

Texas Education Agency

**2010-2011
Student Attendance Accounting Handbook
Version 2**

November 22, 2010

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Foreword

The submission of Public Education Information Management System (PEIMS) data is required of all public school districts and open-enrollment charter schools. Student attendance and contact hours will again be reported at the student detail level, for the entire school year, through the PEIMS. The *Student Attendance Accounting Handbook* (handbook) provides districts and charter schools with the Foundation School Program (FSP) eligibility requirements of all students and the minimum requirements of all student attendance accounting systems.

The handbook —

- describes the FSP eligibility requirements of all students;
- prescribes the minimum standards for all attendance accounting systems, whether manual or automated;
- lists the documentation requirements for attendance audit purposes;
- specifies the minimum standards for systems that are entirely functional without the use of paper; and
- details the responsibilities of all district and charter school personnel involved in student attendance accounting.

The handbook is for all school district and charter school personnel involved in the student attendance accounting process. No school district or charter school official (or any other person in your district or charter school) has the authority, either implied or actual, to change or alter any rules, regulations, or reporting requirements specified in this handbook.

Commissioner of Education

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2010-2011 Student Attendance Accounting Handbook Version 2

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Section 1 Overview

Per state law¹, every Texas school district is required to adopt an attendance accounting system, whether manual or automated, that includes procedures that ensure the accurate taking, recording, and reporting of attendance accounting data. District staff must report attendance information through the Public Education Information Management System (PEIMS) to the Texas Education Agency (TEA). The TEA then uses this attendance data to determine the allocation of Foundation School Program (FSP) funds to your district.

1.1 Student Attendance and FSP Funding

The primary purpose for the TEA's collection of student attendance data is to ensure that FSP funds can be allocated to Texas's public schools. All public schools in Texas must maintain records to reflect the average daily attendance (ADA) for the allocation of these and other funds by the TEA².

Note: An **inherent difference exists between** your district's **being permitted to serve a student** in a particular program and your district's **being entitled to funding** for that student in that program. For example, depending on local policy, your school district may serve virtually any student in virtually any capacity/setting as long as serving the student does not interfere with the education of funding-eligible resident students. However, the only time a student may be coded as an eligible participant in a program/setting, thereby generating state funding, is when that student meets all the eligibility requirements, and all documentation is complete and on file.

All eligible students are entitled to the benefits of the FSP. However, for your district to claim a student for funding purposes, complete documentation that proves the eligibility of the student for the FSP must first be on file. Furthermore, your district must report all eligible attendance according to provisions established by the TEA. For these reasons, the TEA has developed both a standardized attendance accounting system (described in this handbook) and a standardized reporting system (PEIMS)³.

The funding formula for the FSP, as well as the requirements for a student's eligibility to participate in this program, is mandated by the Texas Education Code and the Texas Administrative Code. All students must meet the requirements for **membership**, defined in Section 3 of this handbook, before they are eligible for FSP funds for attendance and special programs. Districts must retain all records proving such eligibility for the required length of time for audit purposes (see Section 2).

For districts to receive the maximum amount of funding for all their students, the following personnel must be aware of their individual responsibilities and must work together to assemble the required documentation at the earliest possible time: administrators, special program staff, teachers, and attendance personnel.

¹ Texas Education Code (TEC), §42.006(b)

² 19 Texas Administrative Code (TAC) §129.21(a)

³ TEC, §42.006

Note: Waivers for program requirements do not alter rules associated with eligibility for funding purposes unless the waiver specifically states that funding regulations are altered.

1.2 Taking and Recording Student Attendance

It is your district's responsibility to ensure that the basis used to record and process attendance accounting data meets the standard set forth in this *Student Attendance Accounting Handbook*⁴. The TEA does not formally approve or certify attendance accounting systems of any organization, public or private, that is in the business of providing services to Texas public schools. The TEA cautions districts to be sure the software they purchase meets the requirements for attendance accounting as described in this handbook before contracting with a vendor. Your district may use a locally designed system, provided the system includes the instructions and information requirements prescribed by this handbook⁵.

Regardless of the particular accounting system your school district selects or uses, the minimum requirements established in this handbook must be incorporated. It is important to recognize that although these standards are the **minimum** requirements of all attendance accounting systems, your district may desire to adopt **additional** codes and/or documentation requirements for local purposes.

1.3 Reporting of Attendance Information to the TEA

District staff report attendance and contact hours on the student level for the entire school year through the PEIMS.

See **Section 3 General Attendance Requirements** for additional information.

1.4 Storage of Attendance Information

Your district's superintendent of schools is responsible for the safekeeping of all attendance records and reports. The superintendent of schools may determine whether the properly certified attendance records or reports for the school year are to be filed in the central office or properly stored on the respective school campuses of your district or at a secure offsite location.

Information for all FSP attendance reports must be made a part of a school's permanent records. Superintendents, principals, and teachers are responsible to their school board and to the state for maintaining accurate and current attendance records, regardless of the attendance accounting system in use⁶.

1.5 Auditing of Attendance Information

Regardless of where attendance records are filed or stored, they must be readily available for audit by the Financial Audits Division of the TEA. Auditors have the authority to examine attendance records for any year for which your district is required to retain records (see Section 2). **In the event auditors detect errors during an audit, the TEA will either assess an**

⁴ 19 TAC §§129.21(e), 129.1023, and 129.1025

⁵ 19 TAC §129.21(e)

⁶ 19 TAC §129.21(a)

adjustment to subsequent allocations of state funds or require your district to refund the total amount of the adjustment when the audit is finalized⁷.

1.6 About This Handbook

The *Student Attendance Accounting Handbook* (handbook) contains the official attendance accounting rules and regulations for all public school districts in Texas, including open-enrollment charter schools, unless otherwise specified in this document. Throughout the handbook, the term *school district* or *district* includes open-enrollment charter schools, except where it is noted that different requirements apply to open-enrollment charter schools. **This handbook is the official standard of required information for all attendance accounting systems**, whether manual or automated. Unless a distinction is made between manual and automated systems, all standards described in this handbook apply to all attendance accounting systems.

No school district official (or any other person in your school district) has the authority, either implied or actual, to change or alter any rules, regulations, or reporting requirements specified in this handbook.

The handbook incorporates the same codes that are defined in the PEIMS *Data Standards*, as they relate to attendance, and requires all attendance accounting systems to follow the same coding structure. Participation in the PEIMS is mandated⁸ for Texas public schools.

1.7 How to Use This Handbook

The handbook contains all the information and the mandated coding structure that each attendance accounting system must follow. Each section of this handbook, where practical, is organized using the same headings for each subsection. The same general types of information may be found under each subsection.

Each section specifies the coding structure and lists all the documentation required to verify student eligibility in the subject area defined by the section title.

Although limited by the complicated nature of attendance accounting, each section is designed to present all essential information about the subject area defined by the section title. The essential information provided includes student eligibility, mandated coding structure, and documentation required for audit purposes. In addition, each section contains the responsibilities of district personnel and examples of how to code students in the accounting system.

⁷ TEC, §42.255, 19 TAC §129.21(m)

⁸ TEC §42.006(a)

The following table briefly describes the subject matter contained in each section.

Handbook Section(s)	Description
Section 1 Overview	The Overview describes the importance of attendance accounting, how funding and attendance are related, the organization of this handbook, and significant changes.
Section 2 Audit Requirements	Audit Requirements establishes minimum standards for all required documentation, sets the time limit for record retention, and discusses areas of attendance accounting that deserve particular attention.
Section 3 General Attendance Requirements	General Attendance Requirements discusses the responsibilities of district personnel, enrollment and withdrawal procedures, basic rules of attendance accounting for all attendance systems, ADA eligibility codes and general eligibility requirements, the school calendar, data submission, documentation required to prove FSP eligibility, tips for quality control of attendance data, and examples.
Sections 4–9	These sections address each of the special program areas under the FSP. Each section discusses the responsibilities of district personnel, enrollment and withdrawal procedures, special rules, documentation to prove special program eligibility, tips for quality control of special program attendance data, and examples.
Section 10 Nontraditional Schools	Nontraditional Schools discusses waivers, year-round schools, alternative education programs, juvenile justice alternative education programs, suspension, and expulsion.
Section 11 Nontraditional Programs	Nontraditional Programs discusses education programs with alternative methods of funding or provided in alternative settings.
Section 12 Appendix	The Appendix explains how ADA is calculated and provides information on weighting of ADA.
Section 13 Glossary	The Glossary section defines terms used in the handbook.

Throughout this handbook, all references to the Texas Education Code (TEC) are to state law as documented in the most recent publication of the *Texas School Law Bulletin* when the handbook was printed. All references to the Texas Administrative Code (TAC) are to the rules adopted by the State Board of Education or the commissioner of education as documented in the most recent publication of the TAC when the handbook was printed.

Note: The web addresses provided throughout the handbook are subject to change. If a particular TEA web address is no longer working, please search for the topic you are interested in using the TEA website's Google **Search** function or using the TEA **A–Z Index** page at <http://www.tea.state.tx.us/index2.aspx?id=180>. You can also access this page from the TEA website's home page by clicking on the **A–Z Index** link at the top of that page.

1.8 Significant Changes

The following table briefly describes the significant changes from the second version of the 2009–2010 handbook. The table does not include all changes made to the handbook.

Significant Changes in the

2010–2011 Student Attendance Accounting Handbook Version 2*

(The changes with a dashed line along the right side are changes made since publication of version 1 of the handbook. All other changes listed were present in version 1 of the handbook.)

Change	Section(s) Affected
Record Retention: Clarification has been added that the requirement to retain records for 5 years applies specifically to records related to student attendance and that other types of records may need to be kept longer.	2.1 General Audit Requirements
"Transfer" of Student From One District to Another: Throughout the handbook, the word "transfer" has been replaced with "move" where appropriate, as the word "transfer" has the special meaning described in 3.2.1.4 Code 3 Eligible Transfer Student Full-Day .	Multiple throughout handbook
Charter Schools and Applicability of Handbook Requirements: Some of the requirements that charter schools are exempt from have been explicitly identified.	3.8 Calendar, 5.2 Eligibility and Eligible Days Present, and Section 10 Nontraditional Schools
Funding Eligibility of Students Who Have Met All Graduation Requirements Except Passing State-Required Assessments: The subsections related to this topic have been revised to reflect a recent agency policy change allowing students who have met course requirements for graduation but have not passed the required state assessment and are attending school to participate in a review program to retake the assessment to be eligible to generate state funding for this attendance.	3.2.1.1 Code 0 Enrolled, Not in Membership 3.2.2.2 Funding Eligibility of Students Who Have Met All Graduation Requirements Except Passing State-Required Assessments
Student Transfer System (STS): A statement that student transfers must be reported through the STS has been deleted. A note has been added explaining that, while the STS is now closed and districts are no longer required to report student transfers through the STS, districts should keep documentation related to student transfers locally.	3.2.1.4 Code 3 Eligible Transfer Student Full-Day
Children of Military Families: Information on special minimum eligible age requirements applicable to children of military families has been added.	*3.2.3.1 Additional Information About Minimum Eligible Age

Change	Section(s) Affected
<p>[Note: The following change was present in the first version of the handbook. However, in the second version of the handbook, the excerpted sentence below ("Exceptions are . . .") no longer appears in subsection 3.2.2.2. It does still appear in subsection 3.2.3.2.]</p> <p>Maximum Eligible Age, Graduation Requirements: Clarification has been added that special education students returning to school under 19 TAC §89.1070(c) are eligible for funding. Also, in the following sentence, which identifies types of students who are eligible to graduate but who may continue their education and be eligible for funding, the word <i>or</i>, which was inadvertently left out in the last release of the handbook, has been inserted between the word <i>standard</i> and the phrase <i>to graduate</i> to indicate that two exceptions, and not just one, are being described: <i>Exceptions are students who are eligible to graduate but who continue their education to meet the requirements of a higher high school diploma standard <u>or</u> to graduate with their class if graduation will occur by the end of the school year in which the student completes graduation requirements.</i></p>	<p>**3.2.3.2 Additional Information About Maximum Eligible Age</p>
<p>Students "Auditing" Classes at a Charter School: Information has been added explaining that a school district student who is absent to audit classes at a charter school must be marked absent.</p>	<p>3.3.2 Entry and Reentry Dates</p>
<p>Special Arrangements Between Districts for Students Who Are Temporarily in Another District: A section has been added on certain special circumstances in which a district would not be required to educate a student who will be in the district for 10 days or fewer.</p>	<p>3.3.3.2 Students From Outside Your District Who Will Be in Your District for 10 Days or Fewer</p>
<p>Requirements for Staff Members Who Take Attendance: Information on which district employees are qualified to take attendance has been added.</p>	<p>3.6 General Attendance-Taking Rules</p>
<p>Attendance Taking and Delayed Start of School Day: A section on attendance-taking protocol when the start of the school day is delayed has been added.</p>	<p>3.6.2.1 Attendance Taking and Delayed Start of School Day</p>
<p>Alternate Attendance-Taking Time for Certain Student Populations: A section on the permissibility of having alternate attendance-taking times for certain students has been added.</p>	<p>3.6.2.2 Alternate Attendance-Taking Time for Certain Student Populations</p>
<p>"Excused" Absences for Court Appearances: An explanation has been added that absences for court-ordered activities outside the courtroom do not qualify as absences for required court appearances.</p>	<p>3.6.3 Requirements for a Student's Being Considered Present or Absent for FSP (Funding) Purposes</p>
<p>Excused Absences for Academic Purposes: A section has been added on the difference between an excused absence for academic purposes and an absence for which a student may be counted present for funding purposes.</p>	<p>3.6.4 Excused Absences for Academic Purposes</p>

Change	Section(s) Affected
"Signing In" of Students on Testing Days: An explanation has been added that attending school only to "sign in" does not satisfy minimum instructional time requirements for funding purposes.	3.6.6 Attendance Accounting During Testing Days
General Education Homebound (GEH) Program: Information on the courses required to be provided to a GEH student has been added. Clarification of how to determine a GEH student's ADA eligibility coding has been added, as has clarification of how to calculate eligible days present. A subsection on requirements related to GEH students who return to campus to take tests has been added. Clarification of how a student who is transitioning from the GEH program to the regular attendance program earns attendance has been added.	3.7 General Education Homebound (GEH)
Waivers: The section that includes information on waivers has been expanded to provide more-detailed information.	3.8.2 Makeup Days and Waivers
Use of Mainstream Instructional Arrangement/Setting Code for 3- and 4-Year-Olds: An explanation has been added that, for this code to be used for a 3- or 4-year-old student, the majority of the student's class must be made up of students who are not receiving special education services.	Multiple subsections throughout Section 4
PEIMS Coding Charts: Chart information on coding of prekindergarten students who do not have disabilities has been moved to Section 7. Minor clarifications and corrections to chart information have been made.	4.2.10 PEIMS Coding Charts for Students With Disabilities
Instructional Arrangement/Setting Code 00: Clarification about when to use this code has been added.	4.6.1 Code 00 - No Instructional Arrangement/Setting
Instructional Arrangement/Setting Code 01: Information on the courses required to be provided to a homebound student has been added. Clarification of how to determine a homebound student's ADA eligibility coding has been added, as has clarification of how to calculate eligible days present. Clarification of how a student who is transitioning from the homebound setting to another setting earns attendance has been added.	4.6.2 Code 01 - Homebound
Instructional Arrangement/Setting Code 30: The term "state school" has been replaced with "state supported living center."	4.6.5 Code 30 - State Supported Living Centers
Instructional Arrangement/Setting Code 42: Clarification on use of this code for 3- and 4-year-old students has been added.	4.6.7 Code 41 or 42 - Resource Room/Services
Instructional Arrangement/Setting Code 08: Clarification that this code applies only to a student in <i>paid</i> employment has been added.	4.6.9 Code 08 - Vocational Adjustment Class (VAC)

Change	Section(s) Affected
Instructional Arrangement/Setting Code 40: Language describing requirements related to the mainstream instructional arrangement/setting has been made consistent in all subsections where it appears.	4.6.11.1 Requirements, 4.6.11.4 Mainstream Notes, 4.8.1.2 Indicator Code 2 – Speech Therapy With Other Services, and 4.14.8 Code 40 – Mainstream Examples
Instructional Arrangement/Setting Codes 70 and 71: Statements that students in these instructional arrangements should be reported with an ADA eligibility code of 0 have been removed.	4.6.13 Code 70 - Texas School for the Blind and Visually Impaired and 4.6.14 Code 71 – Texas School for the Deaf
Requirements for Career and Technical Education (CTE) Contact Hour Funding Eligibility: The requirements related to teacher qualifications and to documentation have been modified.	5.2 Eligibility and Eligible Days Present
Requirements for CTE Course Eligibility: Requirements related to course program intent codes and to Public Education Information Management System (PEIMS) reporting have been modified.	5.2.2 Eligibility of Courses for Funding
Career Preparation Eligibility Requirements: Requirements have been modified and specify that career preparation courses are for only paid experience.	5.2.4 Career Preparation Eligibility Requirements
CTE Practicum Course Eligibility Requirements: A section on CTE practicum course eligibility requirements has been added.	5.2.5 Practicum Course Eligibility Requirements
Career Preparation and Practicum Learning Experiences: Information on requirements related to these two types of courses has been added, along with an explanation of the differences between them.	5.7 Career Preparation and Practicum Learning Experiences
CTE Problems and Solutions Courses (Independent Study): The term "CTE independent study course" has been replaced with "CTE Problems and Solutions Course."	5.8 CTE Problems and Solutions (Formerly CTE Independent Study)
Certification Requirements for Teachers of Certain Bilingual/English as a Second Language (ESL) Courses: Requirements have been modified.	6.9.3 Students in Grades 9 Through 12
Bilingual/ESL Student Record Requirements: An item has been added to the list of documentation that must be kept in a student's permanent record.	6.11.5 Permanent Record Documentation
Documentation Related to Prekindergarten Eligibility Based on a Parent's Membership in the Armed Forces: Clarification has been added that only one of the listed forms of documentation is required. Additional information has been added about Department of Defense photo identification as a form of documentation, including a statement that the identification should not be photocopied.	7.2.5.1 Documentation Required
Prekindergarten Student ADA Eligibility Coding Chart: An existing chart was replaced with a more-detailed chart.	7.5 Eligible Days Present

Change	Section(s) Affected
Prekindergarten Early Start Grant Program: Information on funding for eligible students has been added, as has information on the importance of making sure all partner entities' calendars align.	7.5.1 PK Early Start Grant Program and Eligible Days Present
Pregnancy Related Services (PRS) Compensatory Education Homebound Instruction (CEHI): Information on the courses required to be provided to a CEHI student has been added. Clarification of how to determine a CEHI student's ADA eligibility coding has been added, as has clarification of how to calculate eligible days present.	9.11 Confinement and Earning Eligible Days Present
Special Education and PRS Collaborative Confinement: Clarification of how to determine the ADA eligibility coding for a student receiving these services has been added, as has clarification of how to calculate eligible days present.	9.14.2 SPED, PRS, and Earning Eligible Days Present
Evaluation of Disciplinary Alternative Education Programs (DAEPs) and Juvenile Justice Alternative Education Programs (JJAEPs): An explanation that students enrolled at these programs must be reported as if they were attending their "sending" campuses has been added.	10.7.2 Evaluation of DAEPs and JJAEPs
"Truant" JJAEP Students: Information on how to report attendance for students who are required to attend a JJAEP but do not appear has been added.	10.11.2 Establishment of a Separate JJAEP Campus
Student Eligibility for Dual Credit Courses: This section has been revised to explicitly state the eligibility criteria instead of referencing the applicable part of the TAC.	11.3.1 Student Eligibility for Dual Credit Courses
Gateway to College Programs: A section on requirements related to these programs has been added.	11.4 Gateway to College and Similar Programs
Optional Extended Year Program (OEYP): The OEYP will not be funded for 2010–2011. Local education agencies will not be required to report OEYP attendance.	11.5 Optional Extended Year Program (OEYP)
OFSDP: Information on program entry and exit and PRS CEHI students has been added.	11.6 Optional Flexible School Day Program (OFSDP)
Optional Flexible Year Program (OFYP): A statement that an OFYP day may not be schedule on the same day as an early release day has been added.	11.7 Option Flexible Year Program (OFYP)
Interstate Compact on Educational Opportunity for Military Children: A section on the compact and notable requirements has been added.	11.10 Interstate Compact on Educational Opportunity for Military Children

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Section 2 Audit Requirements

As stated in the overview section, the superintendent of schools is responsible for the safekeeping of all attendance records and reports. Your district may store these records or reports in a central office or on the respective school campuses. However, regardless of where they are stored, the records must be readily available for audit by the Texas Education Agency (TEA).⁹ **Incomplete or inaccurate data will result in attendance not being allowed.**

2.1 General Audit Requirements

Your district must make available and provide to the Financial Audits Division of the TEA copies of all required attendance records **within 20 working days** of written request by the agency. Failure to provide all required attendance records [specific program(s) and/or grant(s)] could result in the TEA's retaining at least 30% of your district's Foundation School Program (FSP) allotment for the school year(s) for which records have been requested.

Reports must include the level of detail identified in **2.3 Required Documentation** although the TEA does not mandate the actual report format. A good accounting system, however, will produce reports that are easy to read and that present information in a concise format. For example, a Student Detail Report will present all the required data for each student, including attendance and program totals by 6-week reporting period, in one layout. Reviewing student attendance data for accuracy is considerably easier when all data are presented in one document.

All documentation required for audit purposes is outlined in **2.3 Required Documentation**. Documentation must —

- encompass three main data sets: **Student Detail Reports** for all students by 6-week reporting period, **Campus Summary Reports** for all campuses by 6-week reporting period, and a **District Summary Report** by 6-week reporting period and
- cover the entire school year.

All codes reflected in the attendance reports must be defined in the reports.

Your district must retain any student attendance documentation that could be required for audit purposes for 5 years from the completion of the school year, unless specified differently later in this section. This requirement applies specifically to *student attendance* documentation. Other kinds of documentation, such as documentation required for a student's permanent record, may need to be kept longer. The required retention period for all records is outlined in *Local Schedule SD* of the *Local Records Retention Schedules*, Texas State Library and Archives Commission: <http://www.tsl.state.tx.us/slr/recordspubs/sd.html#part1>.

2.2 Accounting System¹⁰ Requirements

The attendance accounting system your district uses must —

- use the coding structure defined in the Public Education Information Management System (PEIMS) *Data Standards* as they relate to attendance. It is your district's

⁹ 19 Texas Administrative Code (TAC) §129.21(m)

¹⁰ Unless a distinction is made between manual and automated systems, all standards described in the handbook apply to all attendance accounting systems.

responsibility to ensure that the basis used to record and process attendance accounting meets this standard¹¹.

- possess the ability to readily reproduce the student attendance data described in subsection **2.3 Required Documentation**, on required documentation, on notification of an audit, regardless of the medium of storage the system uses

Important: When a school's classroom instruction is organized on a departmentalized basis, a centralized attendance accounting system **must** be used.

2.2.1 Paper-Based Attendance Accounting Systems vs. Electronic Attendance Accounting Systems

Your district should carefully consider both its particular needs and the information in **2.2.2 Automated Data Processing Attendance Accounting Systems**, on automated data processing attendance accounting systems, and in **2.2.3 "Paperless" Attendance Accounting Systems** before deciding on an attendance accounting system and/or on a storage medium or electronic format for audit documentation.

Your district may receive optimal benefit by retaining some documentation electronically and other documentation in paper report format. For example, say Learning ISD uses paper period absence slips as the source document for attendance accounting. The district cannot store those slips electronically, nor can it store some of the other required documentation in an electronic format (see **2.3 Required Documentation**). The district can, however, store the Student Detail Report, the Campus Summary Reports, and the District Summary Report electronically on electronic storage media. For audit purposes, Learning ISD must retain all paper records that it cannot store electronically, a backup of the actual attendance accounting data, the attendance accounting program from the same school year, and compatible hardware necessary to access and reproduce the data in an acceptable format.

Note: All required attendance system documentation that is stored electronically must be reproduced in an acceptable format at the time of an audit. To be considered acceptable, the documentation must be —

- complete (must meet all the requirements in **2.3 Required Documentation**),
- in English (not machine language), and
- scannable by the human eye.

2.2.2 Automated Data Processing Attendance Accounting Systems

Your district must retain paper copies of all required attendance records for 5 years, **unless** it uses an automated data processing (ADP) system. If it chooses, a district using an ADP system may store any attendance accounting record/report electronically on an acceptable medium of storage (e.g., hard disk, diskette, tape, microfiche/film) provided the district also retains the hardware and software (attendance program) necessary to access and reproduce the attendance data in an acceptable format (see the last paragraph of this subsection). If compatible hardware and/or backup copies of software cannot be kept, or the district does not possess the technical expertise to reproduce the unaltered data in an acceptable format when notified of an audit, paper copies are required for the entire retention period¹².

¹¹ 19 TAC §129.21(e)

¹² *Local Schedule SD*, Texas State Library and Archive Commission

Your district must manage automated attendance accounting systems properly to meet audit documentation standards. An effective system of internal controls must be in place to maintain 1) data integrity (completeness and accuracy) and 2) the ability to reproduce, for audit purposes, all required documentation that your district elected to store electronically. Note that outside technical assistance may be required to ensure your district's automated attendance accounting system can reproduce all required documentation at the time the district is notified of an audit. The TEA recommends your district test the procedures for reproducing required audit documentation in an acceptable format before deciding to retain reports or records in an electronic format instead of a paper format.

If your district uses an ADP accounting system, it must recognize how changes to the ADP hardware and software from year to year affect your district's ability to reproduce attendance accounting records from prior years. Therefore, when changes occur to the system software (e.g., yearly updates to the attendance accounting program), your district must be certain that the new program will access the prior years' attendance data and produce an acceptable report format. It is also important, when changes occur to your district's hardware (e.g., your district purchases new hardware), to investigate whether the new hardware is compatible, so that it will access the prior years' attendance data and produce an acceptable report format. **In some cases it is advisable to print and retain paper copies for audit purposes in lieu of exercising the option to store the data electronically.**

2.2.3 "Paperless" Attendance Accounting Systems

If your district uses a system that is virtually entirely functional without the use of paper documents (e.g., a system in which the teacher enters absences directly into the system without the use of paper period-absence reports), then this system must meet the additional standards established in this subsection, or your district **must** generate and retain paper copies of attendance reports/records. These standards apply to all districts that wish to establish and/or maintain an audit trail (source document to final reports) that is almost entirely free from paper.

Your district should review the requirements in subsection **2.3 Required Documentation** and in this subsection before deciding the storage medium or electronic format for audit documentation that best suits its needs. It is your district's responsibility to provide auditors with the required documentation listed in these sections. **Even with the use of a "paperless" attendance accounting system, some documentation required for audit purposes, such as a doctor's note supporting a student's excused absence or other documentation listed in 2.3.5 Additional Required Documentation, may necessarily need to be kept in paper form.** If attendance data cannot be reproduced in an acceptable format at the time of an audit, a school may be held financially responsible for its inability to reproduce required documentation.

A school's attendance accounting system must be able to reproduce reports at any given time. All three reports, the **Student Detail Report**, **Campus Summary Reports**, and **District Summary Report**, must be available along with all components listed in their descriptions (see **2.3 Required Documentation**). Regardless of the medium used to store documentation, all schools must retain the ability to readily regenerate all reports and/or documentation that are required for audit purposes for the full record retention time.

An attendance accounting system that allows teachers to enter attendance data directly into the automated system must provide security to the data that are entered. Systems must include the

following safeguards and security features (this is not necessarily an exhaustive list of required features):

- requirement that teachers log on to the system using distinct secret passwords
- timing out (automatic shutoff) if the program has not had any activity in an appropriately short period of time (e.g., 10 minutes)
- ability to report the date, time, and identity of the teacher entering the absence data, upon request
- ability to report the date, time, and identity of the individual making changes to the attendance report, upon request
- provision of a positive confirmation for 100% of attendance (teacher submits “All Present” rather than showing no one absent)

Adequate and proper information system management is the key to a successful paperless automated accounting system. Locally designed internal controls must be established to ensure the security of the system. Only personnel with the proper security clearance level should have access to the system.

Multiple backup data recovery plans should be in place in case a disaster occurs. These plans should be documented and available for examination by auditors as part of the check of internal controls. Your district should conduct sufficient testing of alternate plans in case a disaster (employee sabotage, system failure, fire, crashed disk, etc.) disables the primary data retrieval method.

2.2.4 Disaster Recovery

As with any recordkeeping system, security and preservation are key issues when evaluating attendance accounting system options. Both sabotage and disaster must be prevented. With attendance accounting records, it is ultimately your district's responsibility to secure records for the required length of time (five years) while preventing total loss in the event of catastrophe.

While it is impossible to prevent disaster from occurring, it is possible to formulate several plans that address the recovery of data in the event the primary plan fails to adequately reproduce the reports required for audit purposes. Your district must take specific measures to guarantee the ability to reproduce unaltered attendance records if the originals are destroyed. These measures must include the ability to reproduce such records at any point during the required five years of record retention.

Storage of duplicate records and/or data at various locations within your district is an example of a plan that prevents the loss of data in the event a disaster occurs at the primary storage facility.

If your district uses an ADP accounting system, it must recognize how changes to the ADP hardware and software from year to year affect your district's ability to reproduce attendance accounting records from prior years. Therefore, when changes occur to the system software (e.g., yearly updates to the attendance accounting program), your district must be certain that the new program will access the prior years' attendance data and produce an acceptable report format. It is also important, when changes occur to your district's hardware (e.g., your district purchases new hardware), to investigate whether the new hardware is compatible, so that it will access the prior years' attendance data and produce an acceptable report format. **In some cases it is advisable to print and retain paper copies for audit purposes in lieu of exercising the option to store the data electronically.**

2.2.5 Attendance System Procedures Manual

Your district or charter school must maintain a procedures manual that provides specific, detailed information on the district's school attendance accounting system. This procedure manual must include the following information:

- how and when teachers are to take official attendance,
- how attendance is entered into the attendance accounting system,
- which position(s) is/are responsible for the coding of special programs (such as career and technical, special education, Pregnancy Related Services, etc.),
- how changes to special programs are to be documented,
- how student membership is to be reconciled between the teacher rosters and the attendance accounting database,
- how your district will maintain attendance accounting records (including computerized records, period absence slips, and official calendar) after the completion of the school year,
- what backup systems are in place to protect the attendance accounting records, and
- which position is responsible for the maintenance and security of the attendance accounting records.

2.3 Required Documentation

The student attendance data asked for in an audit must be organized into three distinct data sets: the Student Detail Report, the Campus Summary Report(s), and the District Summary Report.

Your district must generate Student Detail Reports, Campus Summary Reports, and District Summary Reports each 6-week reporting period.

For a particular campus, data totals for all **Student Detail Reports** must add up to respective totals on the **Campus Summary Report**. Likewise, data totals for all **Campus Summary Reports** must add up to respective totals on the **District Summary Report**. For schools offering multiple tracks, student detail must be summarized by individual tracks.

2.3.1 Student Detail Reports

Student Detail Reports must contain the following data:

1. Name of the district and the campus
2. County-district-campus number
3. Reporting period code (generally described as 6 weeks, but does not necessarily consist of 6 weeks. For reporting purposes, the school year must be divided into six approximately equal reporting periods.)
4. Beginning and ending dates of reporting period, including the year
5. Total number of days of instruction in the reporting period (See **3.8 Calendar**.)
6. Instructional track (INSTRUCTIONAL-TRACK-INDICATOR-CODE) the student attends, if your district offers multiple instructional tracks
7. All identification data elements for the student:
 - Legal first, middle and last name
 - Generation code, where applicable
 - Gender
 - Date of birth

- Age as of September 1
 - Social Security number or alternative ID number
 - Ethnic group
 - First and last name of parent or guardian with whom the student resides
 - address of parent or guardian with whom the student resides, to include the street number/route number/P.O. box number, city, and zip code and campus ID of residence for nonresident students
8. Student's original entry date and all subsequent withdrawal and reentry dates, where applicable (regular classroom and all special programs)
 9. Student's grade level code
 10. Student's —
 - Average daily attendance (ADA) eligibility code (Section 3)
 - Special education instructional arrangement/setting code (Section 4)
 - Speech therapy indicator code (Section 4)
 - Career and technical education code (Section 5)
 - Bilingual program type code and ESL program type code (Section 6)
 - Gifted/talented indicator code (Section 8)
 - Pregnancy Related Services code (Section 9), where applicable
 11. Student's absences (from the official attendance snapshot) **by date** for each 6-week reporting period
 12. By 6-week reporting period —
 - Student's total days membership
 - Total days absent
 - Total days present
 - Total eligible days present (total eligible minutes present for Optional Flexible School Day Program [OFSDP] or High School Equivalency Program [HSEP] students)
 - Total ineligible days present (total ineligible minutes present for OFSDP or HSEP students)
 13. Student's total eligible days present in each program (listed in 10, except for gifted/talented) by 6-week reporting period, where applicable
 14. Student's number of excess contact hours earned in one day, where applicable
 15. Student's total excess contact hours by instructional arrangement/setting code by 6-week period, where applicable
 16. Attendance data totals for all students, **summarized by grade**. These totals include the following:
 - Days membership (includes both eligible and ineligible students)
 - Days absent (includes both eligible and ineligible students)
 - Total days present (includes both eligible and ineligible students)
 - Ineligible days present (total ineligible minutes present for OFSDP or HSEP students)
 - Eligible days present (total eligible minutes present for OFSDP or HSEP students)
 - Eligible days bilingual/ESL
 - Eligible days pregnancy related services
 - Eligible days special education mainstream
 17. Campus total for all grades for all data required in 16 above
 18. Campus ADA (regular classroom eligible participation, bilingual/ESL, Pregnancy Related Services, and mainstream)
 19. Total eligible days present and total contact hours for all career and technical codes (V1–V6) by grade and a campus total for all grades, where applicable

20. Total eligible days present, total contact hours, and total excess contact hours for all special education instructional settings, including speech therapy, by grade and a campus total for all grades, where applicable
21. Signature page, signed by persons recording data and persons approving data. This page can be signed each 6-week reporting period or each semester at local discretion. If your district uses a paperless attendance accounting system, the electronic equivalent of a signature page (e.g., a feature that allows approvers to indicate their approval of data electronically) is acceptable in lieu of a paper signature page.

Each 6-week reporting period, the campus personnel responsible for ensuring student attendance accounting codes are correct should generate Student Detail Reports and review them for reasonableness.

2.3.2 Campus Summary Reports

Campus Summary Reports must include the following data:

1. Name of the district and the campus
2. County-district-campus number
3. Six-week reporting period
4. Beginning and ending dates of the reporting period, including the year
5. The number of days of instruction in the reporting period (See **3.8 Calendar**.)
6. The instructional track (INSTRUCTIONAL-TRACK-INDICATOR-CODE) the report covers, if your district offers multiple instructional tracks. Campuses with multiple instructional tracks will have one **Campus Summary Report** for each track.
7. Attendance data totals for all students, **summarized by grade**. These totals include the following:
 - Days membership (includes both eligible and ineligible students)
 - Days absent (includes both eligible and ineligible students)
 - Total days present (includes both eligible and ineligible students)
 - Ineligible days present (total ineligible minutes present for OFSDP or HSEP students)
 - Eligible days present (total eligible minutes present for OFSDP or HSEP students)
 - Eligible days bilingual/ESL
 - Eligible days pregnancy related services
 - Eligible days special education mainstream
8. Campus total for all grades for all data required in 7 above
9. Total days absent reported by date for entire calendar
10. Campus ADA (regular classroom eligible participation, bilingual/ESL, Pregnancy Related Services, and mainstream)
11. Total eligible days present and total contact hours for all career and technical education codes (V1-V6), if applicable
12. Total eligible days present, total contact hours, and total excess contact hours for all special education instructional settings, including speech therapy, if applicable
13. FTE calculations for all special programs reported for data required in 11 and 12
14. Total number of students, by grade, who were served in a state-approved gifted/talented program, if applicable
15. Signature page, signed by persons recording data and persons approving data. This page can be signed each 6-week reporting period or each semester at local discretion. If your district uses a paperless attendance accounting system, the electronic equivalent of

a signature page (e.g., a feature that allows approvers to indicate their approval of data electronically) is acceptable in lieu of a paper signature page.

Campus Summary Reports should be generated each 6-week reporting period and reviewed by the principal for reasonableness. The principal should —

- Scrutinize regular attendance totals and special program attendance totals based on approximate membership.
- Investigate all data totals that have an exceptionally high value or a value of zero.
- Compare current-year totals to prior-year totals to detect unreasonable differences.

2.3.3 District Summary Reports

The **District Summary Reports** must include the following data:

1. Name of the district
2. County-district number
3. Six-week reporting period
4. Beginning and ending dates of the reporting period, including the year
5. Number of days of instruction in the reporting period (See **3.8 Calendar**.)
6. Instructional track (INSTRUCTIONAL-TRACK-INDICATOR-CODE) the report covers, if your district offers multiple instructional tracks. If your district offers multiple instructional tracks, it will have one **District Summary Report** for each instructional track.
7. Totals of all campus data, **summarized by grade**. These totals include the following:
 - Days membership (includes both eligible and ineligible students)
 - Days absent (includes both eligible and ineligible students)
 - Total days present (includes both eligible and ineligible students)
 - Ineligible days present (total ineligible minutes present for OFSDP or HSEP students)
 - Eligible days present (total eligible minutes present for OFSDP or HSEP students)
 - Eligible days bilingual/ESL
 - Eligible days pregnancy related services
 - Eligible days special education mainstream
8. District total for all grades for all data required in 7 above
9. District ADA (regular classroom eligible participation, bilingual/ESL, Pregnancy Related Services, and mainstream)
10. Total eligible days present and total contact hours for all career and technical education codes (V1–V6), if applicable
11. FTE calculations for all special programs reported for data required in 9 and 10 above
12. Total eligible days present, total contact hours, and total excess contact hours for all special education instructional settings, including speech therapy, if applicable
13. Total number of students, by grade, who were served in a state-approved gifted/talented program, if applicable.
14. Signature page, signed by persons recording data and persons approving data. This page can be signed each 6-week reporting period or each semester at local discretion. If your district uses a paperless attendance accounting system, the electronic equivalent of a signature page (e.g., a feature that allows approvers to indicate their approval of data electronically) is acceptable in lieu of a paper signature page.

The District Summary Report should be generated each 6-week reporting period and reviewed by the superintendent or the superintendent's designee. The person reviewing the report should —

- Scrutinize regular attendance totals and special program attendance totals based on approximate membership.
- Investigate all data totals that have an exceptionally high value or a value of zero.
- Compare current-year totals to prior-year totals to detect unreasonable differences.

2.3.4 Reconciliation of Teacher's Roster Information and Attendance Accounting Records

Student membership from the teacher's roster is to be reconciled to the attendance accounting records at the end of the first and fourth 6-week reporting periods. The reconciliation is to verify that all students are reported on attendance records and that "no show" students have been purged from the attendance accounting system. District personnel are to develop a form to be used at the end of the first and fourth 6-week reporting periods to show the total number of students in membership in each teacher's class during the official attendance period. The total number of students in membership is to be reconciled to the total number of students listed in attendance accounting records. **The district PEIMS coordinator and his or her supervisor must certify this document with their signatures.** If your district uses a paperless attendance accounting system, the electronic equivalent of a signature page (e.g., a feature that allows certifiers to indicate their certification of data electronically) is acceptable in lieu of a paper signature page.

The reconciliation does not need to be conducted on the last day of the 6-week reporting period. However, it should be conducted no later than the final week of the 6-week period. The reconciliation should be for the official attendance period (usually second period).

2.3.5 Additional Required Documentation

The following documentation will also be required in the event of an audit:

1. Gradebooks (retained for one year after entering grades into the student's Academic Achievement Records [AAR]). Gradebooks are especially important in proving a student's special program service when end-of-semester grades were not received.¹³
2. Period absence reports (e.g., slips, 6-week attendance cards, etc.), if used, from the official attendance hour/period, signed by the teacher
3. For paperless accounting systems in which absences are posted directly to the ADP system, sufficient paper documentation to support any changes to posted absences (see **2.2.3 "Paperless" Attendance Accounting Systems**)
4. Campus Daily Absence Summary Reports, if used
5. Class admittance slips or other documentation to support the claim that a student was with a nurse, counselor, assistant principal, or other school official at the time attendance was taken (see **3.6.3 Requirements for a Student's Being Considered Present or Absent**)
6. Documentation supporting the claim that a student was attending a board-approved activity, accompanied by a certified teacher/adjunct staff member of the district, signed by the person who supervised the student(s) (see **3.6.3 Requirements for a Student's Being Considered Present or Absent**)

¹³ *Local Schedule SD*, Texas State Library and Archive Commission

7. Documentation supporting the claim that a student was at a documented appointment with a health care professional (see **3.6.3 Requirements for a Student's Being Considered Present or Absent**)
8. Documentation supporting the claim that a student was participating in a district-approved mentorship through the Distinguished Achievement Program (see **3.6.3 Requirements for a Student's Being Considered Present or Absent**)
9. If any data changes are made subsequent to submission to TEA, updated and/or corrected copies of all reports are required to be available for audit (see **3.10 Quality Control**).
10. Copies of the student's schedule showing the date of change if the student experienced a program change, including dates of withdrawal. For example, documentation must be on file if a student changed from a 1-hour to a 3-hour career and technical course or if the student withdrew from the program.
11. Copies of any approved waivers your district may have received that affect funding
12. A copy of the official school calendar reflecting all days of instruction and holidays (including bad weather days) for each instructional track offered in your district. (Each 6-week reporting period must be clearly identified.)
13. Special program documentation as described in each special program section in this handbook, including proof of service (see item 1 above)
14. Documentation that indicates the meaning of all locally designed codes in the attendance system
15. A copy of the Community-Based Dropout Recovery Education Program¹⁴ contract, if applicable.

¹⁴ See the definition provided in the glossary.

Section 3 General Attendance Requirements

This section provides information on general attendance reporting requirements.

3.1 Responsibility

List in the spaces provided below the name and phone number of the district personnel responsible for answering all general attendance questions:

Name: _____

Phone Number: _____

As stated in previous sections, ultimately, the district **superintendent** is responsible for the accuracy and safekeeping of all attendance records and reports. These records must be available for audit by the Texas Education Agency (TEA) Financial Audits Division. By signing the District Summary Report—or, in the case of a paperless attendance accounting system, by indicating his or her approval of data electronically—the superintendent affirms that he or she has taken measures to verify the accuracy and authenticity of the attendance data. **Important: If the TEA detects errors during an audit, the agency either will assess an adjustment to subsequent allocations of state funds or will require your district to refund the total amount of the adjustment when the audit is finalized.**¹⁵

The **principal** of each campus is responsible for reviewing his or her respective Campus Summary Reports for completeness and accuracy. A principal should compare reports from the TEA, which reflect Public Education Information Management System (PEIMS) data, to locally produced reports for reasonableness and accuracy. By signing the Campus Summary Report—or, in the case of a paperless attendance accounting system, by indicating his or her approval of data electronically—a principal affirms that he or she has checked, or caused to be checked, the accuracy and authenticity of the attendance data.

Important: The principal or superintendent affirms the propriety of student eligibility determinations, including determinations of student eligibility for particular educational programs, when he or she signs affidavits—or, in the case of a paperless attendance accounting system, when he or she indicates electronically that he or she attests to the validity of the determinations.

The **teacher** who initially records an absence is responsible for the accuracy of the report and attests to the validity of the data with his or her signature—or, in the case of a paperless attendance accounting system, with his or her entry of those data using the teacher's logon with a distinct secret password.¹⁶

¹⁵ 19 Texas Administrative Code (TAC) §129.21(m); Texas Education Code (TEC), §42.255

¹⁶ 19 TAC §129.21(a)

The **attendance personnel** generating absence summaries and/or transcribing the absences or coding information into the accounting system are responsible for adhering to all laws and regulations pertaining to student attendance accounting. Each person entering data into the attendance accounting system must sign an affidavit attesting that the data he or she has entered are true and correct to the best of his or her knowledge—or, in the case of a paperless attendance accounting system, indicate electronically that the person attests that the data he or she has entered are true and correct to the best of his or her knowledge.

Important: In no case should attendance personnel be assigned the responsibility of determining a student's coding information. Special program staff, directors, and/or teachers should provide attendance personnel with names and coding information of students who are eligible, whose documentation is in order, and who are being served in accordance with an individualized education program (IEP). Special program directors and/or staff are responsible for reviewing special program data and totals for accuracy and completeness. They are also responsible for ensuring that attendance personnel are aware of any changes in a student's services and the effective dates of such changes. The attendance personnel are then responsible for entering the changes in the detailed student attendance accounting system (manual or automated). At the end of each 6-week reporting period, special program staff should verify the Student Detail Report for any coding errors.

3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding

This subsection describes student attendance accounting requirements related to funding eligibility and age eligibility.

3.2.1 Average Daily Attendance (ADA) Eligibility Coding

District personnel should use the following coding when recording student attendance.

3.2.1.1 Code 0 Enrolled, Not in Membership

Code 0 applies to students who do not meet the requirements for funding eligibility (do not meet the 2-through-4-hour rule [see **3.2.2 Funding Eligibility**] and are not eligible for and participating in an alternative attendance accounting program) but whom your district provides instruction for fewer than 2 hours per day. Code 0 applies to a —

- child who is scheduled to attend for fewer than 2 hours of instruction each school day;
- child who attends a nonpublic school but receives some services from your district (e.g., speech therapy services only);
- student who is provided instruction totally in a federal Head Start program;
- student who has graduated but returned to school (for fewer than 2 hours of instruction per day) to further his or her education;
- student who receives all his or her service through a special education nonpublic contract;
- parentally placed private school student, age 5 through 25, with disabilities who receives special education and related services through a services plan (see **4.3.5 Enrollment**)

Procedures for a Private or Home School Student Who Is Eligible and in Need of Special Education); and

- child who receives child care through the Pregnancy, Education, and Parenting program at a district on-site child care center.

3.2.1.2 Code 1 Eligible for Full-Day Attendance

Code 1 applies to all students entitled to enroll under the Texas Education Code (TEC), §25.001, who are provided instruction for at least 4 hours each school day.

Note: Districts that offer half-day kindergarten programs may not count students who attend both the morning and afternoon half-day sessions for eligible full-day attendance.

3.2.1.3 Code 2 Eligible for Half-Day Attendance

Code 2 applies to all students entitled to enroll under the TEC, §25.001, who are provided instruction for at least 2 hours but fewer than 4 hours each school day.

Code 2 also applies to PK students who meet the requirements for eligibility defined in Section 7.

3.2.1.4 Code 3 Eligible Transfer Student Full-Day

Code 3 applies to a student who is a nonresident, is legally transferred into your district, and is provided instruction for at least 4 hours each school day. This code applies only to a student who transfers from one Texas school district to another; such a student must meet all eligibility criteria other than residency.

The only student a charter school should report with ADA eligibility code 3 is one who resides outside the authorized geographic boundary of the charter school as outlined in the charter agreement.

If a nonresident student is not legally transferred into a district, the receiving district cannot claim the attendance (see exception in **4.2.3 Students Attending a Shared Services Arrangement**).

Note: The Student Transfer System (STS) has been closed, and districts are no longer required to report student transfers through the STS. However, your district should maintain documentation related to any transfer locally.

3.2.1.5 Code 4 Ineligible Full-Day

Code 4 applies to students who are not eligible for ADA but are provided instruction for at least 4 hours each day. These students include any student who is provided instruction but does not meet the eligibility criteria for the service he or she receives. The types of students who are coded ineligible are listed below.

3.2.1.5.1 Underage:

- children provided instruction in a PPCD who are under the age of 3, except for children with serious visual or hearing impairments or both

- children provided instruction in PK who are under the age of 3 on September 1 of the current school year
- children provided instruction in any grade (K–12) who are under age 5 on September 1 of the current school year are ineligible for full-day funding (see the notes under the table in **3.2.3 Age Eligibility** for an exception). However, a 4 year old who is eligible for PK is eligible for half-day funding even if the student is provided instruction in a kindergarten classroom. The student must be coded for PK.

3.2.1.5.2 *Overage:*

- students who are 26 years old on September 1 of the current school year

3.2.1.5.3 *Other:*

- nonresident students who have not been transferred into your district
- students who reside outside the boundaries of the state of Texas
- students served by a juvenile justice alternative education program (JJAEP) on the basis of an expulsion under the TEC, §37.007(a), (d), or (e), unless specifically authorized in writing by the TEA
- students placed in residential facilities within your district whose maintenance expenses are paid in whole or in part by another state or the United States¹⁷

3.2.1.6 Code 5 **Ineligible Half-Day**

Code 5 applies to students who are ineligible for ADA (for any of the reasons listed in the previous section on code 4) and attend school on a half-day basis. These students include any student who is scheduled for and provided instruction for at least 2 hours but fewer than 4 hours per day but does not meet the eligibility criteria for the service he or she receives. Examples include the following:

- students enrolled only in PK who do not meet the qualifications in Section 7
- students enrolled in locally funded PK programs offered by your district
- students provided instruction by a JJAEP on the basis of an expulsion under the TEC, §37.007(a), (d), or (e), unless specifically authorized in writing by the TEA

3.2.1.7 Code 6 **Eligible Transfer Student Half-Day**

Code 6 applies to a student who is a nonresident, is legally transferred into your district, and is provided instruction for at least 2 hours but fewer than 4 hours each school day. The student must meet all eligibility criteria other than residency.

The information on transferring students included in the previous section on code 3 applies for code 6 as well.

3.2.1.8 Code 7 **Eligible—Alternative Attendance Program Participation**

Code 7 applies to a student who is eligible for participation in and is enrolled and provided instruction in an alternative attendance program, such as the OFSDP or the High School Equivalency Program (HSEP).

¹⁷ TEC, §25.003 (Proposed tuition charges under this section must be submitted to the commissioner of education for approval.)

3.2.1.9 Code 8 Ineligible—Alternative Attendance Program Participation

Code 8 applies to a student who is ineligible for participation in an alternative attendance program, such as the OFSDP or HSEP, but is enrolled and provided instruction in the program.

3.2.2 Funding Eligibility

Any student provided instruction by your school district is considered **enrolled** in the district. However, to be **eligible** for attendance for FSP purposes (eligible to generate ADA and thus funding), students must either 1) be scheduled for and provided instruction 2 through 4 hours each day (what is referred to as the “2-through-4-hour rule”¹⁸) or 2) be eligible for, enrolled in, and scheduled for and provided instruction in an alternative attendance accounting program (such as the OFSDP). The following table explains more fully the requirements a student must meet to be eligible to generate ADA.

If the student is scheduled for and provided instruction —	then the student —	and should be reported with —
fewer than 2 hours (120 minutes) per day	is not eligible to generate ADA	ADA eligibility code 0
at least 4 hours (240 minutes) per day	is eligible for full-day attendance (is eligible to generate ADA)	ADA eligibility code 1
at least 2 hours (120 minutes) but fewer than 4 hours per day	is eligible for half-day attendance (is eligible to generate ADA)	ADA eligibility code 2
at least 4 hours (240 minutes) per day and meets the requirements for an eligible student other than residency or an alternative basis for eligibility under the TEC, §25.001	is eligible for full-day attendance (is eligible to generate ADA). This status applies to a student who legally ¹⁹ transfers from one Texas district to another Texas district and meets all eligibility criteria other than residency.	ADA eligibility code 3
at least 4 hours (240 minutes) per day but does not meet the eligibility requirements	is not eligible to generate ADA. (See 3.2.1.5 for more information.)	ADA eligibility code 4
at least 2 hours (120 minutes) per day but does not meet the eligibility requirements	is not eligible to generate ADA. (See 3.2.1.5 for more information.)	ADA eligibility code 5
at least 2 hours (120 minutes) per day and meets the requirements for an eligible student other than residency or an alternative basis for eligibility under the TEC, §25.001	is eligible for half-day attendance (is eligible to generate ADA). This status applies to a student who transfers from one Texas district to another Texas district and meets all eligibility criteria other than residency.	ADA eligibility code 6

¹⁸ 19 TAC §129.21(h)

¹⁹ Civil Action 5281

If the student is scheduled for and provided instruction —	then the student —	and should be reported with —
through an alternative attendance program, such as the Optional Flexible School Day Program, according to the requirements of that program	is eligible for alternative attendance program participation (is eligible to generate ADA)	ADA eligibility code 7
through an alternative attendance program, but not according to the requirements of that program	is ineligible for alternative attendance program participation (is not eligible to generate ADA)	ADA eligibility code 8

Students who are funding eligible and attending on a half-day basis may earn only one-half day of attendance each school day. Attendance is determined for these students by recording absences for the attendance snapshot in a period during the half day that they are scheduled to be present.²⁰

If a student who is funding eligible and attending on a full-day basis is not scheduled to attend school during the second or fifth instructional hour, attendance for this student is determined by recording absences for the attendance snapshot in a period during the full day that he or she is scheduled to be present. See **3.6.2.2 Alternate Attendance-Taking Time for Certain Student Populations**.

Attendance for any full-day student (ADA eligibility code 1 or 3) cannot exceed the number of days of instruction for the same reporting period for the same instructional track. Attendance for any half-day student (ADA eligibility code 2 or 4) cannot exceed one-half of the number of days of instruction for the same reporting period for the same instructional track. Also, the number of days participation for any student in any special program cannot exceed the number of days present for the same reporting period for the same instructional track.

Instructional hours may not be averaged to determine attendance eligibility.

3.2.2.1 Study Halls Not Eligible as Instructional Hours

To be eligible for attendance for FSP purposes, students must either 1) be provided instruction 2 through 4 hours each day or 2) be eligible for, enrolled in, and provided instruction in an alternative attendance accounting program. **Study halls are not considered instruction** and thus do not count toward the accumulation of attendance hours for FSP funding purposes.

3.2.2.2 Funding Eligibility of Students Who Have Met All Graduation Requirements Except Passing State-Required Assessments

Your school district may serve and generate FSP funding for a student who has met all graduation requirements other than passing state-required assessment tests and who continues to attend school to participate in a study program for those tests, provided all other eligibility requirements are met. Time spent in the study program is considered instructional time for FSP

²⁰ 19 TAC §129.21(i)(1)

funding purposes; i.e., this time counts as instructional time for purposes of the 2-through-4-hour rule.

Note: Students who have met all graduation requirements other than passing state-required assessment tests are the only students for whom time spent in such a study program may be considered instructional time for FSP funding purposes. For any other student, this time is **not** considered instructional time for FSP funding purposes.

3.2.3 Age Eligibility

The following table shows the age requirements students must meet to be eligible to attend Texas public schools for FSP benefits. Students who meet the age requirements listed in the "Eligible" column are eligible for free attendance for either full-day or half-day attendance for the entire school year in the district in which they **or** their parent(s) reside or are otherwise entitled to attend for FSP benefits. For eligibility based solely on the residence of a parent, please see the TEC, §25.001(b)(2), §25.001, and §42.003.

Eligible	Ineligible
a student who is at least 5 years old* on September 1 of the current school year but is less than 21 years old by the same date	a student who is not at least 5 years old on September 1 of the current school year or is not less than 21 years old by the same date, unless the student meets some other eligibility requirement listed in the "Eligible" column
a student who is at least 21 years of age but less than 26 years of age and who has been admitted by your school district to complete the requirements of a high school diploma**	a student who has previously graduated from high school
a student who has a disability and who 1) has reached his or her third birthday and 2) meets other special education eligibility requirements described in Section 4	a student who does not reside in Texas (even if the student's parent or grandparent does) ²¹
from date of birth through age 2, a child who has serious visual and/or hearing impairments and who meets other special education eligibility requirements described in Section 4	a student with disabilities who has graduated with a high school diploma under 19 Texas Administrative Code (TAC) §89.1070(b) (student is no longer eligible to receive services or generate ADA)
A student receiving special education services who is 21 years of age on September 1 of a scholastic year shall be eligible for services through the end of that scholastic year or until graduation, whichever comes first.	

