in the regular classroom in accordance with the student’s IEP;
2. Homebound: services provided at home or hospital bedside;
3. Hospital class: services provided in a classroom, hospital facility, or residential care and treatment facility not operated by Ki Charter Academy;
4. Speech therapy: speech therapy services provided, whether in a regular education classroom or other setting;
5. Resource room/services: services provided in a setting other than the regular classroom for less than 50% of the regular school day;
6. Self-contained (mild, moderate, or severe) regular campus: services provided to a student who is in a self-contained program for 50% or more of the regular school day on a regular school campus;
7. Off home campus: services provided in an interdistrict program, through Ki Charter Academy personnel in a non-Ki Charter Academy facility, or at a Ki Charter Academy campus that provides only special education and related services.
8. Nonpublic day school: services provided through a contractual agreement with a nonpublic school;
9. Vocational adjustment class/program: services provided to a student who is placed on a job with regularly scheduled direct involvement by special education personnel in the implementation of the student’s IEP;
10. Residential care and treatment facility (not Ki Charter Academy resident): services provided to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of Ki Charter Academy;
11. State supported living center: services provided to a student who resides at a state supported living center when the services are provided at the state supported living center location;
or
12. Other program options, including contracts with other districts and programs approved by TEA.

19 TAC 89.63(c), (f).

Sec. 110. RELATED SERVICES

“Related services” means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a FAPE as described in the child’s IEP, counseling services, including rehabilitation

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device.

20 U.S.C. 1401(26); 34 CFR 300.34.

ggg) *Transportation*

Ki Charter Academy shall provide special transportation with federal funds only when the admission, review and dismissal (ARD) committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e).*

hhh) *Extended School-Year Services*

Ki Charter Academy shall ensure that extended school-year (ESY) services are available as necessary to provide a student with a disability with a FAPE. ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for a FAPE. Ki Charter Academy may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services. *34 CFR 300.106; 19 TAC 89.1065.*

Sec. 111. CHILD FIND

Ki Charter Academy shall ensure that all children residing within the Ki Charter Academy boundaries who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to all children with disabilities, including:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 CFR 300.111(a)(1)(i), (c).

iii) *Private School Students*

Ki Charter Academy shall coordinate with home school districts, who are primarily responsible for consulting with private school representatives regarding the child find process and the

Ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

provision of special education and related services to children enrolled in private schools within the Ki Charter Academy boundaries.

Ki Charter Academy shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending the public schools within the Ki Charter Academy boundaries. *20 U.S.C. 1412(a)(10)(A)(ii)–(iv)*.

Sec. 112. REFERRAL

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*.

Referral of students for a full and individual initial evaluation for possible special education services shall be a part of Ki Charter Academy’s overall general education referral or screening system. Either a parent, the Texas Education Agency (“TEA”), another state agency, or Ki Charter Academy may initiate a request for an initial evaluation.

a) *Obligation to Refer*

Before referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students. If a student continues to experience difficulty in the general classroom after the provision of interventions, Ki Charter Academy personnel must refer the student for a full and individual initial evaluation.

b) *Parent Request*

If a parent submits a written request for a full individual and initial evaluation of a student, Ki Charter Academy shall, not later than the 15th school day after the date Ki Charter Academy receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 CFR 300.503, a copy of the procedural safeguards notice required by 34 CFR 300.504, and an opportunity to give written consent for the evaluation; or
2. Refuse to provide the evaluation and provide the parent or legal guardian with notice of procedural safeguards under 20 USC 1415(b).

20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301; 19 TAC 89.1011(a), (b); Education Code 29.004(c).

Sec. 113. NOTICE OF RIGHTS

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Ki Charter Academy shall provide written notice to a student’s parent or guardian within a reasonable time before proposing or refusing to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (“FAPE”). *20 U.S.C. 1415(b)(3); 34 CFR 300.503(a).*

Sec. 114. INITIAL EVALUATION

Ki Charter Academy shall conduct a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability. *20 U.S.C. 1414(a)(1)(A).*

a) *Consent for Initial Evaluation*

Ki Charter Academy shall, after providing notice consistent with 34 CFR 300.503 and 300.504, obtain informed consent, consistent with 34 CFR 300.9, from the parent of the child before conducting the evaluation.

