



# TCSA Model Board Policy Series

## *Module 400: Students Charter Board Policy for UT Permian Basin – STEM Academy*

- 400.020: Admissions and Enrollment Policy*
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## **Module 400: Students**

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

- Module 100: Financial Operations
- Module 200: Charter School Governance & Organization
- Module 300: General School Operations
- Module 500: Open Government
- Module 600: Human Resources

## **Legal Abbreviations Used In the TCSA Model Board Policy Series**

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

## **400.020. ADMISSIONS & ENROLLMENT**

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy, which shall be effective on the date that the policy is adopted by the Board.

### **SECTION 1. Admissions**

Section 1.1. Non-Discrimination Policy. The UT Permian Basin STEM Academy admissions and enrollment shall be free from discrimination based on race, color, or national origin; sex, sexual orientation, gender, gender expression, or gender identity; disability, or relationship or association with an individual with a disability; religion; academic, artistic, or athletic ability; or the district the child would otherwise attend under state law.

<https://www.utpb.edu/academics/utpb-stem-academy/apply/non-discrimination-policy>

<https://www.utpb.edu/campus-life/dean-of-students/university-policies/non-discrimination>

Section 1.2. Admission Application Deadline. The UT Permian Basin STEM Academy’s admission application period is from the March 1<sup>st</sup> – April 15<sup>th</sup>.

Section 1.3. Non-resident Transfer Students. Students who reside outside the UT Permian Basin STEM Academy’s approved, geographic boundaries may be admitted once all eligible, resident students who submitted a timely application are enrolled.

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

### **SECTION 2. Enrollment**

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

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

Section 2.3. Residency Qualifying for Enrollment. The Superintendent or designee shall ensure upon enrollment that:

- the student and either parent reside within the geographic boundary stated in the charter;
- the student does not reside within the geographic boundary stated in the charter but has a parent who does and that parent is a joint or the sole managing conservator or possessory conservator of the student;
- the student and the student’s guardian or other person having lawful control of the person under a court order reside within the geographic boundary stated in the charter;
- the student has established a separate residence under the TEC, §25.001(d), the person’s presence within the boundary is not for the primary purpose of participation in extracurricular activities, and the person has not engaged in conduct for which exclusion permitted and deemed warranted by the Superintendent of designee;
- the student is homeless, regardless of the residence of the student, of either parent, or of

- the person’s guardian or other person having lawful control of the person;
- the student is a foreign exchange student placed with a family that resides within the geographic boundary stated in the charter by a nationally recognized foreign exchange program<sup>1</sup>;
- the student resides at a residential facility that is located within the geographic boundary stated in the charter;
- the student resides within the geographic boundary stated in the charter and either is 18 years old or older or has had the disabilities of minority removed;
- the student does not reside within the geographic boundary stated in the charter but has a grandparent who does and who provides a substantial amount of after-school care for the student; or
- the student is placed in foster care by an agency of the state or a political subdivision, and person’s foster parents reside within the geographic boundary stated in the charter.

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

### **SECTION 3. State Conservatorship Liaison**

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

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

### **SECTION 4. Equal Educational Opportunity**

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

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

Section 4.2. Discrimination Prohibited. Each employee, officer and Board member of the UT Permian Basin STEM Academy shall comply with the Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq. (“Age Act”); title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. (“Title VI”); title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX”); section 504 of the Rehabilitation

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

Act of 1973, 29 U.S.C. 794 (“Section 504”); and part B of the Individuals with Disabilities Education Act, 20 U.S.C. 1411 et seq. (“IDEA”).

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

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

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

#### Section 4.5. Title IX Investigations

- a. The University of Texas of the Permian Basin’s (“University”) Sexual Misconduct/Sexual Harassment Policy (Sexual Misconduct Policy) is applicable to the UT Permian Basin’s STEM Academy. The Sexual Misconduct Policy may be found at <https://www.utpb.edu/campus-life/dean-of-students/university-policies/harassment-discrimination>.
- b. Key Officials in a Title IX Investigation
  - i. Title IX Coordinator and Deputy Coordinator. The University’s Title IX Coordinator is the senior administrator at who oversees the UT Permian Basin’s STEM Academy compliance with Title IX. The Title IX Coordinator is responsible for overseeing the administrative response to reports of sexual misconduct and is available to discuss options, provide support, explain University policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. Any member of the University community may contact the Title IX Coordinator with questions.