²¹ TEC, §25.001

Eligible	Ineligible
A student with a disability who graduated by meeting the requirements of 19 TAC §89.1070(c) as determined by an admission, review, and dismissal (ARD) committee and who is still in need of special education services ²² may be served through age 21 inclusive. ²³	
a student who is eligible for state-funded PK classes and meets the age requirement by September 1 of the current school year (eligible only for half-day attendance) ^{***}	

*3.2.3.1 Additional Information About Minimum Eligible Age

If the school year starts before a student's birthday, the student is eligible to attend school for the entire year as long as he or she will be the required age on or before September 1.²⁴

A student who is 5 years of age on or before September 1 of the current school year is automatically eligible for the first grade for the full school term (ADA eligible code 1) if the student has completed public school kindergarten or has been enrolled in the first grade in a public school in another state before transferring to a Texas public school.²⁵ The term "enrolled" means actually receiving instruction by attendance in a public school rather than being registered before receiving instruction.

However, any 5-year-old child who enrolls in the first grade may be assigned to first grade for the full school term (ADA eligibility code 1). Such assignments are the decision of the local district.

A student younger than 5 years of age is entitled to the benefits of the FSP if the student performs satisfactorily on the assessment instrument administered to students in the third grade and your district has adopted a policy for admitting students younger than 5 years of age.

A child of a military family who moves to your district from another state that is a member state of the Interstate Compact on Educational Opportunity for Military Children is entitled to continue enrollment at the same grade level, including kindergarten, that he or she was enrolled in in that other state regardless of the child's age. Also, a child of a military family who moves to your district from another state that is a member of the compact and who has satisfactorily completed the prerequisite grade level in that other state is entitled to enroll in the next highest grade level, regardless of age. These children would meet minimum age eligibility requirements for generating ADA, provided applicable documentation is provided. See **11.10 Interstate Compact on Educational Opportunity for Military Children** for documentation requirements, applicable definitions, and other additional information.

²² as determined by the ARD committee per §89.1070(h)
²³ 34 Code of Federal Regulations (CFR), §300.102 (a)(3)
²⁴ TEC §25.001(a)
²⁵ TEC, §42.003(c)

****3.2.3.2 Additional Information About Maximum Eligible Age**

Students who are at least 21 years of age and under 26 years of age, who have been admitted for the purpose of completing the requirements for a high school diploma, and who have not attended school in the three preceding school years may not be placed with a student who is 18 years of age or younger in a classroom setting, cafeteria, or other district-sanctioned school activity. However, these students can attend a school-sponsored event that is open to the public as a member of the public.

Also, students receiving special education services who are at least 22 years of age and under 26 years of age on September 1 admitted for the purpose of completing the requirements for a high school diploma are **not** eligible for special education weighted state funding, but are eligible for other weighted state funding.

Students with a disability who graduated by meeting the requirements of 19 TAC §89.1070(c) as determined by an ARD committee and who are still in need of special education services²⁶ may be served through age 21 inclusive.²⁷

Your school district may provide instruction to a student who has already graduated with a regular high school diploma. However, unless the student is returning to school²⁸ after graduating under 19 TAC §89.1070(c), the student is **not** eligible for funding and must be recorded with an ADA eligibility code of 0. Exceptions are students who are eligible to graduate but who continue their education to meet the requirements of a higher high school diploma standard **or** to graduate with their class if graduation will occur by the end of the school year in which the student completes graduation requirements. These students must still meet eligibility requirements for funding. See **3.6.3.1 Early Graduation/Graduation Ceremonies and Attendance**.

*****3.2.3.3 Additional Information About PK and Eligibility**

Eligible students who attend PK for half of the day and a self-contained Preschool Program for Children with Disabilities (PPCD) for the other half of the day (at least 2 hours) are eligible for full-day attendance (ADA eligibility code 1), provided all eligibility requirements for both programs are met. The student's grade level should be recorded as PK (see **Section 4 Special Education** and **Section 7 Prekindergarten**).²⁹

Note: School districts/campuses that apply and are approved for the PK Early Start Grant Program should report PK-eligible students as ADA Eligibility Code 1 - Full Day if the students are scheduled for at least 6 hours (360 minutes) of instruction each day.

3.2.4 Dual Credit (High School and College/University)

Please see **11.3 Dual Credit (High School and College/University)** for information on dual credit courses.

²⁶ as determined by the ARD committee per §89.1070(h)

²⁷ 34 Code of Federal Regulations (CFR), §300.102 (a)(3)

²⁸ under 19 TAC §89.1070(h)

²⁹ TEC, §29.153(c)

3.3 Enrollment Procedures and Requirements

Your local district policy should include measures to verify, on enrollment, that a student is entitled to enroll in the district under the TEC, §25.001. If the student's entitlement is contingent on the residency of a person, examples of methods of verifying residency include requiring utility bill receipts, checking tax records, or verifying with responsible district personnel that the applicable residence is within the boundaries of your district. **A student who does not reside in Texas is not entitled to enroll in a Texas public school** under the TEC, §25.001, on the basis of another person's residency, including the residency of the student's parent or grandparent.³⁰

On a student's enrollment in your district, your district should make a bona fide effort to secure all records and required documentation pertaining to the student from the previous district (and/or the parent, if applicable). Your district must also request the set of required student information listed in **3.4 Withdrawal Procedures**. Note that student records **must** be requested, sent, and received using the Texas Student Records Electronic Exchange (TREx) system. If your district requests this information from the district where a student was previously enrolled and that district fails to provide the required information within 10 calendar days, your district should report the noncompliant district to the Governance and General Inquiries Division of the TEA at (512) 475-3697.³¹

Any of the following documents are acceptable for proof of identification and age:

- birth certificate;
- driver's license;
- passport;
- school ID card, records, or report card;
- military ID;
- hospital birth record;
- adoption records;
- church baptismal record; or
- any other legal document that establishes identity.

Note: All documentation requirements for audit purposes and the required retention period for such records are outlined in Section 2. The required retention period for all records is outlined in *Local Schedule SD* of the *Local Records Retention Schedules*, Texas State Library and Archives Commission (see **Resources**).

Failure to receive the information required for student enrollment must not preclude your district from enrolling and serving a student. However, only students who meet the age and admission requirements may be reported as eligible for FSP purposes (ADA eligibility codes 1, 2, 3, 6, or 7).³² See also **3.3.5 Immunization**.

A student should be enrolled in only one district at a time, thus eliminating duplicate PEIMS reporting for a student.

³⁰ TEC, §25.001

³¹ TEC, §25.002(a-1)

³² 19 TAC §129.1(b)

3.3.1 Discrepancies in Student Names

If a child is enrolled under a name other than the name that appears in the identifying documents, your district must notify the Missing Children and Missing Persons Information Clearinghouse at (800) 346-3243. If the student's records have not been received within 30 days of a request, making this comparison impossible, your district must notify the municipal police department or sheriff's department of the county for a determination of whether the child has been reported as missing.³³

3.3.2 Entry and Reentry Dates

The student's entry date is the first day the student is physically present during the official attendance accounting period on a particular campus. A student's reentry date is the first day the student is physically present during the official attendance accounting period after having been withdrawn from the same campus. **A student cannot be absent on either the entry or the reentry date. Also, a student cannot be absent on the first day of school.**

The student is in membership on both the entry date and the reentry date. See 3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding for minimum time requirements for a student to be in membership.

A student who is enrolled in your school district and who is absent for the purpose of auditing classes at an open-enrollment charter school but has not yet enrolled in the charter school must be marked as absent for FSP (funding) purposes. If the student subsequently withdraws from your school district and enrolls in the charter school, your district may not backdate the withdrawal record for the student with a withdrawal date of the first day that the student audited classes at the charter school. Also, the charter school may not backdate the enrollment record for the student with an enrollment date of the first day that the student audited classes.

3.3.3 Student Entitlement to Attend School in District of Residence

A student's entitlement to attend a school district is determined under the TEC, §25.001. Your district must serve any students who are entitled to enrollment under the TEC, §25.001, even if they are expected to reside in your district for a short time. Your district must serve students in regular education in addition to in other programs (special education, etc.) if the students are eligible and all documentation is on file. **Your district cannot refuse to serve a student who is entitled to enroll.** For example, say a student enters a hospital for treatment. If the hospital is located within your school district, you must immediately serve this student in regular education and also in special education if the student is determined to be eligible. This requirement applies not only to students in hospitals but also to students in juvenile detention centers, jails, and other such facilities. (See **3.3.3.2 Students From Outside Your District Who Will Be in Your District for 10 Days or Fewer** for a limited exception to this requirement.) Additional eligibility provisions apply to students who have established a residence separate and apart from a parent or legal guardian under the TEC, §25.001(d).

Under the TEC, §25.001(b), your school district must admit a student who meets age eligibility requirements if the student —

- and either parent reside in your school district;

³³ TEC, §25.002(b)

- does not reside in your school district but has a parent who does and that parent is a joint or the sole managing conservator or possessory conservator of the student;
- and the student's guardian or other person having lawful control of the person under a court order reside within your school district;
- has established a separate residence under the TEC, §25.001(d);
- is homeless, regardless of the residence of the student, of either parent, or of the person's guardian or other person having lawful control of the person;
- is a foreign exchange student placed with a family that resides in your district by a nationally recognized foreign exchange program³⁴;
- resides at a residential facility that is in your district;
- resides in your district and either is 18 years old or older or has had the disabilities of minority removed; or
- does not reside in your school district but has a grandparent who does and who provides a substantial amount of after-school care for the student³⁵.

Also, your school district must admit, tuition-free, a student who meets age eligibility requirements if the student has been placed in foster care and the foster parents reside in your district.³⁶ A high school student in grades 9–12 who has been placed in temporary foster care at a residence outside your district but was enrolled at a school in your district at the time of placement is entitled to complete high school at that school without payment of tuition.³⁷

A student who meets any of the previous residency criteria is eligible for attendance in your district as a regular student and should not be coded as a transfer student.

3.3.3.1 Entitlement of Certain Students to Transfer to a District of a Bordering State

A student who is entitled to attend a public school of a school district that is on the border of Louisiana, Arkansas, Oklahoma, or New Mexico who finds it more convenient to attend public school in a district in the contiguous state may do so. In that case, the state and county available school funds for the student would be paid to the school district of the contiguous state, and any additional tuition, if necessary, would be paid by the district of the student's residence on terms agreed on by the trustees of the receiving district and of the residence district.³⁸

3.3.3.2 Students From Outside Your District Who Will Be in Your District for 10 Days or Fewer

If a student from outside your district will be in your district temporarily for 10 days or fewer (for example, because of a brief hospital stay), your district is not required to enroll and serve the student if all of the following requirements are met:

- a) it is known at the time the student arrives that the student will be staying for 10 days or fewer and

³⁴ unless the school district has applied for and been granted a waiver by the commissioner under the TEC, §25.001(e)

³⁵ as determined by the school board

³⁶ TEC, §25.001(f)

³⁷ TEC, §25.001(g)

³⁸ See the TEC, §25.040.

- b) your district and the district in which the student is enrolled both agree that the student will continue enrollment in that district for the duration of the student's stay in your district and
- c) enrollment will not be shown at your district.

This policy is not a basis for denying educational services if a parent, guardian, or student requests services, regardless of the number of days of enrollment. If your district has served a student, regardless of the number of days of service, your district must enroll the student and report the student as enrolled through the PEIMS.

3.3.4 Homeless Students

If your district determines that a student is homeless, as defined by the McKinney-Vento Homeless Assistance Act, then at the time of that determination, the child must be allowed to either remain in the district in which he or she was enrolled before becoming homeless or enroll in the district where he or she is now located. A homeless student is entitled to enroll in any district. Proof of residence is not required. Information on school district responsibilities associated with homeless students may be obtained from the TEA Regional Services Division at (512) 463-9371.

3.3.5 Immunization

Except as provided by the TEC, §38.001(c), a student is required to be fully immunized against certain diseases.³⁹ However, your district may admit a student provisionally if the student has begun the required immunizations and continues to receive the necessary immunizations as rapidly as medically feasible.⁴⁰ Except as provided by the TEC, §38.001(c), a student who is not fully immunized and has not begun the required immunization may not attend school. A homeless student may be admitted for 30 days pending initiation of vaccinations or receipt of vaccination documentation.⁴¹ A student who is a military dependent or any student coming from another Texas school district may be enrolled for 30 days pending transfer of immunization records.⁴²

For further information regarding immunization requirements, immunization exemptions, and immunization documentation, please contact the Department of State Health Services.

3.3.6 Infants and Toddlers With Auditory or Visual Impairments or Both

Infants and toddlers birth through 2 years of age who have auditory or visual impairments or both and an IFSP indicating a need for services by the district must be enrolled in the local district or RDSPD. If district services are to be provided through the RDSPD, the RDSPD must involve the home district (see **4.9 Other Special Education Services**). Local education agencies should collaborate with the RDSPD to ensure that appropriate services are provided.

³⁹ TEC, §38.001(a)

⁴⁰ TEC, §38.001(e)

⁴¹ 25 TAC §97.66(b)

⁴² 25 TAC §97.69

3.4 Withdrawal Procedures

Your district should withdraw a student from the attendance accounting system on the date your district becomes aware the student is no longer a member of the district. With proof of enrollment in a different district/campus, retroactive withdrawals are permitted to the day a student enrolled in another school. Your district must update all attendance accounting records affected by such a change. See also **3.3.2 Entry and Reentry Dates**.

If a student withdraws before attendance is taken, the withdrawal date is that day. If a student withdraws after attendance is taken, the withdrawal date is the next school day. A student is not in membership on the withdrawal date.

3.4.1 Students 18 Years of Age or Older

Your district **may** withdraw a student who is at least 18 years old and is voluntarily enrolled in school when he or she accumulates more than five unexcused absences in a semester. Your district may revoke the enrollment of such a student for the remainder of the school year.⁴³ **A student who is removed from school under this provision will be considered a dropout for accountability purposes unless the student returns to school during the school-start window the following fall. See the *Secondary School Completion and Dropouts in Texas Public Schools* annual publication for the current definition of *dropout*. Also, see 3.5 Compulsory Attendance.**

This authority to revoke enrollment does not override your district's responsibility to provide a free appropriate public education to a student who is eligible for special education services.

3.4.2 Temporary Absences and Withdrawal

Your district may **not** withdraw a student who is temporarily absent (e.g., as a result of illness or suspension) but still a member of your district.

3.4.3 Students Whose Whereabouts Are Unknown

Your district should decide the withdrawal date for a student who never officially withdrew from school, but whose whereabouts can no longer be determined, according to applicable local policies. For example, local policy may state that a student is withdrawn 10 days after he or she last attended if his or her whereabouts are unknown. Once withdrawn, a student in grades 7 through 12 must be reported as a school leaver on a 203 Record and will possibly be considered a dropout according to Section 2 of the PEIMS *Data Standards*.

3.4.4 Information and Record Transfer

When a student moves from one Texas public school district or charter school to another, the student record must be transferred via the Texas Student Records Exchange (TREx) within 10 working days of receiving a request. The student record must include the following information at a minimum.

⁴³ TEC, §25.085(e)

- Social security number or state-approved alternate ID last reported through PEIMS
- First, middle, and last name and generation code, if applicable
- Date of birth
- Gender
- Ethnicity and race
- Current grade level
- Immunization information⁴⁴
- Receipt of special education services and individual education plan, if applicable
- Academic year
- Course completion
- Final grade average
- Teachers of record
- Assessment instrument results
- District ID
- Campus ID
- Campus name
- Campus phone number

For a high school student transferring from one Texas public school district or charter school to another, the following additional information is required to be sent via TReX for the student's high school transcript.

- Student's address, including city, state, and zip code
- District name
- Exit level assessment and date the exit level requirement was met
- Advanced measures completed for the distinguished graduation program, if applicable
- Texas Grant indicator code required by the end of the student's junior year
- Graduation program type required by the end of the student's junior year
- College Board campus code
- Certification of coursework completion date, if applicable
- Current and previous coursework including
 - Academic year
 - Session type
 - Campus awarding credit
 - Course category, name, number, abbreviation, semester, grades and credit
 - Course grade average and/or final grade average
 - Special explanation codes, if applicable
 - Pass/fail credit indicator codes, if applicable

By law, each district is required to transfer student records within 10 days of receipt of a request by the receiving district.⁴⁵ Enrollment by a student in another school district constitutes authority for your district to release the education records of that student, regardless of whether parental authority has been received.⁴⁶ Also, the requirement to transfer records within 10 days of a

⁴⁴ TEC, §25.002(a)(3)

⁴⁵ TEC, §25.002(a-1)

⁴⁶ Family Education Rights and Privacy Act (FERPA) 34 CFR, Part 99, §99.31(a)(2) and §99.34

request applies regardless of whether a student or student's parent has failed to pay for a lost textbook, including an electronic textbook.

3.4.5 Students 21 Years of Age or Older and Placement in a DAEP or JJAEP

Students who are 21 years of age or older who are admitted for the purpose of completing the requirements of a high school diploma are not eligible for placement in a district alternative education program (DAEP) or juvenile justice alternative education program (JJAEP) if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If a student engages in conduct that would otherwise require such placement, your district must revoke admission of the student into the public schools of the district.⁴⁷

3.5 Compulsory Attendance

PK and kindergarten students are subject to compulsory school attendance rules while they are enrolled in school. On enrollment in prekindergarten (PK) or kindergarten, a child must attend school.⁴⁸ However, if a child has not reached mandatory compulsory attendance age (6 years old as of September 1 of the current school year) the child's parent or guardian may withdraw the student from school, and the child will not be in violation of compulsory attendance rules.

Unless specifically exempted by the TEC, §25.086, a child who is at least 6 years of age, or who is younger than 6 years of age and has previously been enrolled in first grade, and who has not yet reached his or her eighteenth birthday must attend school.⁴⁹

A person who is age 18 or older and is enrolled in public school is required to attend school each day. Your school district's board of trustees may adopt a policy requiring a student who voluntarily enrolls in school or voluntarily attends school after his or her eighteenth birthday to attend school until the end of the school year if the student is under age 21.⁵⁰ The offense of failure to attend⁵¹ applies to a student who is subject to the district policy.

3.6 General Attendance-Taking Rules

Each teacher or other school employee who records student attendance must certify, in writing, that all such records are true and correct to the best of his or her knowledge and that the records have been prepared in accordance with laws and regulations pertaining to student attendance accounting. Electronic signatures are acceptable. Signature stamps and pencil are not acceptable.

Students who are on campus and in their classrooms at the time attendance is taken must have their official attendance conducted and completed by the classroom teacher. Attendance may not be taken by students, classroom aides, or clerks. Using a "sign-in" sheet to record attendance is not acceptable.

⁴⁷ TEC, §25.001(b-1)

⁴⁸ TEC, §25.085(c)

⁴⁹ TEC, §25.085(b)

⁵⁰ TEC, §25.085(f)

⁵¹ TEC, §25.094

3.6.1 Manual Entries for or Corrections to Student Attendance Data

Always use ink to make manual entries or corrections in the attendance records, on daily absence slips, on 6-week absence reports, and/or on daily summary sheets. Never record manual entries in pencil, use liquid correction fluid, or use a signature stamp. If errors are made on any official attendance document, strike through the error, enter corrections nearby, and initial.

3.6.2 Time of Day for Attendance Taking

Each campus must determine attendance for all grades by the absences recorded at the one particular point in time the campus has chosen for roll to be taken (a snapshot, e.g., 9:45 a.m.) during the **second** or **fifth** instructional hour of the day or its equivalent, unless your local school board has adopted a district policy for recording absences in an alternate period or hour. The selected time may vary from campus to campus within your district. However, once a time has been selected, a campus may not change it during the school year.⁵²

These attendance provisions do not apply to alternative attendance programs such as the HSEP or the OFSDP. For special attendance provisions that apply to these programs, please refer to Section 11, on nontraditional programs.

3.6.2.1 Attendance Taking and Delayed Start of School Day

If your district's superintendent delays the start of the school day for your campus for a reason related to health or safety (for example, because of flooding or bad weather), your campus may choose an alternate attendance-taking time for that day. This provision does not apply to a delayed start of the school day for a reason unrelated to health or safety (for example, the funeral of a student or teacher). If your district delays the start of the school day and your campus uses an alternate attendance-taking time, your campus must maintain documentation of the alternate time, the attendance recorded at that time, and the official reason for the delayed attendance taking.

3.6.2.2 Alternate Attendance-Taking Time for Certain Student Populations

Your campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off campus during the regular attendance-taking time, such as dual-credit students who are attending classes at an institution of higher education or career and technical education students who are scheduled to be at a worksite. The alternate attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off campus during the regular attendance-taking time (for example, for the semester or for the duration of employment). Once selected, the alternate attendance-taking time for a particular group for a particular period (for example, for the semester or for the duration of employment) may not be changed.

The alternate attendance-taking time for each applicable group and the attendance taken for that group each day must be documented for audit purposes.

⁵² 19 TAC §129.21(i)

An alternate attendance-taking time may not be used for any student who is scheduled to be on campus during the regular attendance-taking time.

3.6.3 Requirements for a Student's Being Considered Present or Absent for FSP (Funding) Purposes

For official attendance accounting purposes, "excused" and "unexcused" absences do not exist.⁵³ Students present at the time the attendance snapshot is taken are counted present for funding purposes. Note that having students sign in is not an acceptable method of taking attendance. With the exception of any reason listed in the following paragraphs, students who are absent at the time the attendance snapshot is taken are counted absent for funding purposes.

Students who are on campus at the time attendance is taken but who are not in their assigned classroom are considered in attendance for FSP purposes provided they were with a responsible campus official (e.g., nurse, counselor, principal, etc.). Class admit slips or other documentation supporting that a student was with a responsible official must be retained for audit purposes. Note: These attendance provisions do not apply to the OFSDP or the Texas Virtual School Network. For special attendance provisions that apply to these programs, please refer to Section 11, on nontraditional programs.

A student not actually on campus at the time attendance is taken may be considered in attendance for FSP purposes if the student —

- is enrolled in and attending an off-campus dual credit program course. See **3.6.2.2 Alternate Attendance-Taking Time for Certain Student Populations** for instructions on how to record attendance for these students.
- is participating in an activity that is approved by your local school board and is under the direction of a professional staff member of your school district or an adjunct staff member. The adjunct staff member must have a minimum of a bachelor's degree **and** be eligible for participation in the Teacher Retirement System of Texas.

Students participating in any activity that is not approved by your local school board or without certified district personnel supervision must be counted absent. For attendance to qualify for funding purposes, the certified district staff member or adjunct staff member must be accompanying the students as an official of your school district for the specific purpose of supervising the students and must be approved by your school board to supervise the activity. For example, students would be reported present if they are participating in 4H activities that are supervised solely by a county extension service agent who has been approved by the local school board as an adjunct staff member.⁵⁴

- is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Distinguished Achievement Program outlined in 19 TAC §74.13(a)(3).

⁵³ 19 TAC §129.21(i)(3)

⁵⁴ 19 TAC §129.21(k)(1)

- is a Medicaid-eligible child participating in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) programs implemented by the Texas Health and Human Services Commission. Such students may be excused for up to 1 day at a time without loss of ADA.
- misses school for the purpose of observing religious holy days, including traveling for that purpose.⁵⁵ Travel days for which the student is considered in attendance shall be limited to not more than 1 day for travel to and 1 day for travel from the site where the student will observe the holy days. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.
- is in grades 6 through 12 and misses school for the purpose of sounding “Taps” at a military honors funeral held in Texas for a deceased veteran.⁵⁶
- misses school for the purpose of attending a required court appearance, including traveling for that purpose.⁵⁷ Travel days for which the student is considered in attendance shall be limited to not more than 1 day for travel to and 1 day for travel from the site where the student is required to appear in court. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.

A court appearance is considered to be required if the law (federal or state) or the court mandates an appearance by the student in a criminal, civil, or traffic matter. Examples of required court appearances would be appearances in response to a jury summons in the name of the student, a subpoena in the name of the student, or a traffic ticket marked “You Must Appear” or “Court Appearance Required.” Additional examples would be a student's appearance in court as a plaintiff or defendant or as the subject of a court proceeding, such as an adoption or custody proceeding. Acceptable forms of documentation may be a copy of a pleading or other document filed with the court, a notice from the court clerk regarding a hearing or trial date, a jury summons, a subpoena, etc.

Important: Absences to meet with probation officers and other absences related to court-ordered activities *outside* the courtroom do not qualify as required court appearances.

- misses school for the purpose of serving as an election clerk, including traveling for that purpose.⁵⁸ Travel days for which the student is considered in attendance shall be limited to not more than 1 day for travel to and 1 day for travel from the site where the student is serving as an electing clerk. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.

To serve as an election clerk, a student must —

⁵⁵ TEC, §25.087(b)(1)(A)

⁵⁶ TEC, §25.087(c), as added by Acts 2007, 80th Legislature, ch. 660, §2

⁵⁷ TEC, §25.087(b)(1)(B)

⁵⁸ TEC, §25.087(b)(1)(C) [SB 1134, 81st Legislature, Regular Session, 2009]

- be eligible to serve as an election clerk under the Texas Election Code, §32.051(c), **or**
 - be at least 16 years of age, have the consent of the principal of the school the student attends, be a United States citizen, and have completed any training course required by the entity holding the election.
- misses school for the purpose of appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship, including traveling for that purpose.⁵⁹ Travel days for which the student is considered in attendance shall be limited to not more than 1 day for travel to and 1 day for travel from the site of the governmental office. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.
 - misses school for the purpose of taking part in a United States naturalization oath ceremony, including traveling for that purpose.⁶⁰ Travel days for which the student is considered in attendance shall be limited to not more than 1 day for travel to and 1 day for travel from the site of the ceremony. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.
 - is temporarily absent because of a documented appointment with a health care professional.⁶¹ A documented appointment with a health care professional includes an appointment of a student diagnosed with autism spectrum disorder with a health care practitioner⁶² to receive a generally recognized service⁶³ for persons with that disorder.⁶⁴ To be considered temporarily absent, the student must begin classes or return to school on the same day of the appointment. The appointment should be supported by a document, such as a note from the health care professional.⁶⁵ The appointment must be a face-to-face consultation with a health care professional. A consultation over the phone or via video (telemedicine) is not considered an appointment with a health care professional.
 - is in his or her junior or senior year of high school and misses school for the purpose of visiting an institution of higher education accredited by a generally recognized accrediting organization to determine the student's interest in attending the institution.⁶⁶ Your district 1) may not excuse for this purpose more than two days during a student's junior year and two days during a student's senior year and 2) must adopt a) a policy stating when an absence will be excused for this purpose and b) a procedure for verifying students' visits to institutions of higher education.

⁵⁹ TEC, §25.087(b)(1)(C) [HB 192, 81st Legislature, Regular Session, 2009]

⁶⁰ TEC, §25.087(b)(1)(D) [HB 192, 81st Legislature, Regular Session, 2009]

⁶¹ TEC, §25.087(b)(2)

⁶² See the Texas Insurance Code, §1355.015(b), for a description of the term *health care practitioner*.

⁶³ Generally recognized services include, but are not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

⁶⁴ TEC, §25.087(b-3) [HB 192, 81st Legislature, Regular Session, 2009]

⁶⁵ 19 TAC §129.21(k), TEC, §25.087(b)(1)(A)

⁶⁶ TEC, §25.087(b-2) [HB 2542, 81st Legislature, Regular Session, 2009]

A student whose absence is excused for any of the previously listed reasons will be allowed a reasonable amount of time to make up school work missed on these days, and if the student satisfactorily completes the school work, the day of absence is counted as a day of compulsory attendance.

Important: Your district or charter school **must** adopt a policy regarding parental consent for student departures from school.⁶⁷ **FSP funding is conditional on local adoption of this policy.** However, this policy does not affect procedures for taking and recording student attendance.

3.6.3.1 Early Graduation/Graduation Ceremonies and Attendance

Students Who Graduate Early: If a student has completed the requirements for a high school diploma before the last instructional day of the school year, the student is not eligible to continue to generate ADA for funding purposes for the remaining days of the school year. For example, if a high school's seniors graduate and receive their diplomas two days before the official end of the school year but return to school to "sign in" for those last two days, the students would not generate ADA for funding purposes for those days.

Students Who Have Not Yet Graduated but Who Have Attended Graduation Ceremonies:

A student who attends a graduation ceremony before completing requirements for a high school diploma is eligible to continue to generate ADA funding as long as the student meets the minimum 2-through-4-hour requirement or is continuing to participate in an alternative attendance accounting program, such as the OFSDP. Your school district may not receive ADA for funding purposes for any student who does not meet the minimum 2-through-4-hour requirement or who is not continuing to participate in an alternative attendance accounting program. A senior who has attended graduation ceremonies before the end of the school year and who attends for the last days of the school year only to "sign in" has not met the minimum 2-through-4-hour requirement⁶⁸ for those days.

3.6.4 Excused Absences for Academic Purposes

A teacher, principal, or superintendent of the school in which a student is enrolled may excuse the temporary absence of the student for any reason acceptable to the teacher, principal, or superintendent. However, the student will not be counted as present for FSP (funding) purposes for the day(s) of the absence unless the absence is for one of the reasons specified in **3.6.3 Requirements for a Student's Being Considered Present or Absent for FSP (Funding) Purposes** and meets applicable requirements.⁶⁹

3.6.5 Instruction Provided Outside of the Regular School Day

If selected students are required to attend school on Saturday to make up for absences, their attendance may **not** be counted for funding purposes (see **3.8.2 Makeup Days** for makeup days when all students are required to attend) but may be counted for academic purposes (see also **3.6.4 Excused Absences for Academic Purposes**). Also, for funding purposes, a student's attending school on a Saturday does not nullify any previously recorded absence.

⁶⁷ 19 TAC §129.21(d)

⁶⁸ 19 TAC §129.21(h)

⁶⁹ TEC, §25.087

If your school district provides instructional services for special education after school or on Saturday, the contact hours may be counted only if the services cannot be provided or are unavailable at any other time (e.g., speech therapy provided on Saturday as a result of the unavailability of speech therapists during the regular school week, orientation and mobility services/vision instruction provided outside the regular school day because they must be provided at night or in periods of darkness).

3.6.6 Attendance Accounting During Testing Days

If standardized achievement tests or final exams are administered during the period designated for attendance taking, staff should record absences just before, during, or immediately after the exam.

A student who is exempt from taking exams and who attends school on an exam day only to "sign in" during the attendance-taking time has not met the minimum 2-through-4-hour requirement⁷⁰ for that day. See **3.2.2 Funding Eligibility**.

3.6.7 Attendance and Students Who Are Not in Membership or Are Served Outside the Home District

Your district is not required to take attendance for students who are not in membership (are not receiving the minimum 2 hours of instruction per day). Also, for students who are participating in an approved program with alternative attendance accounting (see **Section 11 Nontraditional Programs**), your district is not required to take attendance during the standard specified periods. However, your district **must** maintain the demographic and special program information for these students in the attendance accounting system in accordance with the applicable coding instructions in Sections 3 through 11 of this handbook.

For example, a 3-year-old special education student's only service is speech therapy for 30 minutes each week. Your district is not required to record attendance for this speech therapy student since he does not receive at least 2 hours of instruction per day, but your district must report demographic and special program information for the student. Your district should report demographic and special program information for all students served in the district through PEIMS, Submission 1.

Students who are served outside the home/sending district, but who are reported for all PEIMS submissions by the home/sending district, should **not** be included in the official attendance reports of the district where the student is served (see **3.9 Data Submission**).

3.6.8 "Tardies"

For official attendance accounting and FSP purposes, "tardies" do not exist. However, locally designed codes may be implemented to indicate that —

- a student arrived late to class **before** official roll call and was counted **present** for ADA and FSP purposes, or

⁷⁰ 19 TAC §129.21(h)

- a student arrived late to class **after** official roll call and was counted **absent** for ADA and FSP purposes.

Adequate documentation that defines all locally designed codes must be retained with all other auditable records. Proof must be evident that absences for students assigned this code are included in total absences in all attendance reports.

3.6.9 Effective Dates for Program Changes

Effective dates for program changes may be recorded on a day when a student is absent. However, controls must be in place to ensure that a student does not generate ADA or special program contact hours on any day that he or she is absent.

In addition, for PEIMS reporting purposes, individual student records are not allowed for a student who was not in attendance during a reporting period. Procedures must be in place to ensure that "0-filled" PEIMS records are **not** created when effective dates for program changes are preposted.

3.7 General Education Homebound (GEH)

Any student who is served through the GEH program must meet the following three criteria:

- The student is expected to be confined at home or hospital bedside for a minimum of 4 weeks. The weeks **need not** be consecutive.
- The student is confined at home or hospital bedside for medical reasons only.
- The student's medical condition is documented by a physician licensed⁷¹ to practice in the United States.

A student served through GEH at home/hospital bedside must be served by a certified general education teacher. Over the period of his or her confinement, the student must be provided instruction in all the courses, including elective courses, in which that student is enrolled.

Note: For guidance in determining GEH instruction for pregnant students who are or are not receiving pregnancy related services, please refer to Section 9.

A student who is served through the GEH program retains the same ADA eligibility code he or she had before receiving GEH services, regardless of how many hours the student will be served through the GEH program.

3.7.1 GEH Policy Requirements

To qualify for GEH funding, your school district must have policy and procedures for implementation of GEH instruction that have been approved by the local school board.

3.7.2 GEH Committee

A designated campus committee must make decisions regarding GEH placement. Members of the committee should include but are not limited to —

⁷¹ You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp.

- a campus administrator,
- a teacher of the student, and
- a parent/guardian of the student.

The role of the GEH committee is to review and consider the necessity of providing instruction to a general education student at home/hospital bedside. If instruction is to be provided at home/hospital bedside, the GEH committee determines the type(s) and amount of instruction to be provided. Over the period of his or her confinement, however, the student must be provided instruction in all the courses, including elective courses, in which that student is enrolled.

In making these decisions, the GEH committee must consider information from the student's physician. However, the physician's note/information **is not** the sole determining factor in the committee's decision-making process.

3.7.2.1 GEH Committee Documentation Responsibilities

In qualifying a student for and providing the student GEH services, the following documentation is required:

- a district-developed form that documents GEH committee decisions regarding whether a student is to be served through GEH,
- documentation on the form of the GEH committee's decision regarding the type(s) and amount of instruction to be provided to the student, including the designated amount of time per week that instruction will be provided,
- a note from a physician stating that the student has a medical condition that requires the student to be confined at home/hospital bedside for a minimum of 4 weeks,
- documentation of the day(s) homebound instruction started and stopped, and
- the teacher's homebound instruction log.

The minimum documentation required in homebound logs (the attendance record maintained by a homebound teacher) is —

- the name of the homebound teacher,
- the student name and identification or social security number,
- the date that the homebound teacher visited the homebound student, and
- the actual time per visit that the student was served (e.g., 10:00 a.m. until 12:00 p.m.)

Additional documentation may be maintained as part of this record at the discretion of the local education agency. This documentation may include, but is not limited to, mileage records for the homebound teacher and information on subjects that were taught as part of the homebound instruction.

3.7.3 GEH Services for Students With Chronic Illness/Acute Health Problems

The federal definition for OHI found in 34 Code of Federal Regulations, §300.8(c)(9)(i)(ii), states, "Other health impairment means having limited strength, vitality, or alertness, including a

heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that —

1. is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
2. adversely affects a child's educational performance.

3.7.4 GEH Funding Chart

For GEH services to generate ADA, the services must be provided as follows:

A general education student served at home earns eligible days present based on the number of hours the student is served at home by a certified teacher each week. Use the following chart to calculate eligible days present:

GEH Funding Chart

Amount of Time Served per Week	Eligible Days Present Earned per Week
1 hour	1 day present
2 hours	2 days present
3 hours	3 days present
4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)
More than 4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)

Eligible days present are determined each week. For GEH purposes, a week starts Sunday and ends Saturday. GEH service hours may not be accumulated and carried forward from one week to the next, nor may service hours be applied to a previous week.

3.7.5 Test Administration and GEH

A student receiving GEH services may earn eligible days present as stated in the GEH funding chart when a homebound instructor administers routine quizzes, daily or weekly classroom exams, etc., that are required as part of the instructional requirements of a class.

A student being administered standardized, 6-weeks, semester, and final exams and the TAKS is limited to earning 1 day present for a minimum of 1 hour or more of testing in 1 calendar day. When it takes the student more than 1 hour to complete the exam, the additional contact hours cannot be credited as attendance.

If the routine, standardized, six-weeks, semester, or final exam administration or TAKS testing requires less than one hour, then the homebound instructor must complete the hour with homebound instruction for the student to earn the 1 day present. For example, say a student is administered a final exam, and it takes her 30 minutes to complete the exam. The student must receive an additional 30 minutes of homebound instruction to earn 1 day present.

A student receiving GEH services **who returns to his or her campus to take a state-required assessment instrument (e.g., TAKS) must have a medical release** from a medical or nurse practitioner licensed⁷² to practice in the United States to do so.

3.7.6 Transition From GEH to the Classroom

A student transitioning back to a school-based setting may continue to generate eligible days present based on the GEH funding chart during the transition period. The GEH committee must determine the length of the transition period based on current medical information. Once the student has completed the transition period as determined by the GEH committee, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

3.7.7 Transitioning Students With Chronic Illness Between Homebound and the Classroom

A student with a chronic illness or acute health problem that is a long-term condition that requires the student to be in the GEH program for at least 4 weeks will generate contact hours based on the following:

- Students transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the GEH funding chart.
- The length of the transition period must be determined by the GEH committee based on current medical information.

During the transition period, students are to be served through the GEH program for the period of time each week as specified by the GEH committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on the GEH funding chart.

Once the student has completed the transition period as determined by the GEH committee, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

3.7.8 Students With a Recurring Chronic or Acute Health Condition

A student with a chronic illness or acute health problem **that is a recurring condition** that requires the student to be in the GEH program for a period of time (which can be in daily or weekly increments) totaling at least 4 weeks throughout the school year will generate contact hours based on the following:

- Students moving back and forth between the GEH program and a school-based placement generate eligible days present for those days they are served through the GEH program subject to the GEH funding chart.
- Students with a recurring condition generally do not require a transition period.

⁷² You can access the Texas Medical Board's searchable database of licensed physicians at http://req.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp.

- Use the following chart to determine how to record attendance information for students with a recurring condition.

For any week in which the student with the recurring condition —	the student earns contact hours and/or attendance —
is served solely at home/hospital bedside through the GEH program,	according to the requirements of the GEH funding chart.
is served for at least 4 hours at home/hospital bedside through the GEH program and attends school at his or her campus,	according to the requirements of the GEH funding chart.
is served from 1 to 3 hours at home/hospital bedside through the GEH program and attends school at his or her campus,	<ul style="list-style-type: none"> • according to the requirements of the GEH funding chart for those days the student is provided instruction at home/hospital bedside through the GEH program and • according to whether the student is present at the official attendance-taking time for those days the student attends school at his or her campus.

Regardless of how many hours of GEH instruction a student is provided or how many days that student is in attendance at his or her campus, the student may not generate more than the equivalent of one ADA.

If the student fully transitions to classroom placement, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

Attendance Accounting and Documentation: To document the changing instructional arrangements/settings for students with a recurring condition for attendance reporting and auditing purposes, district personnel must keep a log of the student's attendance information. See **3.7.2.1 GEH Committee Documentation Responsibilities**.

The eligible days present should be recorded in your district's student attendance accounting system. Any time not accounted for should be reported as absences.

3.8 Calendar

Your school district must operate so that it provides for at least 180 days of instruction for students (minus any days waived by the TEA in writing [see **3.8.2 Makeup Days and Waivers**]), unless your district has been approved to provide fewer instructional days to certain students through a program such as the Optional Flexible Year Program (OFYP).⁷³ However, even if your district has been approved to provide fewer instructional days through such a program, under no circumstances may it offer fewer than 170 instructional days.

⁷³ TEC, §25.081

Your district has flexibility in structuring its calendar with respect to —

- the starting date,
- the ending date,
- the number of days in each semester/6-week reporting period, and
- the dates of preparation days.

The first day of instruction, however, must be scheduled no earlier than the fourth Monday in August.⁷⁴ Charter schools are not subject to this requirement and may schedule an earlier first day of instruction.

The number of days taught must be the actual number of days instruction is offered (the actual number of instructional days in the school calendar or track calendar for a specific reporting period). Legal holidays, days the school is closed for local events, and days of teacher in-service or preparation cannot be counted. Attendance cannot be reported on days when no instruction is offered (e.g., senior days). When a holiday occurs within an attendance accounting period, your district must document the date and name or purpose of the holiday in all reports required for audit purposes (detailed in Section 2).

Note: All the students in a particular school or track will have the same number of days of instruction (NUMBER-DAYS-TAUGHT). Please refer to the PEIMS *Data Standards* for additional information.

Regardless of the structure of the actual instructional calendar, the full school year for each instructional track offered by your district must be reported in **six approximately equal reporting periods**.

3.8.1 Length of School Day

A school day must be at least 7 hours each day, including intermissions and recesses.⁷⁵ Open-enrollment charter schools are not subject to this requirement and may have a shorter school day if their charter so provides.

3.8.2 Makeup Days and Waivers

3.8.2.1 Makeup Days

Your district **must** build 2 “makeup days” for school closures into its adopted school calendar. If your district deems it necessary to close school on a scheduled instructional day, use the makeup days to ensure that the minimum days of instruction are provided. If the dates for the designated makeup days have already passed when schools close on a scheduled instructional day, schools are still required to make up at least two of the scheduled instructional days lost before an application for a missed instructional day waiver may be submitted.

On a makeup day designated to replace a scheduled instructional day lost, the attendance for all students who are present will be counted on that day for funding purposes if all other legal requirements are met. The makeup day must be at least 7 hours in length, including intermissions and recesses. No waivers for low attendance on a makeup day will be granted.

⁷⁴ TEC, §25.0811

⁷⁵ TEC, §25.082(a)

The TEA encourages schools to **select practical makeup days** (e.g., no national holidays), because once selected, they may not be changed.

The TEA strongly discourages requests to have an early-release day on a makeup day.

3.8.2.2 Missed Instructional Day Waivers

If your district misses additional instructional days beyond the 2 designated makeup days scheduled because of weather, safety, or health issues, **your school district must apply to the TEA for a missed instructional day waiver**. A missed instructional day waiver application may be found at

http://www.tea.state.tx.us/index2.aspx?id=6637&menu_id=932&menu_id2=788.

3.8.2.3 Low-Attendance Day Waivers

On a day when school was held but attendance was at least 10 percentage points below the overall attendance rate of your district (or campus) for the prior year because of weather-related or health or safety issues, the day may be excused for FSP funding purposes. For audit purposes, specific written TEA approval is required for the day to be excluded from the ADA calculations. Your district must send documentation of low attendance for the day (including the reason for the low attendance rate) and the prior year's attendance report (showing the average for the year) for your district or campus to the State Waivers Unit for waiver approval.

3.8.2.4 Early-Release Day Waivers

Your district must submit any request for a waiver for an early-release day in writing and at least 31 days in advance of the target date for the early release. Send requests to the TEA State Waivers Unit.

If the waiver is approved, the early-release school day must be at least 4 hours.

3.8.2.5 Documenting Waiver Approval, Attendance Accounting for Missed Instructional Days or Low-Attendance Days

To find out whether a requested missed instructional day, low-attendance day, or early-release day waiver has been granted and to create a record that a request was approved, district staff must consult the TEA Waivers Online Report page at <http://mansfield.tea.state.tx.us/Tea.Waivers.Web/Default.aspx> and generate and print a report of the waiver request's status. (The TEA will not send a letter notifying your district of approval for these waivers.) Your district must retain documentation of waiver approval for five years for audit purposes.

If the TEA grants your school district a waiver for a missed instructional day or a low-attendance day (a waiver approving a shortened calendar), your district should not include the day exempted as a day of membership or instruction. Treat the day as a noninstructional day in your district's student attendance accounting system, and do not report the day as an instructional day in your district's PEIMS reporting.

3.8.2.6 Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs) With Calendars of Fewer Than 180 Days

If district students are taking dual credit courses at an IHE with a calendar of fewer than 180 days, your district may apply for a waiver of the 180-day-calendar requirement. Send requests for a waiver to the TEA State Waivers Unit. See **11.3.3 Reporting Dual Credit Attendance in the Public Education Information Management System (PEIMS) When the Higher Education Calendar Is Shorter Than the School District Calendar** for information on how to report these dual credit students' attendance.

3.8.2.7 Waivers Related to Students Taking Dual Credit Courses at IHEs With Calendars Beginning Before the Fourth Monday in August

If district students are taking dual credit courses at an IHE with a calendar that begins before the fourth Monday in August, your district may apply for a waiver of the start date requirement. Send requests for a waiver to the TEA State Waivers Unit.

3.8.3 Summer School and State Funding

Summer school programs are not eligible for state funding except for specific programs authorized by statute, such as the OFSDP. If a student is in membership for additional days beyond the 180 days that make up the state funding year, the attendance that exceeds the 180 days will not generate state funding. For the purposes of calculating state funding, the state funding calendar year begins the fourth Monday in August unless a district uses a year-round system.

Situations sometimes occur in which a student who has been served in one public school throughout the school year moves to another public school that is operating a calendar track during the summer. To account for situations in which school calendars do not align, up to 185 days of state funding will be allowed for individual students. However, no public school will be funded in excess of its 180-day calendar.

The TEA will adjust the state funding accordingly for any school district or charter school that reports a student whose membership exceeds 185 days during a state funding year. Note that the TEA will not make such adjustments when additional attendance is reported through the OFSDP or another authorized program.

3.9 Data Submission

Your district must record attendance information for the entire school year. Report student-level attendance through the PEIMS according to the requirements in the PEIMS *Data Standards*.

If your district is registered with the TEA to operate a year-round program, your district must submit initial attendance records for all students by June 23, 2011, regardless of which track students are attending. On completion of all tracks, your district must resubmit all records for each student. If your district's year-round tracks end later than June 23, your district may delay resubmission until 2 weeks after the completion of the latest year-round track or August 25, 2011, whichever comes first. In no case may any resubmission occur after August 25, 2011. Corrections made after August 25, 2011, will be handled by the State Funding Division.

Regardless of the basis it uses for student attendance accounting, your district must submit all the information required in the PEIMS *Data Standards* and must follow all definitions and instructions in this handbook.

Note: If a district other than a student's home/sending district is serving a student who is reported (for all PEIMS submissions) by the student's home/sending district, the receiving district's student information system should track the student for grades and attendance but should not create any PEIMS records. A common example of such a situation would be special education shared services arrangements in which the home district has opted to report a student as eligible full-day (ADA eligibility code 1) when the student attends regular school for 4 hours but also attends night school in the district. The full-day student must be reported through PEIMS as eligible full-day (for the time spent in regular school). The attendance system should simultaneously allow the time spent in night school to be tracked yet not create any PEIMS records for this time.

3.10 Quality Control

The total of all attendance figures reported by student name in the Student Detail Report must balance with/add up to corresponding totals reported in the respective Campus Summary Report covering the same instructional track in the same 6-week period.

The total of all attendance figures reported by campus in the Campus Summary Report must balance with/add up to corresponding district totals reported in the District Summary Report covering the same instructional track in the same 6-week period.

Your district should balance all attendance reports by 6-week period to ensure that all reports match. If any attendance data are changed in the accounting system for a 6-week period whose information previously balanced, new reports must be generated and balanced.

If any attendance data are changed in the accounting system after data submission to TEA, such changes must be documented. Record, by name, the students the change affects, the code each student was assigned before data submission, the code each student was assigned after the change, and the effective date of each change. **New reports reflecting the change should be generated, balanced by 6-week period, and retained for audit purposes.**

3.11 Examples

3.11.1 Example 1

A 5-year-old student enrolls in kindergarten in a district that offers only a half-day program. Because of special circumstances, this student attends both the morning and the afternoon sessions.

*This student's ADA eligibility code would be **2 - Eligible for Half-Day Attendance** because a student cannot attend the same program twice and receive funding twice.*

*If this same student were served in the regular kindergarten classroom by special education personnel for the entire afternoon session (in accordance with the student's ARD/IEP), the student's ADA eligibility code would be **1 - Eligible for Full-Day Attendance** because of the*

time the student spends with special education personnel. The special education instructional setting would be 40, Mainstream.

3.11.2 Example 2

A 4-year-old student enrolls in a 3-hour PK morning program in a district that offers both 3- and 4-year-old programs. This student qualifies based on limited English proficient (LEP) status. Additionally, the ARD committee identifies this student as a special education student and places the student in a self-contained PPCD classroom for a 3-hour afternoon session.

*This student's ADA eligibility code would be **1 - Eligible for Full-Day Attendance** with the grade level of PK. The special education instructional setting code is 43, Self-contained Mild/Moderate/Severe, Regular Campus - At Least 50% and No More than 60%, because the student spends at least 50% and no more than 60% of the school day in special education instruction.*

3.11.3 Example 3

A 3-year-old special education student is served in speech therapy for 30 minutes a day. The ARD committee also determines that the student will be placed in a PK classroom for 3 hours each day, although the student does not qualify for PK.

*This student's ADA eligibility code would be **5 - Ineligible Half-Day** because the student is served for a minimum of 2 hours per day but is not eligible for the type of service the student is receiving.*

3.11.4 Example 4

Your school district decides to serve a 4-year-old student in a kindergarten classroom. Examples of reasons a district may choose to do this could include the student's previously completing PK in another state, beginning but not completing kindergarten in another state, or completing private kindergarten in Texas, or an individualized assessment of the appropriate placement for the student.

*Since the student was not 5 years old on September 1 of the current school year, the student is not eligible for kindergarten. If the student is enrolled in kindergarten, the ADA eligibility code should be **4 - Ineligible Full-Day** or **5 - Ineligible Half-Day**, depending on whether your district operates a full-day or a half-day kindergarten program.*

*If this student, who was 4 years old on September 1 of the current school year, qualifies for PK, then the ADA eligibility code should be **2 - Eligible for Half-Day Attendance**. As long as the student qualifies for PK (see **7.2 Eligibility**), the student is eligible for enrollment in PK and for PK funding even if the district serves the student in a kindergarten classroom.*

3.11.5 Example 5

A special education student receives special education service through a shared services arrangement with a neighboring district. The student is scheduled for and attends a full day of instruction each day. The superintendents of your district and the neighboring district agree that the receiving/serving district will claim the ADA and the contact hours for that student.

*The receiving district would report this student with an ADA eligibility code **1 - Eligible for Full-Day Attendance**.*

3.11.6 Example 6

A 21-year-old student who graduated the prior year returns for one class.

*Since this student does not attend the 2-hour minimum to be included in membership, the student's ADA eligibility code would be **0 - Enrolled, Not in Membership**.*

This same student decides to take five classes the spring semester.

*At the change of semesters, this student's ADA eligibility code would change to **4 - Ineligible Full-Day**.*

3.11.7 Example 7

A 21-year-old special education student graduated the prior year by meeting the requirements outlined by the ARD committee in the student's IEP. The ARD committee determines that this student is still in need of special education and related services and places the student back in school full-day.⁷⁶

*Since this student graduated by meeting the requirements in the IEP and since the student is receiving a full day of service as required by the ARD committee, his ADA eligibility code would be **1 - Eligible for Full-Day Attendance**. A student receiving special education and related services should not be graduated until all requirements in 19 TAC §89.1070 have been met.*

3.11.8 Example 8

A student is transferred into your district through meeting all the legal requirements associated with transfer students.

*If this student is a full-day student, the student's ADA eligibility code would be **3 - Eligible Transfer Student Full-Day**. If this same student is served only one-half day, the student's code would be **6 - Eligible Transfer Student Half-Day**.*

3.11.9 Example 9

A student who is auditorily impaired attends an RDSPD in a neighboring school district. The student is in self-contained classes. The superintendents of the neighboring district and your district agree that your district will report this student and, as prescribed by rules relating to data submission, must report the student for all student submissions.

*The ADA eligibility code for this student would be **1 - Eligible Full-Day**. The special education instructional setting code would be determined according to the same procedures used for all special education students (see Section 4).*

⁷⁶ 19 TAC §89.1070(c)

3.11.10 Example 10

A student who is auditorily impaired attends an RDSPD in a neighboring school district. The student receives special education and related services in general education classes. The superintendents of the neighboring district and your district agree that the fiscal agent district will report this student and, as prescribed by rules relating to data submission, must report the student for all student submissions.

*The ADA eligibility code for this student would be **1 - Eligible Full-Day**. The special education instructional setting code would be determined according to the same procedures used for all special education students (see Section 4).*

3.11.11 Example 11

A student attends school for 4 hours each day. The student receives instruction for 3 of those hours and is in a study hall for 1 of those hours.

*The ADA eligibility code for this student would be **2 - Eligible Half-Day**. Time spent in study hall does not count as instructional time. To generate full eligible days present, a student must be provided instruction for at least 4 hours each day.*

3.11.12 Example 12

A campus that uses an automated data processing (ADP) attendance accounting system is storing the required first semester attendance reports, printed by 6-week period and reviewed by the appropriate personnel, in a safe in the administration office. During the spring semester, personnel discover an error in coding a student from the first day of school and subsequently correct it.

Since changing the student's code affects attendance totals for the entire first semester, the campus reprints all first semester reports, has the appropriate personnel reverify the data, destroys the old copies that were being stored for audit purposes, and replaces those copies with the new reports.

Campuses using manual attendance accounting systems must document the change on the Student Detail Report and then recompute the respective Campus Summary Report totals and the respective District Summary Report totals.

3.11.13 Example 13

A student is absent for 3 days to attend the National Cheerleaders Association convention. The student is accompanied by a teacher with school board approval.

Since the student is accompanied by a professional staff member of your district and the school board has approved this activity, your district will receive ADA funding for this student for the days missed to attend the convention.

3.11.14 Example 14

A high school student who is a junior is absent for 1 day to attend College Day at a local university to determine if she would like to attend the university. The university is accredited by

a generally recognized accrediting organization, and your school district has adopted a policy on such absences and a procedure for verifying students' visits to institutions of higher education.

Since the student's absence and your district's policies meet the requirements of the TEC, §25.087, your district will receive ADA funds for this student on this day. Your district may not receive ADA funds for more than two days per school year for each student who is absent for this purpose.

3.11.15 Example 15

A high school exempts a student from having to attend finals if the student has not missed any class meetings. On the day of the final, 100 students did not attend school until 1:00 p.m. Official attendance was taken at 9:30 a.m.

The 100 students are absent for FSP funding purposes since they were not in attendance at the official roll call.

3.11.16 Example 16

Your district plans to have several days of early dismissal during the school year. Your district should apply to the TEA State Waivers Unit for approval of a waiver for early dismissals. The waiver will allow your district to have up to 6 early dismissal days during the school year. (Early dismissal days are not required to be the same days for all campuses in your district.)

An application for expedited and general state waivers, and requirements related to its submission, can be accessed at http://www.tea.state.tx.us/index2.aspx?id=6637&menu_id=932&menu_id2=788.

3.11.17 Example 17

Your district plans to have students arrive late on the days of the Texas Assessment of Knowledge and Skills (TAKS) exams. Students will not arrive until after the time of official attendance at 9:30 a.m.

Your district should apply to the TEA State Waivers Unit for approval of a waiver to modify the class schedule of classes for the days of TAKS testing. The waiver will allow your district to take official attendance at an alternate time (fifth period) instead of your district's normal official attendance time.

3.11.18 Example 18

Your school district decides that it will have an early dismissal day on which classes are dismissed at noon. Your district has morning and afternoon sections of PK students. The morning section meets; however, the afternoon section does not meet.