If the parent does not provide consent for an initial evaluation or fails to respond to a request to provide consent, Ki Charter Academy may, but is not required to, pursue the initial evaluation by utilizing due process procedures, except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services. *20 U.S.C. 1414(a)(1)(D)(i)(1); 34 CFR 300.300.*

b) *Wards of the State*

If the child is a ward of the state and is not residing with the child’s parent, Ki Charter Academy shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Ki Charter Academy cannot discover the whereabouts of the parent, despite reasonable efforts to do so;
2. The rights of the parent have been terminated in accordance with State law; or
3. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 CFR 300.300(a)(2).

c) *Completion of Written Report*

Ki Charter Academy must complete the written report of a full individual and initial evaluation:

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

1. Not later than the 45th school day following the date on which Ki Charter Academy in accordance with 20 USC 1414(a) receives written consent for the evaluation signed by the student’s parent or legal guardian. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which Ki Charter Academy receives written consent for the evaluation signed by the student’s parent or legal guardian.

If Ki Charter Academy receives written consent for the evaluation from the student’s parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student’s parent not later than June 30 of that year.

If Ki Charter Academy receives written consent signed by a student’s parent less than 35 school days before the last instructional day of the school year or if Ki Charter Academy receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later than the 45th school day following the date Ki Charter Academy received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the official Ki Charter Academy attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the Board and is under the direction of a professional staff member of Ki Charter Academy or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

“School day” does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

d) *Transfer Students*

Ki Charter Academy shall ensure that evaluations of children who transfer from one public school to another in the same academic year are coordinated with the children’s prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

If a student was in the process of being evaluated for special education eligibility by another public school and enrolls in Ki Charter Academy before the previous school completed the full individual and initial evaluation, Ki Charter Academy must coordinate with the previous school as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R. 300.301(d)(2) and (e) and 300.304(c)(5).

The time lines above do not apply in such a situation if:

1. The new school is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school agree to a specific time when the evaluation will be completed.

20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)–(e); Education Code 29.004; 19 TAC 89.1011.

Sec. 115. PSYCHOLOGICAL EXAMS

If Ki Charter Academy determines that an additional examination or test is required for the evaluation, Ki Charter Academy shall provide the information required by Education Code 29.0041(a) and shall obtain parental consent. If a parent does not give consent within 20 calendar days after the School provides the information, the parent’s consent is considered denied.

The time required for Ki Charter Academy to provide information and seek consent may not be counted toward the 60 calendar days for completion of an evaluation. *Education Code 29.0041.*

Sec. 116. ELIGIBILITY AND REEVALUATIONS

A student is eligible to participate in Ki Charter Academy’s special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student is not more than 21 years of age and has a visual or auditory impairment that prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035, .1040.

a) *Determination of Initial Eligibility*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

Ki Charter Academy shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. *20 U.S.C. 1414(b)(4)(B); 34 CFR 300.306(a).*

The admission, review, and dismissal (“ARD”) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (“IEP”) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at Timeframe for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible. *19 TAC 89.1011(d), (e).*

b) *Consent: Initial Provision of Services*

Ki Charter Academy must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, Ki Charter Academy:

1. May not use the procedures in 34 CFR part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which Ki Charter Academy requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

c) *Consent: Revoking Consent*

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, Ki Charter Academy:

1. May not continue to provide services to the child, but must provide prior written notice in accordance with 34 CFR 300.503 before ceasing services;

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

2. May not use the procedures in 34 CFR part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and
4. Is not required to convene an IEP Team meeting or develop an IEP for further provision of services.

34 CFR 300.300(b).

d) *Reevaluations*

Ki Charter Academy shall ensure that each child with a disability is reevaluated if Ki Charter Academy determines that the educational or related service needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and Ki Charter Academy agree otherwise; and
2. At least once every three years, unless the parent and Ki Charter Academy agree that a reevaluation is unnecessary.

Ki Charter Academy shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if Ki Charter Academy can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond. 20 U.S.C. 1414(a)(2), (c)(3); 34 CFR 300.303.

e) *Evaluation for Change in Eligibility*

Ki Charter Academy shall evaluate a child before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law; a summary of academic achievement and functional performance must be provided in these circumstances. 20 U.S.C. 1414(c)(5); 34 CFR 300.305(e); 19 TAC 89.1070(g).

f) *Independent Evaluation*

Parents have a right to obtain an independent educational evaluation of their child. Upon such a request, Ki Charter Academy shall provide the parents with information regarding where one can be obtained and Ki Charter Academy's criteria for independent evaluations.

vii. *At Public Expense*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

If a parent requests an independent evaluation at public expense, Ki Charter Academy shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless Ki Charter Academy demonstrates in a hearing pursuant to 34 CFR 300.507 through 300.513 that the evaluation obtained by the parent did not meet Ki Charter Academy’s criteria for independent evaluations.

viii. At Private Expense

If Ki Charter Academy initiates a hearing, and the final decision is that Ki Charter Academy’s evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense. If the parent obtains an independent evaluation at private expense, Ki Charter Academy shall consider the results of the evaluation, if it meets Ki Charter Academy’s criteria, in any decision made with respect to providing FAPE to the child. *34 CFR 300.502*.

Sec. 117. REQUIRING PRESCRIPTION MEDICATION

Ki Charter Academy employees are 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.

Ki Charter Academy employees are not prohibited from consulting or sharing classroom-based observations with parents 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. 118. PROCEDURAL SAFEGUARDS

The Superintendent or designee shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (“FAPE”). *20 U.S.C. 1415(a)–(b)*.

These procedures shall include:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 CFR 300.501*.

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 CFR 300.502.*
3. Assignment of an individual to act as a surrogate for the parent when no parent can be identified, Ki Charter Academy cannot locate the parents, or the child is a ward of the state. *34 CFR 300.519.*
4. Prior written notice to the parents whenever Ki Charter Academy proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 CFR 300.503.*
5. Procedures to allow parties to resolve disputes through a mediation process. *34 CFR 300.506.*
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 CFR 300.507.*
7. Procedures that require either party, or the attorney representing a party, to provide the other party a due process complaint (which shall remain confidential). *34 CFR 300.508.*

Sec. 119. CONSENT

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, Ki Charter Academy is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 CFR 300.9.

Sec. 120. LANGUAGE OF NOTICES

The procedural safeguards and prior notices described below must be written in a language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. *34 CFR 300.503(c), 300.504(d).*

jjj) *Electronic Delivery of Notices*

A parent who has a child with a disability may elect to receive required notices required by 34 CFR 300.503, 300.504 and 300.508 by electronic mail, if Ki Charter Academy makes that option available. 34 CFR 300.505.

kkk) *Notice of Procedural Safeguards*

Ki Charter Academy shall provide a copy of the procedural safeguards to parents only once per year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

Ki Charter Academy may also place a current copy of the procedural safeguards notice on its Internet Web site.

III) *Contents of Notice*

The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;
5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
 - a. The time period in which to file a complaint,
 - b. The opportunity for Ki Charter Academy to resolve the complaint; and
 - c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

20 U.S.C. 1415(a)–(b), (d); 34 CFR 300.504(c).

Sec. 121. PRIOR NOTICE AND CONSENT

Ki Charter Academy shall provide prior written notice to the parents within a reasonable time before the school proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of a FAPE to the child. *34 CFR 300.503(a).*

Notice must be provided to the parent in the parent's native language or other mode of communication at least five school days before Ki Charter Academy proposes or refuses the action, unless the parent agrees to a shorter time frame. *19 TAC 89.1050(h).*

a) *Contents of Notice*

The notice must include:

1. A description of the action proposed or refused by Ki Charter Academy;
2. An explanation of why Ki Charter Academy proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report Ki Charter Academy used as a basis for the proposed or refused action;
4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the Individuals with Disabilities Education Act ("IDEA") rules;
6. A description of other options the admission, review and dismissal ("ARD") committee considered and the reasons why those options were rejected; and
7. A description of other factors relevant to Ki Charter Academy's proposal or refusal.

34 CFR 300.503(b).

b) *Consent to Initial Evaluation*

Before Ki Charter Academy conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation Ki Charter Academy proposes to conduct, and obtain informed consent for the evaluation from the parents. *20 U.S.C. 1414(a)(1)(D), (E); 34 CFR 300.304(a).*

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

c) *Consent to Services*

Ki Charter Academy shall seek informed consent from the parent before providing special education and related services to a child. *20 U.S.C. 1414(a)(1)(D)*.

d) *Consent to Reevaluation*

Ki Charter Academy shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if Ki Charter Academy can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. *20 U.S.C. 1414(c)(3)*.

e) *Psychological Examinations and Tests*

On request of a child's parent, before obtaining the parent's consent under 20 U.S.C. Section 1414 for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, Ki Charter Academy shall provide to the child's parent:

1. The name and type of the examination or test; and
2. An explanation of how the examination or test will be used to develop an appropriate Individualized Education Program ("IEP") for the child.

If Ki Charter Academy determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent, Ki Charter Academy shall provide the information above to the parent regarding the additional examination or test and shall obtain additional consent for the examination of test. *Education Code 29.0041(a), (b)*.

Sec. 122. DISPUTE RESOLUTION

The possible options for resolving disputes that arise between a parent and Ki Charter Academy relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by Ki Charter Academy, under 19 TAC 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to Ki Charter Academy policies, with the principal, special education director, Superintendent, or Board;
4. Requesting state IEP facilitation in accordance with 19 TAC 89.1197 (relating to State Individualized Education Program Facilitation);

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

5. Requesting mediation through the Texas Education Agency (“TEA”) in accordance with 34 CFR 300.506;
6. Filing a complaint with TEA in accordance with 34 CFR 300.153; or
7. Requesting a due process hearing through TEA in accordance with 34 CFR 300.507-300.514.