District personnel may take one of these three courses of action. Personnel may —

- *count the afternoon section of PK students as absent, since the students received no instruction on that school day or*

- *have students make up the day on an alternate day, and report the afternoon PK section with an alternate calendar or*
- *bring the afternoon PK students in for instruction with the morning section.*

3.11.19 Example 19

A district received a waiver for 5 additional days of staff development. This waiver allows the district to offer an instructional track that contains only 175 days of instruction. The only rule associated with attendance accounting that is affected by this particular waiver is the requirement that all instructional tracks must consist of at least 180 days.

The attendance of all students who attend this instructional track must be reported in six approximately equal reporting periods. The total number of days of instruction, if added together from all reporting periods, must equal the actual number of instructional days offered over the full year (in this case, 175).

3.11.20 Example 20

The year-round track of the middle school was not complete on the date your district attendance data for the district was due at the education service center. The students met for 21 days, yet 10 days remained at the time your district extracted the attendance data for these students. Your district submitted the data to meet the due date.

Regardless of whether your district must resubmit the data to correct errors in the initial submission, a resubmission of all attendance data is required to report the completed year-round instructional track once it has been completed. At that time, your district will report the 10 days that were not included for students on the year-round track in the resubmission.

3.11.21 Example 21

A student is required to go to court on a school day. The student is not present at 9:30 a.m. (the school's official attendance time).

This is an excused absence, and your district will receive ADA funding for this student for the days missed to attend the required court appearance.⁷⁷

3.11.22 Example 22

Your district determines that the best educational placement for a 5-year-old student is first grade, but the parent wants the student to attend kindergarten with same-age peers.

Although consideration of parental concerns is always important, your district has authority to place the student at the grade level it determines is appropriate for the student. A parent may request a change in assignment pursuant to the TEC, §26.003. Under that section, the board of trustees has authority to make the final determination of appropriate placement.

⁷⁷ TEC, §25.087

3.11.23 Example 23

A student who turned 5 years of age on August 20 of the current year moves to your district from a school district in another state. The student completed kindergarten in the previous district. The student's parents would like to enroll the student in first grade in your district.

Your district may enroll the student in the first grade. A student who is 5 years of age on or before September 1 of the current school year is automatically eligible to be enrolled in the first grade for the full school term (ADA eligibility code 1) if the student has completed public school kindergarten or has been enrolled in the first grade in a public school in another state before moving to a Texas public school district.⁷⁸

3.11.24 Example 24

A student qualifies for PK based on being educationally disadvantaged (the student qualifies for free/reduced-price lunch). Several weeks later, the parent/guardian withdraws the student because the parent/guardian feels that the child is not ready to attend school.

Since the student is not of compulsory attendance age (ages 6 through 18 years as of September 1 of the current school year), compulsory attendance rules do not apply, except during the period the student is enrolled.

3.11.25 Example 25

A general education student develops a medical condition, and the school obtains a physician's statement affirming that the medical condition will prevent him from attending school for at least 4 weeks.

The GEH committee should convene to review all of the student's information (including the physician's statement) to determine if homebound services are appropriate. If homebound services are determined to be appropriate, the GEH committee must document the following:

- *the committee's decision regarding the type(s) and amount of instruction to be provided to the student (this statement must include the designated amount of time per week that instruction will be provided)*
- *a note from a physician stating that the student has a medical condition that requires the student to be confined at home/hospital bedside for a minimum of 4 weeks*
- *documentation of the day(s) homebound instruction started and stopped*
- *teacher's homebound instruction log*

At the end of each week, designated staff should inform the attendance clerk of the amount of time the student received service from the certified general education teacher and the number of absences that should be recorded in the attendance accounting system.

Example 25A

If the student was served 4 or more hours during a week, the student should be recorded present every day that week.

⁷⁸ TEC, §42.003(c)

Example 25B

If the student was served 2 hours during a week, the student should be recorded present for 2 days and absent for 3 days of that week.

Example 25C

If the student did not receive any service during a week, absences must be recorded every day of that week, resulting in 0 eligible days present.

The GEH committee should convene to review current student information (including the physician's statement) to determine if a transition period is necessary and to determine the date homebound services are no longer appropriate. If the student requires a transition period when returning to the classroom, the GEH committee should document the following:

- *the length of time for the transition period*
- *the amount of time the student will be served in both settings (homebound and classroom) during the transition period*
- *the effective date the student returns to the classroom fulltime*

3.11.26 Example 26

A student with a chronic, **recurring** illness normally receives GEH program services at home. The student's doctor has provided documentation stating that the student may attend school when able.

On Tuesday, the student is served at home through the GEH program for 3 hours. On Friday of the same week, the student feels well enough to attend 5 hours of school at the student's campus. The student **is present when attendance is taken and is recorded present**.

The student earns 3 eligible days present for the time the student was served on Tuesday, per the Homebound Funding Chart. The student also earns 1 additional day of attendance for attending school on Friday, per the 2-through-4-hour rule and the student's being present at the time attendance was taken.

3.11.27 Example 27

A student enrolled in your district goes to a treatment facility daily to attend a treatment program. The student returns to her home each night. District staff would like to serve the student through the GEH program.

The student is considered absent for funding purposes for those days she attends the treatment program. Because the student is not confined at home or hospital bedside, which is a requirement for GEH program eligibility, the student is not eligible for GEH services.

District staff should work with the student and the student's parents to develop a plan for the student to meet academic requirements.

3.11.28 Example 28

A student attends a 50-minute dual credit class for the first period of the school day. He attends regular classes, each 50 minutes long, for second and third periods. He attends a 50-minute career preparation class for fourth period and then goes to his job (the training site for the career preparation class) for the rest of the day. The career preparation class is a V3 class.

*The ADA eligibility code for this student would be **1 - Eligible Full-Day**. The first through fourth period classes are each 50 minutes of instruction. The time at the training site counts as 120 minutes (the student should be working an average of 3 hours per day; if he were working 2 hours per day, then only 60 minutes would be counted). Therefore, the student is scheduled for 320 minutes of instruction each day.*

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Section 4 Special Education

This section addresses unique provisions for special education. They must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

Important: See Section 3 for general attendance requirements that apply to all program areas, including special education.

4.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all special education coding questions should be directed:

Name: _____

Phone Number: _____

4.2 Special Education and Eligibility/Eligible Days Present

This section explains which students your school district must provide special education services to and describes the requirements that must be met for students who are receiving special education services to be eligible for funding.

Special education services must be made available to —

- an eligible student beginning on his or her third birthday;
- an eligible student who has not reached his or her twenty-second birthday on September 1 of the current scholastic year and who has not received a regular high school diploma; and
- an eligible student who meets all three of the following requirements —
 - the student has not reached his or her twenty-second birthday on September 1 of the current scholastic year;
 - the student has received a regular high school diploma under 19 Texas Administrative Code (TAC) §89.1070(c); and
 - the student is returning to school under 19 TAC §89.1070(h).

Students from birth through age 2 who have visual or auditory impairments or both and who are served by your district are also eligible for special education services.⁷⁹ These students shall be considered eligible for average daily attendance (ADA) on the same basis as other students in special education.

⁷⁹ Under the Texas Education Code (TEC), §29.003, a free appropriate public education (FAPE) must be available from birth to students with visual or auditory impairments.

To be eligible for special education contact hours, students must be served by qualified special education staff.

A student with a disability may **not** be assigned a special education instructional arrangement/setting code before all applicable documentation is on file and actual service begins.

4.2.1 Eligibility Examples

For every eligible day present, a student earns special education contact hours for the instructional setting the student is assigned, even if the student does not attend all scheduled classes. For example:

1. A student was scheduled for speech therapy only twice a week. The student was present at the time attendance was taken all five days that week. The student earns contact hours for speech therapy all 5 days.
2. A student has a special education class at 1:00 p.m. each day. The student leaves school for the day after attendance is taken (10:30 a.m.) and does not attend the 1:00 p.m. class. The student was present at the time attendance was taken; therefore, he or she earns contact hours for the special education class that day even though he or she did not actually attend.
3. A student has a scheduled special education class at 1:00 p.m. The student arrives at school at 11:00 a.m., after attendance is taken. The student was absent at the time attendance was taken; therefore, he or she earns no contact hours for the special education class that day even though he or she attended the class.

Note: Students reported in the Student Detail Report with an ADA eligibility code of 2 (Eligible for half-day attendance) should **not** have full-day special education attendance reported. The special education days present must be reported as half days.

4.2.2 Student Attending a Preschool Program for Children With Disabilities (PPCD)

A PPCD is a special education service to children ages 3 through 5. A student attending a PPCD must meet the same eligibility requirements as other special education students. An admission, review, and dismissal (ARD) committee must meet and document in the student's individualized education program that the student is eligible to receive services through this program.

To meet ADA eligibility criteria, the student must be scheduled for at least 2 hours. See **4.9.6 Preschool Program for Children With Disabilities (PPCD)**.

4.2.3 Students Attending a Shared Services Arrangement

A student who attends a shared services arrangement, such as an RDSPD (see **4.9.7 Regional Day School Programs for the Deaf (RDSPD)**), may be reported by the receiving district without the necessity of a legal transfer. However, eligibility codes 3 and 6 are not valid for a student reported by the receiving district without a legal transfer.

The matter of which district will report the student should be outlined in an agreement between the superintendents of the two districts involved. The same district reports the student for **all** Public Education Information Management System (PEIMS) reporting.

An off home campus instructional arrangement/setting code (codes 91–98) is valid only for students who are reported by the home district but receive instruction in another district. An off home campus code may also be used for a student who attends classes in a nondistrict facility.

4.2.4 Private or Home School Students

See **4.3.5 Enrollment Procedures for a Private or Home School Student Who Is Eligible and in Need of Special Education.**

4.2.5 Head Start and Eligibility Coding

For students with disabilities served in a school-based Head Start program, refer to the PK information in the charts on the following pages to make coding determinations for grade level, instructional setting code, and PPCD indicator.

For students with disabilities served in a community-based Head Start program, refer to childcare facility information in the charts on the following pages to make coding determinations.

ADA eligibility for these arrangements depends on the amount of time served directly by special education staff, since Head Start does not generate contact hours.

4.2.6 School-Based Preschool (Ages 3-5), Open to Community

If your school district establishes an education program to serve all 3- and/or 4-year-olds regardless of eligibility or other criteria, your district may use the mainstream code (40) for a student in the program who receives special education services (other than speech therapy) in the general classroom. However, for the mainstream code to be used for the student, the majority of students in his or her class must be students who are not receiving special education services. The 2-through-4-hour membership rule applies to special education students who are served by special education personnel to support the individualized education program.

4.2.7 Special Education, Prekindergarten Eligibility, and Funding

When a student who is eligible for special education but not eligible for PK is served in a PK classroom, a special education teacher must be in the classroom for the entire half or full day for contact hours to be generated.

When a student who is eligible for both special education and PK is served in a PK classroom, the student should be assigned the appropriate instructional arrangement/setting code based on the location, amount, and type of special education services provided to the student.

When a student who is eligible for special education is served in a childcare facility, a special education teacher must provide services at the facility for the entire half or full day for contact hours to be generated.

4.2.8 Half-Day Kindergarten or PK and Special Education

Eligible students who receive special education services in addition to attending a half-day kindergarten or PK program are eligible for a full day of attendance if they attend school for at least 4 hours of instruction each day.

4.2.9 Eligibility for Special Education Transportation

Students with disabilities who do not need special education services are not eligible to receive special education transportation.⁸⁰

4.2.10 PEIMS Coding Charts for Students With Disabilities

Use the charts on the following pages as frameworks for determining ADA, special education, and grade level coding for students with disabilities.

⁸⁰ 34 Code of Federal Regulations (CFR), §300.8(a)(2)(i)

Services for Students With Disabilities—Exceptions to the Norm							
	Student Age	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
District Visual Impairment and/or O&M Services							
Home/day care/nondistrict center-based program	0–2	2–4/hr/week rule	01	EE	0	0 ¹	0
In district center-based program	0–2	2–4 hr/day rule	44 or 97	EE	0	0 ¹	0
District or RDSPD Auditory Impairment (Deaf) Services²							
At home or in day care	0–2	2–4 hr/week rule	01	EE	0	0 ¹	0
In district or non–school district centers	0–2	2–4 hr/day rule	44 or 97	EE	0	0 ¹	0
Interagency Council on Early Childhood ECI Program—Operated by a School District³ (Service ends on 3rd birthday.)							
Home-based instruction	0–2	0	31	EE	0	1	0
Center-based instruction	0–2	0	32	EE	0	1	0
Other environment	0–2	0	34	EE	0	1	0
Head Start Programs (Eligibility depends on amount of time with special ed. teacher.)							
School-based Head Start (see PK chart on next page)	3 or 4	2–4 hr/day rule	Based on service	EE/PK	1	0	3
Community-based Head Start (see services in a childcare facility on next page)	3 or 4	2–4 hr/day rule	40/97	EE	1	0	3
Private School Students							
Where served not relevant (dual enrolled)	3 or 4	2–4 hr/day rule	Per IEP	EE	1	0	3
Where served not relevant	5–21	0	Per ISP	Approp	0	0	3
Indirect Services—Students not reported to PEIMS	3–21						
Students 18–21 Age on September 1							
In public school; student is working toward completing graduation requirements	18–21	2–4 hr/day rule	Per IEP	12	0	0	3
Student graduated by meeting requirements of 19 TAC §89.1070(c) & returned under §89.1070(h)—Graduation type codes 04–06	18–21	2–4 hr/day rule	Per IEP	12	0	0	3

Note: The examples in this chart related to PK programs assume that your district provides both a 3-year-old PK program and a 4-year-old PK program.

ADA eligibility code rules:

General: 0 = enrolled less than 2 hours per day, 2 = enrolled 2+ but fewer than 4 hours per day, 1 = enrolled at least 4 hours per day
Homebound: 0 = enrolled less than 2 hours per week, 2 = enrolled 2+ but fewer than 4 hours per week, 1 = enrolled at least 4 hours per week
Students whose only special education service is speech therapy and who are served less than 2 hours each day are coded ADA eligible = 0.

¹ ECI Indicator code “0” is used for children (0–2) who receive jointly district and ECI services under the ECI TEA AI/VI MOU from an ECI program not operated by your district.

² Districts and regional day school programs for the deaf (RDSPD) should have an agreement related to the reporting of PEIMS data for these students.

³ Only districts that operate an ECI program under the auspices of the Interagency Council for Early Childhood Intervention should report children 0–2 using the ECI indicator code 1. Districts without district-operated ECI programs must report children served jointly under the ECI TEA AI/VI MOU using the ECI indicator code 0.

PK and Special Education Services							
	Student Age ⁴	ADA Elig. Code ⁵	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
A student eligible for special education AND PK services who is —							
served in the PK classroom for ½ day & in a self-contained (S-C) classroom for the other ½ day	3 or 4	1 full-day	43	PK	1	0	3
served in the PK classroom by PK & special education teachers for ½ day	3 or 4	2 half-day	40	PK	1	0	3
served in the PK classroom by PK & special education teachers for the full day	3 or 4	1 full-day	40	PK	1	0	3
served in the PK classroom by PK for ½ day but leaves for special education and related services in a S-C environment less than 21% of the day	3 or 4	2 half-day	41	PK	1	0	3
served in the PK classroom by PK for ½ day but leaves for special education and related services in a S-C environment at least 21% but less than 50% of the day	3 or 4	2 half-day	42	PK	1	0	3
served in the ½ day PK classroom and leaves for special education and related services in a S-C environment at least 50% but less than 60% of the day	3 or 4	2 half-day	43	PK	1	0	3
served in the ½ day PK classroom and leaves for special education and related services in a S-C environment more than 60% of the day	3 or 4	2 half-day	44	PK	1	0	3
served in the PK classroom for ½ day and the student receives 1 hour of speech therapy each week	3 or 4	2 half-day	00	PK	1	0	3
served in a S-C special education classroom by a special education teacher all day (Students in this setting receive only special education and related services.) ⁷	3 or 4	1 full-day	45	EE	1	0	3
A student eligible for special education services AND ineligible for PK services who is —							
served in the PK classroom for ½ day and in a S-C classroom for the other ½ day ⁶	3 or 4	2 half-day	43	EE	1	0	3
served in the PK classroom by PK and special education teachers for ½ day ^{6,8}	3 or 4	2 half-day	42	EE	1	0	3
served in the PK classroom by PK and special education teachers for the full day ^{6,8}	3 or 4	1 full-day	42	EE	1	0	3
served in a S-C classroom by a special education teacher for at least 2 hours, but fewer than 4 hours each day (Students in this setting receive only special education and related services) ⁷	3 or 4	2 half-day	45	EE	1	0	3
served in a S-C classroom by a special education teacher for at least 4 hours each day (Students in this setting receive only special education and related services.) ⁷	3 or 4	1 full-day	45	EE	1	0	3

Note: The examples in this chart related to PK programs assume that your district provides both a 3-year-old PK program and a 4-year-old PK program.

ADA eligibility code rules:

General: 0 = enrolled fewer than 2 hours per *day*, 2 = enrolled 2+ but fewer than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*

Homebound: 0 = enrolled fewer than 2 hours per *week*, 2 = enrolled 2+ but fewer than 4 hours per *week*, 1 = enrolled at least 4 hours per *week*

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

⁴ An eligible special education student must be provided special education services beginning on his or her third birthday, even if his or her birthday falls after September 1.

⁵ School districts/campuses that apply and are approved for the PK Early Start Grant Program code eligible students as ADA eligibility code 1 – full day if the students are scheduled for at least 6 hours of instruction each day.

⁶ Ineligible PK students may be served in the PK classroom only if space is available and other eligible PK students are not denied enrollment.

⁷ Refer to **4.6.12 Code 45 - Full-Time Early Childhood Special Education Setting**.

⁸ The PK and special education teachers must be teaching concurrently for the entire half day or for the entire day, as applicable.

PK and Special Education Services (cont.)							
	Student Age ⁴	ADA Elig. Code ⁵	Instructional Setting Code	Grade Level	PPCD Ind.	ECl Ind.	Child Count
A student eligible for special education services receiving services in a childcare facility who is —							
served (in a collaborative effort with childcare personnel) by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	40	EE	1	0	3
served (in a collaborative effort with childcare personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 full-day	40	EE	1	0	3
served in a S-C classroom within a childcare facility by a special education teacher for at least 2 hours, but fewer than 4 hours each day	3 or 4	2 half-day	97	EE	1	0	3
served in a S-C classroom within a childcare facility by a special education teacher for more than 4 hours each day	3 or 4	1 full-day	97	EE	1	0	3
A student eligible for special education services in a district with no available childcare setting within the community, receiving services in a multidistrict childcare facility, and who is —							
served (in a collaborative effort with childcare personnel) by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	40	EE	1	0	3
served (in a collaborative effort with childcare personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 full-day	40	EE	1	0	3
served in a S-C classroom within a childcare facility by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	97	EE	1	0	3
served in a S-C classroom within a childcare facility by a special education teacher for more than 4 hours each day	3 or 4	1 full-day	97	EE	1	0	3

Note: The examples in this chart related to PK programs assume that your district provides both a 3-year-old PK program and a 4-year-old PK program.

ADA eligibility code rules:

General: 0 = enrolled fewer than 2 hours per *day*, 2 = enrolled 2+ but fewer than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*

Homebound: 0 = enrolled fewer than 2 hours per *week*, 2 = enrolled 2+ but fewer than 4 hours per *week*, 1 = enrolled at least 4 hours per *week*

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

⁴ An eligible special education student must be provided special education services beginning on his or her third birthday, even if his or her birthday falls after September 1.

⁵ School districts/campuses that apply and are approved for the PK Early Start Grant Program code eligible students as ADA eligibility code 1 – full day if the students are scheduled for at least 6 hours of instruction each day.

Kindergarten and Special Education Services								
	Age 09/01	On as of Date	ADA Elig. Code	Instructional Arrangement	Grade Level	PPCD Ind	ECI Ind	Child Count
A student eligible for special education services AND kindergarten services who is —								
attending a kindergarten classroom for his or her entire school day; and receives special education services in the kindergarten classroom	5	5	1 full-day or 2 half-day	40	KG	1	0	3
attending a kindergarten classroom for his or her entire school day and receives special education services in the kindergarten classroom	5	6	1 full-day or 2 half-day	40	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	5	1 full-day or 2 half-day	41	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	6	1 full-day or 2 half-day	41	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% but less than 50% of the day	5	5	1 full-day or 2 half-day	42	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% but less than 50% of the day	5	6	1 full-day or 2 half-day	42	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% but less than 60% of the day	5	5	1 full-day or 2 half-day	43	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% but less than 60% of the day	5	6	1 full-day or 2 half-day	43	KG	0	0	3
attending a kindergarten classroom & receives special education & related services in a special ed. setting for more than 60% of the day	5	5	1 full-day or 2 half-day	44	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special ed. setting for more than 60% of the day	5	6	1 full-day or 2 half-day	44	KG	0	0	3
served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services.) ⁶	5	5	1 full-day or 2 half-day	45	KG	1	0	3
served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services.)	5	6	1 full-day or 2 half-day	44	KG	0	0	3

Note: The examples in this chart related to PK programs assume that your district provides both a 3-year old-PK program and a 4-year-old PK program.

ADA eligibility code rules:

General: 0 = enrolled fewer than 2 hours per *day*, 2 = enrolled 2+ but fewer than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*

Homebound: 0 = enrolled fewer than 2 hours per *week*, 2 = enrolled 2+ but fewer than 4 hours per *week*, 1 = enrolled at least 4 hours per *week*

Students whose only special education service is speech therapy and who are served less than 2 hours each day are coded with an ADA eligibility code of 0.

⁶ Refer to **4.6.12 Code 45 - Full-Time Early Childhood Special Education Setting.**

4.3 Enrollment Procedures

This section explains enrollment procedures as they relate to students who receive special education services.

4.3.1 Enrollment Procedures for a Student in Your District Who Was Not Previously in Special Education

1. An ARD committee meets and develops the student's individualized education program (IEP). The ARD committee also determines the appropriate educational placement for implementing the student's IEP. The instructional arrangement/setting code and/or speech therapy indicator code for the student will be based on the setting in which the student receives services and the amount of time for which the student receives services (see **4.6 Instructional Arrangement/Setting Codes**).
2. District personnel record these codes in the attendance accounting system.
3. District personnel record the effective date of service in the IEP and the attendance accounting system. **The effective date is the date service begins, not the date on which the ARD committee developed the IEP.**

4.3.2 Enrollment Procedures for a Student in Your District Whose Instructional Arrangement/Setting Is Changing

Note: This subsection applies to a student already in your district, not a student new to the district.

1. The ARD committee meets to review a student's IEP. If the ARD committee changes the student's educational placement as part of the IEP revision, the instructional arrangement/setting code and/or speech therapy indicator code for the student may also need to be changed (see **4.6 Instructional Arrangement/Setting Codes** and **4.8.1 Speech Therapy Indicator Codes**).
2. District personnel record these codes in the attendance accounting system.
3. District personnel record the effective date of service in the IEP and the attendance accounting system. **The effective date is the first date student receives new service, not the date on which the ARD committee revised the IEP.**

4.3.3 Enrollment Procedures for a Student Who Is New to Your District but Was Previously in Special Education

1. When a student moves from one district to another within the state and the parents verify that the student was receiving special education services in the previous school district or the previous school district verifies in writing or by telephone that the student was receiving special education services, your school district must meet the requirements of 34 Code of Federal Regulations (CFR), §300.323(a) and (e), regarding the provision of special education services. Specifically, your district must provide a FAPE to the student, including services comparable to those described in the student's IEP from the previous district, until the ARD committee either —
 - adopts the student's IEP from the previous district or

- develops, adopts, and implements a new IEP.

The ARD committee's timeline for adopting the student's previous IEP or developing, adopting, and implementing a new IEP is 30 school days from the date the student is verified as being a student eligible for special education services.

Your district must determine the instructional arrangement/setting code and/or speech therapy indicator code according to the ARD committee's temporary or final placement for the student receiving special education and related services.⁸¹

2. District personnel record these codes in the attendance accounting system.
3. District personnel record the effective date of the service in the IEP and the attendance accounting system.
4. After a temporary placement, the ARD committee holds a second meeting within 30 school days to develop an IEP based on the assessment data.
5. District personnel record any necessary changes in codes in the attendance accounting system along with the effective date of the changes.

4.3.3.1 Transfer of Records

A district is expected to transfer the most recent ARD committee deliberations, including the current IEP, to a requesting district within 10 days using the Texas Records Exchange (TREx) system.⁸²

4.3.4 Enrollment Procedures for a Student Who Is New to Your District and Was Not Previously in Special Education

Follow the enrollment procedures for a student in your district who was not previously in special education.

Note that a student cannot be absent on the initial date of entry on the campus.

4.3.5 Enrollment Procedures for a Private or Home School Student Who Is Eligible and in Need of Special Education

Per 19 TAC §89.1096, Provision of Services for Students Placed by Their Parents in Private Schools or Facilities, the amount and type, if any, of special education and related services made available to students with disabilities placed in private schools or facilities is determined based on ongoing consultation with representatives of the private school students with disabilities and a proportionate share calculation.⁸³ Since the obligation of the LEA to provide special education and related services is limited, and any services provided will be under a services plan, not an IEP, these students will not generate ADA. However, **students receiving services under a services plan** should be entered into the PEIMS with an ADA eligibility code

⁸¹ 19 Texas Administrative Code (TAC) §89.1050(f)(2); 34 CFR, §300.323

⁸² TEC, §25.002

⁸³ 34 CFR, §§300.130–300.144

of 0 - enrolled, not in membership, and counted on the **last Friday of October for the fall PEIMS submission** child count snapshot for data reporting purposes.

4.3.5.1 Students Age 3-4

If an ARD committee determines that a private or home school student age 3–4 is eligible and in need of special education instruction and/or related services, the parent may enroll the student full-time in the public school. If the parent does not do this, for a student age 3–4, your school district shall make the special education and related services available on the basis of dual enrollment (the student is enrolled in a private or home school and a public school). Parents of an eligible student have the right to “dual enroll” the student beginning on the student’s third birthday and continuing until the end of the school year in which the student turns 5, or until the student is eligible to attend your district’s public school kindergarten program, whichever comes first.

When parents choose to enroll a child under the dual enrollment provision, your school district should take the following steps to enroll the student, based on the services and amount of time needed to provide those services as set forth in the student’s IEP:

1. • enroll the student for at least 4 hours per day,
• count the student as eligible for full-day attendance (ADA eligibility code 1),
• record an instructional arrangement/setting code for contact hours based on the student’s special education service, and
• count the student on the annual federal child count indicator through PEIMS; **or**
2. • enroll the student for at least 2 hours but fewer than 4 hours per day,
• count the student as eligible for half-day attendance (ADA eligibility code 2),
• record an instructional arrangement/setting code for contact hours based on the student’s special education service, and
• count the student on the annual federal child count indicator through PEIMS; **or**
3. • enroll the student for fewer than 2 hours per day,
• count the student as enrolled but not in membership (ADA eligibility code 0), and
• count the student on the annual federal child count indicator through PEIMS but **not** for ADA or contact hours.

4.3.5.2 Students Ages 5 Through 21

If an ARD committee determines that a private or home school student is eligible and in need of special education instruction and related services, the parent may enroll the student full-time in the public school. If the parent does not do this, for students ages 5 through 21, your school district shall make the special education and related services available as provided for in 19 TAC §89.1096.

4.4 Withdrawal Procedure

A student is withdrawn when the student withdraws from school or the ARD committee meets and dismisses the student from special education.

As soon as a student has been dismissed from special education, as documented by the ARD committee, district personnel record the effective date of dismissal in the attendance accounting system. **The effective date, which is stated in the IEP, is the date the ARD committee dismisses the student from the special education program.**

4.5 Interim Alternative Educational Placements

If special education services prescribed in a student's IEP are provided while the student is placed in an appropriate, interim, alternative education setting (i.e., in-school suspension [ISS], disciplinary alternative education program [DAEP]), special education contact hours may be claimed. If special education services are not provided, special education contact hours may not be claimed. This restriction includes short-term removals of not more than 10 consecutive or cumulative school days.

See **Section 10 Nontraditional Schools** for information related to students with disabilities who are expelled from school.

4.6 Instructional Arrangement/Setting Codes

The ARD committee's determination of the appropriate educational placement for implementing a student's IEP must be based on the individual needs of the student. If the support services are provided to the student in the general education classroom, the instructional setting code is *mainstream*. If, however, the support services are provided outside of the general education classroom, the instructional setting code is based on the amount of time for which or the setting where the services are provided.

Requirements Related to Teachers Providing Instruction in Mainstream Settings: A student with disabilities receives specially designed instruction (as defined in **4.6.11 Code 40 - Special Education Mainstream**). The specially designed instruction documented in the IEP is provided by special education personnel. One teacher, even if dually certified, may not serve in both a general education and a special education role simultaneously when serving students in grades K–12. Students with disabilities who are ages 3 or 4 may have an instructional arrangement/setting code of 40, mainstream, if special education services are provided in classroom settings with nondisabled peers. The only context in which a dually certified teacher may serve in both a general education and a special education role is in an Early Childhood Program for students ages 3 or 4.

Student Detail Reports must contain an instructional arrangement/setting code for any student receiving special education and related services. A student may be funded for only one instructional setting for special education at any given time. Speech therapy may be combined with any other instructional setting. Use the following definitions in determining the appropriate instructional arrangement/setting code (Code Table C035, PEIMS *Data Standards*).

Note: Base the determination of instructional arrangement/setting codes on the percentage of the **instructional day** that the student receives direct, regularly scheduled special education and related services, as required in a student's IEP, **not** on the student's disability. For the purpose of determining a student's instructional arrangement/setting code, the instructional day is defined as that portion of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.).

A student's ARD committee must review the student's IEP, including his or her instructional arrangement/setting code, at least annually.⁸⁴

4.6.1 Code 00 - No Instructional Arrangement/Setting

This code indicates that although the student receives some special education services (such as speech therapy), an instructional setting is not appropriate. A student receiving speech therapy services must have the speech therapy indicator code recorded on the Student Detail Report. (See **4.8 Speech-Language Pathology Services (Speech Therapy) and Speech Therapy Indicator Codes** for guidance and specific instructions regarding speech therapy services.)

This instructional arrangement/setting code applies to a student receiving speech therapy, whether the therapy is provided in the general education classroom or in a pull-out setting. If a student with disabilities receives special education and related services in addition to speech therapy, the code 00 is not used, and the speech therapy indicator code is reported as 2.

4.6.2 Code 01 - Homebound

To be placed in the special education homebound instructional arrangement/setting, a student with a disability must meet the following three criteria:

- The student is expected to be confined at home or hospital bedside for a minimum of 4 weeks (the weeks need not be consecutive).
- The student is confined at home or hospital bedside for medical reasons only.
- The student's medical condition is documented by a physician licensed⁸⁵ to practice in the United States.⁸⁶

The student's ARD committee determines the amount of services to be provided to the student in this instructional arrangement/setting.

4.6.2.1 Homebound Notes

In making eligibility and placement decisions, the ARD committee must consider the physician's information. However, the physician's note/information should not be the sole consideration in the committee's decision-making process.

⁸⁴ 34 CFR, §300.324

⁸⁵ You can access the Texas Medical Board's searchable database of licensed physicians at http://req.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp.

⁸⁶ 19 TAC §89.63(c)(2)(A)

A student served in the special education homebound instructional arrangement/setting must be served by a highly qualified special education teacher (as defined by the No Child Left Behind Act).

A student served in the special education homebound instructional arrangement/setting retains the same ADA eligibility code he or she had before receiving homebound services, regardless of how many hours the student will be served in the homebound instructional arrangement/setting.

A student cannot be expelled into the homebound instructional arrangement/setting. Please see **10.10.1 Expulsion of Special Education Students** for detailed information regarding appropriate instructional arrangement/setting codes and ADA eligibility when expelling students who are receiving special education and related services.

A student otherwise eligible for special education services who meets the four criteria above does not need to meet the criteria in the federal definition for other health impairment (OHI) to be eligible for homebound services.

4.6.2.2 Homebound Services for Students With Chronic Illness/Acute Health Problems

The federal definition for OHI found in 34 CFR, §300.8(c)(9)(i)(ii), states, "Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that —

1. is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
2. adversely affects a child's educational performance.

Any student with a chronic illness/acute health problem who is placed in the special education homebound instructional arrangement/setting must —

- meet eligibility for OHI as a result of having a chronic illness or acute health problem(s),
- have a chronic illness or acute health problem that adversely affects the student's educational performance as determined by the ARD committee,
- be expected to be confined for any period of time totaling at least 4 weeks throughout the school year, **and**
- have a medical condition that is documented by a physician licensed⁸⁷ to practice in the United States.⁸⁸

For those students who have a chronic illness/acute health problem and are expected to be confined at home or hospital bedside but do not meet eligibility criteria for special education services, please see **3.7 General Education Homebound (GEH)** for GEH eligibility criteria.

4.6.2.3 Homebound Services and Pregnancy Related Services (PRS)

Special education eligibility and services do not change as a result of a student's becoming pregnant.

⁸⁷ You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp.

⁸⁸ 19 TAC §89.63(c)(2)(A)

During the periods the student is confined to the home or hospital bedside, either prenatal or postnatal, special education and related services should be provided in the homebound instructional setting.

4.6.2.4 Homebound Services and PRS Notes

To ensure that there is no break in special education services, the ARD committee should convene as soon as possible on verification of a student's pregnancy to determine how special education and related services will be provided in the homebound instructional arrangement during the period of confinement to the home or hospital bedside. The committee should —

- identify any prenatal medical conditions (such as, but not limited to, gestational diabetes, high blood pressure, preterm labor, etc.);
- identify postpartum periods of pregnancy; and
- document in the IEP the change of placement and in the type/amount of services that should begin on receipt of the physician's note.

Please see Section 9 of this handbook for detailed information on serving pregnant students through PRS and/or special education.

4.6.2.5 Homebound Services for Infants and Toddlers With AI/VI

Infants and toddlers (children who are 0 to 2 years of age) with auditory impairments or visual impairments or both may receive homebound instruction as determined by the Individualized Family Services Plan (IFSP) team.

(Please see **4.9.1 Infants Receiving Visual Impairment and/or Orientation and Mobility (O&M) Services** and **4.9.2 Infants Receiving Auditory Impairment (Deaf) Services** later in this section for detailed information.)

4.6.2.6 Preschool Programs for Children with Disabilities (PPCD) and Homebound Services

The ARD committee may place preschool students (3 to 5 years of age) with disabilities in the homebound instructional arrangement.⁸⁹ (Please see **4.9.6 Preschool Program for Children With Disabilities (PPCD)** later in this section for detailed information.)

4.6.2.7 Homebound Funding and Documentation Requirements

A student who receives special education and related services in the special education homebound instructional setting earns eligible days present (generates contact hours and thus funding) based on the number of hours the student is served at home by a certified special education teacher each week. Use the following chart to calculate eligible days present:

⁸⁹ 19 TAC §89.63(c)(2)(B)

Homebound Funding Chart

Amount of Time Served per Week	Eligible Days Present Earned per Week
1 hour	1 day present
2 hours	2 days present
3 hours	3 days present
4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)
More than 4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)

Eligible days present are determined each week. For special education homebound purposes, a week starts Sunday and ends Saturday. Homebound service hours may not be accumulated and carried forward from one week to the next, nor may service hours be applied to a previous week.

The certified special education teachers and related service staff providing services must keep a log of the amount of time spent serving the student.

The minimum documentation required in homebound logs (the attendance record maintained by a homebound teacher) is —

- the name of the homebound teacher,
- the student name and identification or social security number,
- the date that the homebound teacher visited the homebound student, and
- the actual time per visit that the student was served (e.g., 10:00 a.m. until 12:00 p.m.)

Additional documentation may be maintained as part of this record at the discretion of the local education agency. This documentation may include, but is not limited to, mileage records for the homebound teacher and information on subjects that were taught as part of the homebound instruction.

4.6.2.8 Test Administration and the Homebound Instructional Arrangement/Setting

A student receiving services in the special education homebound instructional setting may earn eligible days present as stated in the chart above when a certified special education instructor administers routine quizzes, daily or weekly classroom exams, etc., that are required as part of the instructional requirements of a class.

A student being administered standardized, 6-weeks, semester, and final exams and the TAKS is limited to earning 1 day present for a minimum of 1 hour or more of testing in 1 calendar day. When it takes the student more than 1 hour to complete the exam, the additional contact hours cannot be credited as attendance.

If the routine, standardized, six-weeks, semester, or final exam administration or TAKS testing requires less than one hour, then the certified special education instructor must complete the hour with homebound instruction for the student to earn the 1 day present. For example, say a student is administered a final exam, and it takes her 30 minutes to complete the exam. The student must receive an additional 30 minutes of homebound instruction to earn 1 day present.

A student receiving services in the special education homebound instructional setting **who returns to his or her campus to take a state-required assessment instrument (e.g., TAKS) must have a medical release** from a medical or nurse practitioner licensed⁹⁰ to practice in the United States to do so.

See **4.14.1 Code 01 – Homebound Examples**.

4.6.2.9 Transition From Homebound to the Classroom

A student transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the requirements shown in the homebound funding chart.

The ARD committee must determine the length of the transition period based on current medical information.

During the transition period, students are to be served in the homebound instructional setting for the period of time each week specified by the ARD committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on instruction in the homebound setting.

Once the student has completed the transition period as determined by the ARD committee, the student no longer generates eligible days present according to the homebound funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

4.6.2.10 Transitioning Students With Chronic Illness Between Homebound and the Classroom

A student with a chronic illness or acute health problem that is a long-term condition that requires the student to be in the homebound instructional setting for at least 4 weeks will generate contact hours based on the following:

- Students transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the homebound funding chart.
- The length of the transition period must be determined by the ARD committee based on current medical information.

During the transition period, students are to be served in the homebound instructional setting for the period of time each week as specified by the ARD committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on instruction in the homebound setting.

Once the student has completed the transition period as determined by the ARD committee, the student no longer generates eligible days present according to the homebound funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

⁹⁰ You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp.

4.6.2.11 Students With a Recurring Chronic or Acute Health Condition

A student with a chronic illness or acute health problem **that is a recurring condition** that requires the student to be in the homebound instructional setting for a period of time (which can be in daily or weekly increments) totaling at least 4 weeks throughout the school year will generate contact hours based on the following:

- Students moving back and forth between the homebound instructional setting and a school-based placement must be coded homebound for those days they are in the homebound instructional setting subject to the homebound funding chart.
- Students with a recurring condition generally do not require a transition period.
- Use the following chart to determine how to record attendance and instructional arrangement/setting code information for students with a recurring condition.

For any week in which the student with the recurring condition —	the student earns contact hours and/or attendance —	The student's instructional arrangement/setting code should be —
is served solely in the homebound instructional setting,	according to the requirements of the homebound funding chart.	01, homebound.
is served for at least 4 hours in the homebound instructional setting and attends school at his or her campus,	according to the requirements of the homebound funding chart.	01, homebound, regardless of the fact that the student attended school at his or her campus in addition to receiving homebound instruction.
is served from 1 to 3 hours in the homebound instructional setting and attends school at his or her campus,	<ul style="list-style-type: none"> • according to the requirements of the homebound funding chart for those days the student is provided instruction in the homebound setting <p>and</p> <ul style="list-style-type: none"> • according to whether the student is present at the official attendance-taking time for those days the student attends school at his or her campus. 	01, homebound, for those days the student is provided homebound instruction and the code for the applicable non-homebound special education instructional arrangement/setting* the student is served in while at school (for example, 40, special education mainstream) for those days the student attends school.

* The instructional arrangement/setting in which the student is to be served while at school should be specified in the student's IEP.

Regardless of how many hours of homebound instruction a student is provided or how many days that student is in attendance at his or her campus, the student may not generate more than the equivalent of one ADA.

If the student fully transitions to classroom placement, the student no longer generates eligible days present according to the homebound funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

See the last example in **4.14.1 Code 01 – Homebound Examples**.

Attendance Accounting and Documentation: To document the changing instructional arrangements/settings for students with a recurring condition for attendance reporting and auditing purposes, district personnel must keep a log of the student's attendance information. See **4.6.2.7 Homebound Funding and Documentation Requirements**.

The eligible days present should be recorded in your district's student attendance accounting system. Any time not accounted for should be reported as absences.

4.6.2.12 Homebound: Career and Technical Education Funding Requirements

For a homebound or hospital bedside student to earn career and technical contact hours, the student must continue to receive the same amount and type of career and technical service that he or she was receiving before being placed in the homebound instructional setting. Career and technical education teachers must maintain a log to verify all contact hours with homebound/hospital bedside students.

4.6.3 Code 02 - Hospital Class

This instructional arrangement/setting code should be used when a student is provided special education instruction in a classroom in a hospital facility or a residential care and treatment facility not operated by your school district. A student with a disability who is served in but not residing in the facility is considered to be in an *off home campus* instructional setting. If the student residing in the facility is provided special education services on a school campus, the student is not considered to be in a hospital class.⁹¹

4.6.3.1 Hospital Class: Career and Technical Education Funding Requirements

For a hospital class student to earn career and technical contact hours, the student must continue to receive the same amount and type of career and technical service that he or she was receiving before being placed in the hospital class instructional setting. Career and technical education teachers must maintain a log (see **4.6.2.7 Homebound Funding and Documentation Requirements**) to verify all contact hours with hospital class students.

4.6.4 Code 81, 82, 83, 84, 85, 86, 87, 88, or 89 - Residential Care and Treatment Facility (Not School District Resident)

This instructional arrangement/setting code is used for a student who is provided special education and related services, who has a disability and resides in a care and treatment facility (including a licensed foster home), and whose parents do not reside within the boundaries of the school district providing educational services to the student. For this code to be used for a student, the services must be provided on a local district campus. If the instruction is provided at

⁹¹ 19 TAC §89.63(c)(3)

the facility rather than on a school district campus, the instructional arrangement/setting code used should be *hospital class* (code 02).⁹²

4.6.4.1 Students Receiving Only Speech Therapy

A student who resides in a facility and receives **only speech therapy** services should be coded with the instructional arrangement/setting **code 00**. Such a student is **not eligible** for a residential care and treatment facility arrangement/setting code.

4.6.4.2 Residential Care and Treatment Facility Categories

The categories for this instructional arrangement/setting are —

- 81, residential care and treatment facility - mainstream;
- 82, residential care and treatment facility - resource room/services - less than 21%;
- 83, residential care and treatment facility - resource room/services - at least 21% but less than 50%;
- 84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% but no more than 60%;
- 85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%;
- 86, residential care and treatment facility - separate campus;
- 87, residential care and treatment facility - community class;
- 88, residential care and treatment facility - vocational adjustment class; and
- 89, residential care and treatment facility - full-time early childhood special education setting.

Code 81 indicates a student resides in a facility and receives mainstream services on a local school district campus.

Code 82 indicates a student resides in a facility and receives resource room/services for less than 21% of the student's total instructional day on a local school district campus.

Code 83 indicates a student resides in a facility and receives resource room/services for at least 21% but less than 50% of the student's total instructional day on a local school district campus.

Code 84 indicates a student resides in a facility and receives self-contained services for at least 50% but no more than 60% of the student's total instructional day on a local school district campus.

Code 85 indicates a student resides in a facility and receives self-contained services for more than 60% of the student's total instructional day on a local school district campus.

Code 86 indicates a student resides in a facility and receives special education and related services on a local school district campus in a self-contained program at a separate campus operated by your school district.

⁹² 19 TAC §89.63(c)(10)

Code 87 indicates a student resides in a facility and receives special education and related services by school district personnel in a facility (other than a nonpublic day school) not operated by a school district. This setting includes sheltered workshops.

Code 88 indicates a student resides in a facility and receives VAC services.

Code 89 indicates a student is **3 to 5 years of age**, resides in a facility, and receives full-time special education and related services in educational programs designed primarily for children with disabilities on a local school district campus (other than a separate campus).

4.6.5 Code 30 - State Supported Living Centers

This instructional arrangement/setting code is used for a student who is provided special education and related services and who currently resides at a state supported living center when the services are provided at a state supported living center. If services are provided on a local district campus, the student is coded residential care and treatment facility.⁹³

The thirteen state supported living centers in Texas currently serving students 0 through 21 years of age are the following:

- Abilene State Supported Living Center
- Austin State Supported Living Center
- Brenham State Supported Living Center
- Corpus Christi State Supported Living Center
- Denton State Supported Living Center
- El Paso State Supported Living Center
- Lubbock State Supported Living Center
- Lufkin State Supported Living Center
- Mexia State Supported Living Center
- Richmond State Supported Living Center
- Rio Grande State Supported Living Center
- San Angelo State Supported Living Center
- San Antonio State Supported Living Center

4.6.5.1 Career and Technical Contact Hours for Students in State Supported Living Centers

For a student in a state supported living center to earn career and technical contact hours, the student must continue to receive the same amount and type of career and technical service that he or she was receiving before being placed in the state supported living center instructional setting. Career and technical education teachers must maintain a log to verify all contact hours with students in a state supported living center.

⁹³ 19 TAC §89.63(c)(11)

4.6.6 Applicable Federal Law and Additional Guidance Regarding the Location of Services for Students Currently Residing in a Hospital, Residential Facility, or State Supported Living Center

Per 20 United States Code, §1412, "[t]o the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities" must be "educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment" can occur "only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

Both federal law and state law require all students with disabilities to receive their instructional and related services in the least restrictive environment (LRE). This requirement applies to all students with disabilities, including students with disabilities who reside in a hospital, residential facility, or state supported living center. However, in some cases, the ARD committee is limited in its ability to place a student on a local district campus. This is true in the case of an adjudicated or incarcerated youth who is detained in a secure facility and/or when a court order precludes the student's inclusion in and exposure to educational settings on a regular school campus.

The following table is meant to clarify which codes to use for students with disabilities who are residing in a hospital or a residential care and treatment facility and receiving special education services from local education agencies (LEAs).

Student is incarcerated or is court ordered to remain at residential facility*?	Parents reside within LEA boundaries?	Student served at local LEA campus**?	Appropriate Instructional Arrangement Code
no	no	yes	81–89, based on services
no	no	no	02
no	yes	yes	based on services
no	yes	no	02
yes	no	N/A	81–89, based on services
yes	yes	N/A	02

*The answer will be “no” except in situations involving adjudicated or incarcerated youth who are detained in secure facilities or other circumstances in which a court orders a student to remain at a facility site. In certain limited circumstances, an ARD committee may review official documentation and determine on a student-by-student basis that an individual student’s current legal or medical status precludes removal from the RF. In those individualized and documented cases, codes 81–89 may be used.

**Local LEA campus indicates a county/district/campus number is assigned, a complete administrative structure and instructional program is in place, and the location of instructional services is separate from the location of residential and treatment services.

Placement or residence of a student at the facility for care or treatment does not automatically qualify the student for special education. The student must meet special education eligibility requirements for a special education code to be assigned.

4.6.7 Code 41 or 42 - Resource Room/Services

This instructional arrangement/setting code is used for a student who is provided special education and related services in a setting other than general education for **less than 50% of the student's school day.**⁹⁴

Code 41 indicates a student is provided special education and related services in a setting other than general education for less than 21% of the student's school day.

Code 42 indicates a student is provided special education and related services in a setting other than general education for at least 21% but less than 50% of the student's school day. Code 42 is also used to report a **3- or 4-year-old** student in a PK classroom who is ineligible for PK services, provided that the PK and special education teachers are teaching concurrently for the entire half day (if the student is being reported as eligible for half-day attendance) or the entire day (if the student is being reported as eligible for full-day attendance).

Code 41 or 42 is used for a student who is receiving related services in the special education class provided that the student is **pulled out** of the general education class to receive the related services. Related services include but are not limited to physical therapy, occupational therapy, and counseling by a certified or licensed counselor on a regularly scheduled basis. These related services must be documented in the IEP, and they must be required to assist a child with a disability to benefit from special education. For more information about related services, refer to <http://ritter.tea.state.tx.us/special.ed/resources/relserv.html>.

Note that if a student is pulled out of general education classes to receive special education services and speech therapy, the appropriate resource room code is used, and the speech therapy indicator code is reported as 2. If the student is a 3- or 4-year-old student in a PK classroom and is ineligible for PK services, code 42 is used even if the student is not pulled out of the classroom to receive special education and related services.

Codes 41 and 42 should **not** be used for a student receiving special education services solely in a general education class, with the exception of 3- and 4-year-old students described above related to code 42.

A student whose only special education service is speech therapy should be coded with an instructional arrangement/setting code of 00 and a speech therapy indicator code of 1. See the examples under **4.14.10 Speech Therapy Indicator Code 1 Examples**.

⁹⁴ 19 TAC §89.63(c)(5)

4.6.8 Code 43 or 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus

This instructional arrangement/setting is used for a student who is provided special education and related services and is in a self-contained program for 50% or more of the student's school day, on a regular school campus.⁹⁵

Code 43 indicates a student is provided special education and related services and is in a self-contained program at least 50% but no more than 60% of the student's school day, on a regular school campus.

Code 44 indicates a student is provided special education and related services and is in a self-contained program more than 60% of the student's school day, on a regular school campus.

4.6.9 Code 08 - Vocational Adjustment Class (VAC)

This instructional arrangement/setting code is used for a student who is participating in a special education work-based learning program and is **employed in a paid full- or part-time job with regularly scheduled direct involvement** by special education personnel in the implementation of the student's IEP.⁹⁶

This instructional arrangement/setting code must be used in conjunction with the student's individual transition plan and only after your school district's career and technical classes have been considered and determined inappropriate for the student.

This code applies to a student in **paid** full-time or part-time **employment**, as documented in the IEP. This instructional setting code should not be confused with general career and technical education classes that are offered by your district.

A student with a disability may participate in other occupational preparation programs (which do not generate special education contact hours), including general career and technical education and career and technical education for the disabled (CTED) classes. However, the student must be employed, receiving special education services as required in the IEP, and coded VAC (08) to claim special education contact hours.

4.6.10 Code 91, 92, 93, 94, 95, 96, 97, or 98 - Off Home Campus

This instructional arrangement/setting code is used for a student who is provided special education and related services and is —

- one of a group of students from more than one school district served in a single location when a free appropriate public education is not available in the respective sending district (sending district records/reports this code in the PEIMS);⁹⁷
- provided instruction by school district personnel in a facility (other than a nonpublic day school) not operated by a school district;⁹⁸ **or**
- in a self-contained program at a separate campus operated by your school district that provides only special education and related services.⁹⁹

⁹⁵ 19 TAC §89.63(c)(6)

⁹⁶ 19 TAC §89.63(c)(9)

⁹⁷ 19 TAC §89.63(c)(7)(A)

⁹⁸ 19 TAC §89.63(c)(7)(B)

⁹⁹ 19 TAC §89.63(c)(7)(C)

4.6.10.1 Off Home Campus Categories

The categories for this instructional arrangement/setting are —

- 91, off home campus - mainstream;
- 92, off home campus - resource room/services - less than 21%;
- 93, off home campus - resource room/services - at least 21% and less than 50%;
- 94, off home campus - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%;
- 95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%;
- 96, off home campus - separate campus;
- 97, off home campus - community class; and
- 98, off home campus - full-time early childhood special education setting.

Code 91 indicates a student is receiving mainstream services in an off-home-campus setting.

Code 92 indicates a student is receiving resource room/services for less than 21% of the student's total instructional day in an off-home-campus setting.

Code 93 indicates a student is receiving resource room/services for at least 21% and less than 50% of the student's total instructional day in an off-home-campus setting.

Code 94 indicates a student is receiving self-contained services for at least 50% and no more than 60% of the student's total instructional day in an off-home-campus setting.

Code 95 indicates a student is receiving self-contained services for more than 60% of the student's total instructional day in an off-home-campus setting.

Code 96 indicates a student is receiving special education and related services in a self-contained program at a separate campus operated by your school district. This code also applies to students **ages 3 to 5** who receive special education and related services in a self-contained classroom on a separate campus.

Code 97 indicates a student is receiving special education and related services by school district personnel in a facility (other than a nonpublic day school) not operated by a school district (including sheltered workshops). This code also applies to students **ages 3 to 5** who receive special education and related services in a community setting.

Code 98 indicates a student who is **3 to 5 years of age** is receiving full-time special education and related services in educational programs designed primarily for children with disabilities in a multidistrict classroom located on a regular campus.

An off-home-campus instructional arrangement/setting code should not be used when an LEA establishes a program on a regular campus to serve students from a single district in a central setting (e.g., a centralized class on a regular campus that is not a separate campus to serve young children with disabilities). Students in such a program would be coded based on the amount of general education and special education services received at a centralized location on a regular campus.

Also, an off-home-campus instructional arrangement/setting code **must not** be used for students with disabilities placed by school districts in nonpublic day school settings. (See **4.6.15 Code 60 – Nonpublic Day School.**)

4.6.11 Code 40 - Special Education Mainstream

This instructional arrangement/setting code is used for a student who is provided special education and related services in the general classroom in accordance with the student's IEP. The term *special education* means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.¹⁰⁰ *Specially designed instruction* means content, methodology, or delivery of instruction that has been adapted, as appropriate to the needs of an eligible child, to —

- address the unique needs that result from the child's disability, and;
- ensure access of the child to the general curriculum.¹⁰¹

To claim funding for special education and related services for a student, the ARD committee must document in the IEP the specially designed instruction that the certified special education personnel will provide.

Monitoring student progress in and of itself does **not** constitute a special education service.

4.6.11.1 Requirements

For a student to be coded with an instructional setting code of 40 (Special Education Mainstream), the student must have —

- Special education and related services provided in a general education classroom on a regularly scheduled basis;
- An IEP specifying the special education and related services that enable the student to access the general curriculum and to make progress toward individual goals and objectives; and
- Qualified special education personnel involved in the implementation of the student's IEP through the provision, on at least a weekly basis, of direct, indirect, and/or support services —
 - to the student in the general education classroom and/or;
 - in collaboration with the student's general education classroom teachers(s).

4.6.11.2 Special Education Mainstream and Speech Therapy

Mainstream students can receive speech therapy. Please refer to **4.8.1.2 Indicator Code 2 – Speech Therapy With Other Services.**

¹⁰⁰ 34 CFR, §300.39 (a)(1)

¹⁰¹ 34 CFR, §300.39 (b)(3)(i)(ii)

4.6.11.3 Preschool Programs for Children With Disabilities (PPCD) and Mainstream Instructional Settings/Arrangements

4.6.11.3.1 Community-Based Preschool (3- Through 5-Year-Olds): A preschool student who is receiving special education services in a licensed community childcare facility that is working in a collaborative partnership with your school district also may be coded mainstream, provided that the majority of students in his or her class are students who are not receiving special education services. For the student to generate contact hours, a certified special education teacher must provide services under the 2-through-4-hour rule as applicable to meet the individual needs of the student. (Refer to **3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding.**)

4.6.11.3.2 School-Based Preschool, Staff and/or Community Access (3- Through 5-Year-Olds): If your school district establishes a preschool education program to serve preschool age children regardless of eligibility or other criteria, your district may use the mainstream code for a student in the program who receives special education services (other than speech therapy) in the general classroom. However, for the mainstream code to be used for the student, the majority of students in his or her class must be students who are not receiving special education services. For the student to generate contact hours, a certified special education teacher must provide services under the 2-through-4-hour rule as applicable to meet the individual needs of the student. (Refer to **3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding.**)

4.6.11.3.3 Prekindergarten Program: A preschool student who meets eligibility requirements for prekindergarten (PK) and special education services and is receiving special education services in the PK classroom may be coded mainstream, provided that the majority of students in his or her class are students who are not receiving special education services. For the student to generate contact hours, a certified special education teacher must provide services to the student under the 2-through-4-hour rule as applicable to meet the individual needs of the student. (Refer to subsections **3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding** and **7.5.2 Students Served Through Special Education and PK Who Are Not PK Eligible.**)

A preschool student who does not meet eligibility requirements for PK but is eligible for special education services and is receiving special education services in the PK classroom may **not** be coded mainstream. (See subsequent paragraphs and the charts in **4.2.10 PEIMS Coding Charts** when determining special education coding for students 3 through 5 years of age.)