19 TAC 89.1150.

Sec. 123. DUE PROCESS COMPLAINT

Whenever a due process complaint has been received by Ki Charter Academy, the parent shall have an opportunity for an impartial due process hearing, which shall be conducted by TEA.

a) *Time Limit*

A due process complaint must set forth an alleged violation that occurred not more than one year before the date the parent or Ki Charter Academy knew or should have known about the alleged action that forms the basis of the complaint. *20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(c).*

b) *Exception*

This timeline shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by Ki Charter Academy that it had resolved the problem forming the basis of the complaint; or
2. Ki Charter Academy’s withholding of information from the parent that Ki Charter Academy was required by the IDEA to provide.

20 U.S.C. 1415(f)(3)(D); 34 CFR 300.511(f).

c) *“Stay Put”*

During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, the child shall remain in the then-current educational placement unless Ki Charter Academy and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 CFR 300.518, 300.533.*

d) *Exception*

When a due process hearing has been requested by a parent or Ki Charter Academy concerning a disciplinary change of placement or manifestation determination, the child shall remain in the

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child’s assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the parent and Ki Charter Academy agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 CFR 300.533.*

e) *Resolution Process*

Within 15 days of receiving notice of a parent’s due process complaint, and before initiating a due process hearing under 34 CFR 300.511, Ki Charter Academy shall convene a meeting with the parent and the relevant member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that Ki Charter Academy has the opportunity to resolve the dispute.

The meeting need not be held if the parent and Ki Charter Academy agree in writing to waive the meeting, or the parent and Ki Charter Academy agree to use the mediation process.

If Ki Charter Academy has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. If Ki Charter Academy is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, Ki Charter Academy may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent’s due process complaint. *34 CFR 300.510.*

Sec. 124. TRANSFER OF RIGHTS TO ADULT STUDENTS

When a student reaches the age of 18, Ki Charter Academy shall notify the student and the parents of the transfer of parental rights. This notice is separate and distinct from the requirement that, beginning at least one year before the student reaches the age of 18, the student’s IEP include a statement regarding transfer of parental rights.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student. *34 CFR 300.520; Education Code 29.017(a)–(b); 19 TAC 89.1049(c).*

Sec. 125. ESSENTIAL KNOWLEDGE AND SKILLS

Ki Charter Academy shall establish instructional objectives that relate to the essential knowledge and skills for grade-level subjects or courses. These objectives shall address the skills needed for successful performance in the next grade or next course in a sequence of courses.

Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that the student’s performance indicates the level of mastery of the designated

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

curriculum objectives. The student’s mastery level shall be a major factor in determining the grade for a subject or course.

Sec. 126. GUIDELINES FOR GRADING

The Superintendent or designee shall ensure that each campus or instructional level develops guidelines for teachers to follow in determining grades for students. These guidelines shall ensure that grading reflects a student’s relative mastery of an assignment and that a sufficient number of grades are taken to support the grade average assigned. Guidelines for grading shall be clearly communicated to students and parents.

In accordance with grading guidelines, a student shall be permitted a reasonable opportunity to redo an assignment or retake a test for which the student received a failing grade.

Sec. 127. PROGRESS REPORTING

Grade/progress reports shall be issued on a form approved by the Superintendent or designee within the time period approved by the Superintendent or designee. Supplemental progress reports may be issued at the teacher’s discretion.

Sec. 128. REPORT OF STUDENT PERFORMANCE TO PARENTS

Ki Charter Academy shall provide a record of the comparisons of student performance made under Education Code 39.034 and provided to Ki Charter Academy under Education Code 39.302 in a written notice to the student’s parent or other person standing in parental relationship.

For a student who failed to perform satisfactorily as determined under either performance standard under Education Code 39.0241 on an assessment instrument administered under Education Code 39.023(a), (c), or (l), Ki Charter Academy shall include in the notice specific information relating to access to educational resources at the appropriate assessment instrument content level, including assessment instrument questions and answers released under Education Code 39.023(e).

Education Code 39.303.

Sec. 129. CONFERENCES

Conferences may be requested by a teacher or parent as needed.

Sec. 130. ACADEMIC DISHONESTY

Students found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating or copying the work of another student, plagiarism, and

ki education foundation BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
INSTRUCTIONAL PROGRAM OVERVIEW

unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another supervising professional employee, taking into consideration written materials, observation, or information from students.