4.6.11.3.4 Head Start Program: Your school district and a Head Start program should provide collaborative services as documented in a memorandum of understanding between the two entities. A preschool student who is receiving special education services in a collaborative partnership with a Head Start program can be coded mainstream, provided that the majority of students in his or her class are students who are not receiving special education services.

4.6.11.4 Mainstream Notes

4.6.11.4.1 Examples: Examples of special education and related services provided to a student in the mainstream instructional arrangement/setting include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications/accommodations, special materials/equipment, consultation with

the student and his/her general classroom teacher(s), staff development, and reduction of ratio of students to instructional staff.¹⁰²

4.6.11.4.2 Funding: For a student to generate mainstream special education funding, certified special education personnel must provide direct, indirect, and/or support services (including consultation services) on a weekly basis as outlined in the student's IEP.

If certified special education personnel are **only monitoring** student progress, **mainstream special education funding cannot be generated.**

4.6.12 Code 45 - Full-Time Early Childhood Special Education Setting

This instructional arrangement/setting code is used for children **ages 3 through 5** who receive full-time special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses. **A student for whom this code is used does not receive any special education and related services** in a mainstream early childhood setting. If a student receives any amount of services in a mainstream setting, this instructional arrangement/setting code is not applicable.

One of the off home campus codes (codes 91–98) should be used when a child is placed in a multidistrict classroom (located on a regular campus), on a separate campus, or in a community class to receive full-time early childhood special education and related services.

4.6.13 Code 70 - Texas School for the Blind and Visually Impaired

This instructional arrangement/setting code is used for a student who is provided special education and related services at the Texas School for the Blind and Visually Impaired (TSBVI). This instructional arrangement/setting code does **not** generate contact hours.

A local school district does **not** report a student who is served by the TSBVI; the TSBVI reports the student. Your district should follow the student enrollment and withdrawal procedures as applicable in Sections 3 and 4.

4.6.14 Code 71 - Texas School for the Deaf

This instructional arrangement/setting code is used for a student who is provided special education and related services at the Texas School for the Deaf (TSD). This instructional arrangement/setting code does **not** generate contact hours. The TSD should report a student who is referred to the school by his or her parents/guardians with the student attribution code of 10 (on the PEIMS 101 Student Data – Demographic record).

A local school district does **not** report a student who is served by the TSD; the TSD reports the student. Your district should follow the student enrollment and withdrawal procedures as applicable in Sections 3 and 4.

¹⁰² 19 TAC §89.63(c)(1)

4.6.15 Code 60 - Nonpublic Day School

This instructional arrangement/setting code is used for a student who is provided special education and related services through a contractual agreement with a nonpublic school approved for special education.¹⁰³ This instructional arrangement/setting code does **not** generate ADA or contact hours. A nonpublic day school student should be reported with an ADA eligibility code of **0 - Enrolled, Not in Membership** and an instructional arrangement/setting code of **60**.

For funding purposes, a nonpublic day school student is reported on the SPE-106, Nonpublic Day School Report.

4.6.16 Code 50 - Residential Nonpublic School

This instructional arrangement/setting code is used for a student who is provided special education and related services through a contractual agreement with an approved residential nonpublic school. A student is placed in a residential nonpublic school through the ARD process. This instructional arrangement/setting code does **not** generate ADA or contact hours. A residential nonpublic school student should be reported with an ADA eligibility code of **0 - Enrolled, Not in Membership** and an instructional setting code of **50**.

For funding purposes, a residential nonpublic school student is reported on the SAS-A111, Application for Approval of Funding for Residential Placement.

4.6.17 Code 31 - Home-Based Instruction

See **4.9.3 Infants (Birth Through 2 Years of Age) Receiving Home-Based Instruction**.

4.6.18 Code 32 - Center-Based Instruction

See **4.9.4 Infants (Birth Through 2 Years of Age) Receiving Center-Based Instruction**.

4.6.19 Code 34 - Other Environment

See **4.9.5 Infants (Birth Through 2 Years of Age) Receiving Services in Other Environment**.

4.7 Additional Guidelines for Instructional Arrangement/Setting Codes

The following additional guidelines may be helpful in determining the appropriate instructional arrangement/setting code for a student receiving special education and related services.

Base a student's **resource room/services** or **self-contained, mild/moderate/severe, regular campus** instructional arrangement/setting code on the percentage of the **instructional day** that the student receives direct, regularly scheduled special education and related services, as required in a student's IEP, **not** on the student's disability. For the purpose of determining a student's instructional arrangement/setting code, the instructional day is defined as that portion

¹⁰³ 19 TAC §89.63(c)(8); 34 CFR, §300.146; 34 CFR, §300.147

of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.).

For example, if a student is provided —

- special education and related services for less than 50% of his or her instructional day in a setting other than general education, the student's instructional arrangement/setting code would be 41 or 42.
- special education and related services for 50% or more of the student's instructional day in a self-contained program on a regular education campus, the student's instructional arrangement/setting code would be 43 or 44.
- full-time early childhood special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses and the student is age 3 through 5, the instructional arrangement/setting code would be 45.

When determining the instructional arrangement/setting code for a student who attends school less than a full day, use the number of hours he or she attends as determined by the ARD committee as the student's instructional day. Then, review the number of hours in the instructional day that the student receives special education services to determine the student's instructional arrangement/setting code.

The following chart shows the instructional arrangement/setting codes for departmentalized classrooms. This chart is based on fixed instructional periods (all periods are the same length of time each day). For example, an eight-period instructional day consists of eight periods, each equal in length.

Number of Periods of Special Education Instruction per Day*	8-Period Instructional Day	7-Period Instructional Day	6-Period Instructional Day	5-Period Instructional Day
One Spec Ed Period	Resource (41)	Resource (41)	Resource (41)	Resource (41)
Two Spec Ed Periods	Resource (42)	Resource (42)	Resource (42)	Resource (42)
Three Spec Ed Periods	Resource (42)	Resource (42)	Mild/Mod/Sev (43)	Mild/Mod/Sev (43)
Four Spec Ed Periods	Mild/Mod/Sev (43)	Mild/Mod/Sev (43)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)
Five Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)
Six Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	
Seven Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)		
Eight Spec Ed Periods	Mild/Mod/Sev (44)			

*If a student receives special education and related services outside of the general education classroom on less than a daily basis, determine the percentage to be used in determining the appropriate instructional arrangement/setting code by dividing the total minutes of instruction outside the general education classroom for the week by the total instructional minutes for the week.

4.7.1 Semester Block Scheduling

If your district operates semester block scheduling, use the chart above to convert a 4-period instructional day to an 8-period instructional day, and code students accordingly (assuming periods are equal in length). Coding for students on a semester block schedule must be

determined each semester. Your district must consider the individual needs of students with disabilities when scheduling courses in a semester block.

For example, say that in the first semester a student attends two general education classes and two special education classes. Convert the student's 4-period instructional day to an 8-period instructional day. The student's converted schedule is four general education classes and four special education classes. According to the chart, the student's instructional arrangement/setting code would be 43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%. Apply this type of conversion to each semester class schedule.

4.7.2 AB Block Scheduling

Students in AB block scheduling should be coded based on a review of the entire instructional block. For example, if a child attends four instructional periods on Monday and four different instructional periods on Tuesday, and these 8 classes structure the instructional configuration, then coding determinations are based on the 8-period instructional day (see previous chart).

4.7.3 Schedules in Which Instructional Periods Are Not Equal in Length

If instructional periods are **not equal in length**, make a coding determination for a student after first calculating the percentage of his or her instructional day that the student spends receiving special education and related services. Calculate this percentage by dividing the student's number of special education and related services instruction minutes by the student's total number of instructional minutes.

$$\frac{\text{\# of special education and related services instructional minutes}}{\text{total \# of instructional minutes}}$$

4.8 Speech-Language Pathology Services (Speech Therapy) and Speech Therapy Indicator Codes

It is permitted for speech-language pathology services to be the only special education service provided to a student. For your district to claim funding for speech-language pathology services provided to a student, the ARD committee must document in the student's IEP the specially designed instruction (see the definition of special education provided in **4.6.11 Code 40 - Special Education Mainstream**) that the student's speech therapist will provide.

Monitoring student progress does **not** constitute a special education service. If certified special education personnel are only monitoring student progress, contact hours cannot be generated.

4.8.1 Speech Therapy Indicator Codes

Student Detail Reports must contain a speech therapy indicator code for any student receiving speech therapy services. Use the following information to determine the appropriate speech therapy indicator code.

4.8.1.1 Indicator Code 1 - Speech Therapy Only

This code indicates that a student receives speech therapy only (Code Table C095, PEIMS *Data Standards*), regardless of the environment where the speech therapy services are provided. When the only special education service a student receives is speech therapy, the student's Student Detail Report must show an instructional arrangement/setting code of 00 and a speech therapy indicator code of 1.

Note: If a student's only special education service is speech therapy and the student receives speech therapy services in the general education classroom, an instructional arrangement/setting code of 00 and a speech therapy indicator code of 1 should be used for the student.¹⁰⁴ An instructional arrangement/setting code of 40 **must not** be used.

Note: A student whose only special educational service is speech therapy and who receives fewer than 2 hours (120 minutes) of any form of instruction each day is **not** in membership (i.e., has an ADA eligibility code of 0).

4.8.1.2 Indicator Code 2 - Speech Therapy With Other Services

This code indicates that a student receives speech therapy along with service through another special education instructional setting (Code Table C095, PEIMS *Data Standards*). When a student receives speech therapy services in conjunction with other special education and/or related services, the student's Student Detail Report must show an instructional arrangement/setting code **other than** 00 and a speech therapy indicator code of 2, regardless of the environment where the speech therapy services are provided.

For a student to be coded with an instructional setting code of 40 (Mainstream) and a speech therapy indicator code of 2, the student must have:

- qualified special education personnel (other than a qualified speech pathologist/therapist) involved in the implementation of the student's IEP through the provision, on at least a weekly basis, of direct, indirect, and/or support services —
 - to the student in the general education environment and/or;
 - in collaboration with the student's general education classroom teacher(s); **and**
- a qualified speech pathologist/therapist involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services —
 - to the student regardless of the location (general education class or pull-out) and/or;
 - in collaboration with the student's general education classroom teacher(s).

When determining the primary instructional arrangement/setting code (other than mainstream), include the percentage of time allocated for speech therapy services (outside of the general education setting) in the percentage of time in the special education setting.

4.8.1.3 Indicator Code 0 - No Speech Therapy

This code indicates that a student does not receive speech therapy (Code Table C095, PEIMS *Data Standards*). When a student has an instructional arrangement of 00 and the student does not receive speech therapy services, the student's Student Detail Report must show a speech therapy indicator code of 0.

¹⁰⁴ 19 TAC §89.63

4.9 Other Special Education Services

This section provides attendance information on regional day school programs for the deaf, extended school year services, and special education services for children age 5 and under.

4.9.1 Infants Receiving Visual Impairment and/or Orientation and Mobility (O&M) Services

All infants (birth through 2 years of age) receiving visual impairment and/or O&M services **at home, in day care, or in a nondistrict center-based program** should be reported with the information shown in the following table:

Grade Level	EE
Instructional Arrangement/ Setting Code	01, homebound (a doctor's statement is not needed)
ADA Eligibility Code	0—enrolled, not in membership , if the infant is served fewer than 2 hours per week 2—eligible for half-day attendance if the infant is served at least 2 hours but fewer than 4 hours per week 1—eligible for full-day attendance if the infant is served at least 4 hours per week

All infants receiving visual impairment and/or O&M services **in center-based programs** (not an Early Childhood Intervention [ECI] program) should be reported with the information shown in the following table:

Grade Level	EE
Instructional Arrangement/ Setting Code	44 , self-contained, mild/moderate/severe, regular campus <i>or</i> 97 , off home campus <i>depending on the location of the services</i>
ADA Eligibility Code	0—enrolled, not in membership if the infant is served fewer than 2 hours per day 2—eligible for half-day attendance if the infant is served at least 2 hours but fewer than 4 hours per day 1—eligible for full-day attendance if the infant is served at least 4 hours per day

4.9.2 Infants Receiving Auditory Impairment (Deaf) Services

All infants (birth through 2 years of age) receiving auditory impairment (deaf) services **at home or in day care** should be reported with the information shown in the following table:

Grade Level	EE
Instructional Arrangement/ Setting Code	01, homebound (a doctor's statement is not needed)
ADA Eligibility Code	0—enrolled, not in membership , if the infant is served fewer than 2 hours per week 2—eligible for half-day attendance if the infant is served at least 2 hours but fewer than 4 hours per week 1—eligible for full-day attendance if the infant is served at least 4 hours per week

All infants receiving auditory impairment (deaf) services **in your school district or in non-school district centers** should be reported with the information shown in the following table:

Grade Level	EE
Instructional Arrangement/ Setting Code	44 , self-contained, mild/moderate/severe, regular campus <i>or</i> 97 , off home campus <i>depending on the location of the services</i>
ADA Eligibility Code	0—enrolled, not in membership if the infant is served fewer than 2 hours per day 2—eligible for half-day attendance if the infant is served at least 2 hours but fewer than 4 hours per day 1—eligible for full-day attendance if the infant is served at least 4 hours per day

4.9.3 Infants (Birth Through 2 Years of Age) Receiving Home-Based Instruction

Important: Only a district that operates an ECI program through a contract with the Interagency Council on Early Childhood Intervention (ECI) may code an infant with this instructional arrangement/setting code.

An instructional arrangement/setting code of **31, home-based instruction**, is used for an infant (birth through age 2) to whom early intervention services are provided in the client's home. It is used when both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider also receives training. This instructional setting does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving home-based instruction as described in the previous paragraph:

Grade Level	EE
Instructional Arrangement/ Setting Code	31 , home-based instruction
ADA Eligibility Code	0—enrolled, not in membership

4.9.4 Infants (Birth Through 2 Years of Age) Receiving Center-Based Instruction

An instructional arrangement/setting code of **32, center-based instruction**, is used for an infant (birth through age 2) when the infant and his or her family are provided early intervention services through an ECI program operated through the Interagency Council on ECI and in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional arrangement/setting code does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving center-based instruction as described in the previous paragraph:

Grade Level	EE
Instructional Arrangement/ Setting Code	32 , center-based instruction
ADA Eligibility Code	0—enrolled, not in membership

4.9.5 Infants (Birth Through 2 Years of Age) Receiving Services in Other Environment

Important: Only a district that operates an ECI program through a contract with the Interagency Council on Early Childhood Intervention (ECI) may code an infant with this instructional arrangement/setting code.

Infants receiving early intervention services in an environment other than a home or a center should be coded with an instructional arrangement/setting code of **34, other environment**. It is used when both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider also receives training. This instructional setting does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving services in another environment as described in the previous paragraph:

Grade Level	EE
Instructional Arrangement/Setting Code	34, other environment
ADA Eligibility Code	0—enrolled, not in membership

4.9.6 Preschool Program for Children With Disabilities (PPCD)

A student who attends a PPCD should be coded with the information in the following table:

Grade Level	PK or EE
Instructional Arrangement/Setting Code and Speech Therapy Indicator Code	See 4.6 Instructional Arrangement/Setting Codes and 4.8.1 Speech Therapy Indicator Codes to determine the appropriate codes.
ADA Eligibility Code	2—eligible for half-day attendance if the student is served at least 2 hours but fewer than 4 hours per day 1—eligible for full-day attendance if the student is served at least 4 hours per day

Important: If a PPCD student is receiving only special education instruction, his or her grade level should be reported as EE.

A student who attends the PK program for half of the day and a PPCD for the other half of the day (at least 2 hours [120 minutes] in each program) should be coded with the information in the following table:

Grade Level	PK
Instructional Arrangement/Setting Code	43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60% (in most cases)
ADA Eligibility Code	1—eligible for full-day attendance (if the student is eligible for both PK and a PPCD)

4.9.7 Regional Day School Programs for the Deaf (RDSPD)

Students in the RDSPD must be served a minimum of 45 minutes per week by an RDSPD teacher. All students who receive instructional services through the RDSPD for the minimum time indicated should be reported on the PEIMS 163 (Student Data - Special Education) and 405 (Special Education Attendance Data - Student) records using C067 (Reg-Day-Sch-Prog-Deaf) code 3.

Only one district may report PEIMS data for RDSPD students. Sending and receiving districts should make an agreement regarding the reporting of PEIMS and attendance information for students in the program. The district that reports these students must report the same students for all data submissions.

The following table shows the ADA eligibility codes to use for students in the RDSPD.

If a student is enrolled in the RDSPD —	then use ADA eligibility code —
and the student is a full-day student (served for at least 4 hours/240 minutes)	1 —Eligible for Full-Day Attendance
and the student is a half-day student (served for at least 2 hours/120 minutes)	2 —Eligible for Half-Day Attendance

4.9.8 Extended School Year (ESY) Services

Your district will be funded for any ESY services it provides for special education students for the summer of 2011. The ARD committee determines the need for ESY services based on documented evidence that the student may be expected to exhibit severe or substantial regression that cannot be recouped within a reasonable period of time.¹⁰⁵

The procedures for providing ESY services are as follows:

1. At the review of the student's IEP, the ARD committee members must consider whether a student will benefit from ESY services based on regression/recoupment information from the ECI service providers, the student's parents, and formal and/or informal evaluations provided by the LEA or the student's parents.

The student to receive ESY services must be reported with the same instructional arrangement/setting code with which the student was reported during the 2010–2011 school year, if he or she had an instructional arrangement/setting code for the school year.

If the student being considered for ESY services is turning 3 during the summer, the ARD committee may begin to implement the IEP on the start of the school year. Or, if necessary for the student to receive a FAPE, the ARD committee may decide to begin to implement the IEP through ESY services.

2. Each special education ESY services teacher and speech therapist is responsible for maintaining a record or register of the actual instructional eye-to-eye contact hours that each student receives throughout the summer. The ESY services record or register must contain the following data:
 - a. The name of the district and the campus
 - b. The county-district-campus number
 - c. The beginning and ending dates of each week of ESY services
 - d. The grade level of each student as shown in the attendance system for the regular school year
 - e. The student's name as shown in the attendance system for the regular school year

¹⁰⁵ TEC §42.151(k), 19 TAC §89.1065

- f. The instructional arrangement/setting code of the student as shown in the attendance system for the regular school year
 - g. The total actual contact hours served. Each teacher or special education service provider must record in 30-minute increments the actual number of contact hours the student was served in class each day. Increments of fewer than 30 minutes are not counted.
 - h. The total contact hours by instructional arrangement/setting code, in order to sum the total ESY services contact hours for each instructional arrangement/setting
3. At the end of the summer, the teacher or special education service provider making the original entries in the original contact-hour records or registers signs these documents and forwards them to the superintendent (or the superintendent's designee) for safekeeping. Your district retains the ESY services contact hour records or registers locally for audit purposes. Your district must report ESY services data to the Texas Education Agency (TEA) using **408 ESY Services Student Records** according to Section 2 of the PEIMS *Data Standards*.

Note: A student coded with an instructional setting/arrangement code of 40, mainstream, is ineligible for state funding through ESY services. This prohibition does not mean that your district should not or cannot administer mainstream services as an ESY service. If a student who received mainstream services during the regular school year requires mainstream services through the summer, then your school district should serve the student accordingly. However, funding for the mainstream service must come from sources other than those for ESY services.

4.9.9 Students Ages 3 Through 5 Receiving Homebound Services Home Instruction

Students ages 3 through 5 for whom the ARD committee has determined that **homebound** is the appropriate instructional placement/setting should be reported with the information shown in the following table:

Grade Level	EE
Instructional Arrangement/Setting Code	01 , homebound (A doctor's statement is not needed.)
ADA Eligibility Code	0—enrolled, not in membership if the child is served fewer than 2 hours per week 2—eligible for half-day attendance if the child is served at least 2 hours but fewer than 4 hours per week 1—eligible for full-day attendance if the child is served at least 4 hours per week ¹⁰⁶

4.10 Transferring a Limited English Proficient (LEP) Student Who Is Receiving Special Education Services out of a Bilingual Education or English as a Second Language (ESL) Program

Please see **6.4.3 Exit Procedures and Criteria for LEP Students Receiving Special Education Services** for information on transferring a LEP student who is receiving special education services out of a bilingual education or ESL program.

¹⁰⁶ 19 TAC §89.63(c)(2)(B)

4.11 Contact Hours

No matter what instructional arrangement/setting code is assigned to a student, the student's total number of eligible days present for that instructional setting must be recorded for each 6-week reporting period in the Student Detail Report.

4.11.1 Contact Hours for Each Instructional Setting

When computing information for the Campus Summary Report (see Section 2), contact hours for each instructional setting must be recorded. To compute contact hours, multiply the total eligible days present for that instructional setting by the corresponding contact-hour multiplier. Each instructional setting has a different contact-hour multiplier. Use the following chart when computing special education contact hours.

Instructional Arrangement/Setting Code(s)	Contact-Hour Multiplier
speech therapy - code 00	.25
homebound - code 01	1.00
hospital class - code 02	4.50
VAC - code 08	5.50
state supported living center - code 30	5.50
resource room - codes 41 and 42	2.859
mild/moderate/severe - codes 43 and 44	2.859
full-time early childhood - code 45	2.859
off home campus - codes 91–98	4.25
residential care/treatment - codes 81–89	5.50

4.11.2 Special Education Contact Hours

The Student Detail Report should reflect eligible special education days present for each eligible student receiving special education services. Campus Summary Reports and District Summary Reports should document **total** eligible special education days and total special education contact hours by instructional arrangement/setting code by 6-week reporting period.

$$\text{Total Special Education Contact Hours} = \text{Eligible Special Education Days} \times \text{Contact-Hour Multiplier}$$

4.11.3 Excess Contact Hours

Excess contact hours should also be totaled for each instructional setting. For funding purposes, a student may receive a maximum of 6 contact hours per day. Time in excess of 6 contact hours per day, earned by any combination of special education and career and technical education classes, must be deducted from the student's primary special education instructional arrangement/setting. Excess contact hours may be deducted from speech therapy **only if** there are no other special education contact hours. (See the last three examples under **4.14.10 Speech Therapy Indicator Code 1 Examples.**)

4.11.4 Eligible Mainstream Days Present

Contact hours are **not** reported for the instructional arrangement/setting code 40 mainstream. However, the total number of mainstream eligible days present must be recorded for each 6-week reporting period in the Student Detail Report for every student with an instructional arrangement/setting code of 40, mainstream. At the end of each 6-week reporting period, the Campus Summary Report must be computed. Total mainstream eligible days present, for every student coded mainstream, must be summarized by grade level on this report.

Your district must produce a separate Campus Summary Report for each instructional track for each campus in your district. At the end of each 6-week reporting period, a District Summary Report must be computed. Campus Summary Reports and District Summary Reports must include eligible mainstream days present for each grade level, total eligible mainstream days present for all grades, and campus or district mainstream ADA. **At no time are mainstream eligible days present converted to contact hours.**

4.12 Special Education Documentation

For your district to claim special education contact hours for a student for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating special education eligible days present and for every student with a speech therapy indicator code on the Student Detail Report.

Your district must maintain —

- documentation to support the amount of time teachers served students in the homebound instructional arrangement/setting each week
- documentation to support the ARD committee findings regarding a student and a copy of the student's IEP, in the student's eligibility folder.
- the following statements, if applicable, in the student's eligibility folder:
 - **homebound**—a physician's statement confirming the need for the student to be placed in the homebound instructional arrangement/setting for a minimum of 4 weeks. See **4.9.1 Infants Receiving Visual Impairment and/or Orientation and Mobility (O&M) Services**, **4.9.2 Infants Receiving Auditory Impairment (Deaf) Services**, and **4.9.9 Students Ages 3 Through 5 Receiving Homebound Services Home Instruction** for exceptions.
 - **hospital class**—documentation from a proper authority confirming the need for the student to reside in the facility
 - **residential care and treatment facility**—documentation from a proper authority confirming the placement for the student to reside in the facility

4.13 Teacher Requirements

Any core academic subject area teacher who is the teacher of record and provides direct instruction to students in any of the core academic subject areas defined by the No Child Left Behind Act (NCLB) must meet the NCLB highly qualified teacher requirements.

A special education teacher who delivers direct instruction to students with disabilities in core academic subject areas must meet the appropriate state special education certification requirements for the grade level that he or she is teaching in addition to meeting the same standard for subject matter competency for highly qualified teacher requirements. These requirements apply whether a special education teacher provides direct core academic instruction in a regular classroom, in a resource room, or in another nontraditional setting (e.g., homebound or hospital setting).

If a student with disabilities receives instruction in the core academic subject area from an NCLB highly qualified general education teacher and the special education teacher provides direct assistance (e.g., tutoring, reinforcement of content, etc.), the special education teacher does not have to meet the highly qualified criteria. However, if the special education teacher is responsible for or shares responsibility for providing direct instruction in a core academic subject area, the design and delivery of instruction, and evaluation of student performance, then the special education teacher must meet the highly qualified criteria.

For more information, see the TEA Highly Qualified Teachers web page at http://www.tea.state.tx.us/index4.aspx?id=4650&menu_id=798 and the TEA Requirements for Highly Qualified Paraprofessionals web page at http://www.tea.state.tx.us/index4.aspx?id=4670&menu_id=798.

Determination of the amount of services to be provided must be based on the individual needs of the student as determined by the student's ARD committee in accordance with federal and state laws, rules, and regulations.

4.14 Examples

This section provides examples of the codes to use for various situations involving students who receive special education services.

4.14.1 Code 01 - Homebound Examples

Example 1: A special education student (instructional arrangement/setting code 41) develops a medical condition, and the school obtains a physician's statement affirming that the medical condition will prevent him from attending school for at least 4 weeks.

1. *The ARD committee should convene to review all of the student information (including the physician's statement) to determine if homebound services are appropriate. If the ARD committee determines homebound services are appropriate, the committee should document the following in the student's IEP:*
 - a) *Physician's statement and ARD committee documentation, which must be on file before a student can be coded homebound.*
 - b) *The date that homebound services will begin.*
 - c) *The change of placement from resource room to a homebound setting, which will result in a change in the instructional arrangement/setting code from 41 to 01.*
 - d) *The type and amount of services that will be provided in the homebound setting.*
 - e) *The certified special education and related service providers who will be serving the student in the homebound setting.*

2. *At the end of the week, special education staff should inform the attendance clerk of the amount of time the student received service from the certified special education teacher and the number of absences that should be recorded in the attendance accounting system.*

Example A, if the student was served 4 or more hours that week, the student should be recorded present every day that week.

Example B, if the student was served 2 hours that week, the student should be recorded present for 2 days and absent for 3 days of that week.

Example C, if the student did not receive any service during the week, absences must be recorded for every day of that week, resulting in 0 eligible days present.

3. *The ARD committee should convene to review current student information (including the physician's statement) to determine if a transition period is necessary and the date homebound services are no longer appropriate. If the student requires a transition period when returning to the classroom setting, the ARD committee should document the following in the student's IEP:*
 - a) *The length of time for the transition period.*
 - b) *The amount of time the student will be served in both settings (homebound and classroom) during the transition period.*

*During the transition period, the student's instructional arrangement/setting code will remain 01 homebound based on the homebound funding chart. (Please see **4.6.2.9 Transition From Homebound to the Classroom.**)*

- c) *The date the transition period is completed and the student returns to the classroom full time, the student's instructional arrangement/setting code will change back to 41.*
- d) *The effective date of the change should be documented in the IEP.*

Example 2: A student with a chronic illness/acute health problem (recurring condition) will be absent from school for at least 4 weeks over the entire school year, as documented by a licensed¹⁰⁷ physician. The ARD committee determined and documented in the IEP that during the time of absence, the student will be served through the homebound instructional arrangement/setting.

During the first week of the second 6-week reporting period, the student is present on Monday and receives services following the requirements of the 2-through-4-hour rule. The student is then absent on Tuesday, Wednesday, and Thursday but receives 3 hours of homebound instruction from a certified special education teacher on Thursday following the requirements of the homebound funding chart. The student returns to school on Friday and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present. The student's instructional arrangement/setting code is 42 for 2 days and 01 for 3 days.

During the second week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional arrangement/setting code 42.

¹⁰⁷ You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp.

During the third week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional arrangement/setting code 42.

During the fourth week of the second 6-week reporting period, the student is present on Monday, Tuesday, and Wednesday and receives services following the requirements of the 2-through-4-hour rule. The student is then absent on Thursday and Friday but does not receive any homebound instruction because the student is too ill to receive services. The student generates 3 eligible days present in instructional setting code 42. The student is counted absent for 2 days.

During the fifth week of the second 6-week reporting period, the student is absent all 5 days and is served 4 hours at home by a certified special education teacher following the requirements of the homebound funding chart. The student generates 5 eligible days present in instructional setting code 01.

During the sixth week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional setting code 42.

To document for attendance reporting purposes the changing instructional arrangements/settings for this student who has a recurring condition, the attendance clerk will accumulate the attendance information for the entire second 6-week reporting period and summarize the information for the eligible days of attendance and contact hours served. The eligible days present and absent should be recorded in your district's student attendance accounting system at the end of the second 6-week reporting period.

Example 3: A certified special education teacher administers the math TAKS to a student confined to the home on a Tuesday. It takes the student 2 hours to complete the math TAKS. The teacher returns on Wednesday and administers the reading TAKS. It takes the student 2 hours to complete the reading TAKS.

The student earns only 1 eligible day present for Tuesday and only 1 eligible day present for Wednesday. The certified special education teacher must schedule 2 more hours of homebound instruction during the week so the student can earn an entire week of attendance credit. The additional homebound instruction may be any day of the same week, Sunday to Saturday, including the same calendar day that the test was administered. In all cases, the homebound instruction must be in addition to the time the student was tested.

Example 4: A certified special education teacher administers a final exam to a student confined to the home, and it takes the student 30 minutes to complete the exam.

The student must receive an additional 30 minutes of homebound instruction to earn 1 day present.

Example 5: A student with a chronic, recurring illness normally receives special education and related services in the special education homebound instructional setting. The student's doctor has provided documentation stating that the student may attend school when able. The student's ARD committee has specified that the student is to be served in the special education mainstream instructional setting when the student is well enough to attend school.

On Tuesday, the student is served at home by a certified special education teacher for 3 hours. On Friday of the same week, the student feels well enough to attend 5 hours of school at the student's campus. The student **is present when attendance is taken and is recorded present**.

The student earns 3 eligible days present for the time the student was served on Tuesday, per the Homebound Funding Chart. The student's instructional arrangement/setting code for that day should be recorded as 01- homebound. The student also earns 1 additional day present for attending school on Friday, per the 2-through-4-hour rule and the student's being present at the time attendance was taken. The student's instructional arrangement/setting code for Friday should be recorded as 40 - mainstream.

4.14.2 Code 02 - Hospital Class Examples

A student in special education has been confined to a hospital. While at the hospital, the student attends class at the hospital taught by a teacher from your district's high school campus.

The instructional arrangement/setting code for this student should be recorded as 02 in the attendance accounting system. Standard attendance accounting rules apply for recording student absences for students in the hospital class instructional arrangement/setting.

4.14.3 Codes 41 and 42 - Resource Room/Services Examples

Example 1: A student attends four general education classes and three special education classes a day. The student attends the three special education classes in the resource room.

*The instructional arrangement/setting code for this student should be entered as **42, resource room/services - at least 21% and less than 50%**, in the attendance accounting system because the student is pulled out of the general education class to receive special education services in the resource room and the student receives special education services for at least 21% and less than 50% ($3/7 = 43\%$) of the student's total instructional day.*

*If this student attended six general education classes and one special education class a day, then this student should be entered as **41, resource room/services - less than 21%**, because the student is pulled out of the general education class to receive special education services and the student receives special education services for less than 21% ($1/7 = 14\%$) of the student's total instructional day.*

Example 2: A student attends all general classes, except for 1 hour a week, as documented in the IEP, when the student is pulled out to receive physical therapy.

*The instructional arrangement/setting code for this student should be entered as **41, resource room/services - less than 21%**, in the attendance accounting system because the student receives regularly scheduled related services in the special education class but is otherwise served in general education.*

Example 3: A student attends all general classes, except for 1 hour a week, as documented in the IEP, when the student receives support services in a resource room from a certified special education teacher, or from an itinerant teacher from an RDSPD.

*The instructional arrangement/setting code for this student should be entered as **41, resource room/services - less than 21%**, in the attendance accounting system because the student receives direct, regularly scheduled special education support services in a resource room.*

Example 4: A 4-year-old student with a disability who is **not** eligible for the prekindergarten program but **is** eligible for the special education program receives special education and related services (including speech therapy) in the prekindergarten classroom for 3 hours 5 days a week. The certified special education teacher teaches collaboratively in the prekindergarten classroom with the prekindergarten teacher for the full 3 hours and the full 5 days. The occupational therapist provides services for 20 minutes twice a week in the prekindergarten classroom. The speech therapist provides speech instruction for 30 minutes a week in a pull-out setting.

The student should generate half-day ADA eligibility. The instructional arrangement/setting code for this student should be recorded as 42 in the attendance accounting system, and the speech therapy indicator code should be recorded as 2.

4.14.4 Codes 43 and 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus Examples

Example 1: A student on a departmentalized campus attends four special education classes and three general education classes each day.

*The instructional arrangement/setting code for this student should be entered as **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, in the attendance accounting system because the student receives special education services for at least 50% and no more than 60% ($4/7 = 57%$) of the student's total instructional day.*

Example 2: A student on an elementary campus spends 3 out of 6 instructional hours in the special education classroom.

*The instructional arrangement/setting code for this student should be entered as **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, in the attendance accounting system ($180 \text{ minutes}/360 \text{ minutes} = 50\%$).*

Example 3: A student on an elementary campus spends 200 minutes out of 300 instructional minutes in the special education classroom. The 100 minutes of general education instruction include math, art/music/physical education, and social studies.

*The instructional arrangement/setting code for this student should be entered as **44, self-contained, mild/moderate/severe, regular campus - more than 60%**, in the attendance accounting system because 67% ($200/300 = 67\%$) of the student's instructional day is spent in special education.*

Example 4: A student on an elementary campus spends 145 minutes out of 300 instructional minutes in the special education classroom and receives 30 minutes (an average of 6 minutes/day) of speech (or any related service). The 149 remainder minutes of general education instruction include math, art/music/physical education, and social studies.

*The instructional arrangement/setting code for this student should be entered as **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more***

than 60%, in the attendance accounting system because 50% (151/300 = 50%) of the student's instructional day is spent in special education.

4.14.5 Code 08 - Vocational Adjustment Class (VAC) Examples

A student works half of the school day and attends classes the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTED classes. After 3 weeks, the student loses his job but remains in the special education job training class he has been enrolled in from the beginning of the school year.

*For the time the student is gainfully employed, the instructional arrangement/setting code for the student should be 08, and the career and technical education code should be V2 (see **Section 5 Career and Technical Education**). As soon as the student loses his job, the student's instructional arrangement/setting code should be changed to reflect the appropriate code for the interim placement determined by the ARD committee, but the career and technical education code will remain V2 if the student remains enrolled in two vocational classes. Note that CTED classes are career and technical education classes and not special education classes.*

A student who loses a job must be provided with a full instructional day during the time he or she is without a job. A student may not stay at home during the time in which he or she was previously on the job.

4.14.6 Codes 91-98 - Off Home Campus Examples

Example 1: A student attends special education classes on a campus designated as a campus that serves only special education students.

*The instructional arrangement/setting code for this student should be entered as **96, off home campus - separate campus**, in the attendance accounting system.*

Example 2: A student attends the entire instructional day in another school district because the home district does not offer the special education services the ARD committee determined are required for the student to have an appropriate education.

There should be an agreement between the home district and the receiving district regarding the reporting of PEIMS and attendance data for this student. Only one district can report PEIMS data for an individual student. If the home district reports these data, it may report this student as being enrolled in the home district, even though the student attends the entire instructional day in the serving/receiving district. However, it is possible that the receiving district may report this student in the PEIMS, instead of the home district. Absences must be reported by the serving district and either submitted to the home district (if responsible for reporting PEIMS data) or entered by the serving district (if responsible for reporting PEIMS data for the student). The district that reports PEIMS data is responsible for recording student absences and attendance.

*If the student attends three general education classes and three special education classes, the instructional arrangement/setting would be determined according to which entity reports PEIMS/attendance data for the student. If reported by the home district, the instructional arrangement/setting code for this student should be entered as **94, off home campus - self-contained, mild/moderate/severe, regular campus - at least***

50% and no more than 60%, (3/6 = 50%) in the attendance accounting system. If reported by the receiving district, the instructional arrangement/setting code for this student should be **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, in the attendance accounting system.

If the student attends five special education classes and one general education class in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports PEIMS data for the student, then the instructional arrangement/setting code for this student should be entered as **95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%**, (5/6 = 83%) in the attendance accounting system. If the receiving district reports PEIMS data for the student, the instructional arrangement/setting code should be **44, self-contained, mild/moderate/severe, regular campus - more than 60%**.

If the student receives special education services and support in mainstream classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district enters PEIMS data for this student, then the instructional arrangement/setting code for this student should be entered as **91, off home campus - mainstream**, in the attendance accounting system. If the receiving district reports PEIMS data for this student, the instructional arrangement/setting code should be **40, mainstream**.

If the student attends three special education classes and four general education classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports PEIMS data for this student, then the instructional arrangement/setting code for this student should be entered as **93, off home campus - resource room/services - at least 21% and less than 50%**, (3/7 = 43%) in the attendance accounting system. If the receiving district reports PEIMS data for this student, the instructional setting code should be **42, resource room/services - at least 21% and less than 50%**.

Example 3: A student legally transferred into the serving district attends classes for the entire school day, in the special education classroom that serves students from other districts.

The instructional arrangement/setting code for this student should be entered as **44, self-contained, mild/moderate/severe, regular campus - more than 60%**, in the attendance accounting system since the student is in the special education classroom for more than 60% of the student's instructional day. All absences and eligible days present will be recorded in the serving district's attendance accounting system. For students ages 3 through 5 with disabilities, the instructional arrangement/setting code is **45, full-time early childhood special education setting**.

The student's ADA eligibility code should be entered as 3 - Eligible Transfer Student Full-Day. See **3.2.1.4 Code 3 Eligible Transfer Student Full-Day**.

Example 4: A student in special education attends a special education class at the nearby Mental Health Mental Retardation (MHMR) Center (sheltered workshop). School district personnel teach this class.

The instructional arrangement/setting code for this student should be recorded as **97, off home campus - community class**, in the attendance accounting system.

Example 5: A special education student (age 3 through 5) with a disability receives full-time special education and related services in a multidistrict PPCD educational program.

*The instructional arrangement/setting code for this student should be entered as **98, off home campus - full-time early childhood special education setting**, in the attendance accounting system.*

Example 6: A preschool age student (age 3 through 5) with a disability who is eligible for special education and related services is provided special education services in a self-contained special education classroom within a childcare facility.

*The instructional arrangement/setting code for this student should be entered as **97, off home campus - community class**, in the attendance accounting system.*

*If the services were provided in a self-contained special education class within an agency in the community, then the instructional arrangement/setting code for the student still would be entered as **97, off home campus - community class**.*

4.14.7 Codes 81-89 - Residential Care and Treatment Facility (Nonresident) Examples

Example 1: Within the boundaries of your school district, there is a residential care and treatment facility. Several special education students who reside in the facility attend school and receive special education services at a school campus in your district. These students' parents do not reside within the boundaries of your district.

*If a special education student who resides in the residential care and treatment facility receives all special education and related services in **mainstream** classes at a regular education campus, then the instructional arrangement/setting code for this student should be entered as **81, residential care and treatment facility - mainstream**, in the attendance accounting system.*

*If a special education student who resides in the residential care and treatment facility attends **one special education class and six general education classes** at a regular education campus, then the instructional arrangement/setting code for this student should be entered as **82, residential care and treatment facility - resource room/services - less than 21%**, ($1/7 = 14\%$) in the attendance accounting system.*

*If a special education student who resides in the residential care and treatment facility attends **three special education classes and four general education classes** at a regular education campus, then the instructional arrangement/setting code for this student should be entered as **83, residential care and treatment facility - resource room/services - at least 21% and less than 50%**, ($3/7 = 43\%$) in the attendance accounting system.*

*If a special education student who resides in the residential care and treatment facility attends **three special education classes and three general education classes** at a regular education campus, then the instructional arrangement/setting code for this student should be entered as **84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, ($3/6 = 50\%$) in the attendance accounting system.*

*If a special education student who resides in the residential care and treatment facility attends **five special education classes and one general education class** at a regular education campus, then the instructional setting code for this student should be entered as **85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%**, (5/6 = 83%) in the attendance accounting system.*

*If a special education student who resides in the residential care and treatment facility receives **speech therapy services only**, then the instructional arrangement/setting code for this student should be entered as **00** in the attendance accounting system.*

Example 2: A special education student who resides in a residential care and treatment facility within your district's boundaries attends special education classes on a campus designated as a campus that serves only special education students.

*The instructional arrangement/setting code for this student should be entered as **86, residential care and treatment facility - separate campus**, in the attendance accounting system*

Example 3: A special education student (age 3 through 5) with a disability who resides in a residential care and treatment facility within your district's boundaries receives special education and related services in a self-contained special education classroom within a childcare facility.

*The instructional arrangement/setting code for this student should be entered as **87, residential care and treatment facility - community class**, in the attendance accounting system.*

*If the services were provided in a self-contained special education class within an agency in the community (such as a community-based Head Start program), then the instructional arrangement/setting code for this student still would be entered as **87, residential care and treatment facility - community class**.*

Example 4: A special education student who resides in a residential care and treatment facility within your district's boundaries works half of the school day and attends classes at the high school campus the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two career and technical education for the disabled (CTED) classes.

*The instructional arrangement/setting code for this student should be **88, residential care and treatment facility - vocational adjustment class**. The student should also be coded V2 (see **Section 5 Career and Technical Education**). Note that CTED classes are career and technical education classes and not special education classes.*

Example 5: A special education student (age 3 through 5) with a disability who resides in a residential care and treatment facility within your district's boundaries receives full-time special education and related services in the PPCD educational program on the elementary campus.

*The instructional arrangement/setting code for this student should be entered as **89, residential care and treatment facility - full-time early childhood special education setting**, in the attendance accounting system.*

Example 6: A special education student who resides in a residential care and treatment facility within your district's boundaries receives special education instruction and related services at the facility rather than on a school district campus.

*The instructional arrangement/setting code for this student should be entered as **02, hospital class**, in the attendance accounting system.*

4.14.8 Code 40 - Mainstream Examples

Example 1: A student attends all general education classes. However, this student has not been dismissed from special education. Qualified special education personnel are involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student on at least a weekly basis. The student's IEP specifies the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP.

*The instructional arrangement/setting code for this student should be recorded as **40, mainstream**, in the attendance accounting system.*

Example 2: A student attends six general education classes a day. In five of the six general education classes the student receives special education services by certified special education personnel.

*The instructional arrangement/setting code for this student should be recorded as **40, mainstream**, in the attendance accounting system because the student receives special education services in the general education class.*

Example 3: A student attends all general education classes. For 1 hour a week, as documented in the IEP, this student receives physical therapy in the general education classroom.

*The instructional arrangement/setting code for this student should be entered as **40, mainstream**, in the attendance accounting system because the student receives related services in the general education class. (If this student received physical therapy as a pull-out service, then the instructional arrangement/setting code would be **41, resource room/services - less than 21%**.)*

Example 4: A student attends all general education classes with an interpreter from the RDSPD.

*The instructional arrangement/setting code for this student should be entered as **40, mainstream**, in the attendance accounting system because the student receives special education services in the general education class. Regardless of the amount of time the interpreter spends with the student, the instructional arrangement/setting code still must be **40, mainstream**.*

Example 5: A 4-year-old student with a disability who is eligible for the prekindergarten program and the special education program receives special education and related services (including speech therapy) in the prekindergarten classroom for 3 hours 5 days a week. The certified special education teacher teaches collaboratively in the prekindergarten classroom with the prekindergarten teacher for the full 3 hours and the full 5 days. The occupational therapist provides services for 20 minutes twice a week in the prekindergarten classroom. The speech therapist provides speech instruction for 30 minutes a week in a pull-out setting.

*The student should generate half-day ADA eligibility. The instructional arrangement/setting code for this student should be recorded as **40** in the attendance accounting system, and the speech therapy indicator code should be recorded as **2**.*

Example 6: A 3-year-old student with a disability receives special education services (including speech therapy) in a community-based child care center for 4 hours 5 days a week. The certified special education teacher teaches collaboratively in the community-based child care classroom with the child care provider for the full 4 hours and the full 5 days. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based child care classroom and provides consultation to the teachers for 15 minutes a week.

*The student should generate full-day ADA eligibility. The instructional arrangement/setting code for this student should be recorded as **40** in the attendance accounting system, and the speech therapy indicator code should be recorded as **2**.*

Example 7: A 4-year-old student with a disability receives special education services and related services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 30 minutes twice a week and consults with the child care provider for 30 minutes once a week. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based child care classroom and provides consultation to the teachers for 15 minutes a week. An aide is in the classroom 4 hours a day for 5 days a week to provide support services to the student.

*The student's ADA eligibility code should be recorded as 0 - Enrolled, Not in Membership because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility. The instructional arrangement/setting code for this student should be recorded as **40** in the attendance accounting system, and the speech therapy indicator code should be recorded as **2**.*

Example 8: A 4-year-old student with a disability receives special education services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 60 minutes once a week and consults with the child care provider for 60 minutes once a week.

*The student's ADA eligibility code should be recorded as 0 - Enrolled, Not in Membership because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility. The instructional arrangement/setting code for this student should be recorded as **40** in the attendance accounting system.*

4.14.9 Code 45 - Full-Time Early Childhood Special Education Setting (FT EC SPED) Examples

A special education student (age 3 through 5) with a disability receives full-time special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses. **No education or related services are provided in the mainstream early childhood settings.**

*The instructional arrangement/setting code for this student should be entered as **45, full-time early childhood special education setting**, in the attendance accounting system because no education and/or related services are provided in mainstream early childhood settings.*

4.14.10 Speech Therapy Indicator Code 1 Examples

Example 1: A student receives services from the speech therapist 30 minutes a week and attends all general education classes.

*The instructional arrangement/setting code for this student should be recorded as **00** in the attendance accounting system, and the speech therapy indicator code should be recorded as **1**.*

Example 2: A student receives direct speech therapy services **and** indirect support from the speech therapy program through services provided by a speech therapist.

*Regardless of whether these services and supports are provided in a general education or pull-out setting, the instructional arrangement/setting code for this student should be recorded as **00** in the attendance accounting system, and the speech therapy indicator code should be recorded as **1**.*

Example 3: A 4-year-old student with a disability who is eligible for the prekindergarten program receives special education services (speech therapy and support services are provided by the speech therapist). The speech therapist provides services 30 minutes twice a week in a pull-out setting and goes into the prekindergarten classroom to provide services and/or consult with the prekindergarten teacher 30 minutes a week.

*The instructional arrangement/setting code for this student should be recorded as **00** in the attendance accounting system, and the speech therapy indicator code should be recorded as **1**.*

Example 4: A 4-year-old student with a disability receives special education services (speech therapy and support services are provided by the speech therapist) in a community-based child care center. The speech therapist provides services 30 minutes twice a week and consults with the child care provider for 30 minutes once a week. An aide is in the classroom 2 hours a day 5 days a week to provide support services to the student.

*The student will **not** generate contact hours because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility. The instructional arrangement/setting code for this student should be recorded as **00** in the attendance accounting system, and the speech therapy indicator code should be recorded as **1**.*

4.14.11 Speech Therapy Indicator Code 2 Examples

Example 1: A student attends one special education class and five general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes.

*The instructional arrangement/setting code for this student should be recorded as **41, resource room/services - less than 21%**, in the attendance accounting system, and the speech therapy indicator code should be recorded as **2**.*

Example 2: A student attends one special education class and four general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist (or any related service) once a week for 30 minutes.

*The instructional arrangement/setting code for this student should be recorded as **42, resource room/services - at least 21% and less than 50%**, in the attendance*

accounting system, and the speech therapy indicator code should be recorded as 2 (78/360=21.6%).

Example 3: Based on ARD committee determination, a student with both learning disabilities and speech impairment receives services and support from a special education teacher in the general education classroom (outside of any services and supports provided through the speech therapy program). The student also receives direct speech therapy services.

*The instructional arrangement/setting code for this student should be recorded as **40, mainstream**, in the attendance accounting system, and the **speech therapy indicator code** should be recorded as **2**. The instructional arrangement/setting code of 40 can be used regardless of whether the direct speech therapy services are provided in the general education classroom or a pull-out setting.*

4.14.12 Calculation of Excess Contact Hours Example

Example 1: A student attends six career and technical education classes (V6) and speech therapy (0.25 contact hour multiplier), for a total of 6.25 contact hours a day.

Since this number of contact hours is over the 6.00 hour per day maximum, 0.25 contact hours must be subtracted from the speech therapy setting (instructional arrangement/setting code 00) for every eligible day present the student accumulates.

Example 2: A student attends two special education classes and four general education classes a day. All four of the general education classes are career and technical education classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional arrangement/setting code 42, resource room/services - at least 21% and less than 50%) and 4.00 contact hours for career and technical education (V4), totaling 6.859 contact hours a day. The first 6-week reporting period has 30 days taught. Of those 30 days, the student was present 28 days.

Since the number of contact hours is over the 6.00 hour per day maximum, 0.859 contact hours must be subtracted from the resource room instructional arrangement/setting for every eligible day present the student accumulates.

The excess contact hours for the first 6-week reporting period for this student would be calculated as follows:

Calculate Special Education Contact Hours:	
Eligible Days Present	28.0
x Special Education CH multiplier	<u>x 2.859</u>
Total Special Education Contact Hours	<u>80.052</u>

Calculate Career & Technical Ed Contact Hours:	
Eligible Days Present	28.0
x Career & Technical Ed CH multiplier	<u>x 4.00</u>
Total Career & Tech Ed Contact Hours	<u>112.00</u>

Calculate Total Contact Hours:	
Career & Technical Ed Contact Hours	112.000
+ Special Education Contact Hours	<u>+ 80.052</u>
Total Contact Hours	<u>192.052</u>

Calculate Maximum Contact Hours Allowed:	
Number Days Present	28.0
x Maximum Hours per Day	<u>x 6.00</u>
Total Maximum Contact Hours Allowed	<u>168.00</u>

Calculate Total Excess Contact Hours:	
Total Contact Hours	192.052
– Maximum Contact Hours Allowed	<u>– 168.000</u>
Total Excess Contact Hours for First 6 Weeks	<u>24.052</u>

OR

Calculate Excess Contact Hours per Day:	
Total Contact Hours per Day	6.859
– Maximum Hours per Day	<u>– 6.000</u>
Total Excess Contact Hours per Day	<u>0.859</u>

Calculate Total Excess Contact Hours:	
Total Excess Contact Hours per Day	0.859
x Eligible Days Present	<u>x 28.0</u>
Total Excess Contact Hours for First 6 Weeks	<u>24.052</u>

Example 3: A student attends two special education classes and four general education classes a day. All of the general education classes are career and technical education classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional arrangement/setting code 42, resource room/services - at least 21% and less than 50%) and 4.00 contact hours for career and technical education (V4), totaling 6.859 contact hours a day. On the eleventh instructional day of the first 6 weeks, the ARD committee meets and changes the student's schedule. The student then attends one special education class and five general education classes a day. All five of the general education classes are career and technical education classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional arrangement/setting code 41, resource room/services - less than 21%) and 5.00 contact hours for career and technical education (V5), totaling 7.859 contact hours a day. The first 6-week reporting period has 30 days taught, and this student was present every day.

The excess contact hours for the first 6-week reporting period for this student would be calculated as follows:

Calculate Special Education Contact Hours for First 10 Days:	
Eligible Days Present	10.0
x Special Education CH multiplier	<u>x 2.859</u>
Total Special Education Contact Hours	28.590
Calculate Career & Tech Ed Contact Hours for First 10 Days:	
Eligible Days Present	10.0
x Career & Tech Ed CH multiplier	<u>x 4.00</u>
Total Career & Tech Ed Contact Hours	40.00
Calculate Total Contact Hours for First 10 Days:	
Career & Tech Ed Contact Hours	40.000
+ Special Education Contact Hours	<u>+ 28.590</u>
Total Contact Hours for First 10 Days	68.590
Calculate Maximum Contact Hours Allowed for First 10 Days:	
Number Days Present	10.0
x Maximum Hours per Day	<u>x 6.00</u>
Total Maximum Contact Hours Allowed	60.00
Calculate Excess Contact Hours for First 10 Days:	
Total Contact Hours	68.590
– Maximum Contact Hours Allowed	<u>– 60.000</u>
Total Excess Contact Hours for First 10 Days	8.590
Calculate Special Education Contact Hours for Last 20 Days:	
Eligible Days Present	20.0
x Special Education CH multiplier	<u>x 2.859</u>
Total Special Education Contact Hours	57.180
Calculate Career & Tech Ed Contact Hours for Last 20 Days:	
Eligible Days Present	20.0
x Career & Tech Ed CH multiplier	<u>x 5.00</u>
Total Career & Tech Ed Contact Hours	100.00
Calculate Total Contact Hours for Last 20 Days:	
Career & Tech Ed Contact Hours	100.000
+ Special Education Contact Hours	<u>+ 57.180</u>
Total Contact Hours for Last 20 Days	157.180
Calculate Maximum Contact Hours Allowed for Last 20 Days:	
Number Days Present	20.0
x Maximum Hours per Day	<u>x 6.00</u>
Total Maximum Contact Hours Allowed	120.00
Calculate Excess Contact Hours for Last 20 Days:	
Total Contact Hours	157.180
– Maximum Contact Hours Allowed	<u>– 120.000</u>
Total Excess Contact Hours for Last 20 Days	37.180
Calculate Total Excess Contact Hours:	
Excess Contact Hours Last 20 Days	37.180
+ Excess Contact Hours First 10 Days	<u>+ 8.590</u>
Total Excess Contact Hours for First 6 Weeks	<u>45.770</u>

OR

Calculate Excess Contact Hours per Day for First 10 Days:	
Total Contact Hours per Day	6.859
– Maximum Hours per Day	<u>– 6.000</u>
Total Excess Contact Hours per Day	0.859
Calculate Total Excess Contact Hours for First 10 Days:	
Total Excess Contact Hours per Day	0.859
x Eligible Days Present	<u>x 10.0</u>
Total Excess Contact Hours for First 10 Days	8.590
Calculate Excess Contact Hours per Day for Last 20 Days:	
Total Contact Hours per Day	7.859
– Maximum Hours per Day	<u>– 6.000</u>
Total Excess Contact Hours per Day	1.859
Calculate Total Excess Contact Hours for Last 20 Days:	
Total Excess Contact Hours per Day	1.859
x Eligible Days Present	<u>x 20.0</u>
Total Excess Contact Hours for Last 20 Days	37.180
Calculate Total Excess Contact Hours:	
Excess Contact Hours for Last 20 Days	37.180
+ Excess Contact Hours for First 10 Days	<u>+ 8.590</u>
Total Excess Contact Hours for First 6 Weeks	<u>45.770</u>

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Section 5 Career and Technical Education

This section addresses unique attendance accounting provisions for career and technical education (CTE). They must be applied in conjunction with the general rules in Section 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

Important: See Section 3 for general attendance requirements that apply to all program areas, including CTE.

5.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all career and technical education (CTE) coding questions should be directed:

Name: _____

Phone Number: _____

5.2 Eligibility and Eligible Days Present

Your district is responsible for ensuring CTE contact hour funding eligibility by meeting the following four criteria:

1. Each CTE course **must** be taught by a **qualified/certified** teacher, as defined in 19 Texas Administrative Code (TAC) [§231.1, Criteria for Assignment of Public School Personnel](#).¹⁰⁸
 - a. A person may **not be employed as a teacher**, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by your school district **unless the person holds an appropriate certificate** or permit issued as provided by the Texas Education Code (TEC), Chapter 21, Subchapter B.¹⁰⁹
 - b. The teacher of record must be the teacher in the classroom responsible for teaching and learning, grades, attendance, etc.
 - c. When districts partner with technical or community colleges to offer dual credit, including local or statewide articulated CTE courses, the postsecondary faculty must meet SACS teacher requirements. Postsecondary faculty are not required to obtain SBEC certification when teaching secondary students under articulation agreements.
2. Your district must maintain a course calendar, or another form of documentation specified in **5.11 Documentation**, showing the average minutes per day for each CTE course (see **5.5.2 PEIMS 410 Record** and **5.6 Computing Contact Hours** of this section).

¹⁰⁸ This requirement does not apply to an open-enrollment charter school unless the school's charter states that a CTE course must be taught by a qualified/certified CTE teacher.

¹⁰⁹ Texas Education Code (TEC), §21.003

3. Your district must ensure that the appropriate resources, laboratories, and technology are provided to teach the Texas Essential Knowledge and Skills (TEKS) for the courses offered.
4. To be eligible for CTE contact hour funding, your district must offer three or more programs of study in at least three different clusters.

5.2.1 Eligibility of Students for Funding

Students in grades 6 through 12 are eligible to be **served** in CTE programs.

Eligibility for Contact Hours: Only students in grades 9 through 12 are eligible for CTE contact hours, except for students in grades 7 and 8 who are eligible for and enrolled in CTED courses (see **5.9 CTED Courses**).

5.2.2 Eligibility of Courses for Funding

State-approved CTE courses are listed in Section 4, Code Table C022 of the Public Education Information Management System [PEIMS] *Data Standards*.

Sixty percent of your district's CTE state allotment funding must be spent in support of courses with program intent code 22.¹¹⁰

Your school district may receive state weighted funding for all CTE innovative courses approved by the Texas Education Agency (TEA) for students in grades 9 through 12. To receive CTE weighted funding, your district must maintain documentation of local board or site-based decision-making (SBDM) committee approval to offer any TEA-approved innovative course.¹¹¹ For a new innovative course that has not been approved by the TEA, your district must follow the process for applying to the TEA for approval to offer the new innovative course.

5.2.3 Earning Contact Hours

A student may enroll simultaneously in as many CTE courses as his or her schedule permits. For funding purposes, however, the student may receive no more than 6 contact hours per day (see **4.11 Contact Hours**).

A student is **not** eligible to receive any CTE contact hours for participating for 1 hour in a 2-hour course or for 1 or 2 hours in a 3-hour course. For example, students participating for 1 hour in a 2-hour course or for 1 or 2 hours in a 3-hour course are not eligible to receive contact hours.

See **3.6.9 Effective Dates for Program Changes** in Section 3 for important information on making program changes in student attendance records.

5.2.3.1 Earning CTE Contact Hours While Also Being Served by a Special Education Program

For a student to earn CTE contact hours while also being served in a special education homebound (01), hospital class (02), and/or state supported living center (30) instructional

¹¹⁰ TEC, §39.234

¹¹¹ 19 TAC §74.27

arrangement/setting, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the special education homebound, hospital class, and/or state supported living center instructional arrangement/setting (see **4.6 Instructional Arrangement/Setting Codes**).

5.2.3.2 Earning CTE Contact Hours While Receiving PRS

For a Pregnancy Related Services (PRS) student to earn CTE contact hours while also being served in Compensatory Education Home Instruction (CEHI), the student must continue to receive the same amount and type of CTE service that she was receiving before being placed in CEHI. The CTE instruction that a PRS student receives at home must be **in addition to** the 4 hours necessary for CEHI. The teacher providing the CTE instruction must maintain a log to verify all contact hours with PRS students. (See **9.15 PRS and Career and Technical Education** and **9.19.4 Example 4** in Section 9. See **9.17 Documentation** for requirements related to the homebound instructor's log.)

5.2.4 Career Preparation Eligibility Requirements

CTE career preparation eligibility requirements are as follows. Refer to **5.7 Career Preparation and Practicum Learning Experiences** for general rules and to the glossary for definitions.

- The career preparation course¹¹² is for **paid** experience only. The training component must address all the TEKS for the course and provide a student with a variety of learning experiences that will give the student the broadest possible understanding of the business or industry.
- Each career preparation course using the **paid** work-based learning delivery arrangement must consist of student participation in career preparation training appropriate to the instructional program plus participation in related CTE classroom instruction. The course should **span the entire school year**, and classroom instruction must average one class period each day for every school week. A student is expected to be enrolled the entire school year; however, in accordance with local district policy, a student may enter or exit the course when extenuating circumstances require such a change.
- A student must be a minimum age of 16 and hold valid work documentation, such as a Social Security card, to enroll in any of the career preparation learning experiences that have a **paid** component.
- Students unemployed for more than 15 consecutive school days are not eligible for contact hours.
- Career preparation courses cannot be offered in an alternative setting, such as credit recovery, alternative programs, or disciplinary alternative programs.

¹¹² 19 TAC §127.13 and §127.14

Use the following chart to determine the CTE code for students participating in **paid** CTE career preparation.

Classroom Instruction	Work-Based Instruction	Units of Credit	CTE Code
1 hour per day (average)	10 hours per week (average)	2	V2
1 hour per day (average)	15 hours per week (average)	3	V3

5.2.5 Practicum Course Eligibility Requirements

CTE practicum course eligibility requirements are as follows. Refer to **5.7 Career Preparation and Practicum Learning Experiences** for general rules and to the glossary for definitions.

- Practicum courses and other two- to three-credit CTE courses found in 19 TAC §130 may be used as laboratory-based, **paid**, or **unpaid** work experiences for students.
- Each practicum course using the **paid** work-based learning instructional arrangement must consist of student participation in training appropriate to the student's program of study plus participation in related CTE classroom instruction. The course should **span the entire year**, and classroom instruction must average one class period each day for every school week. A student is expected to be enrolled the entire school year; however, in accordance with local district policy, a student may enter or exit the course when extenuating circumstances require such a change.
- A student must be a minimum age of 16 and hold valid work documentation such as a Social Security card to enroll in any of the practicum learning experiences that have a **paid** component.
- Students unemployed for more than 15 consecutive school days in a **paid** practicum learning experience must be placed in an unpaid learning experience.

Use the following chart to determine the CTE code for students participating in a **paid** practicum learning experience.

Classroom Instruction	Work-Based Instruction	Units of Credit	CTE Code
1 hour per day (average)	10 hours per week (average)	2	V2
1 hour per day (average)	15 hours per week (average)	3	V3

Use the following chart to determine the CTE code for students participating in **unpaid** practicum learning experience.

Classroom and/or Work-Based Instruction	Units of Credit	CTE Code
2 hours per day (average)	2	V2
3 hours per day (average)	3	V3

5.3 Enrollment Procedures

The procedures for enrolling a student in CTE courses are as follows:

1. A student enrolls in school, and the student's class schedule is determined.
2. Appropriate CTE staff review the student's schedule and determine the correct CTE code.
3. Attendance personnel record the CTE code in the attendance accounting system.
4. Appropriate CTE staff review changes in the student's schedule.

If CTE courses are added or dropped, the student's CTE code could change. Changes will occur most often at the beginning of a new semester. If your district operates a block schedule, CTE staff may need to review student schedules more often, depending on the type of block schedule.

Attendance personnel should record the effective date of any change in a student's CTE code in the attendance accounting system. The effective date is the date the student's schedule changed.

Important: A student enrolled in a CTE course for the entire semester must be reported on the PEIMS 415 course completion record to be reported for CTE contact hours on the PEIMS 410 record for student attendance and weighted funding.

5.3.1 Determining the Number of Students to Enroll in a Course

In determining the number of students to enroll in any course, your school district must consider the subject to be taught, the teaching methodology to be used, and any need for individual instruction.¹¹³

5.4 Withdrawal Procedures

The procedures for withdrawing a student from CTE courses are as follows:

1. The student withdraws from school, or the student's class schedule changes. As a result, the student is no longer enrolled in a given CTE course.
2. Attendance personnel record the effective date of withdrawal in the attendance accounting system, and eligible CTE days are no longer accumulated from that date forward for the course from which the student withdrew.

CTE contact hours may **not** be claimed when a student receiving CTE services is placed in a disciplinary setting (e.g., in-school suspension [ISS] or disciplinary alternative education program [DAEP]) for more than 5 consecutive days if the same amount and type of CTE services are not provided by a CTE teacher. After 5 consecutive days without CTE services being provided, district personnel must remove the student from the PEIMS 410 record for CTE contact hours effective the first day of placement in the disciplinary setting.

¹¹³ TEC, §25.112(c)

In other words, your district may place a student in a disciplinary setting for up to and including 5 consecutive days and continue to claim CTE contact hours even though no CTE services are provided to the student. A student may earn state credit for a CTE course if the student continues to work on the course even though direct CTE instruction is not provided during periods of disciplinary removal.

5.5 Coding to Be Used on the PEIMS 101 and 410 Records

This subsection explains the coding to use on the PEIMS 101 and 410 records.

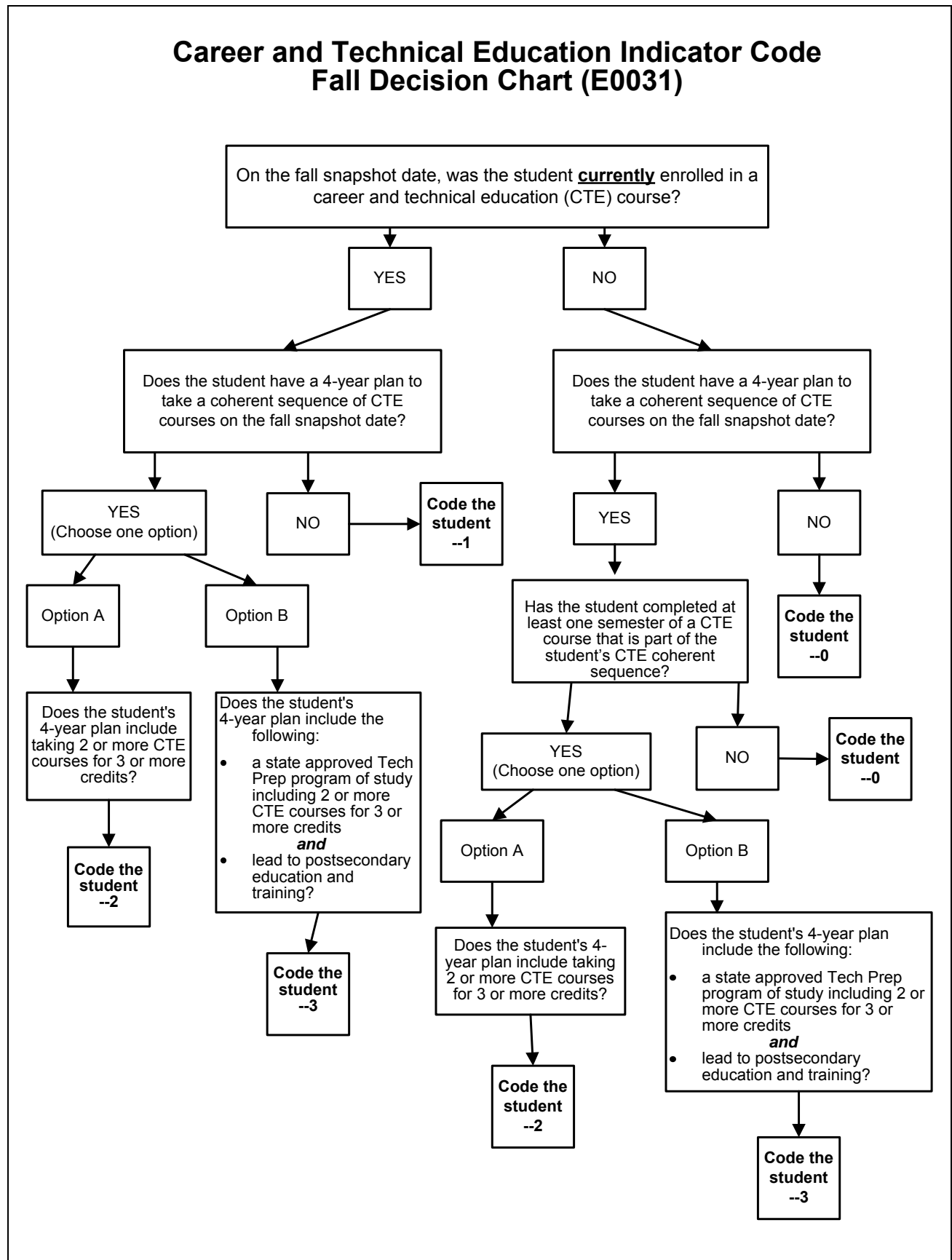
5.5.1 PEIMS 101 Record

Your district must code CTE student participation correctly on the PEIMS 101 record in the fall and summer reporting, as shown in the following chart.

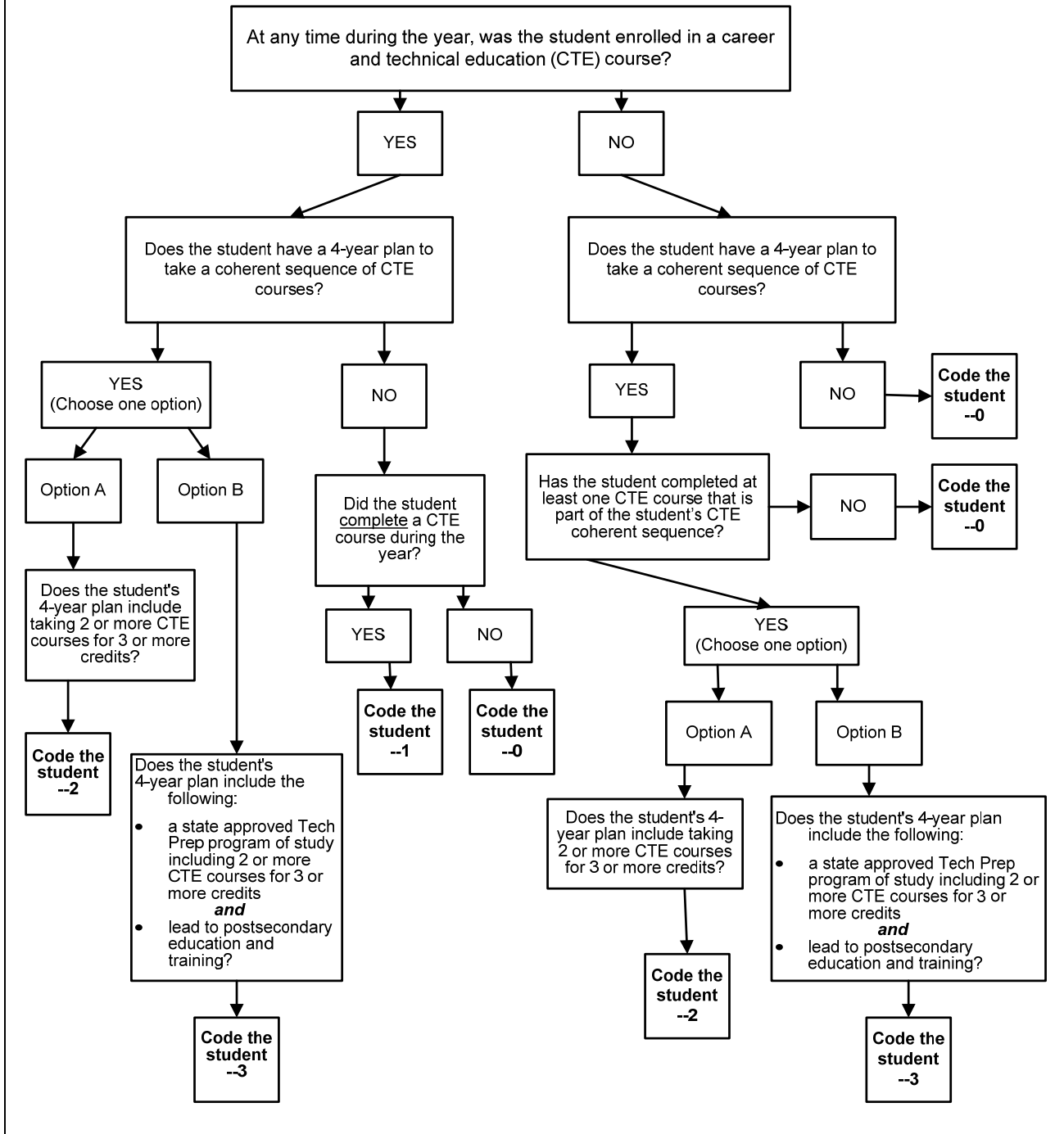
Description of Student's CTE Participation	Code to Be Used on PEIMS 101 Record
not enrolled in a CTE course	0
enrolled in one CTE course (a CTE participant, 6–12)	1
CTE coherent sequence taker (CTE concentrator, 9–12) (Coherent sequence is defined as two or more CTE courses for three or more credits.)	2
Tech-Prep program participant (9–12)	3

Use the following fall and summer decision charts to determine appropriate coding for CTE student participation.

Career and Technical Education Indicator Code Fall Decision Chart (E0031)



Career and Technical Education Indicator Code Summer Decision Chart (E0031)



5.5.2 PEIMS 410 Record

A student who is enrolled in CTE courses approved for state weighted funding must be coded in the attendance accounting system on the PEIMS 410 record as V1, V2, V3, V4, V5, or V6.

The number in the code that is used (V1, V2, V3, V4, V5, or V6) must equal the total number of 1-hour approved CTE class periods in which the student is enrolled. (A student's successful completion of a course is **not** required to generate contact hours.)

Examples:

District personnel should code a student enrolled in —

- a one-credit CTE course as V1.
- three one-credit CTE courses as V3.
- a three-credit CTE course as V3.

Note: For exceptions to this rule, see **5.5.2.1 Special 410 Record Coding Instructions for Districts Operating Block Schedules**, on block scheduling.

For CTE purposes, the descriptor **"1-hour"** refers to a class period ranging in time from **45 minutes up to 89 minutes**. Usually, a half-credit CTE course is taught for one class period for one semester. A two-credit CTE course would be taught for four 45- to 89-minute class periods for one-half of the year or two 45- to 89-minute class periods for the entire year.

5.5.2.1 Special 410 Record Coding Instructions for Districts Operating Block Schedules

If your district operates block schedules in which class periods are not in 1-hour increments, use the following chart to determine the CTE codes to use for coding students.

CTE Code	Average Minutes per Day in CTE Course
V1	45–89
V2	90–149
V3	150–180+

Each CTE course must be reviewed separately to determine the average minutes per day students attend that course. Average minutes per day must be computed by reviewing a complete cycle of courses. For example, if a course meets on even-numbered days of the month, district personnel must review a 2-week cycle. (One week the course will meet on Monday, Wednesday, and Friday, and the next week the course will meet on Tuesday and Thursday.) District personnel divide the total number of CTE minutes for the course, for a complete cycle of courses, by the total number of instructional days during the cycle.

Once district personnel have determined average minutes, they assign the applicable code to each CTE course. They then assign all students attending that CTE course the corresponding CTE code.

Important: Three V1 courses are **not** necessarily **equivalent** in average minutes per day to **one V3** course. District personnel must evaluate each CTE course separately when determining the average minutes per day for the course.

For students who are enrolled in more than one CTE course, CTE codes are combined to determine the correct code assigned to each student. For example, a student is enrolled in a CTE course that averages 50 minutes per day (V1) and a CTE course that averages 150

minutes per day (V3). When the V1 and the V3 class codes are combined, the student is assigned a code of V4 in the attendance accounting system. Three contact hours is the maximum your district can claim for a course.

5.6 Computing Contact Hours

No matter what CTE code is assigned to a student, district personnel must record in the Student Detail Report the total number of eligible days present for that code for each student for each 6-week reporting period. When computing the Campus Summary Report (Section 2), district personnel must record contact hours for each CTE code. District personnel multiply the number of eligible days present for each CTE code by the corresponding contact-hour multiplier to derive contact hours. Each CTE code has a different contact-hour multiplier.

Use the following chart when computing CTE contact hours.

CTE Code	Contact-Hour Multiplier
V1	1.00
V2	2.00
V3	3.00
V4	4.00
V5	5.00
V6	6.00

The Student Detail Report should reflect eligible CTE days present for each eligible student enrolled in a state-approved and state-funded CTE course. Campus Summary Reports and the District Summary Report should have total eligible CTE days and total CTE contact hours by career and technical code, by 6-week reporting period.

Total CTE contact hours = eligible CTE days x contact hour multiplier.

Important: If district personnel have reported a student in the Student Detail Report with an average daily attendance (ADA) eligibility code of 2 (eligible for half-day attendance), they should **not** report full-day CTE attendance for the student. The CTE days present must be reported as half days.

5.7 Career Preparation and Practicum Learning Experiences

Career preparation learning experiences consist of time spent at an approved training site, as well as time spent in the classroom. Practicum learning experiences are specific to a cluster and provide learning experiences in a laboratory setting or at an approved training site.

The local education agency and the training sponsor must plan and supervise instruction cooperatively. Students receive instruction by participating in occupationally specific classroom instruction and training site experiences.

Note: Time a student spends at a training site is instructionally engaged time. Up to 120 minutes per day required time at the training station counts toward meeting full-time and half-time attendance requirements. See **3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding.**

5.7.1 Date on Which Students May Earn Contact Hours

Written training plans, which can be found at www.tea.state.tx.us/cte/curriculum, **must be on file** for students participating in either **paid or unpaid** learning experiences. A student in **paid** work-based instruction may be counted for contact hours on the first day of enrollment, provided a training plan for the student is on file within 15 instructional days of the student's employment date. A student participating in **unpaid** practicum learning experiences may be counted for contact hours on the first day of enrollment, provided a written training plan is completed and on file before the student begins participating in training at the site.

5.7.2 Additional Requirements for Students Participating in Paid Learning Experiences

For a student participating in **paid** experiences, employment must begin within 15 instructional days of the student's enrollment date. If a student's employment ends before the end of the school year, contact hours may be counted without interruption provided the student's **paid** training resumes within 15 instructional days and a written training plan is on file within 15 instructional days of employment.

5.7.3 Required Site Visits by Teachers

Teachers assigned to teach courses involving work-based learning experiences, both **paid** and **unpaid**, must visit each student training site at least six times each school year. The teacher of record must be provided time within his or her schedule to visit the training sites. The training site visits may not be conducted during the teacher's planning and preparation period.¹¹⁴ Regardless of the length of a grading period, at least one training site visit must be conducted during each grading period to earn contact hours for that reporting period.

5.8 CTE Problems and Solutions (Formerly CTE Independent Study)

A Problems and Solutions course¹¹⁵ must be cooperatively planned by the student and teacher, continuously supervised by the teacher, and conducted by the student with the guidance and support of a mentor or interdisciplinary team.

Written project plans must be on file in a student's folder for a student participating in a Problems and Solutions course. Your district may count a student in a Problems and Solutions course for contact hours on the first day of enrollment, provided the student's project plans are on file in the student's folder within 15 instructional days of the student's enrollment date. A student whose project plans are not on file in his or her folder within this time period may be counted for contact hours beginning on the first day the project plans are filed.

The Problems and Solutions course provides a combination of classroom instruction and supervised research equivalent to an average of five class periods per week. The student and teacher must meet for instruction at least once each week for the purpose of project planning, reporting, evaluation, and supervision and coordination. The student must use remaining class time to conduct research, work with the project mentor or interdisciplinary team, analyze and interpret project data, and compile a project presentation and evaluation results. A project progress evaluation for each student grading period is required for the student to earn contact hours for that reporting period.

¹¹⁴ TEC, §21.404

¹¹⁵ 19 TAC §127.15

5.9 CTED Courses

Any CTE course may be taught as a Career and Technical Education for the Disabled (CTED) course, but only students with disabilities who are in grades 7 through 12 may enroll in CTED courses. CTED courses generate CTE contact hours for students in grades 7 through 12.

CTED courses must be self-contained and must serve only special education students.

For a student to be enrolled in a CTED course, an admission, review, and dismissal (ARD) committee must determine that services available through a regular CTE course are insufficient for the student to make satisfactory progress and that the specialized services the student needs can only be provided in the specialized, self-contained CTED classroom.

5.10 Contracting With Other Entities to Provide CTE Instruction

Your school district may contract with another entity to provide CTE instruction for students enrolled in the district to receive high school credit.¹¹⁶ The entity may be a school district, a community or technical college, or a proprietary school. In all cases, the home (sending) district must report the student's attendance when the course is a high-school-credit-only course (i.e., not a dual-credit course). See **5.12 Quality Control** for quality control instructions.

5.10.1 Attendance Reporting Requirements

The serving (receiving) district must report attendance in contracted CTE courses to the home district. The serving district must **not** report the student in the serving district's student attendance accounting records, regardless of the time the student has spent in the serving district. The **home** district keeps all attendance in its records and reports this attendance in the home district's Student Detail Report, Campus Summary Report, and District Summary Report (see **2.3.3 District Summary Reports**).

5.10.2 Student Absences and Contracted CTE Courses

Students absent at the time attendance is taken are counted absent for the entire day. Students present at the time attendance is taken are counted present for the entire day. Therefore, if a student is enrolled in courses in the morning at the student's home district and in CTE courses in the afternoon at a contracted school and the student is absent in the morning but attends the afternoon CTE courses, the student is counted absent for the entire day and does not generate CTE contact hours on that day.

5.10.3 Dual Credit CTE Courses

If your school district and a college offer a dual-credit CTE course that meets all the TAC requirements for dual-credit courses, students enrolled in the course are eligible to be counted for CTE contact hour funding. Eligibility for secondary CTE contact hour funding does not preclude the college from also being funded from postsecondary funding sources. **Important:** See **11.3 Dual Credit (High School and College/University)**; 19 TAC Part 1, Chapter 4, Subchapter D; and 19 TAC Part 2, Chapter 74, Subchapter C.

¹¹⁶ TEC, §29.184

5.11 Documentation

To claim CTE contact hours for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating CTE eligible days present on the Student Detail Report. Documentation requirements are as follows.

Adequate documentation of a student's **entry** into the program, **service** in the program, and **withdrawal** from the program must be available. Acceptable documentation for establishing entry, service, and withdrawal is as follows:

- The CTE teacher's grade book documenting the student's attendance and participation in the CTE course;
- The student's official grade report, indicating the grade obtained in the CTE course (successful completion of the course is **not** required to generate contact hours);
- The student's official schedule change document, if the student changed schedules during the semester; and
- The student's withdrawal form and documentation of the student's schedule at the time of withdrawal, if the student withdraws from school during the semester.

The student must be reported on the PEIMS 415 record when the student completes each semester of the course.

5.12 Quality Control

As soon as a student is enrolled in a state-approved and state-funded CTE course for which the student is eligible for state credit, district personnel should code the student with the appropriate CTE code. As soon as the student changes his or her schedule or withdraws from school, district personnel should revise the student's CTE code. Your district must establish controls to ensure the CTE code does not change before the date the service changes.

At the beginning of each school year and at the end of each 6-week reporting period, the appropriate CTE staff should verify the Student Detail Report to ensure that the coding of CTE students is correct.

District personnel must report a student on the PEIMS 415 record for each semester of a CTE course for the student to be eligible for CTE contact hours. This rule does not apply for a student who did not complete the semester. A student who did not complete the CTE course still receives contact hours for the time spent in the course.

5.13 Examples

5.13.1 Example 1

A student is enrolled in the course Principles of Architecture and Construction for 45 minutes per day for the first semester and in Concepts of Engineering and Technology for 45 minutes per day for the second semester.

The CTE code for this student would be entered as V1 in the attendance accounting system for both semesters because each course is taught in a 45- to 89-minute class period.

5.13.2 Example 2

A student is enrolled in Principles of Health Science and in Medical Terminology for the first semester and in Medical Microbiology for the second semester.

The CTE code for this student would be entered in the attendance accounting system as V2 for the first semester and as V1 for the second semester. The student is coded as V2 for the first semester because the student is enrolled in two 55-minute CTE class periods.

5.13.3 Example 3

A grade 8 student is enrolled in Principles of Transportation, Distribution and Logistics (a grade 9–12 course) for the first semester.

This student will not be coded in the attendance accounting system because the student is in grade 8 and therefore cannot earn contact hours. The student may, however, earn high school credit for successful completion of the grade 9–12 course. District personnel will report the course on the student's 170 Record on the fall snapshot date.

5.13.4 Example 4

A student is enrolled in Child Guidance for 174 minutes per day and in Family and Community Services for 87 minutes per day for the first semester. During the second semester, the student is enrolled in Child Guidance for 174 minutes per day.

The CTE code for this student would be entered in the attendance accounting system as V4 for the first semester and as V3 for the second semester. The student is coded as V4 for the first semester because the student is enrolled in one CTE course that is taught for 174 minutes per day and in one CTE course that is taught for 87 minutes per day. The student would be coded as V3 for the second semester because Child Guidance is taught for 174 minutes per day.

5.13.5 Example 5

A student in career preparation training is employed as an automotive machinist for the entire school year. The student is employed 20 hours a week, from 1:00 p.m. until 5:00 p.m. each day, and is enrolled in the career preparation course during fourth period.

The CTE code for this student would be entered as V3 for the entire school year in the attendance accounting system because the student attends the 1-hour career preparation CTE class period and works a minimum of 15 hours a week.

5.13.6 Example 6

A student wants to take Business Information Management I; however, this course is not offered at the student's home district. The student's home district contracts with a nearby district for the student to attend the nearby district's Business Information Management I course, which is taught for a 1-hour course period.

*The home district should enter this student's CTE code as V1 in the attendance accounting system (see **5.10 Contracting With Other Entities to Provide CTE Instruction**).*

5.13.7 Example 7

A student in grade 7 is taking Touch System Data Entry.

This student will not have a CTE code in the attendance accounting system. However, district personnel will report the course on the student's 170 Record on the fall snapshot date. See the PEIMS Data Standards.

5.13.8 Example 8

A student enrolled in Interior Design, a 1-hour CTE course, on the first day of school. After 2 weeks in the course, the student decided to take Health Science, a 2-hour CTE course, instead of Interior Design.

The CTE code for this student would be entered as V1 in the attendance accounting system for the first 2 weeks of school and as V2 for the remainder of the semester. The student is coded as V1 for the first 2 weeks because the student is enrolled in one 1-hour CTE class period. The student is coded as V2 for the remainder of the semester because the student is enrolled in one CTE course that is taught for two 1-hour class periods. Your district should maintain documentation of the student's schedule change.

5.13.9 Example 9

A student attends school at the high school campus, which operates on a modified block schedule. The student is enrolled in Advanced Animal Science. This course meets for 90 minutes on even-numbered days of the month.

The CTE code for this student would be entered in the attendance accounting system as V1. To illustrate, over a 2-week period, the student will receive 450 minutes of instruction in Advanced Animal Science. One week the course will meet on Monday, Wednesday, and Friday for a total of 270 minutes. The following week the course will meet on Tuesday and Thursday for a total of 180 minutes of instruction. This is the same amount of instructional time (7.5 hours) that a student would have received on a traditional schedule (45 minutes each school day).

5.13.10 Example 10

A student is enrolled in Principles of Health Science (V1). The student develops a physical impairment, and the school obtains a physician's statement affirming that the physical impairment will prevent the student from attending school for at least 4 weeks.

*For a student to earn CTE contact hours while he or she is also being served in the special education homebound, hospital class, and/or state supported living center instructional arrangement/setting, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the special education homebound, hospital class, and/or state supported living center instructional arrangement/setting (see **4.6 Instructional Arrangement/Setting Codes**). On returning to school, the student will earn CTE contact hours, provided the student remains enrolled in the CTE course.*

5.13.11 Example 11

A student is enrolled in 3 hours of high school credit courses, including a 1-hour CTE course. The student is also enrolled in a 2-hour CTE course provided by a college and meeting all secondary and postsecondary TAC requirements for dual credit courses.

Your school district or charter school would receive 1 CTE contact hour for the high school CTE course plus 2 contact hours for the approved career and technical/college course taught for dual credit (V3). The high school student would also be eligible to be counted by the community college for state funding for postsecondary programs. Your school district or charter school would be eligible for full ADA funding for the student provided there is a written dual-credit agreement with the college. See the following:

- **3.2.4 Dual Credit (High School and College/University)**
- **11.3.1.2 Student Eligibility Requirements Specific to Workforce Education Dual Credit Courses**
- **11.3.2 Types of College Credit Programs Your District May Offer**
- 19 TAC Part 1, Chapter 4, Subchapter D
- 19 TAC Part 2, Chapter 74, Subchapter C

In the above example, contact hour funding would be contingent on the college course's corresponding to a secondary CTE course approved by the State Board of Education or approved as an innovative course by the TEA and your district or charter school. Instruction must include 100% of the TEKS in the equivalent high school course plus include advanced academic instruction beyond or in greater depth than prescribed by the high school course TEKS.

5.13.12 Example 12

If a PRS student is receiving CEHI services during the postpartum period and the student is also enrolled in a CTE course, how is the CTE time to be reported?

A PRS student receiving CEHI services is to remain enrolled in CTE courses during the period of time that she is receiving CEHI services. However, unless a certified CTE teacher is serving the student and providing the same type and level of CTE instruction the student received at school, your district must report the student in the summer submission as ineligible for weighted CTE funding for the period of time that the student is receiving CEHI services. If this situation occurred during the fall snapshot, your district still must report the student on the applicable CTE PEIMS records.

Section 6 Bilingual/English as a Second Language (ESL)

This section addresses unique provisions for bilingual/ESL programs. These provisions must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

Important: See Section 3 for general attendance requirements that apply to all program areas, including bilingual/ESL.

6.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all bilingual education and/or ESL coding questions should be directed:

Name: _____

Phone Number: _____

6.2 Eligibility

To be eligible for state funding, a student being served in the bilingual education or ESL program must meet the following requirements:

- have a language other than English indicated on the home language survey;
- be considered LEP because the student tested below the cutoff scores on the test appropriately administered for the student's grade level. The following guidelines should be used in determining whether a student is considered LEP¹¹⁷
 1. grades PK through 1: student scores below cutoff score on an OLPT approved by the Texas Education Agency (TEA), and
 2. grades 2 through 12:
 - a. student scores below cutoff score on an approved OLPT, and/or
 - b. student scores below cutoff scores on the English reading and English language arts sections of a norm-referenced standardized test in English (TEA-approved student assessment instrument);
- be recommended for placement in the program by a language proficiency assessment committee (LPAC); and

¹¹⁷ 19 Texas Administrative Code (TAC) §89.1225(f)

- have a record of parental approval to place the LEP student in a bilingual education or ESL program. For LEP students in grades 9 through 12, check LPAC documentation for services recommended by the LPAC to meet student needs (services may be something other than ESL).

Each student must be served according to the following guidelines: On a student's initial enrollment and at the end of each school year, the LPAC must review all pertinent information on the LEP student so identified through testing. The LPAC must designate, subject to parental approval, the initial instructional placement of each LEP student in the required program; classify the student's level of English proficiency according to the results of appropriate tests; and recommend the student's exit from the bilingual education or ESL program.¹¹⁸ A student may not be exited from the bilingual education or ESL program in grades PK through the end of first grade.¹¹⁹

Important: Students who are under age 3 and served only in the Preschool Program for Children with Disabilities (PPCD) **cannot** generate bilingual/ESL average daily attendance (ADA).

6.2.1 Students Who Are Eligible to Be Served in the Bilingual/ESL Program but Are Not Eligible for Funding

The following students **may be served** by your district's bilingual education or ESL program. However, these students are **not eligible for bilingual education or ESL program funding** and **must not have bilingual or ESL program type codes recorded** on their Student Detail Reports.

- Students in PK through grade 1 who score at or above the cutoff score on the OLPT
- Students in grades 2 through 12 who score at or above the cutoff score on the OLPT **and** at or above the 40th percentile on the reading and language arts sections of a standardized achievement test
- Students —
 - who have exited/been transitioned out of the bilingual/ESL program,
 - whose parents approve of the students' continuing to participate in the program, and
 - whose schools wish to continue to provide bilingual/ESL program services to the students

6.2.2 Parent Denial of Services and Eligibility of Students to Receive Bilingual/ESL Summer School Services

If a student's parent has denied bilingual/ESL services and the only summer school program available is a bilingual education/ESL summer school program, then the student is **not** eligible to generate bilingual/ESL ADA in the summer school program.¹²⁰

¹¹⁸ 19 TAC §1220(g)

¹¹⁹ 19 TAC §89.1225(i)

¹²⁰ 19 TAC §89.1250(2)(B)

6.3 Enrollment Procedures

This section explains the procedures for enrolling a student in the bilingual/ESL program.

1. A student enrolls in your district, and the student's parent completes a home language survey (see **6.11.1 Home Language Survey Requirements**). Students in grades 9 through 12 may complete the home language survey themselves.

If a language other than English is indicated on any portion of the survey, your district must test the student for English proficiency.

2. District personnel test the student for English proficiency.
 - a. If the student is in **prekindergarten (PK), kindergarten, or grade 1**, trained district personnel administer the Oral Language Proficiency Test (OLPT) in English. If the student tests below the cutoff score (determined by the exam instrument used), the student is considered limited English proficient (LEP).

If your district provides a bilingual education program, it must administer an OLPT in the home language of each student who is eligible to be served in the bilingual education program. If the home language of the student is Spanish, your district must administer the Spanish version of the TEA-approved OLPT that is administered in English. If the home language of the student is other than Spanish, your district must determine the student's level of proficiency using informal oral language assessment measures.

- b. If the student is in **grades 2 through 12**, trained district personnel administer the OLPT.

If the student tests below the cutoff score (determined by the exam instrument used), the student is considered LEP.

Regardless of whether the student tests below the cutoff score on the OLPT, district personnel also administer the TEA-approved standardized achievement test. If the student scores below the 40th percentile on either the reading or the language arts section of the test, the student is considered LEP.

Important: The standardized achievement test should not be administered if the student's ability in English is so limited that the test is not valid.¹²¹

If the student is considered LEP, continue to the next enrollment step. If the student is **not** considered LEP, the student does not qualify for bilingual/ESL funding.

3. The LPAC places the student in either the bilingual education program or the ESL program, but district personnel **do not yet** assign the student a bilingual or ESL program type code in the attendance accounting system.
4. The LPAC must give written notice to the student's parent advising that the student has been classified as LEP and requesting approval (through completion of an approval form) to place the student in the required bilingual education or ESL program. The notice must include information about the benefits of the bilingual education or ESL program for

¹²¹ 19 TAC §89.1225(f)

which the student has been recommended and state that it is an integral part of the school program.¹²²

The parental approval form should contain a "date completed by parent" section or a "date received by district" section.

5. Once parental approval has been received, district personnel assign the student the appropriate bilingual or ESL program type code¹²³ in the attendance accounting system.

A student may be recorded absent on the effective date of a program change. However, as with all other students who are absent, no bilingual/ESL ADA can be earned by the student for that date.

6.3.1 Students Who Move to Your District

Within 4 weeks of his or her initial enrollment in the district, a student must be identified as LEP and enrolled in the required bilingual or ESL program.¹²⁴ However, even though the student may be served in the bilingual/ESL program, the student should not be coded with the bilingual or ESL program type code¹²⁵ unless all documentation is on file. Funds for bilingual/ESL students cannot be claimed until all documentation is in place.

When a bilingual/ESL student moves to your school district, your district (the receiving district) should immediately begin serving the student in the bilingual/ESL program while it waits for documentation (LPAC records and assessment information) from the sending district. If your district does not receive this documentation within 4 weeks of the student's enrollment in your district, your district must go through the standard identification and assessment procedures in order to code the student as LEP, ESL, and/or bilingual.

6.4 Withdrawal Procedures

This section explains the procedures for withdrawing a student from the bilingual education or ESL program.

1. A student is withdrawn from the bilingual/ESL program if:
 - the LPAC classifies the student as English proficient when the student attains the required exit criteria as stated in the Texas Education Code (TEC), §29.056(g); or
 - the parent requests in writing to remove his or her child from the program and place the child in a general education classroom; or
 - the student withdraws from the district (not exits from the bilingual/ESL program).

¹²² 19 TAC §89.1220(j)

¹²³ To find the appropriate code to use, please consult the program type code tables available at the following link: <http://ritter.tea.state.tx.us/peims/standards/1011/ds4.doc>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

¹²⁴ 19 TAC §89.1225(g)

¹²⁵ To find the appropriate code to use, please consult the program type code tables available at the following link: <http://ritter.tea.state.tx.us/peims/standards/1011/ds4.doc>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

2. Once a student has met the requirement given in the first bullet under 1 in the previous paragraph, your district notifies the student's parent of the student's reclassification as English proficient and of his or her exit from the bilingual education or ESL program.¹²⁶

6.4.1 Effective Date of Withdrawal

The date a student withdraws from the district or is exited from the bilingual education or ESL program is considered the effective date of change. District personnel record the effective date in the attendance accounting system, and eligible bilingual/ESL days are no longer accumulated from that date forward.

¹²⁶ 19 TAC §89.1240(b)

6.4.2 Exit Criteria

The following chart shows the criteria for transferring a LEP student out of the bilingual education/ESL program at different grade levels.

2010–2011 English Proficiency Exit Criteria Chart

At the end of the school year, a district may transfer (exit, reclassify, transition) a LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by satisfactory performance in all three assessment areas below and the results of a subjective teacher evaluation.¹²⁷

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Current Oral = Listening & Speaking	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*	Scored Fluent on English OLPT*
English Reading and ELA	Norm-Refd. Standardized Achievmt. Test* (Rdg./Lang.) 40th percentile or above	Norm-Refd. Standardized Achievmt. Test* (Rdg./Lang.) 40th percentile or above	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English Reading TAKS, TAKS (Accommodated) **	English ELA TAKS, TAKS (Accommodated) **	English ELA TAKS, TAKS (Accommodated) **
Writing	ONLY Agency-Apprvd. Writing Test*	Agency-Apprvd. Writing Test*	Agency-Apprvd. Writing Test*	English Writing TAKS, TAKS (Accommodated) **	Agency-Apprvd. Writing Test*	Agency-Apprvd. Writing Test*	English Writing TAKS, TAKS (Accommodated) **	Agency-Apprvd. Writing Test*	Agency-Apprvd. Writing Test*		
Subjective Teacher Evaluation	Assessments, anecdotal notes, portfolios, etc.										

* In the 2010–2011 agency-approved *List of Approved Tests for Assessment of Limited English Proficient Students*:

<http://www.tea.state.tx.us/curriculum/biling/leptests.html>

Note: LEP students may be exited only after end of first grade based on 19 TAC §89.1225(i)

** For eligible LEP students receiving special education services

¹²⁷ 19 TAC §89.1225(h)

6.4.3 Exit Procedures and Criteria for LEP Students Receiving Special Education Services

Information is available in the document entitled "Process for Considering Special Exit Criteria from Bilingual/Education as a Second Language (ESL) Services Under 19 TAC §89.1225(k)."

To access this document, go to <http://ritter.tea.state.tx.us/curriculum/biling/>, and click on the link entitled "Process for Exiting LEP Students Receiving Special Education Services from Bilingual/ESL Programs."

6.4.4 Continuation of Bilingual Education/ESL Program Services After a Student Has Met Exit Criteria

A student who has met the exit criteria for being transitioned out of the bilingual/ESL program may continue to participate in the program, with school and parental approval. However, such a student is **not** eligible to generate bilingual/ESL ADA.

6.5 Evaluation of a Student Who Has Been Transitioned out of the Bilingual or ESL Program

The LPAC must reevaluate a student who has been transitioned out of a bilingual or special language program if the student earns a failing grade in a subject in the foundation curriculum during **any** grading period in the first 2 years after the student has been transitioned out of the program. The purpose of the reevaluation is to determine whether the student should be reenrolled in a bilingual education or special language program.

In determining whether to reenroll the student, the LPAC should evaluate the following:

- the total amount of time the student was enrolled in a bilingual education or special language program
- the student's grades each grading period in each subject in the foundation curriculum (reading/ELA, math, science, social studies)
- the type of additional interventions provided to the student
- the student's performance on each assessment instrument administered
- the number of credits the student has earned toward high school graduation, if applicable
- any disciplinary actions taken against the student

After the LPAC reevaluates the student, the committee may 1) require intensive instruction for the student or 2) reenroll the student in a bilingual education or special language program.

6.6 Eligibility of Your District's Bilingual Education or ESL Program for State Funding

For your district to claim bilingual/ESL eligible days present for funding, your district must show that its bilingual and ESL programs meet the following state requirements.¹²⁸

¹²⁸ 19 TAC §89.1210

1. A student is served in a full-time bilingual instructional program by staff certified or on permit to teach bilingual education. The amount of instruction in each language (the student's home language and English) must be commensurate with the student's level of proficiency in both languages and the student's level of academic achievement. LEP students must be provided instruction in language arts, mathematics, science, health, and social studies both in their home language and in English;
2. A student is provided instruction in ESL by staff certified or on permit to teach ESL or bilingual education. In PK through grade 8, the amount of time accorded to instruction in ESL Texas Essential Knowledge and Skills (TEKS) may vary from the amount of time accorded to instruction in English language arts in the general education program for non-LEP students to a full-time instructional setting using second language acquisition methods. In high school, the ESL program must be consistent with graduation requirements¹²⁹. The LPAC may recommend appropriate services that may include content courses provided through sheltered instructional approaches by trained teachers, who have received professional development in sheltered instruction enrollment in ESL courses, additional state elective English courses, and special assistance provided through locally determined programs.
3. A student is served in a program approved by the TEA under an exception to the Spanish bilingual program for 6 consecutive years only and under a waiver to the ESL program for one year. A student is served in a program approved by the TEA under an exception to a language other than Spanish for as long as State Board for Educator Certification does not have a certificate for that language.¹³⁰

6.7 Requirement to Serve Eligible Students

Your district **must** place a student in a bilingual education or ESL program as soon as your district identifies the student as LEP (through the home language survey and test scores) and the LPAC has recommended such placement, regardless of whether or not parental approval has been received.

Your district must place the student in the bilingual or ESL program on the date the LPAC recommends that service begin but **may count the student for bilingual education funding only after parental approval is received** (and all other requirements having to do with the home language survey, test scores, and documentation of LPAC recommendation have been met)¹³¹. If a parental denial is received, your district must discontinue serving the student. Review Parent Permission Codes for clarification.

6.8 Bilingual Education and ESL Services Your District Is Required to Provide

Each district that is required to offer bilingual education and special language programs must offer the following for students of limited English proficiency:

¹²⁹ under 19 TAC Chapter 74

¹³⁰ 19 TAC §89.1205(g),(h)

¹³¹ 19 TAC §89.1220(k)

1. bilingual education in PK through the elementary grades;
2. bilingual education, instruction in English as a second language, or other TEA-approved transitional language instruction in middle school; and
3. instruction according to LPAC recommendation:
 - For LEP students in grades 9 through 12 who are immigrants, enrollment in English I for Speakers of Other Languages and/or English II for Speakers of Other Languages is appropriate.
 - For all other LEP students in grades 9 through 12, LPAC documentation must reflect appropriate services to meet the student's needs. For example, LPAC documentation may indicate that a student will enroll in state elective English courses to strengthen his or her English skills, enroll in ESL courses for local credit, participate in tutorials, or be assigned to teachers with training in sheltered instruction or training in ESL methods.

All LEP students in grades 9 through 12 who are served according to LPAC recommendations are to be coded as ESL for funding purposes.

Important: Students not served in a state-required program must be served in a program approved by the TEA under an exception or a waiver.

6.9 Teacher Certification Requirements

The following paragraphs describe the certification requirements for teachers of bilingual education and ESL program courses.

6.9.1 Students in Grades PK Through 5

Students in grades PK through 5 (or through 6, if grade 6 is clustered with elementary grades) who are counted for funding in the bilingual/ESL program must be served by bilingual/ESL-certified staff.

6.9.2 Students in Grades 6 Through 8

Students in grades 6 through 8 (if grade 6 is not clustered with elementary grades [PK–5]) must be served by at least one teacher who is certified in ESL for that grade level and is responsible for meeting the linguistic needs of the LEP students.

6.9.3 Students in Grades 9 Through 12

Students in grades 9 through 12 may be counted for funding in a bilingual/ESL program even if they are served by staff members who are not bilingual/ESL-certified, only if they have received professional development in Sheltered Instruction. However, English I for Speakers of Other Languages and English II for Speakers of Other Languages **must** be taught by teachers who have an English or English Language Arts certification plus an ESL or Bilingual certification.

6.10 Eligible Days Present

This section describes the procedure for reporting bilingual/ESL eligible days present in the attendance accounting system. District personnel must —

- identify each student who is being served in the bilingual education or ESL program and is eligible for funding, according to **6.2 Eligibility**, with the appropriate **bilingual or ESL program type code**¹³² in the attendance accounting system.
- record the total number of eligible bilingual/ESL days present for each 6-week reporting period in the Student Detail Report for every student eligible for the program.
- at the end of each 6-week reporting period, compute a Campus Summary Report (see Section 2). Personnel must summarize the total eligible bilingual/ESL days present, for every student in the program, by grade level on this report. There will be a separate Campus Summary Report for each instructional track for each campus in your district. The Campus Summary Report must include the total eligible bilingual/ESL days present for each grade level on that campus, the total eligible bilingual/ESL days present for all grades, and the campus bilingual/ESL ADA.
- at the end of each 6-week reporting period, compute a District Summary Report (Section 2). Personnel add the information from all Campus Summary Reports for each track in your district to comprise the District Summary Report for each track. This report must include eligible bilingual/ESL days present for each grade level in your district, the total eligible bilingual/ESL days present for all grades, and your district's bilingual/ESL ADA.

6.10.1 Eligible Days Present and Students Placed in a Disciplinary Setting

Bilingual education or ESL program eligible days present may **not** be claimed when a student receiving bilingual education or ESL program services is placed in a disciplinary setting (e.g., in-school suspension [ISS] or disciplinary alternative education program [DAEP]) for more than 5 consecutive days if the same amount and type of bilingual education or ESL program services are not provided by a bilingual education or ESL program teacher. After 5 consecutive days without bilingual education or ESL program services being provided, district personnel should remove the student from the Public Education Information Management System (PEIMS) 400 record for bilingual education or ESL program contact hours effective the first day of placement in the disciplinary setting.

In other words, your district may place a student in a disciplinary setting for up to and including 5 consecutive days and continue to claim bilingual education or ESL program contact hours even though no bilingual education or ESL program services are provided to the student. A student may earn state credit for an English for Speakers of other Languages (ESOL) I or II course if the student continues to work on the course even though direct ESOL instruction is not being provided during periods of disciplinary removal.

¹³² To find the appropriate code to use, please consult the program type code tables available at the following link: <http://ritter.tea.state.tx.us/peims/standards/1011/ds4.doc>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

6.11 Documentation

For your district to claim bilingual/ESL eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible bilingual/ESL days present on the Student Detail Report. Documentation requirements are as follows. (If the student enrolls in another school, this documentation must be forwarded, as is the case with other student records.)

6.11.1 Home Language Survey Requirements

Your district must conduct only one home language survey for each student.

Your district must administer home language surveys annually to students new to the district for whom a survey has never been completed (in Texas) or a copy of the survey cannot be located. Your district should not administer the home language survey to a student for whom a survey is currently on file with the district.

Your district must require that the survey be signed by the student's parent or guardian for students in PK through grade 8, or by the student for students in grades 9 through 12.

For a student moving from one district to another within Texas, the original copy of the home language survey or a copy of the original copy of the home language survey shall be kept in the student's permanent record. If the original copy or a copy of the original copy is not included in the student's files, then a new home language survey must be conducted by the receiving district.

District personnel may make revisions to a student's home language survey with parental approval to reflect factual revisions agreed upon between the district and the parent.

6.11.2 Test Result Documentation Requirement

The following documentation must be on file for every student accumulating eligible bilingual/ESL days present:

Proof of a qualifying score on a TEA-approved OLPT, and/or qualifying scores on the English reading and English language arts sections of an approved student assessment instrument. The official scores must be documented in the student's records.

6.11.3 LPAC Recommendation and Parental Approval Requirements

The following documentation must be on file for every student accumulating eligible bilingual/ESL days present:

- Written documentation of the recommendation for placement by the LPAC
- Written documentation of the annual review and recommendation of the LPAC
- A record of parental approval to place the LEP student in a bilingual education or ESL program. This record must include the parent's signature and should contain a "date completed by parent" section or a "date received by district" section.

A record of parental approval must be obtained only during the initial identification of a LEP student for placement in a bilingual education or ESL program.

Once the record of parental approval is obtained, it remains in effect until the LEP student is exited from the bilingual education or ESL program and is reclassified as non-LEP.

The parental approval form becomes invalid in the event the parent signs a parental denial form of ESL/Bilingual services which can occur at any time while the student continues to be identified as LEP.

Your district may enter, exit, or place a student in a program without written approval of the student's parent or guardian:

(1) Based on permission given by the student, if the student is 18 years of age or has had the disabilities of minority removed; or

(2) under the following circumstances:

(A) Reasonable attempts to inform and obtain permission from a parent or guardian have been made and documented;

(B) Approval is obtained from:

i. An adult who the district recognizes as standing in parental relation to the student, including a foster parent or employee of a state or local governmental agency with temporary possession or control of the student; or

ii. The student, if no parent, guardian or other responsible adult is available; and

(C) A parent or guardian has not objected to the proposed entry, exit, or placement.

In the event that during the monitoring period (the 2-year period following the student's exiting from the bilingual education or ESL program),¹³³ the student is reidentified and reclassified as being LEP the process for obtaining parental approval to place the student in a bilingual education or ESL program must begin anew.

6.11.4 Proof of a Student's Being Served in an Eligible Bilingual/ESL Program

Proof (such as grade books, student Academic Achievement Records [AARs], and/or class rosters) must also exist that a student is —

- served in a full-time bilingual instructional program by staff certified or on permit to teach bilingual education,

¹³³ Texas Education Code (TEC), §29.0561

- provided instruction in ESL by staff certified or on permit to teach ESL or bilingual education for the amount of time accorded to English language arts in the regular instructional program,
- provided sheltered instruction as recommended by the LPAC (students in grades 9 through 12 may receive services other than ESL), or
- served in a program approved by the TEA under an exception or a waiver.

6.11.5 Permanent Record Documentation

The student's permanent record must contain documentation of all actions impacting the LEP student. This documentation must include¹³⁴ the following:

1. the identification of the student as LEP;
2. the designation of the student's level of language proficiency;
3. the recommendation of program placement;
4. parental approval of entry or placement into the program;
5. parental denial, if applicable;
6. the dates of entry into, and placement within, the program;
7. the dates of exemptions from the criterion-referenced test, criteria used for this determination¹³⁵, and additional instructional interventions provided to the student to ensure adequate yearly progress;
8. the date of exit from the program and parent notification;
9. the results of monitoring the student's academic success; and
10. TELPAS writing samples kept for 2 years.

If the student enrolls in another school district or at another campus, permanent record documentation must be forwarded, as is the case with other student records.

6.12 Quality Control

Your district should record a bilingual or ESL program type code¹³⁶ for a student in the attendance accounting system as soon as the student meets all eligibility requirements. All documentation must be on file before the indicator is recorded. The sooner documentation is on file, the sooner funds may be earned for serving the student.

¹³⁴ 19 TAC §89.1220(m)

¹³⁵ in accordance with 19 TAC §101 Subchapter AA. Commissioner's Rules Concerning the Participation of Limited English Proficient Students in State Assessments

¹³⁶ To find the appropriate code to use, please consult the program type code tables available at the following link: <http://ritter.tea.state.tx.us/peims/standards/1011/ds4.doc>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

As soon as 1) a student withdraws from school or 2) the LPAC classifies a student as English proficient according to appropriate tests and recommends the student's exit from the bilingual education or ESL program, the student should no longer have a bilingual or ESL program type code. District personnel should record the effective date of this change in the attendance accounting system.

At the beginning of each semester and at the end of each 6-week reporting period, the appropriate bilingual/ESL staff should verify the Student Detail Report to ensure that a student's coding is correct.

6.13 Examples

6.13.1 Example 1

A student's home language survey indicates that Spanish is spoken in the student's home most of the time. The student's test scores on an approved OLPT are below the cutoff score, and the LPAC recommends placement in the bilingual education program. However, the student's parent has denied placing the student in the bilingual education program or the ESL-only program.

Your school district cannot serve the student in either program and cannot claim the student for bilingual/ESL state funds.

6.13.2 Example 2

A student in grade 3 has a home language survey on file that indicates Spanish is spoken in the student's home most of the time. The student's test scores on the standardized English achievement test are in the 42nd percentile in reading and in the 45th percentile in language arts. The LPAC has recommended placement in the ESL program.

If the student's parent approves, your district can serve the student in the ESL program. However, your district cannot claim the student for bilingual/ESL state funds. Funds cannot be collected even though the LPAC recommended placement in the program and the home language survey indicates a language other than English because the student has scored above the cutoff score on the standardized achievement test.

6.13.3 Example 3

A LEP student is assessed in March to determine if he or she could be reclassified as English proficient. The LPAC meets in April to recommend that the student be reclassified as non-LEP. Your school district will continue to receive funding for the student until the end of the school year.

Your school district should not pull the student from the classroom before the end of the school year. The student should continue to be served in the bilingual and/or ESL program until the end of the school year. Your district should place the student in an all-English classroom at the beginning of the following school year.

6.13.4 Example 4

A LEP student is assessed in September to determine if he or she could be reclassified as English proficient. The LPAC meets in October to recommend that the student be reclassified as non-LEP. The LPAC did not review the student in the prior year. The school district will not be able to claim bilingual/ESL funding for the current school year.

Although your school district should not pull a student from a classroom before the end of the school year, your school district was required to review the student's LEP status in spring of the prior school year. Your district should remove the student's attendance in the bilingual/ESL program from PEIMS attendance for the current year and place the student in an all-English classroom as soon as possible. (To avoid this mistake in the future, at the end of each school year, the LPAC must ensure that it is correctly reclassifying students.)

6.13.5 Example 5

A student's parent denies placement of his or her child in a bilingual education and/or ESL program. Therefore, the student is entered in the PEIMS as LEP with parental denial. The following school year, the student is still considered as LEP with parental denial.

*Your school district does not change the status of the student as LEP with parental denial until the student passes the reading subtest of the TAKS (and the writing subtest if available) **or** the student scores at or above the 40th percentile on **both** the reading and language arts subtests of an English achievement test from the list of state-approved tests. Your district should continue to code the student as LEP with parental denial until the TAKS or English achievement test criteria are met.*

6.13.6 Example 6

The only summer school program your district is offering is a bilingual education/ESL program. Parents who have previously denied placement of their child in the bilingual education/ESL program would like their child to participate in the summer school program.

The student may not participate in the summer school program or earn bilingual/ESL eligible days present (be assigned a bilingual or ESL program type code in the attendance accounting system) in the summer program unless the parents explicitly allow placement of the student in the bilingual education/ESL program.

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Section 7 Prekindergarten

This section addresses unique attendance accounting provisions for prekindergarten (PK). They must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

Important: See Section 3 for general attendance requirements that apply to all program areas, including prekindergarten.

7.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all PK coding questions should be directed:

Name: _____

Phone Number: _____

7.2 Eligibility

To be eligible for enrollment in a PK class, a child must be 3 or 4 years of age on September 1 of the current school year and must¹³⁷:

1. be unable to speak and comprehend the English language; or
2. be educationally disadvantaged^W (eligible to participate in the National School Lunch Program [NSLP])¹³⁸; or
3. be homeless¹³⁹; or
4. be the child¹⁴⁰ of an active duty member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who is ordered to active duty by proper authority; or
5. be the child¹⁴¹ of a member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who was injured or killed while serving on active duty; or

¹³⁷ Texas Education Code (TEC), §29.153(b)

¹³⁸ It is not necessary for a student to participate in the NSLP to qualify for PK.

¹³⁹ If the student is eligible for PK because the student is homeless, the student must fit the definition of homeless as defined by 42 United States Code (USC), §11302, and 42 USC, §11434a. (See **7.2.4 PK Eligibility Based on Homelessness**.)

¹⁴⁰ "Child" includes a stepchild. The stepchild is eligible for PK enrollment whether or not the child resides in the same household as the stepparent.

¹⁴¹ "Child" includes a stepchild. The stepchild is eligible for PK enrollment whether or not the child resides in the same household as the stepparent.

6. have ever been in the conservatorship (foster care) of the Department of Family and Protective Services (DFPS) following an adversary hearing.

‡Because of recent changes in federal law, educationally disadvantaged students, as defined by the Texas Education Code (TEC), §5.001(4), now include all students who are eligible for Head Start.¹⁴²

Once a student is determined to be eligible for PK, the student remains eligible for the remainder of the current school year in the district in which he or she resides or is otherwise entitled to attend for Foundation School Program benefits, with the exception described in **7.2.2**.

For example, a student who qualifies for PK because the student is eligible to participate in the NSLP (is educationally disadvantaged) is eligible for PK the entire school year even if the family's annual income increases above the subsistence level during the school year.

Your district must have all documentation on file for the students it counts for funding in the PK program.

7.2.1 PK Eligibility and Age

A child who is 3 years old is eligible for PK only if your district operates a 3-year-old PK program. A child who is 5 years of age on September 1 of the current school year is **not** eligible for enrollment in a PK class. It is the position of the Texas Education Agency (TEA) that children who reach age 5 on September 1 are most appropriately served in kindergarten, and that the law specifically established the PK program to serve students who have not reached age 5. Given the intent of the law, if your district enrolls a 5-year-old student in the PK program, the student must be reported as ineligible for average daily attendance (ADA) (ADA eligibility code 4 or 5).

Students under 5 years of age who do not meet eligibility requirements but are still served in the PK program should be coded ineligible half-day (ADA eligibility code 5). Your district should ensure that serving students who are not eligible for the program does not interfere with serving students who are eligible for the program.

Note: Both 3-year-olds and 4-year-olds can be served in the same PK class.

7.2.2 PK Eligibility Based on a Student's Being Limited English Proficient (LEP)

Appropriate PK staff determine that a student is eligible for PK based on not speaking and comprehending the English language by —

1. administering the home language survey (if a language other than English is indicated on any portion of the survey, then the student must be tested for English proficiency); and
2. testing students using oral instruments from the list of state approved tests for assessment of limited English proficient students.

¹⁴² Public Law 110-134, which amended 42 USC, §1758, expanded automatic eligibility for the NSLP to include all children who meet any eligibility criteria for Head Start, not only those who meet the low-income eligibility criteria for Head Start. The TEC, §5.001(4), defines *educationally disadvantaged* as "eligible to participate in the national free or reduced-price lunch program." Consequently, all children who are eligible for Head Start are eligible for free prekindergarten, based on their eligibility for the NSLP.

If a student qualifies for PK on the basis of not speaking and comprehending the English language, is receiving required services through the bilingual/ESL program, and then moves out of the district, the student would be qualified to attend PK in the new district provided documentation of the home language survey and testing are made available to the new district.¹⁴³ This requirement also applies to PK LEP 3-year-olds who are promoted to the PK LEP 4-year-old program.

If a student qualifies for PK on the basis of being limited English proficient (LEP), is not receiving required services through the bilingual/ESL program because of a parental denial, and then moves out of the district, the student remains eligible for PK if the student enrolls in the new district within 30 days provided documentation of the home language survey and testing are made available to the new district. However, the student must be requalified for PK if the student enrolls in the district after 30 days.

Also, if the LEP student is in a PK 3-year-old program and has a parental denial, the student must be requalified to be eligible for the 4-year-old PK program. This requirement applies whether the student remains in the same district or moves to another district.

7.2.2.1 Documentation Required

If the student is eligible for PK because the student does not speak and comprehend the English language, the following documentation must be on file.

1. Home language survey. The home language survey must be administered in English and Spanish; for students of other language groups, the home language survey must be translated into the home language whenever possible. The survey must contain the following questions¹⁴⁴:
 - a. "What language is spoken in your home most of the time?"
 - b. "What language does your child (do you) speak most of the time?"
2. Proof of a qualifying score on an approved Oral Language Proficiency Test. The official scores must be documented in the student's records.

7.2.3 PK Eligibility Based on Being Educationally Disadvantaged (Eligible for the National School Lunch Program [NSLP])

Any student considered educationally disadvantaged is eligible to receive free prekindergarten. The TEC, §5.001(4), defines *educationally disadvantaged* as "eligible to participate in the national free or reduced-price lunch program."

¹⁴³ See 19 Texas Administrative Code (TAC) §89.1225(i).

¹⁴⁴ 19 TAC §89.1215(b)

For a student to qualify for the NSLP, either

1) the student must be automatically eligible for the NSLP

If a student is eligible for PK because the student is educationally disadvantaged (eligible to participate in the NSLP), your district must document and have on file evidence that the student is eligible to participate in the NSLP, either because the student's family income level meets requirements for participation in the NSLP or because of automatic eligibility for the NSLP.

Public Law 110-134, which amended 42 United States Code (USC), §1758, expanded automatic eligibility for the NSLP to include all children who meet any eligibility criteria for Head Start, not only those who meet the low-income eligibility criteria for Head Start. Consequently, all children who are eligible for Head Start are eligible for free prekindergarten, based on their eligibility for the NSLP.

The parent or guardian of the child must provide your school district with a copy of a document from the Head Start Program (HSP) that certifies that the child is currently enrolled as a participant in the HSP. This document must be signed and dated by a HSP employee who is authorized to provide this certification on behalf of the HSP. Every 12 months after the initial determination of eligibility, your district must obtain current documentation that the child continues to be categorically eligible by being enrolled in a HSP.

For the other preexisting bases for automatic NSLP eligibility, see 42 USC, §1758. For additional information concerning the NSLP at the state level, please contact the Texas Department of Agriculture.

or

2) the student's family must provide your school district with current income level documentation showing that the income level meets requirements for the student's participation in the NSLP.

Many districts preregister PK students in an attempt to plan for and to determine the size of the following school year's PK program. Since income level documentation must be current to qualify for the NSLP, districts will verify income level documentation no more than 2 months before the student's first day of membership. On reverification of income, if the family's income level has changed and they are not educationally disadvantaged (eligible for the NSLP), then the student is not eligible for PK funding.

If a student qualifies for PK on the basis of being educationally disadvantaged (eligible to participate in the NSLP), and then moves out of your district, the student must requalify for the PK program in the new district.

7.2.4 PK Eligibility Based on Homelessness

Appropriate PK staff determines PK eligibility based on a student's being homeless, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child.

The definition in 42 USC, §11302, is similar, but not identical, to the new definition of "homeless children and youths" in the No Child Left Behind (NCLB) legislation enacted by Congress. As

the new definition in the NCLB legislation applies specifically under federal law to the enrollment of homeless children and youth, the TEA advises school districts to apply the NCLB definition, in addition to the definition in 42 USC, §11302, when determining if a student is eligible for enrollment.

42 USC, §11302(a), provides the following definition:

For purposes of this chapter, the term "homeless" or "homeless individual or homeless person" includes —

- (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and
- (2) an individual who has a primary nighttime residence that is —
 - (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

42 USC, §11434a, (amended by the NCLB Act) provides the following definition:

The term "homeless children and youths" —

(A) means individuals who lack a fixed, regular, and adequate nighttime residence [within the meaning of §11302(a)(1)]; and

(B) includes —

- (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings [within the meaning of §11302(a)(2)(C) of this title];
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in §6399 of Title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

7.2.5 PK Eligibility Based on a Parent's Membership in the Armed Forces

The following definitions apply when determining a student's PK eligibility based on the membership of a parent¹⁴⁵ in the armed forces:

The term "member of the armed forces" includes:

- a. active duty uniformed members (parents or official guardians) of the Army, Navy, Marine Corps, Air Force, or Coast Guard who have eligible children residing in Texas.
- b. activated/mobilized uniformed members of the Texas National Guard (Army or Air Guard), or activated/mobilized members of the Reserve components of the Army, Navy, Marine Corps, Air Force, or Coast Guard who have eligible children residing in Texas.
- c. uniformed service members who are missing in action (MIA).

Also, for purposes of eligibility for enrollment in a PK program, a child is considered to be the child of a member of the armed forces if:

- a. the child is the biological or adopted child of the member of the armed forces; or
- b. the child is a stepchild of the member of the armed forces.

If a student qualifies for PK on the basis of being a child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, the student remains eligible for enrollment if the child's parent leaves the armed forces, or is no longer on active duty, after the student begins a PK class.

7.2.5.1 Documentation Required

If the student is eligible for PK because the student is the child of an active duty, injured, or killed member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, one of the following forms of documentation must be on file:

1. Documentation that a district employee verified the student's Department of Defense (DoD) photo identification for children of active duty service members. The documentation must include the printed name and signature of the person who verified the identification and the date that it was verified. **Important:** Your district should **not** make a copy of the identification.
2. A "Statement of Service" from the Installation Adjutant General (AG) Director of Human Resources for children of active members or mobilized Reservists or members of the Texas National Guard. This office would use the military personnel systems and documentation to verify that the Service member is in fact on active duty in Texas or a Texas mobilized Reservist. For Texas National Guard members (Army or Air Guard), the Texas National Guard's office of the Adjutant General (TAG) may provide documentation or an official letter from a commander (at or above the

¹⁴⁵ "Parent" includes a stepparent. A stepchild is eligible for PK enrollment whether or not the child resides in the same household as the stepparent.

Lieutenant Colonel or, for the Navy at the Commander level) confirming active/mobilized status may be accepted.

3. A copy of the Death Certificate using the Service appropriate DoD form, or a DoD form that indicates death as the reason for the separation from service for children of Service members who died or were killed. If the DoD form is not available, the family would ask the Casualty Assistance Office of the closest Casualty Area Command (in Texas) to provide a memorandum signed by the Casualty Office stating the Service member was killed in action or died while serving.
4. A copy of Purple Heart orders or citation for children of Service members or mobilized Reservists/guardsmen who were wounded or injured in combat.

A copy of the Line of Duty Determination documentation for children of Service members or mobilized Reservists/guardsmen who were injured while serving active duty but were **not** wounded or injured in combat. If such is not available, a copy of an official letter from a commander (at or above the Lieutenant Colonel or, for the Navy at the Commander level) that stated the Service member was wounded or injured while on active duty is acceptable.

5. "Missing in Action" (MIA) appropriate documentation for children of Service members who are MIA.

7.2.6 PK Eligibility Based on a Child's Having Been in Foster Care

Students who are in or who have ever been in the conservatorship of the Texas Department of Family and Protective Services (DFPS) (i.e., in foster care) following an adversary hearing are eligible for free prekindergarten. These students include not only students who are in or who have ever been in DFPS conservatorship but also students who have been adopted or returned to their parents after having been in DFPS conservatorship.

If a student qualifies for PK on the basis of having ever been in foster care, the student remains eligible for enrollment after the student begins a PK class even if that student is no longer in foster care.

At least twice a year, the DFPS and Child Protective Services mail verification letters of prekindergarten eligibility to the parents and caregivers of eligible children. These letters serve as proof of eligibility. However, if a parent or caregiver does not receive this letter, he or she may obtain evidence of a child's eligibility for PK services by contacting a DFPS education specialist. A list of DFPS education specialists and their contact information is available on the SAAH website at <http://www.tea.state.tx.us/index2.aspx?id=7739>. The DFPS education specialist will write and sign a letter addressed to the school district attesting to the student's eligibility for free prekindergarten based on having been in foster care. (A sample letter is available on the SAAH website.) The parent or guardian can then present the signed letter to the appropriate district personnel.

7.2.7 PK Eligibility and Participation in the Preschool Program for Children With Disabilities (PPCD)

The only time a PK student is eligible for a full day of attendance is if the student attends the PK program for half of the day and the Preschool Program for Children with Disabilities (PPCD) for

the other half of the day. The student must meet the qualifications of both programs to be coded eligible full-day (ADA eligibility code 1).

Students who attend the PK program for half of the day and the PPCD for the other half of the day and do not qualify for the PK program are coded as eligible students only for the time spent in the PPCD. The 2-through-4-hour membership rule applies for the time the student is served through special education.

7.3 Enrollment Procedures

Obtain proof that the student enrolling is 3 or 4 years old as of September 1 of the current school year. The documents considered acceptable for proof of identification and age are —

1. birth certificate;
2. passport;
3. school ID card, records, or report card;
4. military ID;
5. hospital birth record;
6. adoption records;
7. church baptismal record; or
8. any other legal document that establishes identity.

Appropriate PK staff then determine that the student is eligible for PK based on one of the six criteria in **7.2 Eligibility**.

7.4 Withdrawal Procedures

See **3.4 Withdrawal Procedures** in Section 3, on general attendance requirements.

7.5 Eligible Days Present

PK classes must operate on a half-day basis (i.e., PK is only funded as a half-day program).¹⁴⁶ Students who meet eligibility requirements for the PK program should be coded eligible half-day (ADA eligibility code 2) and not the ADA eligibility code of 1 (eligible for full-day attendance). Students in PK are also eligible for special programs such as special education and bilingual/ESL, provided they meet the requirements for these programs. Those programs' requirements are in Sections 4 and 6.

¹⁴⁶ TEC, §29.153(c)

The following table shows the ADA eligibility codes to use for PK students.

ADA Eligibility Coding for PK Students¹		
	Student Age	ADA Eligibility Code
A student eligible for PK services ² served in the PK classroom by a PK teacher for ½ day	3 or 4	2 half-day
A student eligible for PK services ² served in the PK classroom by a PK teacher for the full day	3 or 4	2 half-day ³
A student ineligible for PK services served in the PK classroom by a PK teacher for ½ day	3 or 4	5 ineligible half-day ⁴
A student ineligible for PK services served in the PK classroom by a PK teacher for the full day	3 or 4	4 ineligible full-day ⁴
A student eligible for PK services ² and the PPCD served in the PK classroom by a PK teacher for ½ day and served in the PPCD for ½ day ¹	3 or 4	1 eligible full-day

¹For detailed information on coding of PK students who are eligible for special education services, please see **4.2.10 PEIMS Coding Charts for Students With Disabilities**.

²According to **7.2 Eligibility**.

³School districts/campuses that apply and are approved for the PK Early Start Grant Program code eligible students as ADA eligibility code 1 – full day if the students are scheduled for at least 6 hours of instruction each day.

⁴Ineligible PK students may be served in the PK classroom only if space is available and other eligible PK students are not denied enrollment.

For every student eligible for the program, district personnel must record the total number of eligible half-days present for each 6-week reporting period in the Student Detail Report. For every student who is served in the program but did not meet the eligibility requirements, district personnel must record the total number of ineligible half-days present for each 6-week reporting period in the Student Detail Report. Also, for every student eligible for both PK and the PPCD, district personnel must record the total number of eligible days present for each 6-week reporting period in the Student Detail Report.

To claim PK eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible PK days present on the Student Detail Report. You can find specific documentation requirements in **7.2 Eligibility** and **7.3 Enrollment Procedures**.

The fields required on the Student Detail Report for students in the PK program are the same as students in all other grade levels. Refer to **2.3.1 Student Detail Reports** for a list of all data elements required on the Student Detail Report.

At the end of each 6-week reporting period, district personnel must compute a Campus Summary Report (Section 2). The report must provide a summary of the total eligible days present and ineligible days present for the PK grade level. A separate Campus Summary

Report will exist for each instructional track for each campus in your district, but only those campuses with PK programs will report PK eligible and ineligible days present.

At the end of each 6-week reporting period, district personnel must compute a District Summary Report (Section 2). The report must provide a summary of the total eligible days present and ineligible days present for the PK grade level from all Campus Summary Reports for each track in your district.

7.5.1 PK Early Start Grant Program and Eligible Days Present

School districts/campuses that apply and are approved for the PK Early Start Grant Program should report PK eligible students as ADA Eligibility Code 1—Full Day if the students are scheduled for at least 6 hours (360 minutes) of instruction each day. If your school district is approved for the grant program, the district will receive full-day funding for each eligible student participating in the grant program, with half of the funding coming from the FSP (state funding) and half of the funding coming from Early Start Grant Program funds.

An important requirement of the PK Early Start Grant Program is the implementation of a School Readiness Integration (SRI) Plan that coordinates efforts, services, resources, program administration, and curriculum and instruction among partnerships serving eligible students in local public school PK programs, licensed child care provider programs, and Head Start programs. Your district should work with your community Head Start and child care programs to ensure alignment of the school year calendar as part of each memorandum of understanding.

7.5.2 Students Served Through Special Education and PK Who Are Not PK Eligible

A student who is served in the PK program but who does not meet the eligibility requirements for the PK program and who is also served through the special education program is coded as an eligible student only when the student is served **through special education** for 2 or more hours a day. The student is subject to the 2-through-4-hour membership rule, based on the time the student is served in special education.

7.6 Districts That Must Offer PK Classes

Any school district may offer PK classes, but your district must offer PK classes if it identifies 15 or more eligible children who are at least 4 years of age on or before September 1 of the current school year.¹⁴⁷ The commissioner of education may exempt a district from this requirement if the district would be required to construct classroom facilities to provide PK classes.¹⁴⁸

¹⁴⁷ TEC, §29.153(a)

¹⁴⁸ TEC, §29.153(d)

7.7 Examples

7.7.1 Example 1

A student is served in the PK program but does not meet any of the PK eligibility requirements.

*The ADA eligibility code for this student would be **5—Ineligible Half-Day**, and the grade level should be entered as PK in the attendance accounting system.*

7.7.2 Example 2

Your school district has two PK classes. One class is held in the morning, and the other class is held in the afternoon. A student is served in both classes for the entire day. The student meets the eligibility requirements for the PK program.

*The ADA eligibility code for this student should be **2—Eligible for Half-Day Attendance**, and the grade level should be entered as PK in the attendance accounting system. The maximum attendance a student can receive in the PK program is half-day (unless the PK student receives special education services and receives instruction for at least 4 hours per day or unless the student is served through a PK Early Start Grant program).*

Note: In a case like this, in which one PK class is held in the morning and one PK class is held in the afternoon, attendance should be taken at a set time in the morning for the morning class and at a set time in the afternoon for the afternoon class. The time attendance is taken must be consistent throughout the entire school year.

7.7.3 Example 3

A student is served in PPCD for half of the day and in PK for the other half of the day. The student meets the eligibility requirements for the PK program.

*The ADA eligibility code for this student would be **1—Eligible for Full-Day Attendance**, and the grade level should be entered as PK in the attendance accounting system. The instructional arrangement/setting code for this student should be entered as 43 (self-contained, mild/moderate/severe, regular campus - at least 50% but no more than 60%). See Section 4 for instructional arrangement/setting coding guidelines.*

7.7.4 Example 4

A student is served in PPCD for half of the day and in PK for the other half of the day. The student **does not** meet the eligibility requirements for the PK program.

*The ADA eligibility code for this student would be **2—Eligible for Half-Day Attendance**, and the grade level should be entered as EE in the attendance accounting system. The instructional arrangement/setting code for this student should be entered as 43 (self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%). See Section 4 for instructional arrangement/setting coding guidelines.*

7.7.5 Example 5

A student is served in the PK program for half of the day. The student meets the eligibility requirements for the PK program. The student is also served by a speech therapist for 1 hour a week.

*The ADA eligibility code for this student would be **2—Eligible for Half-Day Attendance**, and the grade level should be entered as PK in the attendance accounting system. The instructional setting code for this student should be recorded as 00, and the speech therapy indicator code should be recorded as 1. See **4.6 Instructional Arrangement/Setting Codes** for instructional arrangement/setting coding guidelines.*

7.7.6 Example 6

A student is served in the PK program for half of the day. The student **does not** meet the eligibility requirements for the PK program. The student is also served by a speech therapist for 1 hour a week.

*The ADA eligibility code for this student would be **5—Ineligible Half-Day**, and the grade level should be entered as PK in the attendance accounting system. The instructional setting code for this student should be recorded as 00, and the speech therapy indicator code should be recorded as 1, even though the student will not earn eligible days present for special education. If the same student is served by a speech therapist for 1 hour a day, the coding would be the same. See Section 4 for instructional setting coding guidelines.*

7.7.7 Example 7

A student is served in the PK program for half of the day. The student is eligible for the PK program because she is LEP. The district in which the student attends PK does not have a PK teacher certified or on permit to teach bilingual education or ESL. The district does not have a bilingual/ESL program under an exception or waiver.

*The ADA eligibility code for this student would be **2—Eligible for Half-Day Attendance** in the attendance accounting system. Even though this student is classified as LEP, she is not eligible for bilingual/ESL eligible days present because she is not served by staff certified or on permit to teach bilingual education or ESL.*

7.7.8 Example 8

A student is served in the PK program for half of the day. The student is eligible for the PK program because he is LEP. The district in which the student attends PK has a certified bilingual teacher teaching the PK class.

*The ADA eligibility code for this student would be **2—Eligible for Half-Day Attendance**, and the bilingual/ESL indicator should be entered as 1 in the attendance accounting system. This student should accumulate bilingual/ESL days present, as well as half-day eligible days present.*

7.7.9 Example 9

A student qualifies for PK based on being educationally disadvantaged (the student qualifies for the NSLP). In instances in which the PK student moves from one district to another district and back to the original district, the following scenario applies:

The student's parents withdraw the PK student from district A. The student is then enrolled in district B, where the student qualifies for the PK program based on being educationally disadvantaged. Two months later, the student's parents withdraw the student, and the family moves back to district A, because one of the parents has gotten a new job. The student no longer qualifies for the NSLP because of the parents' income level.

The student must requalify for the PK program each time the student enters another school district or charter school. Since the student no longer qualifies for the PK program, the student would be coded as ineligible for the remainder of the school year if the district allows the student to reenroll.

7.7.10 Example 10

A PK-age student whose parents are divorced resides in your district with her custodial parent. The student's noncustodial parent serves in the U.S. military and is stationed at a base in another state.

*The student is eligible for PK, and her ADA eligibility code would be **2—Eligible for Half-Day Attendance**.*

If a student has a parent in the U.S. military, he or she is eligible for PK regardless of whether the student's parents are married or where the military parent resides.

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Section 8 Gifted/Talented

This section addresses unique attendance accounting provisions for the gifted/talented program. They must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

Important: See Section 3 for general attendance requirements that apply to all program areas, including the gifted/talented program.

8.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all gifted/talented coding questions should be directed:

Name: _____

Phone Number: _____

8.2 Eligibility

Final selection of students to be served in the gifted/talented program must be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students.¹⁴⁹

Your district must identify a kindergarten student for participation in the gifted/talented program and serve him or her in the program **before March 1** of the current school year for the student to be eligible for funding, unless the student has moved to your district from another district where he or she was previously served.

The gifted/talented indicator code must reflect the student's services in the gifted/talented program for each 6-week reporting period. If a student stops being served during a reporting period, he or she is shown with a 0 indicator code in the subsequent period unless the gifted/talented program services are resumed for the student during that subsequent period.¹⁵⁰

Your district should include all students identified and served in the gifted/talented program as part of its gifted/talented enrollment. However, not more than 5 percent of your district's students in average daily attendance are eligible for gifted/talented funding.¹⁵¹

¹⁴⁹ 19 Texas Administrative Code (TAC) §89.1(4)

¹⁵⁰ PEIMS *Data Standards*

¹⁵¹ Texas Education Code (TEC) §42.156(c)

8.3 Enrollment Procedures

1. Appropriate gifted/talented program staff determine that a student requires educational experiences beyond those normally provided by the regular school program.
2. Attendance personnel record the gifted/talented indicator code in the attendance accounting system.

8.4 Withdrawal Procedures

A student is withdrawn from the gifted/talented program if:

1. the student withdraws from your district,
2. your district decides the student must be withdrawn from the program according to the local board-approved exit policy, or
3. the student's parent requests that the student no longer be served in the program.

Attendance personnel remove the gifted/talented indicator code from the attendance accounting system and record the effective date of withdrawal.

8.5 Policies for Selection of Students to Participate in the Gifted/Talented Program

Gifted/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.¹⁵²

Your school district must develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. These policies must —

1. include provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the Texas Education Code (TEC), §29.121;
2. include assessment measures collected from multiple sources according to each area defined in *The Texas State Plan for the Education of Gifted/Talented Students*;
3. include data and procedures designed to ensure that students from all populations in your district have access to assessment and, if identified, services for the gifted/talented program; and

¹⁵² TEC, §29.121

4. include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.¹⁵³

8.6 Coding of Gifted/Talented Students

Your district should code a student who is receiving services through a state-approved gifted/talented program with a gifted/talented indicator code of 1 in the Student Detail Report.

Your district should count a student who is served on more than one campus in your district **only once** for gifted/talented funds.

8.7 Documentation

Note: The gifted/talented program should be included in the campus and district improvement plans.

To claim gifted/talented enrollment for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student with a gifted/talented indicator code of 1 on the Student Detail Report.

Your district must keep on file a class roster of all students who are served in the gifted/talented program in each school year. Your district may include a student in the gifted/talented enrollment if the student is identified and served in the program.

8.8 Quality Control

Controls must be in place to ensure that your district includes a student in only one campus gifted/talented count. If a student changes campuses during a 6-week reporting period or attends another campus to receive gifted/talented instruction, your district should count the student's participation in the program only once.

At the beginning of each school year and at the end of each 6-week reporting period, the appropriate staff should verify the Student Detail Report to ensure that the coding of gifted/talented students is correct.

¹⁵³ 19 TAC §89.1(1-3, 5)

8.9 Examples

8.9.1 Example 1

A third-grade student is served through the gifted/talented program at Sunshine Elementary for the entire school year.

The gifted/talented indicator code for this student should be entered as 1 for the entire school year in the attendance accounting system.

8.9.2 Example 2

A seventh-grade student is served through the gifted/talented program at Moonlight Middle School for the first and second 6-week reporting periods. During the fourth week of the third 6-week reporting period, the student's parent requests that the child not be served in the gifted/talented program any longer.

The gifted/talented indicator code for this student should be entered as 1 for the first, second, and third 6-week reporting periods in the attendance accounting system. There should not be a gifted/talented indicator in the fourth 6-week reporting period for this student.

8.9.3 Example 3

A second-grade student attended Sunshine Elementary from the beginning of school until the second week of the fourth 6-week reporting period. During that second week, the student moved to Raindrop Elementary. The student was served through the gifted/talented program at both schools.

The gifted/talented indicator code for this student should be entered as 1 in the first, second, and third 6-week reporting periods in Sunshine Elementary's attendance accounting system. The gifted/talented indicator code for this student should be entered as 1 in the fourth 6-week reporting period in Raindrop Elementary's attendance accounting system. The student was served through the gifted/talented program at both schools during the fourth 6-week reporting period, so caution should be taken to ensure that the student is reported in only one campus's gifted/talented enrollment.

Section 9 Pregnancy Related Services

Pregnancy Related Services (PRS) are support services, including Compensatory Education Home Instruction (CEHI), that a pregnant student receives during the pregnancy prenatal and postpartum periods to help her adjust academically, mentally, and physically and stay in school. These services are delivered to a student when:

- the student is pregnant and attending classes on a district campus;
- the pregnancy prenatal period prevents the student from attending classes on a district campus; and
- the pregnancy postpartum period prevents the student from attending classes on a district campus.

Your district may choose to offer both support services components and the CEHI component or only the CEHI component in a PRS program. However, your district may not code any student as PRS in the attendance accounting system unless CEHI is included as one of the services provided by the district's PRS program.

A district receives 2.41 PRS weighted funding while PRS components are being provided to the student during the prenatal and/or postpartum periods. Documentation by responsible campus officials and medical or nurse practitioners and maintaining certified teacher logs are required to claim PRS eligible days present for funding. (Section 7)

Compensatory Education Home Instruction (CEHI) is the mandatory support service component districts offer in a PRS program. CEHI provides academic services to the student at home or hospital bedside when a valid *medical necessity for confinement* during the pregnancy prenatal or postpartum periods prevents the student from attending classes on a district campus. CEHI must consist of face-to-face contact with a certified teacher of the district providing academic services to the student. Substitutes can be used to provide CEHI; however, the individual selected as the substitute must be a certified teacher. The certified teacher maintains a log to document the actual amount of prenatal and postpartum PRS CEHI each student receives. When students are provided CEHI, your district will continue to receive the 2.41 PRS weighted funding (i.e., district personnel should continue to code students in the attendance accounting system as receiving PRS while they are being served at home). Students who do not come to school and who do not receive CEHI and/or SPED homebound **must** be counted absent in accordance with the charts provided in this section.

Your district may not code students as PRS in the attendance accounting system in order to receive 2.41 PRS weighted funding unless CEHI is included as one of the service components provided by the district's PRS program. (For exceptions, see **9.19.12 Example 12** and **9.19.13 Example 13**.)

Support services are the optional components of a PRS program that may be provided to the student during the prenatal period of the pregnancy while the student is pregnant and attending school. In addition, support services may be provided during the prenatal or postpartum periods of pregnancy while the student is confined at home or hospital bedside for a valid medical necessity or recovering from delivery and being served with PRS CEHI. In all cases, support services are provided to support the student and should not interfere with the academic services while she is on the school campus or receiving CEHI at home or hospital bedside. Districts offering support services with CEHI may code students as PRS in the attendance accounting system in order to receive the 2.41

PRS weighted funding beginning on the date support services are provided to pregnant students. Examples of support services that a district may choose to offer are:

1. counseling services including the initial session when the student discloses the pregnancy;
2. health services including services from the school nurse and certified athletic trainer;
3. transportation for the student and/or the student's child(ren) to school, child care facility, community service agencies, health services, etc.;
4. instruction (inside or outside the classroom) related to parenting knowledge and skills, including child development, home and family living, and appropriate job readiness training;
5. child care for the student's child(ren);
6. schedule modifications (see **9.18 Quality Control**); and
7. case management and service coordination (assistance in obtaining services from government agencies and community service organizations).

Note: The phrase "coded PRS" is used throughout this section. To "code a student as PRS" refers to identifying a female student within the Public Education Information Management System (PEIMS) as meeting eligibility requirements for PRS (student is pregnant or in the postpartum period) and receiving services on the 400 (Student Basic Attendance) record. A student who is pregnant may be coded with an at-risk indicator code on the 110 record (Student Enrollment Record) because of being pregnant.

Important: See Section 3 for general attendance requirements that apply to all program areas, including PRS.

9.1 Responsibility

List in the space provided below the name and phone number of the district personnel to whom all PRS coding questions should be directed:

Name: _____

Phone Number: _____

9.2 Eligibility/Eligible Days Present

Eligibility for Services: Any school-age **female** student who is in the prenatal or postpartum period of pregnancy is eligible for **services** under the PRS program. This includes students who are pregnant and/or deliver a live, aborted, or stillborn baby; suffer a miscarriage or death of a newborn; or place their baby up for adoption.

Eligibility for Funding: Students who are eligible for average daily attendance (ADA) and who are in the prenatal or postpartum period of pregnancy are eligible for **funding** under the PRS program beginning on the date services begin.

End of Eligibility: Eligibility for PRS ends for the student in the postpartum period of pregnancy on the student's return to her regular service at a school campus or the first day of the eleventh week.

A student is PRS eligible and will generate the additional 2.41 PRS funding allotment when a student —

- is in the pregnancy prenatal period and is attending regular classes and receiving PRS support services.
- is confined to the home in the prenatal or postpartum periods of pregnancy and is receiving PRS **CEHI** (a required service of the PRS program).

9.2.1 Absences

During the prenatal and postpartum periods of pregnancy, a student is absent if:

1. **CEHI** is **not** provided, or
2. the student does not come to school.

A student may be recorded absent on the effective date of a program change. However, as with all other students, PRS students cannot earn eligible days present on days they are absent.

9.2.2 PRS Eligibility and Participation in Other State-Funded Programs

PRS students may simultaneously participate in other state-funded programs (special education, career and technical education, bilingual/ESL), provided all eligibility requirements of the other programs are met (see Sections 4, 5, and 6). During CEHI, a student may remain coded and continue to generate special program ADA as long as the student continues to receive, at home, services as designated by the individual program requirements. See **9.11 Confinement and Earning Eligible Days Present** and **9.19.4 Example 4**.

9.2.3 PRS and the Life Skills for Student Parents Grant Program

Districts awarded a grant to offer services under the Life Skills for Student Parents Grant Program (previously called the Pregnancy Education and Parenting Program) may simultaneously offer services under the compensatory education PRS program, provided all requirements for both programs are met. Students being served through both Life Skills Programs and the PRS Program should be coded in the PEIMS attendance accounting system as participating in both programs.

9.2.4 Eligibility Timeline

Use the following timeline when determining PRS coding for eligible students.

Date	Activity	Is student eligible for PRS funding?	Should student be provided CEHI?
9/1	District receives notification of pregnancy and completes intake documentation.	Yes, if services are initiated at this time.	No, only PRS support service components
11/10	Doctor recommends two-week confinement at home.	Yes, if receiving CEHI while at home.	Yes
11/24	Student returns to school and continues PRS.	Yes	No, only PRS support service components
1/3	Doctor recommends 5-week confinement at home due to complications.	Yes, if receiving CEHI while at home.	Yes
2/1	Student returns to school and continues PRS.	Yes	No, only PRS support service components
3/1	Student delivers baby; six-week postpartum period begins. Week 3 of 6 is the district's spring break.	Yes, if receiving CEHI while at home.	Yes, weeks 1–2 and weeks 4–6. No, week 3. CEHI for week 3 is not required because it is a district holiday. However, week 3 counts a one week of postpartum confinement for the student.
4/15	Doctor recommends additional 2-week confinement at home.	Yes, if receiving CEHI while at home.	Yes

Date	Activity	Is student eligible for PRS funding?	Should student be provided CEHI?
5/1 to Last Day of School Year	Doctor recommends that student remain at home until end of school (5 weeks).	5/1 – Yes, if receiving CEHI 5/8 – Yes, if receiving CEHI 5/15 to last day of school year – No After 10 weeks of PRS components have ended, the student is no longer eligible for services and must be counted absent if she does not return to school.	5/1 – Yes 5/8 – Yes 5/15 to last day of school year – No PRS services end on the first day of the 11 th week. For options, after PRS ends, see General Ed Homebound.

See **9.19.9 Example 9** for an example of serving students who are eligible for special education and related services who also receive PRS.

9.2.5 Eligible Days Present

Students who are being served in the PRS program and who are eligible for funding, according to the requirements of this section, must be identified as PRS in the attendance accounting system. The total number of PRS eligible days present must be recorded for each 6-week reporting period in the Student Detail Report (Section 2) for every student served through the program. Entry dates into and withdrawal dates from the program (if applicable) for each student receiving PRS must also be documented.

At the end of each 6-week reporting period, a campus must compute a Campus Summary Report (Section 2). The report must include a summary of the total PRS eligible days present, for every student in the program, by grade level. Your district must have a separate Campus Summary Report for each instructional track, for each campus in the district. Each campus report must include the total eligible PRS days present for all grades, as well as PRS ADA for the campus.

District personnel then add the information from all Campus Summary Reports for each track in the district to comprise a District Summary Report for each track. This report must include eligible PRS days present for each grade level in your district, total eligible PRS days present for all grades, and district PRS ADA.

For additional information on eligible days present, see **9.11 Confinement and Earning Eligible Days Present** and **9.14.2 SPED, PRS, and Earning Eligible Days Present**.

9.3 Enrollment Procedures

Any school-age female student may be enrolled in the PRS program if she is eligible for ADA and in the prenatal or postpartum period of pregnancy (see **9.7 Regular Education Students, Special Education Students, and PRS**).

The student's eligibility to receive PRS is verified by either:

1. a responsible campus official or
2. a medical or nurse practitioner or nurse midwife licensed¹⁵⁴ to practice in the United States.

The date the student begins receiving PRS is considered the entrance date (date of enrollment) into the PRS program.

9.4 Withdrawal Procedures

A student is no longer eligible and must be withdrawn from the PRS program on either of the following, whichever comes first:

- the date PRS stops and the student no longer receives services through the PRS program;
- the date during the pregnancy postpartum period when the student returns early after delivery to attend her regular services on a school campus;
- the date during the pregnancy postpartum period when a medical practitioner has authorized no postpartum extension of services and the student reaches the first day of the seventh week after delivery;
- the date during the pregnancy postpartum period when a medical practitioner has authorized postpartum extension of services and the student reaches the first day of the eleventh week after delivery.

If it is determined that a student was never pregnant, your district must remove all PRS coding for the student from the attendance accounting system even if your district provided the student PRS.

9.5 PRS and District and Campus Improvement Plans

District and campus improvement plans must:

1. include a description of your district's PRS program;
2. describe the specific services available to a student; and
3. summarize the use of the compensatory education allotment for PRS in the strategies when the PRS program is used to serve prenatal and postpartum students.

¹⁵⁴ You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp.

9.6 Student Detail Reports

Student Detail Reports must contain a PRS indicator code for all students who are being served in the PRS program and who are eligible for state funding (see 9.2, on eligibility).

9.7 Regular Education Students, Special Education Students, and PRS

Regular education students without a need for special education or related services cannot be referred to special education for instructional services just because they are pregnant. Regular education students who must be confined to the home or hospital bedside for pregnancy related issues are to be provided CEHI and other PRS components through the PRS program.

Students who are eligible for and receiving **special education and related services** and who are pregnant must be served collaboratively through both special education and the PRS programs. Special education eligibility and services do not change solely due to the student becoming pregnant including the need to hold ARD meeting(s) attended by both PRS and special education staff to address the collaborative service. (See **9.2.1 Absences**.)

9.8 On-Campus PRS Services

A student who is pregnant may be served with PRS support services while she is pregnant and attending classes. If your district serves prenatal students on campus with PRS support services, it will receive the 2.41 PRS weighted funding (i.e., your district should continue to code students in the attendance accounting system as receiving PRS while they are being served on campus) (see the Section 9 introduction).

1. A responsible campus official must record the date of the initial contact with the pregnant student and document that on-campus services are being provided.
2. The services must address the needs of the pregnant student with regular, routine PRS support services. Infrequent or sporadic occurrences of prenatal support services do not qualify your district for PRS funding.
3. On-campus PRS services are optional but may be necessary for the academic, mental, or physical health of the student to ensure that the student does not drop out of school.

9.9 Prenatal Confinement

A student who is pregnant can be served at home or the hospital bedside when the pregnancy prenatal period prevents the student from attending classes. If your district serves students during a prenatal confinement with PRS CEHI, it will receive the 2.41 PRS weighted funding (i.e., your district should continue to code students in the attendance accounting system as receiving PRS while the students are being served at home).

1. In all instances, your district must provide the CEHI component of the PRS program to the student during the prenatal confinement for your district to receive the funding (see the Section 9 introduction).

2. Providing the PRS support services during prenatal confinement is optional but may be necessary for the mental or physical health of the student to ensure that the student does not drop out of school.
3. Documentation for each event of prenatal confinement must be obtained from a medical or nurse practitioner licensed¹⁵⁵ to practice in the United States to document that a *medical necessity for confinement* has been determined to exist. (See **9.12 Doctor's Notes and Releases**.)
4. A medical release from a medical or nurse practitioner licensed to practice in the United States must be obtained to allow a prenatal student confined to the home or hospital bedside to return to campus **for any reason**. (See **9.12 Doctor's Notes and Releases**.)
5. There is no limit to the length of each event or the number of events a student can be provided when CEHI services are necessary during the pregnancy prenatal period. The length and number of times the student is placed on prenatal confinement CEHI services is dependent on the medical or nurse practitioner's documentation for confinement and release.

9.10 Postpartum Confinement

A student who delivered a live, aborted, or stillborn baby; suffered a miscarriage or death of a newborn; or placed her baby up for adoption can be served, beginning on the day of or day after delivery, for up to 6 consecutive weeks (weeks 1–6) at home or the hospital bedside with **6-week postpartum confinement** or **break-in-service postpartum confinement** services when the pregnancy postpartum period prevents the student from attending classes. Postpartum confinement can be extended for 4 weeks (weeks 7–10). However, under no circumstances will a student remain eligible for PRS postpartum confinement beginning on the first day of the eleventh week from the beginning date for the district (day of delivery or the day after delivery [see **9.10.1 Beginning and Ending Postpartum Confinement**]).

A responsible campus official must record, at the district, the date a student's pregnancy ended (e.g., the date of delivery).

Note that a student in the postpartum period of pregnancy is no longer eligible for the additional 2.41 weighted allotment under the PRS program when she returns to her regular service at a school or campus (exception: break-in-service postpartum confinement option)

9.10.1 Beginning and Ending Postpartum Confinement

The district must:

1. select one type of beginning date for the district (day of delivery or the day after delivery);
2. consistently use the same type of beginning date for all students throughout the school year; and

¹⁵⁵ You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp.

3. not alternate between the beginning date options.

Six-Week Postpartum Confinement is 6 consecutive weeks in length, beginning on the district beginning date (day of or day after delivery) and ending on the last day of week 6 from the beginning date for the district.

Extended Postpartum Confinement is 4 consecutive weeks in length, beginning on the first day of week 7 and ending on the last day of week 10 from the beginning date for the district (day of or day after delivery).

9.10.2 Break-in-Service Confinement

Your district may allow a student to divide the 10 weeks of PRS postpartum confinement into two periods in instances in which the infant remains hospitalized after delivery. This option is known as break-in-service confinement. It allows the student to use the first period of the postpartum confinement to recover from delivery (student recovery period). After the student is recovered, the student returns to school and saves the remainder of her eligible postpartum confinement time. When the baby is released from the hospital, the student goes back on postpartum confinement (baby recovery period) using the second period of postpartum confinement to care for her baby.

Break-in-service confinement is 10 weeks in length, divided into two periods of consecutive confinement (student recovery period and baby recovery period). The maximum postpartum confinement (student recovery and baby recovery periods) must not exceed 10 weeks. All provisions for postpartum confinement and extended postpartum confinement must be met when using the break-in-service postpartum confinement option.

The following chart shows how to determine the beginning and ending dates for the student and baby recovery periods.

	Begins On	Ends On
student recovery period (first consecutive period of confinement)	your district's beginning date (day of or day after delivery)	the date the student returns full time to school to await the baby's release from the hospital or the first day of week 11, whichever comes first
baby recovery period (the second consecutive period of confinement)	the day the infant is released from the hospital*	the first day of week 11 of service if any service time is remaining after the student recovery period is completed

*The date the infant was released from the hospital must be documented at the district by a responsible campus official.

When the student returns to the school between the two recovery periods, district personnel should not code her as PRS. The number of days the student returns to school between the two recovery periods depends on the medical or nurse practitioner's documentation for confinement and when the infant is released from the hospital.

9.10.3 Extended Confinement

Postpartum confinement can be extended for an additional 4 weeks (weeks 7–10) if there are related complications of the student mother's health or with her newborn infant's health.

9.10.4 Documentation Related to Postpartum Confinement

Your district has the option of requiring documentation from a medical or nurse practitioner licensed¹⁵⁶ to practice in the United States to place a student on postpartum confinement for weeks 1–6 (see **9.12 Doctor's Notes and Releases**).

However, documentation must be obtained from a medical or nurse practitioner licensed to practice in the United States to place a student on extended postpartum confinement (weeks 7–10) to show that a medical necessity to extend confinement exists (see **9.12 Doctor's Notes and Releases**).

If your district requires documentation from a medical or nurse practitioner licensed to practice in the United States to place a student on postpartum confinement for weeks 1–6, your district must obtain a medical release from a medical or nurse practitioner licensed to practice in the United States to allow a postpartum student to return to campus from postpartum confinement **for any reason** (see **9.12 Doctor's Notes and Releases**).

Also, your district must obtain a medical release from a medical or nurse practitioner licensed to practice in the United States to —

- allow a postpartum student to return to campus from postpartum confinement **for any reason** before the first day of the fourth week after the day of the infant's birth (weeks 1–3) (see **9.12 Doctor's Notes and Releases**), or
- allow a postpartum student to return to campus from postpartum confinement **for any reason** during the extended postpartum period (weeks 7–10). (See **9.12 Doctor's Notes and Releases**.)

9.10.5 Additional Information on CEHI and Confinement

In all instances, your district must provide the CEHI component of the PRS program to a student during the confinement period to receive funding.

Your district is not required to provide CEHI to confined students on days designated as school breaks, holidays, teacher work days, etc., including the summer break. Additionally, school breaks, holidays, teacher work days, etc., including the summer break, do not extend the amount of time a student can be served with postpartum services. Your district must include these days in the count when determining the amount of time a student is eligible for postpartum confinement services (see **9.19 Examples** for examples).

9.11 Confinement and Earning Eligible Days Present

A student in the pregnancy prenatal or postpartum period who must be confined to home or hospital bedside and served by the district through PRS CEHI earns eligible days present based on the number of hours the student is served at home by a certified teacher. Use the following chart to determine the student's eligible days present.

¹⁵⁶ You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp.

PRS Confinement Service Requirements

Amount of Time Served Through PRS CEHI per Week (Week Is Sunday Through Saturday)	PRS Eligible Days Present Earned per Week
0 hours	0 days present PRS
1 hour	1 day present PRS
2 hours	2 days present PRS
3 hours	3 days present PRS
4 hours	4 days present PRS, 0 days absent (if the week is a 4-day week) 5 days present PRS, 0 days absent (if the week is a 5-day week)
More than 4 hours	4 days present PRS, 0 days absent (if the week is a 4-day week) 5 days present PRS, 0 days absent (if the week is a 5-day week)

CEHI requirements and eligible days present are determined each week. The week for CEHI purposes is from Sunday through Saturday. CEHI service hours may not be accumulated and carried forward from one week to the next, nor can service hours be applied to a previous week.

A calendar refers to the 52-week traditional calendar, not the 180-day scholastic calendar.

A student who is served through the PRS CEHI program retains the same ADA eligibility code she had before receiving PRS CEHI services, regardless of how many hours the student will be served through the PRS CEHI program.

Over the period of her confinement, a student receiving PRS CEHI services must be provided instruction in all the courses, including elective courses, in which the student is enrolled.

9.12 Doctor's Notes and Releases

Your district must obtain required documentation for events of prenatal and postpartum confinement and medical release from a medical or nurse practitioner licensed to practice in the United States to —

- document that a medical necessity for confinement in accordance with the current International Classification of Diseases (ICD) exists, and
- determine that a student is medically ready to return to campus.

The required information can be obtained in one or multiple notes from one or more medical practitioners. Discharge papers and other official forms completed and issued by a hospital, clinic, practitioner's office, etc., can be copied and used to support doctor notes.

Doctor notes that do not provide a *medical necessity for confinement* in accordance with the current ICD and meet the requirements herein may not be accepted. Further, even if your district served a student who had such a note, PRS funding may be required to be refunded for inadequate documentation.

9.12.1 Doctor's Note Requirements

Doctor's notes must include the following:

1. a statement of the *medical necessity for prenatal confinement* (medical diagnosis and conditions in accordance with the ICD);
2. the length of prenatal or extended postpartum confinement;
3. a medical release including the date the student is to return to school; and
4. the following:
 - a. a statement of how the student can be better served or the condition ameliorated by placing the student in CEHI; and/or
 - b. an explanation of the medical risk(s) that attending school presents to the student and/or undelivered baby.

9.12.2 Medical Release Requirements

A medical release must include the following:

1. the specific date(s), number of days per week, and number of hours per day the student can return to school and be on campus; and
2. the following:
 - a. either the limitations, restrictions, accommodations, etc., placed on a) the student mother's temporary, limited visit or on b) her full-time return to school; including the date the limitations, restrictions, accommodations, etc., end; or
 - b. a statement that no limitations, etc., are necessary for the student mother's safe return to campus for temporary, limited or full-time services.

9.13 Returning to Campus

A student in the prenatal or postpartum periods of pregnancy who is confined to the home or hospital bedside and receiving PRS CEHI with a medical release from a medical or nurse practitioner indicating that no medical condition exists that would prevent her from being on campus may be allowed to return to campus under the following conditions:

1. A prenatal or postpartum student confined to the home may be allowed to return to campus and remain coded PRS to receive **temporary, limited** services at a school campus to supplement CEHI or other PRS components and to help with the transition from home back to school. Examples of temporary, limited services include receiving testing (6-weeks, final, TAKS, etc.); receiving tutoring (during a teacher's conference period); receiving supplemental instruction, parenting classes, or counseling; or attending special one-time events, functions, etc. See **9.12 Doctor's Notes and Releases**.
2. A prenatal student may be allowed to return **full time**, ending confinement, and attend a class or classes on a regular, routine basis when a doctor or nurse practitioner verifies in a medical release that there is no longer a need for confinement.

3. A postpartum student cannot return full time and/or attend a class or classes on a regular, routine basis until she is withdrawn from PRS.
4. The time spent receiving temporary, limited services on campus cannot count as any part of the number of hours served as PRS CEHI for eligible days present with the exception of time spent in TAKS testing.

Students who return to campus on a temporary, limited basis to take the TAKS test can be credited with receiving a maximum of 1 hour of PRS CEHI for each day they are on campus and involved in actual TAKS testing. If the time spent on campus is less than 1 hour, only the actual time spent in TAKS testing can be credited.

Students who are provided a TAKS test in the home can be credited with receiving a maximum of 1 hour of CEHI for each day they are tested at home.

TAKS tutoring, practice test, etc., cannot be credited for CEHI. Medical releases must be secured to ensure a student's doctor approves of her being on campus and involved in TAKS testing.

5. In all cases, your district should consider each student mother's health on an individual basis before encouraging or allowing a prenatal or postpartum student to return to campus for temporary, limited or full-time services.

9.14 PRS and Special Education Services (SPED)

If your district offers a PRS program to any student, it must provide PRS services to students who are eligible for and receiving special education and related services. The services are provided collaboratively through both special education and the PRS programs. Collaborative services are to be provided as follows:

Special education eligibility and services do not change solely because a student becomes pregnant. SPED holds the primary role in providing services by providing the student academic and SPED services, and PRS the secondary role by providing pregnancy related services.

9.14.1 "Pregnancy Contingency" ARD Meetings

Special education and related services are provided as documented in the individualized education program (IEP) as decided by the admission, review, and dismissal (ARD) committee. The ARD committee can hold a "pregnancy contingency" ARD meeting during the student's pregnancy prenatal period or regular ARD meetings at any time, to develop or update an IEP and address the pregnant and/or parenting SPED student's needs. A "pregnancy contingency" ARD meeting is not different from any ARD meeting. It is so named herein to define a well-planned and specialized ARD in the fact that it allows the district to address and plan for all possible prenatal and postpartum pregnancy issues in advance of them occurring to ensure that the student is continuously served. Holding a contingency ARD may avoid the need for multiple ARD meetings to address the student's pregnancy and confinement or avoid delays in initiating service. Then as the pregnancy progresses the decisions planned in the pregnancy contingency ARD meeting and documented in the contingency IEP can be implemented, as needed, without a need to call more ARD meetings, preventing any breaks in service to the pregnant SPED student. At a minimum, the areas that the pregnancy contingency ARD meeting should address include —

1. Changes in on-campus services related to the pregnancy;
2. Change(s) of placement from on campus to confinement services during the prenatal period of pregnancy;
3. Change(s) of placement from confinement to on campus services during the prenatal period of pregnancy;
4. Delivery;
5. Postpartum recovery period of the mother and baby (weeks 1–6);
6. Extended postpartum recovery period of the mother and the baby (weeks 7–10);
7. Mother's return to on-campus services; and
8. Parenting issues.

During the periods of confinement to the home or hospital bedside, either prenatal or postpartum, special education and related services must be provided in the homebound instructional setting (see **4.6.2.4 Homebound Services and PRS Notes** for more detailed information).

The SPED student in the prenatal or postpartum periods of pregnancy must be served by the district with SPED homebound services and PRS services during confinement no matter the anticipated or actual period of confinement even when the student is anticipated to be confined for fewer than 4 consecutive weeks or fewer than 4 weeks total for the school year.

The period of homebound postpartum services for a postpartum SPED student may exceed 10 weeks, if required as a condition of service by the ARD committee. However, the PRS components are limited to a maximum of 10 weeks of reimbursable service, and the PRS indicator must be turned off on the first day of the eleventh week.

In addition to the homebound instructional services provided to the student through the special education program, PRS must provide at least 2 hours (120 minutes) a week of PRS support services for 2–5 days attendance credit and at least 1 hour (60 minutes) for 1 day attendance credit. The additional hours provided through the PRS program may include any of the support services such as counseling, support to instructional services, parenting instruction, etc.

A certified teacher, nurse, counselor, or social worker must provide the additional hours of other PRS components for a SPED student and must maintain the teacher logs to document the actual amount of home instruction each SPED student receives.

9.14.2 SPED, PRS, and Earning Eligible Days Present

Use the following chart to determine eligible days present.

SPED and PRS Collaborative Confinement Service Requirements

Amount of Time Served per Week (Week Is Sunday Through Saturday)		SPED and PRS Eligible Days Present Earned per Week
SPED Homebound	PRS CEHI	
1 hour	1 hour	1 day present SPED and PRS
2 hours	2 hours	2 days present SPED and PRS
3 hours	2 hours	3 days present SPED and PRS
4 hours	2 hours	4 days present SPED and PRS (if the week is a 4-day week) 5 days present SPED and PRS (if the week is a 5-day week)
More than 4 hours	2 hours	4 days present SPED and PRS (if the week is a 4-day week) 5 days present SPED and PRS (if the week is a 5-day week)

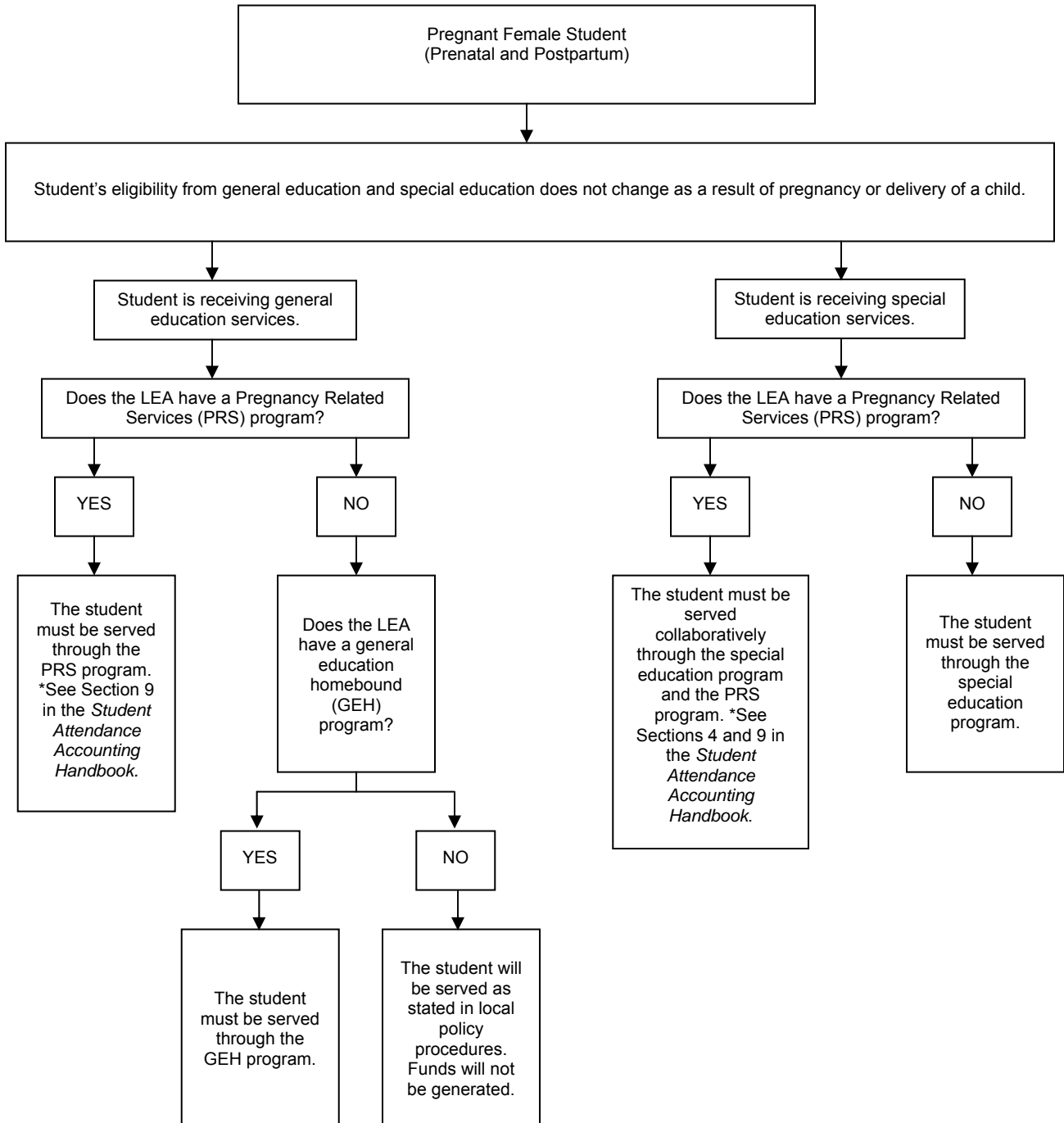
Eligible days present are determined each week. For purposes of SPED and PRS collaborative confinement services, a week is from Sunday through Saturday. Service hours may not be accumulated and carried forward from one week to the next, nor can service hours be applied to a previous week.

A student who is provided SPED and PRS collaborative confinement services retains the same ADA eligibility code she had before receiving the services, regardless of how many hours the student will be provided the services.

If SPED homebound does not serve the student, the SPED student must be counted absent for the entire week even if the student was served by PRS during the week.

For an example of students who are eligible for special education and related services and who are served collaboratively through the special education and PRS programs, see **9.19.9 Example 9**.

Pregnancy Services Determination Chart



9.15 PRS and Career and Technical Education

For a PRS student to earn career and technical education contact hours while also being served in CEHI, the student must continue to receive the same amount and type of career and technical education service that she was receiving before being placed in CEHI. The career and technical instruction that a PRS student receives at home must be **in addition** to the 4 hours necessary for CEHI. The CEHI teacher providing the additional hours for the career and technical courses must maintain a log to verify all contact hours with PRS students [see **9.19.4 Example 4** and also **5.2.1 Eligibility of Students for Funding** and **5.2.3.1 Earning CTE Contact Hours While Also Being Served by a Special Education Program** in Section 5].

9.16 Test Administration During CEHI

Students confined to the home or hospital bedside may earn eligible days present as stated in the chart above when PRS CEHI instructors administer routine quizzes, daily or weekly classroom exams, etc., that are required as part of the instructional requirements of a class.

A student being administered standardized, 6-weeks, semester, and final exams and TAKS is limited to earning 1 day present for a minimum of 1 hour or more of testing in 1 calendar day. When it takes the student more than 1 hour to complete the exam, the additional contact hours cannot be credited as attendance. (See **9.19.15 Example 15**.)

If the routine, standardized, six-weeks, semester, or final exam administration or TAKS testing requires less than one hour, then the CEHI instructor must complete the hour with CEHI instruction for the student to earn the 1 day present. For example, say a student is administered a final exam, and it takes her 30 minutes to complete the exam. The student must receive an additional 30 minutes of CEHI instruction to earn 1 day present. (See **9.19.16 Example 16**.)

A PRS student receiving CEHI services **who returns to his or her campus to take a state-required assessment instrument (e.g., TAKS) must have a medical release** from a medical or nurse practitioner licensed¹⁵⁷ to practice in the United States to do so.

9.17 Documentation

For your district to claim PRS eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible PRS days present in the Student Detail Report. Documentation requirements are as follows:

1. Affirmation (by a responsible campus official or by a medical or nurse practitioner or nurse midwife licensed to practice in the United States) verifying the student's eligibility to receive PRS (see **9.3 Enrollment Procedures**).
2. Description of the PRS program, specific services under the program available to the student, and the use of the compensatory education allotment included in the district and campus improvement plans (see **9.5 PRS and District and Campus Improvement Plans**).

¹⁵⁷ You can access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp.

3. Intake documentation (by a responsible campus official) recording the date of initial contact with a student regarding the student's pregnancy (see **9.8 On-Campus PRS Services**).
4. For each period of prenatal confinement, a note from a medical or nurse practitioner stating a *medical necessity for confinement* that requires the pregnant student to remain at home or in the hospital during the prenatal period and the length of the prenatal confinement, including the release date to return to school (see **9.9 Prenatal Confinement**).
5. Documentation (by a responsible campus official) of the date when the student's pregnancy ended (e.g., date of delivery) (see **9.10 Postpartum Confinement**).
6. When the break-in-service option is used, documentation by a responsible campus official of the infant's hospitalization period, including the date the infant was released from the hospital (see **9.10 Postpartum Confinement**).
7. For each student whose postpartum period was extended [see **9.9 Prenatal Confinement**], documentation from a medical or nurse practitioner licensed to practice in the United States verifying the actual period of confinement or that the student was anticipated to be confined for an additional period of up to 4 calendar weeks (see **9.10 Postpartum Confinement**).
8. When the prenatal student confined to the home returns to campus for any reason, including for temporary, limited services, documentation (by a medical or nurse practitioner licensed to practice in the United States) granting permission for the student to be on campus for the temporary, limited services (see **9.12 Doctor's Notes and Releases**).
9. When the student returns to campus before the first day of the fourth week (weeks 1–3), documentation (by a medical or nurse practitioner licensed to practice in the United States) granting permission for the early return (see **9.12 Doctor's Notes and Releases**).
10. When the student returns to campus for any reason during the extended postpartum period (weeks 7–10), documentation (by a medical or nurse practitioner licensed to practice in the United States) granting permission for the early return (see **9.12 Doctor's Notes and Releases**).
11. When a pregnant special education student is served, **both** PRS and special education documentation (see **9.13 Returning to Campus**).
12. The certified teacher's log of the actual amount of home instruction each student received for each week the student received CEHI (applies to both prenatal and postpartum periods).

The minimum documentation required in homebound logs (the attendance record maintained by a homebound teacher) is —

- the name of the homebound teacher,
- the student name and identification or social security number,
- the date that the homebound teacher visited the homebound student, and

- the actual time per visit that the student was served (e.g., 10:00 a.m. until 12:00 p.m.)

Additional documentation may be maintained as part of this record at the discretion of the local education agency. This documentation may include, but is not limited to, mileage records for the homebound teacher and information on subjects that were taught as part of the homebound instruction.

Discharge papers and other official forms completed and issued by a hospital, clinic, doctor's office, etc., can be copied and used to support doctor notes to identify the medical necessity for confinement or an infant's hospitalization period.

9.18 Quality Control

District personnel should identify a student as receiving PRS in the attendance accounting system as soon as services under the PRS program begin. All documentation must be obtained expeditiously and retained for audit purposes so that eligibility requirements are met.

When serving a pregnant SPED student, your district is not required to maintain the SPED and PRS records in the same file; however, your district will be required to provide documentation from both areas (SPED and PRS) for audit purposes.

During the prenatal period, a student should no longer be identified as receiving PRS if, for any reason, the services stop.

During the postpartum period, a student should no longer be identified as receiving PRS when the student returns to her regular service at her campus or at the end of the allowable postpartum period, whichever comes first.

At the beginning of each school year and at the end of each 6-week reporting period, the appropriate PRS program staff should verify the Student Detail Report to ensure that initial coding of PRS students is correct.

Schedule modifications are an eligible service under the PRS program. However, these modifications must adhere to general attendance rules in order for PRS students to remain eligible for ADA (**Section 3 General Attendance Requirements**). These requirements include attendance for at least 2 hours but fewer than 4 hours each day to be eligible for half-day ADA or at least 4 hours each day to be eligible for full-day ADA.

No student can be coded PRS unless CEHI is one of the services provided by your district. In the event that CEHI is offered but not provided to a student, your district must maintain documentation explaining why the student was not provided CEHI.

9.19 Examples

9.19.1 Example 1

A school district decides to implement a PRS program, but will offer only CEHI. A student informs the counselor that she is pregnant on October 1. The student receives no additional services while she is attending her regular classes on her campus. When she delivers on February 15, the district begins CEHI. The first day the CEHI teacher sees the student is on

Monday, February 19. CEHI continues for her 6-week postpartum period, and the student returns to school on March 30.

The student should be coded with a PRS indicator on February 19. This date would be her entrance date into the PRS program. Her exit date would be March 30.

9.19.2 Example 2

On August 16, the first day of school, an ADA-eligible student who was preregistered for grade 11 informs the high school counselor that she is pregnant. The district completes all the required documentation and begins providing PRS on August 23.

The student should be coded with a PRS indicator in the Student Detail Report when PRS began, August 23. This is the date she will begin accumulating eligible PRS days present.

9.19.3 Example 3

An ADA-eligible PRS student begins experiencing difficulties associated with her pregnancy 3 weeks after beginning service under the PRS program. The doctor expects her to be confined to her home for 2 consecutive weeks. The certified teacher who is assigned to administer CEHI sees the student 3 hours the first week and 5 hours the second week. As expected, the student returns to school full-time after the end of the second week and resumes PRS at school.

Since the student receives CEHI, she should remain coded PRS during the entire confinement period. The student may only accumulate 3 days present for the first week. For the second week, however, the student will accumulate 5 days present since the teacher saw her at least 4 hours that week.

9.19.4 Example 4

An ADA-eligible PRS student, during the prenatal period, is simultaneously taking a 1-hour career and technical education course (code V1). She begins CEHI, since she is expected to be confined for 5 consecutive weeks. Your district provides the 4 hours of CEHI instruction, but chooses not to provide the additional career and technical education hours while the student is on CEHI.

The student may generate career and technical education contact hours if a certified teacher provides the same amount and type of career and technical instruction the student received at school. This career and technical education instruction is in addition to the 4-hour requirement for CEHI. Since the student receives CEHI, she should remain coded PRS during the entire confinement period. Since the district is not providing the additional hours for career and technical education, the career and technical education indicator should be removed. The student, however, should not be withdrawn from the career and technical education class. She remains enrolled in the class and is assisted in her class assignments by the CEHI teacher. During this period of time, the student would not be reported eligible for career and technical education contact hours on the 410 PEIMS record; however, the student would be reported on the 169 and 170 PEIMS records if the time period falls during the fall snapshot.

9.19.5 Example 5

An ADA-eligible PRS student receives CEHI for the entire 6-week postpartum period. Before the end of the 6-week postpartum period, the student's medical or nurse practitioner determines that an additional 2 weeks of confinement are required.

The student will remain coded PRS for all 8 weeks of the postpartum period, and she will accumulate eligible days present each week based on the amount of instruction she receives at home from the certified teacher. Your district must continue to provide CEHI during the entire confinement period and, for audit purposes, must obtain an additional written statement from the physician that prescribes the extended postpartum period.

9.19.6 Example 6

An ADA-eligible PRS student is scheduled to receive CEHI for the entire 6-week postpartum period. However, she returns to her regular service on her campus on the first day of the fourth week.

*Since the student receives CEHI while at home, she should remain coded PRS during the entire confinement period. The student will accumulate eligible days present each week based on the amount of instruction she receives at home from the certified teacher. On the first day of the fourth week, your district must withdraw her from the PRS program since she returned to school. Regular attendance rules now apply (**Section 3 General Attendance Requirements**).*

9.19.7 Example 7

An ADA-eligible PRS student receives CEHI for the entire 6-week postpartum period. She receives at least 4 hours of instruction at home from a certified teacher during each of the first 5 weeks. Each of these 5 weeks contains 5 days of instruction. During the sixth week, which only contains 4 days of instruction because it contains a holiday, the student receives 2 hours of instruction at home.

Since the student receives CEHI while at home, she should remain coded PRS during the entire 6-week postpartum period. The student will accumulate 5 eligible days present each week for the first 5 weeks because the teacher provided at least 4 hours of instruction each week. During the sixth week, which only consists of 4 days of instruction, the student sees the teacher for only 2 hours. Therefore, she will only accumulate 2 eligible days present.

9.19.8 Example 8

On August 21, the first day of school, an ADA-eligible student informs the high school counselor that she is pregnant. Your district completes all the required documentation and begins serving the student on August 28. Your district has both a PRS program and a Pregnancy, Education, and Parenting (PEP) program. Your district also serves the student in the PEP program. On January 4, the first day of the second semester, the student delivers her baby. On February 16, after 6 calendar weeks of CEHI, the student returns to school and continues to receive instruction through the PEP program.

The student should be coded with both a PRS indicator in the Student Detail Report and a PEP indicator code. The PRS entry date (effective date of program change) of August 28 is the date she will begin accumulating eligible PRS days present. Your district must withdraw the student from the PRS program on February 16, the first day that she returns to school. Although she

continues to receive services through the PEP program, she is no longer eligible to receive PRS funding.

9.19.9 Example 9

A student who is receiving special education and related services becomes pregnant and is eligible for PRS. During her prenatal period, the student is confined to bed rest as a result of a valid medical condition. On your district's obtaining the physician's note confirming the need for bed rest, the following should occur:

1. district personnel change the student's instructional setting code to 01 (homebound);
2. the certified special education teacher and PRS staff work collaboratively to implement the services documented in the student's IEP (see **4.6.2.3 Homebound Services and Pregnancy Related Services (PRS)**);
3. district personnel document special education attendance based on the Homebound Funding Chart (see **4.6.2.7 Homebound Funding and Documentation Requirements**);
4. an additional 120 minutes of support services are provided through the PRS program.

The student delivers the baby during the period of confinement to bed rest, and services are continued until the 6-weeks postpartum period is completed.

On completion of the postpartum period, the ARD committee must convene to conduct the change of placement ARD.

9.19.10 Example 10

A student delivers her baby on August 2. Your school district's first day of school is August 15.

While schools are not obligated to provide PRS components to students outside of the normal school year, the student's 6-week postpartum eligibility for CEHI extends into the school year. Therefore, the student would be eligible for PRS/CEHI through September 14. Her first day of school enrollment and attendance would be the date of the initial visit to the student's home by the CEHI teacher.

9.19.11 Example 11

CEHI is one of the PRS services provided by you district. However, one of the students does not receive CEHI during her postpartum period as a result of an extenuating circumstance (for example, the student or baby is in a hospital in a different town, the parents refuse the service).

Since PRS rules require that CEHI be provided, your district must maintain documentation explaining the reasons for not providing CEHI to the student.

9.19.12 Example 12

CEHI is one of the PRS provided by your district. One of the prenatal pregnant students is coded PRS during the school year and provided support services while she is attending her regular classes, but she delivers in June after the end of the school year. Therefore, CEHI is never provided to this student.

Although the PRS rules require a district that implements a PRS program to provide CEHI, districts are not required to provide services outside the regular school year. Therefore, this student may remain coded PRS, but there is not a requirement to provide her PRS CEHI services during the summer months.

9.19.13 Example 13

A student delivers her baby on March 1. The 6-week postpartum period begins the day after delivery and continues 6 consecutive calendar weeks. If a 1-week spring break holiday falls within the student's 6-week postpartum period, then a maximum of 5 weeks would be funded for PRS since one of the postpartum weeks was not a scholastic calendar week.

9.19.14 Example 14

Test administration to a student on CEHI: The PRS CEHI teacher administers a 6-weeks exam that takes the student 30 minutes to complete.

The teacher must provide an additional 30 minutes of instruction in to complete the 1 hour of CEHI.

9.19.15 Example 15

A PRS CEHI teacher administers the math TAKS to a student confined to the home on a Tuesday. It takes the student 2 hours to complete the math TAKS. The teacher returns on Wednesday and administers the social studies TAKS. It takes the student 2 hours to complete the social studies TAKS.

The student earns only 1 eligible day present for Tuesday and only 1 eligible day present for Wednesday. The CEHI teacher must schedule 2 more hours of CEHI instruction during the week so the student can earn an entire week of attendance credit. The additional CEHI may be any day of the same week, Sunday to Saturday, including the same calendar day that the test was administered. In all cases, the CEHI instruction must be in addition to the time the student was tested.

9.19.16 Example 16

A PRS CEHI teacher administers a final exam to a student confined to the home, and it takes the student 30 minutes to complete the exam.

The student must receive an additional 30 minutes of CEHI instruction to earn 1 day present.

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Section 10 Nontraditional Schools¹⁵⁸

Many different situations occur in which students are educated during nontraditional hours or days of the week or in nontraditional locations within the district. These situations include but are not limited to alternative education programs, juvenile justice alternative education programs (JJAEPs), disciplinary alternative education programs (DAEPs), in-school suspension (ISS) programs, and education programs for incarcerated youth/students. This section addresses attendance accounting matters related to students in these situations.

Important: Although it may be determined that a nontraditional education setting is required to better serve the needs of a particular student, for that student to be eligible for funding, he or she must meet all the eligibility requirements of the Foundation School Program (FSP) and the nontraditional program. Please see **3.2.3 Age Eligibility** in Section 3 and the following subsections of this section for these requirements.

Also, regardless of the nontraditional way in which a student is served, that student's attendance must be reported according to the traditional rules of the standardized attendance accounting system required by the Public Education Information Management System (PEIMS) *Data Standards*.¹⁵⁹ The rules and regulations of the FSP documented in this handbook apply regardless of the nontraditional education program that is implemented.

Important: See Section 3 for general attendance requirements that apply to all program areas, including nontraditional schools.

Important for open-enrollment charter schools: Many of Section 10's requirements are based on statutory requirements in the Texas Education Code (TEC), Chapter 37. Open-enrollment charter schools are not subject to the provisions of the TEC, Chapter 37, with the exception of the TEC, §37.0021, related to discipline management practices or behavior management techniques, and any provision establishing a criminal offense. Please consult Section 10's footnotes and the applicable sections of the TEC to determine whether a particular requirement applies to open-enrollment charter schools.

10.1 Responsibility

List in the space provided below the name and phone number of the district personnel to whom all alternative education and discipline questions should be directed:

Name: _____

Phone Number: _____

¹⁵⁸ Some types of alternative education campuses are described in *Part 1 – Standard Procedures, Chapter 6 – Special Issues and Circumstances*, and *Part 2 – Alternative Education Accountability (AEA) Procedures* of the *2010 Accountability Manual*. Others, such as Chapter 37 discipline programs, are described in this publication.

¹⁵⁹ Texas Education Code (TEC), §42.006

10.2 General Eligibility Requirements

The attendance of students served in a nontraditional setting is subject to requirements associated with the specific nontraditional setting. Eligibility information for specific nontraditional settings appears later in this section.

Generally, a student in a nontraditional setting will be eligible for average daily attendance (ADA) funding in the district in which the student resides or is otherwise entitled to attend for FSP purposes (see **3.3 Enrollment Procedures and Requirements**).

10.2.1 "Double-Counting" of ADA for Students in Nontraditional Schools

A student may not be counted more than once for ADA purposes because he or she attends both the regular school program and a nontraditional education program. However, your district should take into consideration the total amount of time a student is served each day in the district when determining the student's ADA eligibility code.

10.2.2 Nontraditional Schools and Special Program Eligibility

Students who are being served in nontraditional education programs are eligible for special program (e.g., special education, career and technical education, bilingual/ESL, etc.) funding provided all requirements of the special programs are met, including service by certified special program teachers.

10.2.3 DAEP or JJAEP Placement for Students 21 Years of Age or Older

A student who is 21 (or older) and admitted to a Texas public school to complete high school graduation requirements is **not** eligible for placement in a DAEP or JJAEP if he or she engages in the same type of misconduct that would require such placement for a student under the age of 21. In this instance, your district must revoke admission of the student.¹⁶⁰ The leaver code would be reported as '98' on the PEIMS 203 record.

10.2.4 Eligibility and Teacher Certification

Generally, all students reported as eligible to generate ADA must be served by teachers certified by the State Board for Educator Certification (SBEC) or be served under a contract negotiated by the local district. Additional information on contracting for educational services may be obtained by contacting the specific program division(s) at the Texas Education Agency (TEA).

10.3 School Calendar Requirements and Waivers to These Requirements

The school calendar for alternative education programs must follow the same regulations as those stated for the regular school, unless a waiver that alters this requirement is submitted to the TEA. Generally, a school calendar must provide for 180 days of instruction at each campus that is identified by a separate campus number (see **3.8 Calendar**).¹⁶¹ It should be noted that

¹⁶⁰ TEC, §25.001(b-1)

¹⁶¹ TEC, §25.081(a)

charter schools are not subject to the 180-day requirement; however, most charter schools typically offer 180 days of instruction.

The commissioner of education is extended the authority to waive certain requirements established by state law or State Board of Education rule when it is determined the students' education will benefit directly by waiving the law or rule.¹⁶² All rules and regulations of student eligibility and attendance reporting are applicable unless specifically waived.

Many times, waiving certain laws or rules associated with education indirectly affects other areas of education. Before applying for a waiver, your district should evaluate how the reporting of attendance and the funding of students will be affected if the waiver is granted.

10.4 Attendance Accounting Documentation

Basic attendance accounting records for students served in an alternative education setting must meet the same standards established in this handbook for the regular school program. See Sections 2 and 3.

10.5 Year-Round Schools

Regardless of beginning/ending dates, or dates of intercessions, your district must report the attendance of students participating on year-round instructional tracks in six approximately equal reporting periods.

In many cases, year-round instructional tracks are not completed by the PEIMS due date for submission of attendance data. When this situation occurs, your district must submit the attendance records for students attending year-round programs before the final 6-week reporting period is completed. Report only the actual number of days of instruction completed—as of the date the attendance records are extracted. Report the completed year during the resubmission period.

Students who switch instructional tracks remain eligible for all days of attendance, provided all other eligibility requirements are met.

10.6 Compensatory and Accelerated Instruction for At-Risk Students (Regular Accountability At-Risk Alternative Education Programs)

Each school district must provide appropriate compensatory and accelerated services for at-risk students. Refer to the TEC, §29.081(d), regarding statutory requirements for educating at-risk students.

¹⁶² TEC, §7.056(a), except as provided in the TEC, §7.056(e) and (f), regarding criminal misconduct; restrictions imposed by federal law or rule; or restrictions imposed by state law

An alternative campus for at-risk students must serve one or more of the following student populations:

1. students in at-risk situations,
2. recovered dropouts,
3. pre- and postadjudicated students,
4. homeless students,
5. pregnant or parenting students, or
6. students who previously resided or currently reside in a residential placement facility in the district.¹⁶³

10.7 Alternative Education Campuses (AECs) of Choice and Residential Facilities Evaluated Under Alternative Education Accountability (AEA) Procedures

AECs, including charter AECs, must serve students “at risk of dropping out of school”¹⁶⁴ and provide accelerated instructional services to these students. Each AEC registered for evaluation under AEA procedures is designated as an AEC of Choice or a residential facility. (AEA procedures are described in *Part 2* of the *Accountability Manual*, published annually by the Performance Reporting Division.) At-risk students enroll at AECs of Choice to expedite progress toward performing at grade level and high school completion.

All attendance accounting rules contained in this handbook apply to all AECs.

10.7.1 Registering AECs of Choice and Residential Facilities for Evaluation

To register AECs of Choice and residential facilities for evaluation under AEA procedures, contact the Performance Reporting Division at (512) 463-9704 or visit <http://www.tea.state.tx.us/aea> for details. **Campuses that choose not to register for evaluation under AEA procedures will be evaluated under the standard accountability procedures.**

10.7.2 Evaluation of DAEPs and JJAEPs

Statute or statutory intent prohibits the attribution of performance results to DAEPs and JJAEPs. Therefore, these programs are ineligible for evaluation under AEA procedures as well as stand-alone General Educational Development (GED) programs. The TEC, §37.011(h), requires that a student enrolled at a DAEP or JJAEP be reported as if the student were attending and being tested at his or her “sending” campus. Each district that sends students to a DAEP or JJAEP is responsible for properly attributing all performance data according to the PEIMS *Data Standards* and the testing guidelines.

All campuses identified to be DAEPs or JJAEPs will be labeled *Not Rated: Other* under standard accountability procedures.

¹⁶³ TEC, §29.081(d)

¹⁶⁴ as defined in the TEC, §29.081(d)

10.8 Residential Alternative Education Programs for Students in Residential Facilities

The programs covered under this category include, but are not limited to, juvenile detention centers; detention centers and correctional facilities that are registered with the Texas Juvenile Probation Commission (TJPC); residential care and treatment facilities operated under contract to a public agency, such as the Texas Youth Commission (TYC); residential treatment facilities operated for purposes such as substance and alcohol abuse; private residential treatment centers (PRTCs); and residential care and treatment facilities operated by a state supported living center or state agency or by the federal government. The services made available to students under such a program may include those services identified in subsection **10.6 Compensatory and Accelerated Instruction for At-Risk Students (Regular Accountability At-Risk Alternative Education Programs)**.

Students residing in the kinds of facilities listed in the previous paragraph are eligible for and are entitled to receive the educational services available from the public school district in which the facility is located. While some residential alternative education programs for incarcerated/housed students provide an educational program for their participants, most of these programs will call on the district of residence (district in which the residential facility is located) to provide instructional services to students participating in the program.

These types of programs are subject to the FSP rules and regulations documented in this handbook, which apply regardless of the nontraditional education program that is implemented.

10.9 Disciplinary Alternative Education Programs (DAEPs)

Your school district must provide for a DAEP that —

1. is provided in a setting other than a student's regular classroom;
2. is located on or off of a regular school campus;
3. provides for students who are assigned to the DAEP to be separated from students who are not assigned to the DAEP;
4. focuses on English language arts, mathematics, science, history, and self-discipline;
5. provides for students' educational and behavioral needs;
6. provides supervision and counseling;
7. employs only teachers who meet all certification requirements established under the TEC, Chapter 21, Subchapter B; and
8. provides not less than the minimum amount of instructional time per day required by the TEC, §25.082(a).¹⁶⁵

An off-campus or on-campus DAEP should be a "mirror image" of the regular education program your school district provides. The DAEP should include teacher and student instructional interaction. The significant differences between a DAEP and a regular education program are the type of students housed in the program and the unavailability of certain elective courses. A DAEP serves only students who are removed from a regular education setting because of a disciplinary assignment.

In the event that your school district/campus does not currently have any students assigned to a DAEP, your school district must write a contingency plan to provide for any placement to a

¹⁶⁵ TEC, §37.008(a)

DAEP that might occur during the school year.¹⁶⁶ Writing a contingency plan is especially important for elementary schools, which typically have fewer students committing behaviors that require placement to a DAEP.

10.9.1 Off-Campus DAEPs

An **off-campus** DAEP —

1. has its own **campus identification number**;
2. has its own **building** (is **not** a program on a regular campus or an at-risk alternative education campus);
3. has its own **budget**;
4. has its own **administrator**;
5. serves only students removed under the TEC, Chapter 37 (no other non-discipline program may be operated on the campus);
6. must use the services of certified teachers to the extent required above in **10.9 Disciplinary Alternative Education Programs (DAEPs)**;
7. must provide for a **180-day school year**¹⁶⁷; and
8. must provide for a **7-hour school day**^{168 169}.

If your school district or charter school has chosen to operate or participate in, through a shared services arrangement (SSA), an off-campus DAEP, your district or school must register the campus with the TEA as a DAEP instructional campus.

10.9.2 On-Campus DAEPs

An **on-campus** DAEP is one that **may have its own campus identification number**.¹⁷⁰ If an on-campus DAEP has its own campus identification number, then the campus must:

1. have an **administrator** (administrator can serve more than one campus);
2. have its own **budget**;
3. use the services of certified teachers for delivering educational and behavioral instruction to the students assigned to the on-campus DAEP;
4. provide for students who are assigned to the DAEP to be separated from students who are not assigned to the DAEP ("sight and sound barrier" should exist to provide adequate separation);
5. provide for a **180-day school year**¹⁷¹;
6. provide for a **7-hour school day**¹⁷²; and
7. **share a facility** with a nondisciplinary program.

If your school district or charter school has chosen to operate or participate in, through an SSA, an on-campus DAEP, your district or school must register the campus with the TEA as a DAEP instructional campus.

¹⁶⁶ TEC, Chapter 37, and the Student Code of Conduct

¹⁶⁷ TEC §25.081(a)

¹⁶⁸ TEC, §25.082(a)

¹⁶⁹ TEC, §37.008(a)(2)

¹⁷⁰ TEC, §37.008(a)(2)

¹⁷¹ TEC, §25.081(a)

¹⁷² TEC, §25.082(a)

If an **on-campus DAEP does not have its own campus number**, then a student should remain enrolled at the campus at which the student was enrolled when he or she was removed.

10.9.3 DAEPs and Students Under the Age of 10

A student who is younger than 10 years of age must be removed from class and placed in a DAEP under TEC, §37.008 if the student engages in conduct as described by TEC, §37.007, Expulsion for Serious Offenses. An elementary school student may not be placed in a DAEP with any other student who is not an elementary student.¹⁷³

10.9.4 DAEPs and Students Under the Age of 6

Students who are **under the age of 6** and commit behaviors that require a DAEP placement may not be placed in the DAEP. However, this prohibition does not prevent your district from assigning the student to in-school suspension or out-of-school suspension. (An out-of-school suspension may not exceed 3 school days.¹⁷⁴) As another option, your district may place the student in another regular education classroom to solve the discipline problem.

10.9.5 Students Receiving Special Education and Related Services in a DAEP

A special education student's instructional arrangement/setting will not change as a result of his or her placement in a DAEP.

10.10 Expulsion

Your school district must adopt¹⁷⁵ a student code of conduct that outlines the conditions under which a student will be expelled. The code must be in compliance with the TEC, §37.007, Expulsion for Serious Offenses. Note that charter schools are not limited to the grounds for expulsion outlined in the TEC, §37.007, unless they fail to adopt a student code of conduct that outlines the reasons a student may be expelled.

Your school district must also adopt consistent procedures for determining when a student has engaged in **serious or persistent misbehavior** violating the student code of conduct while placed in an alternative education program, for the purposes of expelling students from a DAEP for this reason (disciplinary action code 20).¹⁷⁶

¹⁷³ TEC, §37.006, Removal for Certain Conduct, (f)

¹⁷⁴ TEC, §37.005(b)

¹⁷⁵ TEC, §37.001(a)

¹⁷⁶ TEC, §37.007(c)

The following table explains the actions your district must take when a student commits a particular kind of offense.

If a student commits a —	then —
mandatory expellable offense in one of the 26 mandatory JJAEP counties,	the student must be referred to the juvenile court after the due process hearing. The juvenile court must order the student to attend the JJAEP on the next school day.
mandatory expellable offense in one of the non-mandatory-JJAEP counties,	the district must hold a due process hearing and expel the student in accordance with the local student code of conduct.
discretionary expellable offense in one of the 26 mandatory JJAEP counties, and the local student code of conduct requires an expulsion,	the student must be placed in a disciplinary educational setting in accordance with the local student code of conduct and/or the memorandum of understanding (MOU).
discretionary expellable offense in one of the non-mandatory-JJAEP counties, and the local student code of conduct requires an expulsion,	the student may be placed in a disciplinary educational setting in accordance with the local student code of conduct and/or the memorandum of understanding (MOU).

Expulsion from a DAEP can result in JJAEP placement if the conduct or expulsion warrants such placement and depending on the local student code of conduct and the MOU.

Students who are less than 10 years of age and commit an expellable offense must be **expelled with placement to a DAEP** (disciplinary action codes 03 and 04).

Refer to PEIMS *Data Standards*, Section 2, 425 Student Disciplinary Action Record, and Appendix E, for more information related to the expulsion of students.

10.10.1 Expulsion of Special Education Students

A student receiving special education and related services may be removed from his or her current placement for a period that does not exceed 10 school days or for a period exceeding 10 school days if the ARD committee determines that the student's misbehavior is not a manifestation of the student's disability.¹⁷⁷ In addition, a special education student may be removed to an interim alternative education setting for 45 school days or fewer without regard to whether the misconduct was a manifestation of the student's disability if the misconduct involved weapons, drugs, or serious bodily injury.

In addition, the Individuals with Disabilities Education Act (IDEA) requires that a free appropriate public education (FAPE) must be made available to all children with disabilities between the ages of 3 and 21, inclusive, including children who have been suspended or expelled from school, as provided in 34 Code of Federal Regulations, §300.530(d).¹⁷⁸ Therefore, students with disabilities removed from their current placements for 10 or more cumulative school days during the school year must continue to receive educational services so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their Individualized Education Program (IEP) goals.

¹⁷⁷ TEC, §37.007

¹⁷⁸ See 20 United States Code, §1412(a)(1), and 34 Code of Federal Regulations (CFR), §300.101(a).

Options that your district may consider for a special education student's disciplinary placement include, but are not limited to, placement in a DAEP (disciplinary action codes 03 and 04) or placement in another alternative interim setting that will enable the student to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP. Note, however, that a student may not be removed to a homebound setting.

The educational services provided to a student removed to a disciplinary placement are to be provided following the requirements of the 2-through-4-hour rule (see **3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding** and **3.2.1 Average Daily Attendance (ADA) Eligibility Coding**).

Your district must determine the student's instructional arrangement/setting code based on the percentage of time the student is removed from the general education setting. The student's **disciplinary action code** is 01.

Where services provided do not meet the requirements of the 2-through-4-hour rule, the student's ADA eligibility code is 0 Enrolled, Not in Membership

The student's instructional arrangement/setting code is 00 No Instructional Arrangement/Setting. The student's **disciplinary action code** is 01.

10.11 Juvenile Justice Alternative Education Programs (JJAEPs)¹⁷⁹

Academically, the mission of a JJAEP is to enable students to perform at grade level.

If a school district is in a county with a population greater than 125,000¹⁸⁰, the county juvenile board is required to develop a JJAEP, subject to the approval of the Texas Juvenile Probation Commission (TJPC).¹⁸¹ If a county has a population of at least 72,000, the juvenile board of the county and the school districts may develop a JJAEP, subject to the approval of the TJPC¹⁸². If a county has a population of 125,000 or less, the county juvenile board may develop and operate a JJAEP independent of the TJPC. A school district cannot develop or create a JJAEP.¹⁸³

10.11.1 JJAEPs and School Districts in Counties With Populations Greater Than 125,000

If your school district is in a county with a population greater than 125,000, then your school district and the county juvenile board must¹⁸⁴ annually enter into a joint memorandum of understanding (MOU), an **annual written agreement** that —

¹⁷⁹ For further program information on JJAEPs, contact the Chapter 37/Safe Schools Division at (512) 463-9982.

¹⁸⁰ For purposes of JJAEP requirements, a county with a population greater than 125,000 is considered a county with a population of 125,000 or less if the county had a population of 125,000 or less according to the 2000 federal census and the county's juvenile board enters into, with the approval of the Texas Juvenile Probation Commission, an MOU with each school district in the county that outlines the responsibilities of the board and the districts in minimizing the number of students expelled without receiving alternative educational services and includes the coordination procedures required by the TEC, §37.013. Per the TEC, §37.011(a-1) [HB 1425, 81st Legislature, Regular Session, 2009]

¹⁸¹ TEC, §37.011(a)

¹⁸² General Appropriations Act, Article V, Juvenile Probation Commission Rider 10

¹⁸³ TEC, §37.011(a)

¹⁸⁴ TEC, §37.011(k)

1. outlines the responsibilities of the juvenile board concerning the establishment and operation of a JJAEP under the TEC, §37.011;
2. defines the amount and conditions on payments from the school district to the juvenile board for students of the school district served in the JJAEP whose placement was not made on the basis of an expulsion under the TEC, §37.007(a), (d), or (e);
3. identifies those categories of conduct that the school district has defined in its Student Code of Conduct as constituting serious or persistent misbehavior for which a student may be placed in the JJAEP;
4. identifies and requires a timely placement and specifies a term of placement for expelled students for whom the school district has received a notice under the Family Code, §52.041(d);
5. establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the JJAEP;
6. establishes a plan that provides transportation services for students placed in the JJAEP;
7. establishes the circumstances and conditions under which a juvenile may be allowed to remain in the JJAEP setting once the juvenile is no longer under juvenile court jurisdiction; and
8. establishes a plan to address special education services required by law.

All school districts in the following counties are required to participate in a JJAEP and thus an MOU: Bell, Bexar, Brazoria, Brazos, Cameron, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Hidalgo, Jefferson, Johnson, Lubbock, McLennan, Montgomery, Nueces, Smith, Tarrant, Taylor, Travis, Webb, Wichita, and Williamson.

10.11.2 Establishment of a Separate JJAEP Campus

For purposes of accountability under the TEC, Chapter 39, a student enrolled in a JJAEP is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program.¹⁸⁵ In accordance with this provision, and to properly attribute JJAEP students for accountability purposes, the TEA requires that **all districts required to participate in a JJAEP establish a separate campus** to track their JJAEP students. This campus must be registered with the TEA as a JJAEP instructional campus. Once a district has been issued a registered JJAEP campus number, the district must enroll all JJAEP students on the JJAEP campus for the duration of the students' assignment to the JJAEP. Some JJAEP students are ineligible for ADA even though they are enrolled on a district's JJAEP campus and must be reported through all applicable PEIMS submissions regardless of the eligibility status.

"Truant" JJAEP Students: If a student who is required to attend a JJAEP does not appear, the student should be reported as absent in the student attendance accounting system. If your district's system does not allow a student to be absent on his or her first day at a campus, report the student as absent at the campus at which he or she was enrolled before assignment to the JJAEP. On the date that the student does appear to attend the JJAEP, report the student as present at the JJAEP campus. Your district **may not** withdraw a student required to attend a JJAEP.

¹⁸⁵ TEC, §37.011(h)

10.11.3 JJAEP Eligibility and ADA Eligibility Coding for JJAEP Students

For a student to be placed in or attend a JJAEP, the student must be —

1. found by the school district to have engaged in expellable conduct under the TEC, §37.007(a), (d), or (e);¹⁸⁶
2. found by the school district to have engaged in expellable conduct **other than** conduct under the TEC, §37.007(a), (d), or (e), and eligible for placement under the TEC, §37.0081(a-1)(1)¹⁸⁷ or under the terms of the MOU under the TEC, §37.011(k)¹⁸⁸; or
3. not expelled, but assigned by a court to a JJAEP.¹⁸⁹ (The school district is not required to provide funding to a JJAEP for students who are not expelled.)

A JJAEP is not eligible to receive FSP funding and does not report student attendance to the TEA. The school district in which the student is enrolled immediately preceding the student's JJAEP placement determines ADA eligibility coding for JJAEP students by using the following chart and referring to **3.2.1 Average Daily Attendance (ADA) Eligibility Coding**.

The student is being served by a JJAEP on the basis of —	Population of County in Which District Is Located	Is the student eligible for ADA?
a mandatory expulsion under TEC, §37.007 (a), (d), or (e).	Greater than 125,000	No, unless specifically authorized in writing by TEA (ADA codes 0, 4, or 5 unless otherwise authorized) ¹⁹⁰
a mandatory expulsion under TEC, §37.007 (a), (d), or (e).	At least 72,000 but less than 125,001	Yes, (ADA codes 0, 1, or 2), unless the county has created a JJAEP approved by TJPC¹⁹¹ , then use ADA codes 0, 4, or 5
a mandatory expulsion under TEC, §37.007 (a), (d), or (e).	Less than 72,000	Yes, (ADA codes 0, 1, or 2)
an expulsion other than a mandatory expulsion under TEC, §37.007 (b), (c), or (f).	Population of any size	Yes (ADA codes 0, 1, or 2)
being assigned to attend the JJAEP by a court (student was not expelled).	Population of any size	Yes (ADA code 1 or 2)

¹⁸⁶ Student is entitled to timely education services in the JJAEP regardless of whether the juvenile court has jurisdiction over the student. TEC, §37.011(b)(4)

¹⁸⁷ The school district provides funding in an amount determined under the TEC, §37.0081(g).

¹⁸⁸ The school district provides funding in an amount determined by the MOU. TEC, §37.012(a)

¹⁸⁹ The school district is not required to provide funding to a JJAEP for students who are not expelled. TEC, §37.012(d)

¹⁹⁰ Funding is provided to the JJAEP by the TJPC. TEC, §37.011(h)

¹⁹¹ If the JJAEP is approved by the TJPC, funding is provided by the TJPC. General Appropriations Act, Article V, Juvenile Probation Commission Rider 10

10.11.4 Required Hours and Days of Operation for JJAEPs

A JJAEP must operate at least 7 hours per day and at least 180 days per year unless the JJAEP has applied to the TJPC for a waiver of the 180-day requirement. Any waiver granted under this provision may not exceed the highest number of instructional days waived by the commissioner during the same school year for a regular school district program.¹⁹²

10.12 Serving Students With Disabilities

A public agency must provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the child's IEP in these two instances:

1. when a child with a disability who has been removed from his or her current educational placement for more than 10 school days is subjected to a subsequent removal for not more than 10 school days at a time; and
2. when a child with a disability is suspended or expelled for behavior that is not a manifestation of the child's disability.

Students with disabilities expelled from school must continue to be provided a free, appropriate public education (FAPE) by the local education agency (LEA).¹⁹³ LEAs providing FAPE to expelled students may claim ADA on the students based on the 2-through-4-hour rule **related to daily instruction**. (For information regarding funding and expulsion to a JJAEP, see the chart in **10.11.3 JJAEP Eligibility and ADA Eligibility Coding for JJAEP Students**, on the previous page).¹⁹⁴

10.13 Out-of-School Suspension (OSS)

Each school district must adopt a student code of conduct that outlines the conditions under which a student may be suspended¹⁹⁵. For definitions of in-school suspension and out-of-school suspension, refer to the glossary of this publication.

A principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under the TEC, §37.001, as conduct for which a student may be suspended.¹⁹⁶ In addition, if the student was suspended as a preliminary action for a behavior that is identified as a mandatory expellable offense¹⁹⁷, then the student must be provided "**due process**" through a formal expulsion hearing.

An OSS may not exceed 3 school days. For purposes of this rule, a partial-day suspension counts as one day toward the three-day limit. Your district **must count a suspended student absent** if the student does not meet ADA requirements for attendance accounting purposes.

¹⁹² TEC, §37.011(f)

¹⁹³ 34 CFR, §300.121(d)

¹⁹⁴ IDEA Final Regulations, 34 CFR, §300.121(d), Free appropriate public education (FAPE)

¹⁹⁵ TEC, §37.001

¹⁹⁶ TEC, §37.005(a)

¹⁹⁷ in the TEC, §37.007

10.14 In-School Suspension (ISS)

A teacher may remove from class a student who the teacher has documented as repeatedly or violently interfering with the teacher's ability to communicate with students or other students' ability to learn.¹⁹⁸ If a teacher removes a student from class under the TEC, §37.002(b), the principal may place the student into 1) another appropriate classroom, 2) in-school suspension, or 3) a DAEP¹⁹⁹.

10.15 Students From Outside Your District Who Are Being Served in Detention or Other Facilities Making Short-Term Residential Placements

If your district is serving a student from outside the district in a detention facility or other facility making short-term (10 days or fewer) residential placements, your district is not required to enroll and serve the student if —

- a) it is known at the time the student arrives that the student will be staying for 10 days or fewer and
- b) your (the serving) district and the sending district both agree that the student will continue enrollment in the sending district for the duration and
- c) enrollment will not be shown at your (the serving) district.

This policy is not a basis for denying educational services if a parent, guardian, or student requests services, regardless of the number of days of enrollment. If your district has served a student, regardless of the number of days of service, your district must enroll the student and report the student as enrolled through the PEIMS.

10.16 Examples

10.16.1 Example 1

Your district operates a DAEP for behavior management on a separate campus. Your district has moved a student to this alternative campus because of severe discipline problems. The student attends the alternative campus from 8:15 a.m. to 3:00 p.m.

*Your district would code this student with an ADA eligibility code of **1 - Eligible for Full-Day Attendance**.*

10.16.2 Example 2

Your district offers evening school for eligible students who are identified as being at risk of dropping out of high school. Classes meet for 2.5 hours from 7:00 p.m. to 9:30 p.m. Monday through Friday. The calendar consists of 180 days of instruction.

*Your district should code each student who attends this calendar with an ADA eligibility code of **2 - Eligible for Half-Day Attendance**, since the student attends fewer than 4 hours per day. Your district reports the attendance for the students who attend this calendar in six approximately equal reporting periods.*

¹⁹⁸ TEC, §37.002(b), (c)

¹⁹⁹ TEC, §37.002(c)

*If your district offered evening school from 6:00 p.m. to 10:00 p.m., each student attending 4 hours per day would be eligible for full-day attendance, and your district would code each of these students with an ADA eligibility code of **1 - Eligible for Full-Day Attendance**.*

10.16.3 Example 3

A student commits an expellable offense while on school property. Your district calls the police, and the student is arrested. The juvenile court finds that the student engaged in delinquent conduct and places the student in the county JJAEP for the remainder of the school year.

Your district should contact the TEA to establish a separate campus for the district's JJAEP students and enroll students at this JJAEP campus as the students are placed at the JJAEP facility.

If this student was placed at the JJAEP for only a few months, your district should withdraw the student from the JJAEP campus and reenroll the student on his or her regular campus after the student fulfills the JJAEP placement requirements.

10.16.4 Example 4

A student is suspended for 3 days because the student violated your district's student code of conduct.

*Your district should code the student as absent while he or she is suspended for 3 days. If this student had been expelled, your school district would still not have claimed ADA for the student since the district was not serving the student. Refer to **10.10 Expulsion** in this section for additional information.*

Section 11 Nontraditional Programs

This section addresses attendance accounting as it relates to nontraditional programs such as the Optional Flexible School Day Program (OFSDP) and the Optional Flexible Year Program (OFYP).

11.1 Responsibility

List in the space provided below the name(s) and phone number(s) of the district personnel to whom all nontraditional program questions should be directed:

Name: _____

Phone Number: _____

11.2 General Requirements

Many different situations occur in which students are educated during nontraditional hours or days of the week or in nontraditional locations within the district. These situations include but are not limited to optional flexible school day programs. Although it may be determined that a nontraditional education setting is required to better serve the needs of a particular student, for that student to be eligible for funding, he or she must meet all the eligibility requirements of the Foundation School Program (FSP) and the nontraditional program. See **3.2 General Requirements for Eligibility for Attendance/Foundation School Program (FSP) Funding** and the following requirements.

The attendance of students served in a nontraditional setting is subject to requirements associated with the nontraditional setting. Eligibility information is located later in this section. Generally, students in a nontraditional setting will be eligible for average daily attendance (ADA) funding in the district in which they reside or are otherwise entitled to attend for FSP purposes (see **3.3 Enrollment Procedures and Requirements**).

Regardless of the nontraditional way in which a student is served, that student's attendance must be reported according to rules as defined by each nontraditional program.

The school calendar for alternative education programs must follow the same regulations as those stated for the regular school, unless program rules or a waiver is received that alters this requirement. Generally, a school calendar must provide for 180 days of instruction (see **3.8 Calendar**).²⁰⁰

A student may not be double-counted for ADA while attending both a regular school program and a nontraditional education program.

Unless otherwise specified, the rules and regulations of the FSP documented in this handbook apply regardless of the nontraditional education program that is implemented.

²⁰⁰ Texas Education Code (TEC), §25.081

Students who are being served in nontraditional education programs are eligible for special program (special education, career and technical education, bilingual/ESL, etc.) funding provided all requirements of the special programs are met, including service by certified special program teachers.

11.3 Dual Credit (High School and College/University)

A public junior college, college, or university may offer a course in which a high school student may enroll and for which the student may simultaneously receive both high school and college credit.

Funding eligibility for a student taking a dual credit course will include time instructed in the dual credit course. **For the 2009–2010 and 2010–2011 school years**, your district may count the time that students spend in dual credit courses for state funding purposes even if students are required to pay tuition, fees, or textbook costs for those courses, **unless** the dual credit course is an Early College High School (ECHS) program course. Texas Administrative Code (TAC) rules for ECHS programs²⁰¹ prohibit requiring a student enrolled in an ECHS course for high school graduation credit to pay for tuition, fees, or required textbooks.

For your district or charter school to receive FSP funding for a student taking a college course, the district or charter school must have documentation of an agreement between the district or charter school and the college and meet other requirements for dual credit courses²⁰².

More information on dual credit program requirements can be found in the statutes on college credit programs, Texas Education Code (TEC), §28.009 and §28.010.

11.3.1 Student Eligibility for Dual Credit Courses²⁰³

A high school student is eligible to enroll in dual credit courses in the eleventh and/or twelfth grade if the student demonstrates college readiness by achieving the minimum passing standard(s) on a qualifying assessment instrument, as shown in the following chart²⁰⁴.

²⁰¹ 19 Texas Administrative Code (TAC) §102.1091

²⁰² specified in 19 TAC Part 1, Chapter 4, Subchapter D, and in 19 TAC Part 2, Chapter 74, Subchapter C

²⁰³ 19 TAC Part 1, Chapter 4, Subchapter D, §4.85

²⁰⁴ 19 TAC §4.56 and §4.57

Minimum Passing Standards to Demonstrate College Readiness

Assessment Instrument	Reading Skills, Reading Comprehension, or Reading Section	Elementary Algebra, Algebra, or Mathematics Section	Writing Skills (Objective), Sentence Skills, or Writing Section	Written Essay
ASSET ²⁰⁵	41 (RS)	38 (EA)	40 (WS)	6*
COMPASS ²⁰⁶	81 (RS)	39 (A)	59 (WS)	6*
ACCUPLACER ²⁰⁷	78 (RC)	63 (EA)	80 (SS)	6*
Texas Higher Education Assessment (THEA) ²⁰⁸	230 (R)	230 (M)	220 (W)	--

* The minimum passing standard for the written essay portion of all tests is a score of 6. However, an essay with a score of 5 will meet this standard if the student meets the objective writing test standard.

Alternately, a student is eligible to enroll in dual credit courses in the eleventh and/or twelfth grade if the student demonstrates he or she is exempt from meeting the previous requirements because he or she has satisfied at least one of the following criteria:

- The student scores a composite score of at least 23 on the ACT, with a minimum score of 19 on the English and/or the mathematics test (exempt for the corresponding sections for 5 years from the date of testing).
- The student scores a combined verbal and mathematics score of at least 1070 on the Scholastic Assessment Test (SAT), with a minimum score of 500 on the verbal test and/or the mathematics test (exempt for the corresponding sections for 5 years from the date of testing).
- On the grade 11 exit-level Texas Assessment of Knowledge and Skills (TAKS), the student scores a minimum scale score of 2200 on the math section and/or a minimum scale score of 2200 on the English Language Arts section with a writing subsection score of at least 3 (exempt for the corresponding sections for 3 years from the date of testing).
- The student has previously attended any institution of higher education and has been determined to have met readiness standards by that institution.
- The student is enrolled in a certificate program of one year or less (Level-One certificates, 42 or fewer semester credit hours or the equivalent) at a public junior college, a public technical institute, or a public state college.
- The student is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or as a member of a reserve component of the armed forces of the United States and has been serving for at least three years preceding enrollment.

²⁰⁵ offered by American College Testing (ACT)

²⁰⁶ offered by American College Testing (ACT)

²⁰⁷ offered by the College Board

²⁰⁸ offered by National Evaluation Systems, Inc.

- The student was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard or service as a member of a reserve component of the armed forces of the United States.
- The student has been exempted from meeting minimum passing standards for demonstrating college readiness by the institution of higher education at which the student will be taking a dual-credit course and the student is non-degree-seeking or non-certificate-seeking.

To be eligible for enrollment in a dual credit course offered by a public college, a student must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

To be eligible for enrollment in a dual credit course offered by a public college, a student must have at least junior year high school standing. Exceptions to this requirement for students with demonstrated outstanding academic performance and capability (as evidenced by grade-point average, PSAT/NMSQT scores, PLAN or other assessment indicators) may be approved by the principal of the high school and the chief academic officer of the college. Students with less than junior year high school standing must demonstrate eligibility as outlined in the text preceding the paragraph before this paragraph.

High school students **must not be enrolled in more than two dual credit courses per semester**. Exceptions to this requirement for students with demonstrated outstanding academic performance and capability (as evidenced by grade-point average, ACT or SAT scores, or other assessment indicators) may be approved by the principal of the high school and the chief academic officer of the college.

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with TAC rules. Also, an institution is not required to offer dual credit courses for high school students.

11.3.1.1 Student Eligibility Requirements Specific to Eleventh Grade Students

An eleventh grade high school student is also eligible to enroll in dual credit courses under the following conditions:

- a student achieves a score of 2200 on Mathematics and/or a score of 2200 on English Language Arts with a writing subsection score of at least 3 on the tenth-grade TAKS relevant to the courses to be attempted. An eligible high school student who has enrolled in dual credit courses in the eleventh grade under this provision is not required to demonstrate further evidence of eligibility to enroll in dual credit courses in the twelfth grade; or
- the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the critical reading and/or mathematics test relevant to the courses to be attempted. An eligible high school student who has enrolled in dual credit under this provision must demonstrate eligibility to enroll in dual credit courses in twelfth grade; or
- the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics and English. An eligible high school student who has enrolled in dual credit under this provision must demonstrate eligibility to enroll in dual credit courses in twelfth grade.

11.3.1.2 Student Eligibility Requirements Specific to Workforce Education Dual Credit Courses

A high school student is eligible to enroll in workforce education dual credit courses in the eleventh and/or twelfth grade if the student demonstrates that he or she has achieved the minimum high school passing standard on the Mathematics section and/or the English/Language Arts section on the tenth- or eleventh-grade TAKS.

A student may enroll in only those workforce education dual credit courses for which the student has demonstrated eligibility.

A student who is exempt from taking TAKS may be otherwise evaluated by an institution to determine eligibility for enrolling in workforce education dual credit courses.

11.3.2 Types of College Credit Programs Your District May Offer

The chart on the following two pages provides information on the different types of college credit programs your district may offer.

College Credit Option	Definition	College Credit (at Texas PS ²⁰⁹ Institutions)	Eligibility for Foundation School Funds	Other Funding Sources	District Expense	Student Expense	Other Considerations
Advanced Placement (AP) TEC, §§28.052–28.058 TAC §74.29	College Board–approved courses designed to prepare students to be successful on AP exams	Determined by PS institution; dependent on student's score on AP exam(s); awarded on registration in PS institution	Eligible	AP/IB incentives: Exam fee subsidies of \$30 per exam; low-income subsidies up to \$48 per exam; TTR ²¹⁰ up to \$450 per teacher every other year; Campus awards up to \$100 per qualifying student	District may choose to purchase a College Board membership, to acquire additional teacher training, to take responsibility for exam fees beyond what the state provides, etc.	Any exam fees not provided by the state or district Note: Unless it is offered for free, a student may not be required to take an exam.	Districts may not use the AP trademark to designate courses unless they have completed the AP course audit process and received approval from the College Board.
International Baccalaureate (IB) TEC, §§28.052–28.058 TAC §74.29	IBO ²¹¹ -approved courses taught in an authorized IB school	Determined by PS institution; dependent on student's score on IB exam(s); awarded on registration in PS institution; guaranteed to equal at least 24 credit hrs with completed IB diploma at Texas public PS institutions	Eligible	AP/IB Incentives: Exam fee subsidies of \$30 per exam; low-income subsidies up to \$48 per exam; TTR up to \$450 per teacher every other year; Campus awards up to \$100 per qualifying student	IBO-required fees, training, and materials	Any exam fees not provided by the state or district Note: Unless it is offered for free, a student may not be required to take an exam.	Districts may not use the IB trademark to designate courses unless they are authorized by the IBO.
Dual Credit TAC §74.25 TAC §§4.81–4.85	An opportunity for a student to earn HS course credit for a college course in which all the course's TEKS ²¹² are taught and that is equivalent with respect to the curriculum, materials, instructional activity, and method/rigor of evaluation of student performance with related college courses taught at the same PS institution	Awarded immediately by the PS institution offering the course; recognized by the school district and PS institution based on articulation agreement	Eligible for the 2010–2011 school year, whether or not course and textbook are available free to the student	High School Allotment	District may choose to pay part or all of students' tuition and/or purchase required textbooks.	Any tuition or textbook expenses not waived and/or not provided by the institution/district Note: If the tuition/fees are provided free of student expense, the student may not be required to reimburse the tuition/fees based on performance	While dual credit for local credit courses is allowed, the most beneficial dual credit opportunities will allow students to earn state credits toward HS graduation.

²⁰⁹ postsecondary

²¹⁰ teacher training reimbursements

²¹¹ International Baccalaureate Organization

²¹² Texas Essential Knowledge and Skills

College Credit Option	Definition	College Credit (at Texas PS ²⁰⁹ Institutions)	Eligibility for Foundation School Funds	Other Funding Sources	District Expense	Student Expense	Other Considerations
Early College High School TAC §102.1091 TAC §§ 4.151–4.161	A HS redesign model that provides students at risk of not graduating with a blended HS and college curriculum (Students earn a HS diploma and 60 college credit hrs tuition-free.)	Awarded immediately by the PS institution offering the course; recognized by the school district and PS institution based on articulation agreement	Eligible	High School Allotment; ECHS grants	The district or charter in which the student is enrolled shall pay for tuition, fees, and required textbooks, to the extent those charges are not waived by the institution of higher education.	No cost to student; a student enrolled in an ECHS course for HS graduation credit may not be required to pay for tuition, fees, or required textbooks ²¹³ .	To operate an ECHS, districts and PS institutions must receive ECHS designation from the TEA and THECB ²¹⁴ .
Articulated Technical Credit (Public Law 109-270, 2006)	An opportunity for a student to earn college credit for technical courses identified by a statewide articulation system through enhanced HS CTE ²¹⁵ courses	Determined by PS institution; awarded on the student's meeting the requirements of the PS institution	Eligible	Perkins federal funding; state CTE weighted funding	Required teacher professional development provides information for courses on the articulation process, content of college-equivalent courses, and expected levels of student performance	No cost to student	The student must earn at least an 80 in the HS course(s) and often must complete at least 6 hrs in the PS institution before earning the PS credit. The secondary teacher must have a baccalaureate degree or higher with a major in the teaching discipline and have a minimum of an associate degree and 3 yrs verifiable nonteaching work experience directly related to the teaching discipline. More information at www.atctexas.org
Locally Articulated Credit (Public Law 109-270, 2006)	An opportunity for a student to earn college credit for technical courses identified in a local articulation agreement between the HS and a PS institution through enhanced HS CTE courses	Determined by PS institution; awarded on the student's meeting the requirements of the PS institution	Eligible	Perkins federal funding; state CTE weighted funding	College and HS faculty meet once a year to discuss course content. The course must meet the TEKS and WECM ²¹⁶ course outcomes.	Local decision based on articulation agreement	Teacher requirements are based on the agreement between the school district and the local college and are written into the articulation agreement.

²¹³ per 19 TAC §102.1091(d)(3)

²¹⁴ Texas Higher Education Coordinating Board

²¹⁵ career and technical education

²¹⁶ workforce education course manual

11.3.3 Reporting Dual Credit Attendance in the Public Education Information Management System (PEIMS) When the Higher Education Calendar Is Shorter Than the School District Calendar

In some instances, a student may be taking dual credit courses through an institution of higher education whose calendar is shorter than your school district's calendar. If this is the case, report the student's attendance in the PEIMS with a different track, to reflect the shorter calendar. Reporting the student with a separate track will prevent any reduction in state funding. Before your district may report such attendance, it must first apply for and receive a waiver as described in **3.8.2.6 Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs) With Calendars of Fewer Than 180 Days**.

11.4 Gateway to College and Similar Programs

A "Gateway to College" (GTC) program is a program that your school district or charter school may develop through a memorandum of understanding (MOU) with the Gateway to College nonprofit organization or a similar organization in which eligible students are enrolled in the district or charter school and attend classes (either full-time, or part-time) at an institution of higher education (IHE) for the purpose of earning a high school diploma and earning college credits. GTC programs target high school dropouts and students at risk of dropping out. A charter school developing a GTC program must submit an expansion amendment request and be granted the expansion by the commissioner before enrolling students at IHEs for the purpose of earning a high school diploma.

The courses offered through a GTC program may be either high school or dual credit courses if specified in the MOU. However, for instruction provided through the GTC program to count as instruction for the purposes of the 2-through-4-hour rule and FSP funding eligibility, courses must meet the curriculum requirements specified in the TEC, Chapter 28. Developmental education courses do not count as instruction for the purposes of the 2-through-4-hour rule and are not eligible for FSP funding.

For a student participating in a GTC program to be eligible for FSP funding, the student must meet all the eligibility requirements of the FSP (see Section 3), including requirements related to half-day and full-day funding eligibility. Students participating in a GTC program and identified under federal title programs must receive appropriate instructional services as required by those federal programs.

The methods for taking attendance and the basic attendance accounting records for students served through a GTC program must meet the same standards and requirements established in this handbook for the regular school program (see Sections 2 and 3). A district or charter school reporting GTC program attendance must adhere to the requirements established in Sections 2 and 3 for the regular school program, including requirements to retain records related to student attendance for 5 years for audit purposes. Official attendance must be taken at the point in time selected by the school district or charter school. The district or charter school may specify more than one official attendance-taking time to accommodate flexible scheduling at the IHE; however, each student must be assigned to only one official attendance-taking time. The school district or charter school must communicate with the IHE daily to receive official attendance information.

The GTC program's calendar must meet the calendar requirements in **Section 3.8 Calendar**.

The district or charter school has final responsibility for ensuring that all eligibility and attendance requirements are met.

11.5 Optional Extended Year Program (OEYP)

The OEYP will not be funded for 2010–2011. Local education agencies will not be required to report OEYP attendance. As a result, access to the **407 OEYP Student Records** section of the PEIMS will be blocked.

11.6 Optional Flexible School Day Program (OFSDP)²¹⁷

The OFSDP is a program that your district may offer to provide flexible hours and days of attendance for students who have dropped out of school or are at risk of dropping out; are participating in an approved early college high school plan; are attending a campus implementing an innovative redesign under a plan approved by the commissioner of education; or as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the students have been enrolled. One goal of the program is to target those students who are unable to attend school in a traditional setting, for example, because the students must seek employment to support their families, must provide child care during traditional school hours, or are involved in an Early College High School that is designed to complement a traditional college schedule. Under these circumstances, the students might be able to attend school only during evening hours or for a couple of hours during the day. The second goal of the program is to offer students who are at risk of being denied credit for classes because of failure to meet attendance requirements the opportunity to recover that credit.

Students participating in an OFSDP may attend on a fixed or flexible schedule that does not meet the traditional 180-day, 5-days-per-week requirement. Typical OFSDP instructional arrangements include the following:

- Weekend or night classes
- Extended day classes
- Classes offered throughout the year
- Flexible schedules
- Credit recovery classes (These classes can be offered during the summer recess for students who have not earned a full ADA during the school year. A student cannot earn more than the equivalent of one ADA in a year.)

11.6.1 Student Eligibility

A student is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if —

- the student meets one of the following conditions:
 - the student is at risk of dropping out of school, as defined by the TEC, §29.081,
 - the student is attending a school implementing an approved innovative campus plan,

²¹⁷ See the TEC, §29.0822, as amended by HB 1297 and HB 3646, 81st Legislature, 2009.

- the student is attending a school with an approved early college high school program designation, or
- the student, as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the student has been enrolled; **and**
- the student, if less than 18 years of age and not emancipated by marriage or court order, and the student's parent, or person standing in parental relation to the student, agree in writing to the student's participation.

Your district may also implement a study program for seniors who have completed the required course work but need additional tutoring to assist them in passing the TAKS test so that they may graduate and obtain their high school diploma.

11.6.2 OFSDP Funding

The OFSDP is **not a competitive grant program**. The OFSDP program provides an alternate method of attendance accounting. The standard attendance rule requiring students to be scheduled to receive instruction for a minimum of 2 hours per day for half-time funding and a minimum of 4 hours per day for full-time funding does not apply to students who earn attendance through the OFSDP. Funding is based on the total eligible minutes of instructional contact time each student receives.

A student must receive instruction in the OFSDP (or in the OFSDP and traditional attendance program courses) at least 45 minutes on a given day for instructional contact time to be recorded. The maximum number of instructional minutes allowed each school day, including any instructional time accounted for in traditional courses toward graduation requirements, is 600 minutes, or 10 hours.

Instructional contact time for the OFSDP is funded at the same rate under the FSP formulas as attendance for a full-time equivalent student. A full-time equivalent student is expected to have 1,080 contact hours per year.

For an eligible OFSDP student attending summer school OFSDP courses for credit recovery, funding is limited to only funding for the attendance necessary for the student to recover class credit.

For funding purposes, OFSDP attendance for a student for a 12-consecutive-month school year cannot exceed the equivalent of one student in ADA with perfect attendance.

11.6.3 Participation in the OFSDP and the Regular Attendance Program

A student may receive instruction and earn minutes of attendance in both 1) classes held during the regular school day and 2) classes specifically designed for the OFSDP. However, the student may not be simultaneously enrolled in the OFSDP and the traditional attendance program, in terms of how the student's attendance is reported in the attendance accounting system. In other words, a student —

- may not have the same attendance time/minutes reported simultaneously through the OFSDP and the regular attendance program

- may not have the same attendance time/minutes reported simultaneously through the PEIMS with both a 400 record and a 500 (OFSDP) record

However, it is acceptable for a student to earn both traditional attendance and OFSDP attendance if the student's enrollment status changes from a traditional program to the OFSDP or if the status changes back to a traditional program from the OFSDP. A student's attendance program (OFSDP or regular) **may not** be changed in the middle of a 6 week reporting period.* **Note:** The sum of traditional ADA earned and OFSDP ADA earned **cannot exceed one ADA total**.

*One exception to the prohibition on changing the type of record used during a reporting period would be for an OFSDP student who begins receiving Pregnancy Related Services Compensatory Education Home Instruction (CEHI) services in the middle of a 6 week reporting period. The student's attendance would be reported with a 400 record (according to the CEHI funding chart in **9.11 Confinement and Earning Eligible Days Present**) and with an ADA eligibility code of 1 at the time the student began receiving CEHI services, even if that date occurred within the 6 week reporting period. Once the student stopped receiving CEHI services and returned to school to participate in the OFSDP, the student's attendance would be reported with a 500 record and with an ADA eligibility code of 7, even if the transition occurred in the middle of a 6 week reporting period.

11.6.4 Application Process

To participate in the OFSDP, your district must submit an annual application notifying the TEA that it plans to participate. The application requires the following information: implementation plan description, staff plans, schedules, and student attendance accounting security procedures and documentation.

Note: Applications **no longer** need to be submitted 90 days before the program's start date.

11.6.5 FSP Funding Eligibility for Students 21-25 Years of Age

Note that a student who is at least 21 years of age and under 26 years of age and admitted by your school district to complete the requirements for a high school diploma is eligible to generate ADA (and thus FSP funding [including OFSDP funding]).

Also, a student receiving special education services who is 21 years of age on September 1 of a scholastic year is eligible for services (including OFSDP services) through the end of that scholastic year or until graduation, whichever comes first. In addition, a student with a disability who graduated by meeting the requirements of 19 TAC §89.1070(c) as determined by an admission, review, and dismissal (ARD) committee and who is still in need of special education services²¹⁸ may be served through age 21 inclusive²¹⁹. A student receiving special education services who is at least 22 years of age and under 26 years of age on September 1 admitted for the purpose of completing the requirements for a high school diploma is **not** eligible for special education weighted state funding, but is eligible for other weighted state funding.

²¹⁸ as determined by the ARD committee per §89.1070(h)

²¹⁹ 34 Code of Federal Regulations, §300.102(a)(3)

11.6.6 Reporting Requirements

Your district should report OFSDP attendance data using the PEIMS: <http://www.tea.state.tx.us/index4.aspx?id=3014>. PEIMS Data Standards Records for OFSDP attendance include —

- **500** Flexible Attendance Data – Student
- **505** Special Education Flexible Attendance Data – Student
- **510** Career and Technical Flexible Attendance Data – Student

It is acceptable to create and report both 400 and 500 series records for a student if the student's enrollment status changes from a traditional program to the OFSDP or if the status changes back to a traditional program from the OFSDP. Note: If a student is participating in both classes that are a part of the traditional attendance program and classes that are a part of the OFSDP simultaneously, **all attendance must be reported through the OFSDP 500 series records.**

11.6.7 Estimating OFSDP Funding

Your school district may estimate the FSP funding to be generated by the OFSDP by entering the OFSDP ADA and full-time equivalent (FTE) data into the latest estimate of state aid template available at the Region XIII Education Service Center website at <http://www5.esc13.net/finance/>.

11.6.8 More Information

More information about the OFSDP, including the program application and applicable commissioner's rules, is available at the following link on the TEA website: http://www.tea.state.tx.us/index2.aspx?id=7733&menu_id=645&menu_id2=789.

11.7 Option Flexible Year Program (OFYP)

An OFYP is a program for students who did not or are likely not to perform successfully on the Texas Assessment of Knowledge and Skills (or an alternate testing instrument) or who would not otherwise be promoted to the next grade level.

To provide additional instructional days for an OFYP, with the approval of the commissioner, your school district may:

- provide for at least 170 days of instruction (for students who are not at risk) and at least 180 days of instruction (for students who are at risk) during the regular school year; and
- use for instructional purposes no more than 5 days that would otherwise be used for staff development or teacher preparation.

The TEA strongly encourages districts providing OFYPs to provide the additional instructional days for eligible students throughout the school year instead of only at the end of the school year. This practice helps ensure eligible students' successful program completion.

Students who are participating in an OFYP should be reported on a separate instructional track from students who are not participating in an OFYP. An OFYP instructional day may not be scheduled on the same day as an early release day.

To participate in the OFYP, your school district must submit an application. The application is available on the TEA's OFYP website at http://www.tea.state.tx.us/index2.aspx?id=7738&menu_id=645&menu_id2=789.

11.8 High School Equivalency Program (HSEP)

The High School Equivalency Program (HSEP) is also known as the "In-School GED Program." The Texas In-School GED Program provides an alternative for high school students age 16 and over who are at risk of not graduating from high school and earning a high school diploma. The purpose of the program is to prepare eligible students to take a high school equivalency examination (GED).

11.8.1 HSEP Eligibility Requirements

A student is eligible to participate in an HSEP if —

- the student has been ordered by a court under Code of Criminal Procedure, Article 45.054, or by the Texas Youth Commission to:
 - participate in a preparatory class for the high school equivalency examination; or
 - take the high school equivalency examination administered under the TEC, §7.111; or
- the following conditions are satisfied:
 - the student is at least 16 years of age at the beginning of the school year or semester;
 - the student is at risk of dropping out of school, as defined by the TEC, §29.081(d);
 - the student and the student's parent, or person standing in parental relation to the student, agree in writing to the student's participation; and
 - at least 2 school years have elapsed since the student first enrolled in grade 9 and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the district or school.

11.8.2 HSEP Attendance Accounting and Funding

The HSEP provides alternatives to the traditional attendance program and provides flexible attendance schedules. Students in the program are still subject to minimum attendance requirements (TEC, §25.092).

District personnel must maintain a separate log of program instructional contact time for each student participating in the HSEP.

A student is counted as in attendance based on the actual number of daily contact minutes the student receives instruction in the HSEP and/or traditional classes toward graduation requirements. A student must receive instruction in the HSEP (or HSEP in combination with traditional coursework) at least 45 minutes on a given day for instructional contact time to be recorded. If actual instructional contact time in the HSEP (or the HSEP in combination with traditional coursework) does not equal at least 45 minutes on a given day, your district must record 0 minutes of instructional contact time for that day. The maximum number of instructional

contact minutes allowed each school day, including any instructional time accounted for in traditional courses toward graduation requirements, is 600 minutes.

HSEP attendance is reported using the 500 series PEIMS records. For students in grades 9–12 who are ADA eligible, create at least one record for PEIMS reporting for each student who attends at least 45 minutes in the HSEP within the indicated reporting period.

A district must report all minutes of instruction attended by a student for each six-week reporting period. However, no student may generate more than one ADA for FSP funding purposes for a school year within a district and/or campus. If a student participates in both the HSEP and the traditional attendance program, the student may not generate more than one ADA for FSP funding purposes for a six-week reporting period within a district and/or campus.

Note: Attendance reporting for students attending an HSEP in a shared services arrangement is the responsibility of the student's home district.

For additional rules and instructions related to the HSEP, visit the TEA website at <http://www.tea.state.tx.us/index2.aspx?id=2808>.

11.9 Texas Virtual School Network (TxVSN)

The Texas Virtual School Network (TxVSN) is a state virtual school network that provides students throughout the state with access to online courses that are reviewed to ensure they meet the Texas Essential Knowledge and Skills (TEKS) and national standards for quality online courses. The network was established by Senate Bill 1788, passed by the 80th Texas Legislature, Regular Session, in May 2007. The TEC, Chapter 30A, which established the TxVSN, does not affect the provision of distance learning courses offered under other law. The TxVSN creates an additional distance learning option for districts.

Courses approved through the TxVSN review process first became available for grades 9 through 12 in the 2008–2009 school year.

TxVSN online courses can be provided by a TxVSN provider school district or school, defined as a school district or open-enrollment charter school that meets certain eligibility requirements; Texas public and private institutions of higher education; and regional education service centers (ESCs), per commissioner's rule.

For more information on the TxVSN and to view the list of available courses in the TxVSN course catalog, visit the TxVSN website at <http://www.txvsn.org/>.

11.9.1 Student Eligibility for the TxVSN

A student is eligible to enroll in a course provided by the TxVSN only if the student —

- is younger than 21 years of age on September 1 of the school year,
- has not graduated from high school, **and**
- is otherwise eligible to enroll in a public school in Texas.

A student may enroll in courses full-time only if the student was enrolled in a public school in the state of Texas the preceding year.

A student may enroll in one or more courses provided through the TxVSN or enroll full-time in courses provided through the network if —

the student —

- is a dependent of a member of the United States military,
- was previously enrolled in a high school in the state of Texas, **and**
- does not reside in the state as a result of military deployment or transfer

or

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

A student who has begun enrollment in an electronic course and transfers from one educational setting to another is entitled to continue enrollment in the course.

11.9.1.1 Students in Grades 3 Through 10

For the 2010–2011 school year, only those students in certain school districts and open-enrollment charter schools that applied and were approved to participate in the Electronic Course Pilot (eCP) program are eligible to participate in the TxVSN, serving grades 3 through 10.

These districts/charter schools will be offering a full-time virtual program rather than individual content areas. For the 2010–2011 school year, these districts/charter schools will not be offering their virtual programs through the TxVSN course catalog.

11.9.2 TxVSN FSP Funding and Fees

If an eligible student participates in the TxVSN, meets the legal requirements for enrollment in a Texas school district, and meets the normal attendance accounting rules, the student is eligible to generate FSP funding as an enrolled student in that district. If the student does not meet the normal attendance accounting rules, the student is not eligible to generate FSP funding.

If an eligible student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student participates in the TxVSN, the student is not eligible to generate ADA or FSP funding.

Funding for eligible TxVSN participants in grades 3 through 8 will be calculated based on the ADA of those students.

Funding for eligible TxVSN participation in grades 9 through 12 will be based on successful course completion.

Districts providing TxVSN courses receive an allotment of \$400 for each TxVSN course a student successfully completes. Districts in which students taking a TxVSN course are enrolled receive \$80 per semester for administrative costs for each eligible enrolled student who successfully completes a TxVSN course.

A district may charge a nominal fee for TxVSN courses offered in the summer or for TxVSN courses that are in excess of the normal course load for a student but may not receive allotments for any TxVSN courses for which the district charges a fee. The fee for a TxVSN course may not exceed the lesser of the cost of providing the course or \$400.

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

11.9.3 Options for Providers and Students

A TxVSN provider school district or open-enrollment charter school may offer electronic courses provided through the network to —

- students who reside in this state and
- students who reside outside this state and who meet the eligibility requirements under the TEC, §30A.002(c) (students who are dependents of members of the U.S. military, were previously enrolled in a Texas high school, and do not reside in Texas as a result of military transfer).

A student who is enrolled in a school district or open-enrollment charter school in this state as a full-time student may take one or more electronic courses through the TxVSN.

A student who is enrolled in a school district or open-enrollment charter school that participated in the eCP may attend grades 3 through 10 full-time.

A student who is in substitute care in this state may take courses full-time through the TxVSN.

Notwithstanding those students who are in substitute care, a student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may²²⁰ enroll in electronic courses through the TxVSN. A student to whom this subsection applies —

- may not in any semester enroll in more than two electronic courses offered through the state virtual school network,
- is not considered to be a public school student,
- must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides,
- 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 network, and
- 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.

Your school district or open-enrollment charter school may not require a student to enroll in an electronic course.

11.10 Interstate Compact on Educational Opportunity for Military Children

In 2009 with the passage and signing into law of Senate Bill 90, Texas became a member state of the Interstate Compact on Educational Opportunity for Military Children. The compact is an

²²⁰ subject to TEC, §30A.155

agreement among member states to abide by a common set of requirements related to education of military children.²²¹

This section provides information on some important compact definitions and requirements related to attendance accounting.

11.10.1 Some Important Compact Definitions

The following definitions apply for purposes of compact requirements:

"Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders²²².

"Child of a military family" means a school-aged child, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

"Education(al) records" means those official records, files, and data directly related to a student and maintained by the school or local education agency.²²³

"Member state" means a state that has enacted the compact.

"Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

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

The U.S. NOAA is an agency of the U.S. Department of Commerce (DOC). The U.S. NOAA Commissioned Corps²²⁴ is made up of approximately 300 science and technology professionals who serve in leadership and command positions in the NOAA and DOC and in the Armed Forces during wartime or national emergencies.

The U.S. Public Health Services Commissioned Corps²²⁵ is made up of approximately 6,000 public health professionals who help administer national public health promotion and disease prevention programs through federal programs and agencies. Corps members include doctors, nurses, pharmacists, therapists, researchers, and engineers.

11.10.2 Notable Compact Provisions and Requirements

Following are notable compact provisions and requirements. Compact requirements that already exist as state statutory or rule requirements that are described elsewhere in this handbook have not been included.

²²¹ The Texas Legislature enacted the compact through the TEC, §162.002

²²² pursuant to 10 USC, §1209 and §1211

²²³ See Article II of the compact in the TEC, §162.002, for the full definition.

²²⁴ U.S. National Oceanic and Atmospheric Administration Commissioned Corps website: <http://www.noaacorps.noaa.gov/about/about.html>.

²²⁵ U.S. Public Health Service Commissioned Corps website: <http://www.usphs.gov/aboutus/questions.aspx#whatis>.

11.10.2.1 Entitlement to Continue at Grade Level

A child of a military family who moves to your district from another member state is entitled to continue enrollment at the same grade level, including kindergarten, that he or she was enrolled in in that other state regardless of the child's age. The child must be admitted and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the following:

1. official military orders showing that the military member was assigned to the state or commuting area of the state in which the child was enrolled and attended school. If the child was residing with a legal guardian and not the military member during the previous enrollment, the following must be provided:
 - a copy of the family care plan, or
 - proof of guardianship, as specified in the compact, or
 - any information sufficient for your district to establish eligibility under the compact;
2. an official letter or transcript from the proper school authority showing the child's attendance record, academic information, and grade placement;
3. documented evidence of appropriate immunization; and
4. evidence of date of birth.

A child of a military family who moves to your district from another member state and who satisfactorily completed a particular grade level in the sending state is entitled to enroll in the next highest grade level. The child must be admitted and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the items specified in the previous paragraph.

Section 12 Appendix: Average Daily Attendance and Funding

Definitions

Average Daily Attendance (ADA): ADA is the average attendance of students for the school year. It is calculated by dividing the number of days attended by students in a six-week period by the number of days taught in the six-week period. The results for all six-week periods in a track are then summed, divided by six, and rounded to three decimal places.

ADA =

$$\begin{array}{r} \text{(Total days present in 1}^{\text{st}} \text{ six weeks)} \div \text{(days taught for 1}^{\text{st}} \text{ six weeks)} \\ \text{(Total days present in 2}^{\text{nd}} \text{ six weeks)} \div \text{(days taught for 2}^{\text{nd}} \text{ six weeks)} \\ \text{(Total days present in 3}^{\text{rd}} \text{ six weeks)} \div \text{(days taught for 3}^{\text{rd}} \text{ six weeks)} \\ \text{(Total days present in 4}^{\text{th}} \text{ six weeks)} \div \text{(days taught for 4}^{\text{th}} \text{ six weeks)} \\ \text{(Total days present in 5}^{\text{th}} \text{ six weeks)} \div \text{(days taught for 5}^{\text{th}} \text{ six weeks)} \\ + \text{(Total days present in 6}^{\text{th}} \text{ six weeks)} \div \text{(days taught for 6}^{\text{th}} \text{ six weeks)} \\ \hline \text{Result} \end{array}$$

$$\text{Result} \div 6 = \text{ADA}$$

ADA must be calculated separately for each track and then added together to calculate total ADA.

Days in Attendance: Days in attendance are the total number of days that a student was in attendance (present at the designated attendance-taking time or absent for a purpose described by 19 TAC §129.21[k]) during a specific period (for example, a 180-day school year) while that student was eligible to generate funding (in membership).

Days in Membership: Days in membership are the total number of days that a student is enrolled in classes and is regularly scheduled for at least 2 hours daily. (The student may still be ineligible due to eligibility issues other than the amount of time served.) A student is not in membership until the student has been present at the official roll call at least one time.

Instructional Days: Instructional days are the total number of days that classes are held in the school year. The law requires that districts have 180 instructional days unless a waiver has been issued to shorten the school year. Charter schools are not required to have a 180-day calendar; however, their funding is based on a 180-instructional-day calendar minus the number of days that are approved for waivers.

Refined ADA: Refined ADA is ADA calculated without ineligible ADA.

Special Education Full Time Equivalent (FTE): Special education FTEs are calculated by multiplying the number of eligible days present in a 6-week period that students were placed into a special program instruction setting by the multiplier of the instructional setting. **Please see 4.11.1 Contact Hours for Each Instructional Setting.** Excess special education contact hours in that instructional setting for the 6-week period are subtracted from calculated contact hours for the 6-week period. The net contact hours are divided by the number of days in the 6-week

period multiplied by six. The calculated FTE for the 6-week period is added to the same instructional setting's monthly FTE and divided by six. The FTE is multiplied by the special education weight appropriate for that instructional setting.

Weighted Average Daily Attendance (WADA): WADA is an adjusted student count that compensates for student and district characteristics as defined by statute. Students with special educational needs, for example, are “weighted” by a factor ranging from 1.1 to 5.0 times the “regular” program weight in order to fund their special needs.

Information on Weights

Special Education — Weight: 1.1 to 5.0

A special education student is assigned one of 12 special education instructional arrangements/settings, each with a varying weight (from 1.1 to 5.0) that is based on the duration of the daily service provided and the location of the instruction.

Funding is based on the amount of time that special education students are served in their instructional arrangements/settings. Special education students assigned the mainstream instructional arrangement/setting also generate funding based on ADA.

Instructional Arrangement	Weight
Homebound	5.0
Hospital Class	3.0
Speech Therapy	5.0
Resource Room	3.0
Self-Contained Mild/Moderate	3.0
Self-Contained Severe	3.0
Off Home Campus	2.7
Vocational Adjustment Class	2.3
State Supported Living Centers	2.8
Nonpublic Contracts	1.7
Residential Care and Treatment	4.0
Mainstream	1.1

Compensatory Education — Weight: 0.2, or 2.41 for a Student Receiving Pregnancy Related Services (PRS)

Compensatory education funding provides funding for programs and services designed to supplement the regular education program for students identified as at risk of dropping out of school.

Funding is based on the number of educationally disadvantaged students from the prior federal year (October through September). The number of educationally disadvantaged students is determined by averaging the highest six months' counts of students who are eligible for a free or reduced-price lunch through the National School Lunch Program (NSLP).

PRS ADA is calculated similar to the way refined ADA is calculated. PRS days for a 6-week period are divided by the number of days taught in the 6-week period. The results for all 6-week periods in a track are then summed and divided by six, and the result is rounded to three decimal places. The PRS ADA calculation is then multiplied by 0.2936 to calculate PRS FTE.

Career and Technical Education (CTE) — Weight: 1.35

CTE funding pays for CTE course materials and staff salaries. CTE courses are designed to enable students to gain entry-level employment in high-skill, high-wage jobs and/or to continue their education.

Funding is based on contact hours, similar to special education. Contact hours are calculated based on the number of eligible days of students taking CTE classes multiplied by the V code (V1, V2, V3, V4, V5, or V6) for the appropriate number of hours that the student is enrolled. See **5.5.2.1 Special 410 Record Coding Instructions for Districts Operating Block Schedules** and **5.6 Computing Contact Hours** for additional assistance.

Bilingual/English as a Second Language (ESL) — Weight: 0.1

Bilingual/ESL funding pays for bilingual/ESL program staff salaries and additional resources.

Funding is based on the number of bilingual/ESL ADA reported by the school. Bilingual/ESL ADA is calculated similar to the way refined ADA is calculated.

Gifted/Talented — Weight 0.12

Gifted/talented funding pays for gifted/talented program staff salaries and resources.

Funding is based on the number of students served through the gifted/talented program. The number of students eligible for this funding is capped for each district/charter school at 5% of the entity's refined ADA.

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Section 13 Glossary

2-through-4-hour rule – The shortened name for the requirement that a student, other than a student who is eligible for, enrolled in, and scheduled for and provided instruction in an alternative attendance accounting program, must be scheduled for and provided instruction 2 through 4 hours each day to be eligible for attendance for FSP purposes (eligible to generate ADA and thus funding).

ADA Eligible Student – A student who is coded as eligible in the attendance accounting system (coded with ADA eligibility code 1, 2, 3, 6, or 7).

Admission, Review, and Dismissal (ARD) Committee – A committee that each school district or special education shared services arrangement is required to establish and that makes decisions concerning the educational program of a student referred for special education. All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing a student's Individualized Education Program (IEP).

Age – For the purposes of establishing eligibility, a student's age as of September 1 of the current school year. However, a child with a disability may become eligible for services from the date of birth if other special education requirements are met.

If school starts before the student's birth date, the attendance is eligible for the entire school year as long as the student will be the required age on or before September 1 of the current school year.

At-Risk – At risk of dropping out of school according to state criteria defined in the TEC, §29.081(d).

Attendance Snapshot – The moment when official attendance is determined for all students. At the moment the snapshot is taken, a student is either present or absent.

Average Daily Attendance (ADA) – The number of students in average daily attendance. ADA is based on the number of days of instruction in the school year. The aggregate days attendance is divided by the number of days of instruction to compute ADA. ADA is used in the formula to distribute funding to Texas public school districts.

Bilingual/ESL Eligible Days – A term used to describe the days that bilingual or ESL students were in attendance. Only students who meet eligibility requirements and are served by staff certified or on permit to teach bilingual education and/or ESL or students who are served in a program approved by the TEA under an exception or a waiver should be counted (Section 6).

Campus Summary Report – A report that summarizes the attendance data of all students on a campus, aggregated by 6-week reporting period by instructional track (if applicable) (Section 2).

Career and Technical Education Career Preparation and Practicum Courses – Teacher and student assignment designations for instruction that develops essential knowledge and skills through a combination of classroom-based technical instruction and work-based training (Career Preparation courses are paid learning experiences only; Practicum courses for each career cluster are paid or unpaid learning experiences) in career and technical education occupationally specific training areas. The work-based training components (paid or unpaid) can be provided through cooperative education, internships, job-shadowing, apprenticeships (U.S. Bureau of Apprenticeship and Training [BAT] approved), clinical rotation, preceptorships, etc. The coordinated classroom instruction, work-based training, and education should provide the student with a variety of learning experiences that will give the student the broadest possible understanding of all aspects of the business or industry.

Center-Based Instruction – The instructional arrangement/setting code used for a child who, along with his or her family, is provided early intervention services through Early Childhood Intervention (ECI) programs operated through the Interagency Council on Early Childhood Intervention in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional setting does **not** generate contact hours or ADA.

Central Attendance Accounting – An attendance accounting system in which teachers must submit a report of student absences, based on the required classroom period of instruction, to the central office. Central office personnel then post the absence reports to the attendance system records.

Combination Program – The instructional arrangement/setting code used for a child who, along with his or her family, is provided special education services through Early Childhood Intervention (ECI) programs operated through the Interagency Council on Early Childhood Intervention both in the home and in a service facility. This instructional setting does **not** generate contact hours or ADA.

Community-Based Dropout Recovery Education Program – A private or public education program to serve students who are at risk of dropping out of school. The attendance of a student in the program is eligible in the district in which the student resides or is otherwise entitled to attend for Foundation School Program (FSP) fund benefits (Section 3).²²⁶

Compensatory Education Home Instruction (CEHI) – Academic services provided at home or hospital bedside to a student being served under the Pregnancy Related Services program. A student receiving CEHI is counted present for FSP purposes based on the amount of service the student receives at home each week by a certified teacher (Section 9).

Compulsory School Age – Any age at which a child is required to attend school. Unless specifically exempted by law, those children at least 6 years of age and those who have not yet reached their eighteenth birthday are required to attend school. A student enrolled in prekindergarten or kindergarten must attend school.²²⁷ Also, a person who is age 18 or older and is enrolled in public school is required to attend school each day. A school district's board of trustees may adopt a policy requiring a student who voluntarily enrolls in school or voluntarily attends school after his or her eighteenth birthday to attend school until the end of the school year if the student is under age 21.

²²⁶ Texas Education Code (TEC), §29.081(e),(f). See [Chapter 8](#) of the *2010 Accountability Manual* for further information.

²²⁷ TEC, §25.085(b),(c)

Departmentalized Instruction – A method of instruction in which students do not remain in the presence of the same teacher for all or a major portion of the school day. Central attendance accounting is required for departmentalized instruction.

Direct, Regularly Scheduled – A term used when referring to time a student is served through special education as documented in the IEP. The special education service must be direct, eye-to-eye contact between certified special education staff and the student. The special education services must be regularly scheduled in that a specific amount of time is scheduled at least weekly in the IEP. Services must not be scheduled on an as-needed basis.

Disciplinary Alternative Education Program (DAEP) – An alternative education program that meets the following requirements: Instruction is provided in a setting other than a student's regular classroom; is located on or off of a regular school campus; provides for students who are assigned to the DAEP to be separated from students who are not assigned to the DAEP; focuses on English, math, science, history, and self-discipline; provides for students' educational and behavioral needs; provides supervision and counseling; separates elementary students from nonelementary students; provides educational instructional services for students who are at least 6 years old and have committed an offense that requires a removal from the regular education program to a DAEP; and provides educational instructional services for students who are less than 10 years old and have committed expellable offenses.²²⁸

District Summary Report – A report that summarizes the attendance data of all students in your district, aggregated by 6-week reporting period by instructional track (if applicable) (Section 2).

Early Childhood Intervention (ECI) – Special education services for children under age 3. Once a child is 3 years old, he or she is ineligible for ECI services. Your school district should evaluate the child to establish eligibility for services under IDEA-B and provide these services appropriately. Under no circumstances is a 3-year-old eligible to continue in ECI.

Early Education (EE) – A grade level for students between the ages of 0 and 5 who have not been placed in prekindergarten or kindergarten. These students include students receiving special education services who do not meet the 2 hours of instruction per day requirement for membership and students in a Head Start program that does not meet the requirements for state funds. These students also include those served by PPCD teachers in a licensed childcare facility working in a collaborative partnership with your school district.

Educationally Disadvantaged [Prekindergarten] – Term used to describe a student who is eligible to participate in the National School Lunch Program established under 42 USC, §1751 et seq.²²⁹

Eligible Days – Days that eligible students were in attendance. This figure is calculated by subtracting absences and ineligible days of attendance from days of membership. Funding is based on the number of eligible days for each student.

²²⁸ TEC, §§37.006, 37.007, and 37.008

²²⁹ TEC, §5.001(4)

Eligible Transfer – A nonresident student who has been legally transferred into your district. This student is eligible for ADA funds in your district. Transfers apply only to students wishing to transfer from one Texas school district to another and do not apply to students who reside in another state.

Enrollment (In Enrollment) – Actually receiving instruction by attendance in a public school, as opposed to being registered but not yet receiving instruction.

Excess Contact Hours - Any combination of career and technical education and special education services that exceeds 6 hours per day. Those hours exceeding 6 must be subtracted from the primary special education instructional setting.

For example, a student in a resource room instructional setting (codes 41 and 42) earns 2.859 contact hours per day. If that student is also enrolled in four 1-hour career and technical education courses, the total contact hours per day equals 6.859. The excess 0.859 contact hour for each day must be subtracted from the special education contact hours.

The only time excess contact hours are subtracted from speech is when speech is the only special education service (e.g., a student with 6 hours of career and technical education and speech [.25 contact hours per day]).

Expulsion – Expulsion involves a due process hearing that results in a student's being removed to either no educational setting or a disciplinary alternative educational setting. A student must be expelled from school for certain offenses²³⁰ and may be expelled for others. The student is generally withdrawn from the school he or she was attending on the date that expulsion takes effect. In many circumstances, the student is then enrolled in a disciplinary alternative education setting such as a DAEP or JJAEP. If a student who has been expelled enrolls in another school district before the period of expulsion is ended, the receiving district may continue a legal expulsion or may allow the student to enroll and attend classes. See **10.10 Expulsion and Out-of-School Suspension** later in this section.

Foundation School Program (FSP) – The program under which Texas public school districts receive resources to provide a basic instructional program and facilities to eligible students.

Home-Based Instruction – The setting for providing early intervention services through ECI programs operated through the Interagency Council on Early Childhood Intervention in the home of the client. Both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider must also receive training. This instructional setting does **not** generate contact hours or ADA.

General Education Homebound (GEH) – The instructional setting under which students receive services at home or hospital bedside from a certified teacher and are counted present for FSP purposes based on the amount of service they receive at home or hospital bedside each week. Students served under this setting do not qualify for special education eligibility. They must be confined for medical reasons only and be expected to be confined for a minimum of 4 weeks (which need not be consecutive).

²³⁰ According to the TEC, §37.007, Expulsion For Serious Offenses

High School Equivalency Program (HSEP) – Also known as the "In-School GED Program," a program that provides an alternative for high school students ages 16 through 21 years of age (22 year of age if qualified for special education) who are at risk of not graduating from high school and earning a high school diploma. The purpose of the program is to prepare eligible students to take a high school equivalency examination (GED).

Homebound – The special education instructional setting under which students receive services at home or hospital bedside from a certified teacher and are counted present for FSP purposes based on the amount of service they receive at home or hospital bedside each week. Students served under this setting must meet all special education eligibility requirements to be counted eligible.

Homeless Students – As defined by 42 USC, §11302(a), the term "homeless" or "homeless individual or homeless person" includes —

- (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and
- (2) an individual who has a primary nighttime residence that is —
 - (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

As defined by 42 USC, §11434a, the term "homeless children and youths" —

(A) means individuals who lack a fixed, regular, and adequate nighttime residence [within the meaning of §11302(a)(1)]; and

(B) includes —

- (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings [within the meaning of §11302(a)(2)(C) of this title];
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in §6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Individualized Education Program (IEP) – A program developed by an ARD committee for each student served in special education. The IEP should include documentation of the amount

of time a student is to spend in each instructional setting. This information is necessary for proper coding of special education students in the attendance accounting system.

Ineligible Days – Days the student was present and in membership but was ineligible for ADA funds.

In-School Suspension – A suspension in which a student is removed from his or her regular education setting to an alternative setting (not DAEP).²³¹ As long as the student continues to come to school, the attendance in the program may be counted in computing your district's ADA.

Instructional Day – That portion of the school day in which instruction takes place. The instructional day does not include lunch, recess, passing periods, etc.

Juvenile Justice Alternative Education Program (JJAEP) – The alternative education program that the juvenile board of a county with a population greater than 125,000 must develop subject to the approval of the Texas Juvenile Probation Commission (TJPC); or that counties with a population of at least 72,000 but less than 125,001 may develop subject to the approval of the TJPC; or that counties with a population of less than 125,000 may choose to develop without the approval of the TJPC.²³²

Membership – The total number of public school students who were reported in membership as of the October snapshot date (the last Friday in October) at any grade, from early childhood education through grade 12. Membership is a slightly different number from enrollment, because it does not include those students who are served in the district for fewer than 2 hours per day. For example, the count of Total Students excludes students who attend a nonpublic school but receive some services, such as speech therapy—for fewer than 2 hours per day—from their local public school district.

Military (Member of Armed Forces) (Definition Applicable for Prekindergarten Eligibility Requirements) – Active duty uniformed member (parent or guardian) of the U.S. Army, Navy, Marine Corps, Air Force, or Coast Guard who is assigned to duty stations in Texas or who is a Texan who has an eligible child residing in Texas; activated/mobilized uniformed member of the Texas National Guard (Army or Air Guard); activated/mobilized member of the Reserve components of the U.S. Army, Navy, Marine Corps, Air Force, or Coast Guard who is a Texas resident regardless of location of the reserve unit; uniformed service member who is missing in action (MIA); or member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is injured or killed while serving on active duty.

Military (Member of Uniformed Services) (Definition Applicable for Interstate Compact on Educational Opportunity for Military Children) – Active duty uniformed member of the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders²³³. "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), and Public Health Services.

²³¹ TEC, §37.005

²³² See the TEC, §37.011 and §37.012, for additional information.

²³³ pursuant to 10 USC, §1209 and §1211

Multitracks – Multiple tracks (groups of students and teachers on the same calendar) with staggered instructional blocks and vacation periods.

Noncategorical Early Childhood – Term used to describe a student ages 3 through 5 who meets the eligibility criteria for mental retardation, emotional disturbance, learning disability, or autism.

Nonpublic Day School – The setting under which a student receives special education instruction through a contractual agreement with a nonpublic school approved for special education. This instructional setting does **not** generate ADA or contact hours. For funding purposes, a student receiving such instruction is reported on the SPE-106, *Nonpublic Day School Report*.

Nonresident – A person who does not live within your district's boundaries.

Original Entry Date – The initial date that a student is physically present during the school year. Original entry dates apply to both regular school and special programs.

Optional Flexible School Day Program (OFSDP) – A program providing flexible hours and days of attendance for students who have dropped out of school or are at risk of dropping out; are participating in an approved early college high school plan; are attending a campus implementing an innovative redesign under a plan approved by the commissioner of education; or as a result of attendance requirements under §25.092, will be denied credit for one or more classes in which the students have been enrolled. School districts apply for approval from the commissioner of education to participate in the program.

Out-of-School Suspension – A student is removed from school according to the TEC, §37.005, Suspension. If the suspension causes the student to be absent at the official attendance time, the student is counted absent for attendance accounting purposes. The use of out-of school suspension is limited, without exception, to 3 school days per offense event. A partial day of suspension counts as one of the three allowed²³⁴. (See also **Expulsion**, earlier in this section.)

Pregnancy Related Services (PRS) – Support services provided to a pregnant student during the pregnancy and postpartum periods that qualify the student for the special weight assigned to pregnancy in the formula used to calculate your district's compensatory education allotment. These services are provided to assist a female student in adjusting to her pregnancy, thereby increasing her chances of staying in school (Section 9).

Prekindergarten (PK) – A grade level for children aged 3 and 4. These children include students in a state-funded PK program or a locally funded PK program.

The state-funded PK is operated for a half day. Attendance in PK is eligible for half-day (ADA eligibility code 2). A PK student with disabilities may be eligible for full-day (ADA eligibility code 1) if the student is served through a combination of PK and special education and all eligibility requirements are met (Sections 4 and 7).

²³⁴ under the TEC, §37.005

Students in a state-funded PK program that is coordinated with a Head Start program to provide a full-day program are only counted as half-day (ADA eligibility code 2) for attendance accounting purposes.

Preschool Program for Children With Disabilities (PPCD) – Special education services for children with disabilities ages 3 through 5. These students may have any disability recognized under IDEA-B in Texas including noncategorical early childhood (see definition). Developmental delay is not a recognized disability for children over age 3 in Texas. A student over age 3 with a developmental delay is subject to the 2 hours of instruction per day rule for membership (Sections 3 and 4).

Reentry Date – The initial date a student physically returns during the school year after a prior withdrawal. The reentry date applies to both regular school and special programs.

Refined Average Daily Attendance (RADA) – The aggregate eligible days attendance divided by the number of days of instruction. RADA is based on the number of days of instruction in the school year.

Regularly Scheduled – A service scheduled to be administered **at least** on a weekly basis for a specified amount of time.

Reporting Period – A period generally described as being 6 weeks, although it does not necessarily consist of 6 weeks. For reporting purposes, the full school year must be divided into six approximately equal reporting periods.

Residency Guidelines – The board of trustees is responsible for establishing guidelines for determining whether a student resides within your district.²³⁵

Residential Nonpublic School – The setting in which students receive special education services through a contractual agreement with an approved residential nonpublic school. Students are placed in a residential nonpublic school through the ARD process. This setting does not generate ADA or contact hours. For funding purposes, students in this setting are reported on the SAS-111, *Application for Approval of Funding for Residential Placement*.

Scholastic Year – A period of at least 180 days of instruction. Each school district must operate so that the district provides for at least 180 days of instruction for students.²³⁶

School-Community Guidance Center – A guidance center established by school districts or a cooperative of school districts to locate and assist children with problems that interfere with education, including juvenile offenders and children with severe behavioral problems or character disorders.²³⁷ The attendance of a student placed in a school-community guidance center is eligible in the district in which the student resides or is otherwise entitled to attend for FSP benefits.

School Day – A school day must be at least 7 hours each day, including intermissions and recesses.²³⁸

²³⁵ TEC, §25.001(c)

²³⁶ TEC, §25.081

²³⁷ TEC, §37.051–37.056, School-Community Guidance Centers

²³⁸ TEC §25.082

Semester System – A system in which a school district operates for either two or three semesters during the school year. Each school district must operate using the semester system except as provided under the TEC, §25.084, Year-Round System.

State-Assigned Alternative ID Number – Beginning March 16, 1990, all students attending public school in Texas who had not submitted Social Security numbers were assigned alternative numbers from a range of alternative numbers assigned to each district by the state.

When a student withdraws, either this number or the SSN must be sent to the receiving school. Any student entering a Texas public school since March 16, 1990, must bring an SSN or the alternative ID number.

Districts must not assign the student a new number. It is important that the student carry the same number as long as he or she is in a Texas public school. Only students new to Texas public schools will be assigned numbers in the future.

Student Detail Report – A district-generated report that reflects the codification of each individual student for the entire school year. This report also summarizes, by 6-week reporting period, the attendance data of each student (Section 2).

Suspension – See **In-School Suspension** and **Out-of-School Suspension**.

Texas Administrative Code (TAC) – Rules adopted by the State Board of Education or the commissioner of education under authority granted by state law.

Texas Education Code (TEC) – Statutes governing public education in Texas.

Track - A group of students and teachers scheduled to attend school and take vacations on the same schedule.

Withdrawal Date – The initial date that a student no longer participates. Guidelines for determining a student's withdrawal date appear in Section 3.

Year-Round Education (YRE) Program – A program that operates school during a portion of, at a minimum, 11 calendar months to 12 calendar months. The YRE calendar will have intercessions scheduled throughout the year that may be used for additional educational activities, such as remediation or enrichment. The YRE calendar may be a single-track arrangement in which all students on the YRE calendar are attending school or are on intercession at the same time, or the calendar may be a multitrack arrangement in which students attend school or are on intercessions at staggered times.

Zero-Filled Record – Any record that contains zeros for all fields in the record when the fields require quantitative numerical values.

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Resources

No Child Left Behind (NCLB) Act website: <http://www.ed.gov/nclb/landing.jhtml>

PEIMS *Data Standards*: <http://www.tea.state.tx.us/index4.aspx?id=3014>

19 Texas Administrative Code: <http://www.tea.state.tx.us/rules/tac/index.html> or
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=2&ti=19](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=2&ti=19)

Texas Education Agency: <http://www.tea.state.tx.us/>

TEA Division of NCLB Program Coordination web page:
http://www.tea.state.tx.us/index4.aspx?id=4261&menu_id=798

TEA Highly Qualified Teachers web page:
http://www.tea.state.tx.us/index4.aspx?id=4650&menu_id=798

TEA Requirements for Highly Qualified Paraprofessionals web page:
http://www.tea.state.tx.us/index4.aspx?id=4670&menu_id=798

Texas Education Code: <http://www.statutes.legis.state.tx.us/>

Texas Health and Human Services Commission: <http://www.hhsc.state.tx.us/index.shtml>

Texas Legislature Online: <http://www.capitol.state.tx.us/>

Texas State Library and Archives Commission: <http://www.tsl.state.tx.us/>

Note: Web addresses are subject to change. If a particular TEA web address is no longer working, please search for the topic you are interested in using the TEA website's Google **Search** function or using the TEA **A–Z Index** page at <http://www.tea.state.tx.us/index2.aspx?id=180>. You can also access this page from the TEA website's home page by clicking on the **A–Z Index** link at the top of that page.

Texas Education Agency Telephone Numbers

Gifted/Talented Education	(512) 463-9581
Bilingual/ESL Education.....	(512) 463-9581
Career and Technical Education.....	(512) 463-9581
Forecasting & Fiscal Analysis (<i>Student Attendance Accounting Handbook</i>) ..	(512) 463-9238
Health and Safety Division (Chapter 37).....	(512) 463-9982
PEIMS (Data Collection).....	(512) 463-9117
Performance Reporting Division	(512) 463-9704
Pregnancy Related Services.....	(512) 463-9073
Prekindergarten	(512) 463-9581
Financial Audits Division	(512) 463-9095
Special Education (IDEA Coordination Division).....	(512) 463-9414

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COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281¹, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

- (1) acceptance policies on student transfers from other school districts;
- (2) operation of school bus routes or runs on a nonsegregated basis;
- (3) nondiscrimination in extracurricular activities and the use of school facilities;
- (4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;
- (5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;
- (6) nondiscriminatory practices relating to the use of a student's first language; and
- (7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 113275; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1991.

The Texas Education shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Employment Opportunity/Affirmative Action employer.

¹ From September 27, 2010, all districts, except the original nine school districts that were party to the case, are no longer subject to the order. Except for those districts, there is no longer any obligation to report student transfers or submit real property conveyances for approval. The agency will no longer monitor district boundary changes, transportation, extra-curricular activities, or staff and student assignment for purposes of the order.



**Texas Education Agency
Austin, Texas
November 2010**