The UT Permian Basin STEM Academy may designate a Title IX Deputy Coordinator (Deputy Coordinator), for students to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended. The Deputy Coordinator will update and share Title IX information, including complaints, with the University’s Title IX Coordinator. Contact information for the Title IX Coordinator can be found at

<https://www.utpb.edu/campus-life/dean-of-students/university-policies/harassment-discrimination>.

- ii. Title IX Investigators. The Title IX Coordinator will ensure that complaints are properly investigated under the University's Sexual Misconduct Policy. The Title IX Coordinator will also ensure that investigators are properly trained at least annually to conduct investigations that occur under the University's Sexual Harassment/Sexual Misconduct Policy. The Title IX Deputy Coordinator will supervise and advise the Title IX investigators when conducting investigations and update the Title IX Coordinator as necessary.

#### Section 4.6. Investigation of Non-Title IX Complaints:

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

### **SECTION 5. Sex Discrimination in Education Programs**

The advisory board ("Board") of the UT Permian Basin STEM Academy adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

It is the policy of the UT Permian Basin STEM Academy that all students are treated equally. The UT Permian Basin STEM Academy does not discriminate in its admission decisions on the basis of age; race, color, or national origin; sex, sexual orientation, gender, gender expression, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law in the educational program or activity which it operates.

#### Section 5.1 Dissemination of Nondiscrimination Policy

The UT Permian Basin STEM Academy will include the following nondiscrimination policy on the school's webpage; all application and recruitment materials, including newspaper ads and flyers; and in the student, and parent handbooks:

- a. Nondiscrimination Policy: The UT Permian Basin STEM Academy does not discriminate in its admission decisions on the basis of age; race, color, or national origin; sex, sexual orientation, gender, gender expression, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law in the

educational program or activity which it operates. The UT Permian Basin STEM Academy's Title IX Coordinator can be contacted at:

<https://www.utpb.edu/campus-life/dean-of-students/university-policies/harassment-discrimination>.

Section 5.2. Recruitment Training

All members of the UT Permian Basin STEM Academy recruitment team, hiring staff, and the Superintendent will be trained on the nondiscrimination policy.

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

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

Section 5.5. Specific Circumstances.

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

#### **400.040. ATTENDANCE**

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

##### **SECTION 1. Compliance**

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

##### **SECTION 2. Documented Absences**

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

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

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

##### **SECTION 3. Warning Notice**

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

##### **SECTION 4. School Attendance Officer**

The UT Permian Basin STEM Academy shall have a school attendance officer (SAO). Superintendent or designee shall determine the duties and responsibilities of the SAO, all of which should be in line with the maintenance of student attendance.

#### **400.050. Parent/Guardian and Community Involvement**

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

### **SECTION 1. Parental/Guardian Involvement**

#### **PART I. GENERAL EXPECTATIONS**

The UT Permian Basin STEM Academy agrees to implement the following statutory requirements:

- The UT Permian Basin STEM Academy will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title I, Part A programs, consistent with section 1118 of the Elementary and Secondary Education Act (ESEA). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.
- Consistent with section 1118, the UT Permian Basin STEM Academy will work with its schools to ensure that the required school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA, and each include, as a component, a school-parent compact consistent with section 1118(d) of the ESEA.
- The UT Permian Basin STEM Academy will incorporate this district wide parental involvement policy into its LEA plan developed under section 1112 of the ESEA.
- In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, the UT Permian Basin STEM Academy and its schools will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.
- If the UT Permian Basin STEM Academy plan for Title I, Part A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, the UT Permian Basin STEM Academy will submit any parent comments with the plan when the UT Permian Basin STEM Academy submits the plan to the Texas Education Agency.
- The UT Permian Basin STEM Academy will involve the parents of children served in Title I, Part A schools in decisions about how the 1 percent of Title I, Part A funds reserved for parental involvement is spent, and will ensure that not less than 95 percent of the one percent reserved goes directly to the schools.
- The UT Permian Basin STEM Academy will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities and procedures in accordance with this definition:

## PART II. DESCRIPTION OF HOW THE UT PERMIAN BASIN STEM ACADEMY WILL IMPLEMENT REQUIRED DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS

1. The UT Permian Basin STEM Academy will take the following actions to involve parents in the joint development of its district wide parental involvement plan under section 1112 of the ESEA:
  - Parent Representatives will serve on the Leadership Team, tasked with review of campus programs and policies.
2. The UT Permian Basin STEM Academy will take the following actions to involve parents in the process of school review and improvement under section 1116 of the ESEA:
  - Utilize Surveys
  - Host Parent Meetings
  - Hold Individual Parent Conferences
  - Include Parent Representatives on the Leadership Team Committee
3. The UT Permian Basin STEM Academy will provide the following necessary coordination, technical assistance, and other support to assist Title I, Part A schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance:
  - Support will be provided to campus from the district level to ensure planning and implementation of events are successful. Use of district technology and support from the IT department is available when needed. Personnel from the District Office is available to assist at events and in planning/organizing. Hosting of events such as Parent Orientation, STEM Nights, etc. are key to encouraging parental involvement.
4. The UT Permian Basin STEM Academy will coordinate and integrate parental involvement strategies in Part A with parental involvement strategies under the following other programs:
  - Communicating with coordinators from each program to ensure consistency in our messages to parents/students.
5. The UT Permian Basin STEM Academy will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I, Part A schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The UT Permian Basin STEM Academy will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.
  - Any recommendations or changes in policy will be brought to the attention of the Leadership Team and presented to the Board, when applicable.
6. The UT Permian Basin STEM Academy will build the schools' and parent's capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve

student academic achievement, through the following activities specifically described below:

- a. The UT Permian Basin STEM Academy will, with the assistance of its Title I, Part A schools, provide assistance to parents of children served by the UT Permian Basin STEM Academy, as appropriate, in understanding topics such as the following, by undertaking the actions described in this paragraph:
  - the State’s academic content standards,
  - the State’s student academic achievement standards,
  - the State and local academic assessments including alternate assessments,
  - the requirements of Part A,
  - how to monitor their child’s progress, and
  - how to work with educators:
- b. The UT Permian Basin STEM Academy will, with the assistance of its schools, provide materials and training to help parents work with their children to improve their children’s academic achievement, such as literacy training, and using technology, as appropriate, to foster parental involvement, by:
  - Providing Technology Training
  - Teacher/Parent Meetings – Individual Meetings and Scheduled Parent Meetings
  - Providing overview of the curriculum and strategies used through Problem Based Learning and Project Based Learning
- c. The UT Permian Basin STEM Academy will, with the assistance of its schools and parents, educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by:
  - Providing district-level support and training to teachers/personnel
  - Attending Parental Involvement Workshops
  - Requiring teachers/personnel to be present at various parent meetings and other school functions
- d. The UT Permian Basin STEM Academy will take the following actions to ensure that information related to the school and parent- programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand:

Communications occur via SchoolMint, Fliers, Email, Website, Remind 101 Alerts, and periodic District Newsletters

### PART III. DISCRETIONARY DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS

- involving parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training;
- providing necessary literacy training for parents from Title I, Part A funds, if the school district has exhausted all other reasonably available sources of funding for that training;

- paying reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
- training parents to enhance the involvement of other parents;
- in order to maximize parental involvement and participation in their children’s education, arranging school meetings at a variety of times, or conducting in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend those conferences at school;
- adopting and implementing model approaches to improving parental involvement;
- establishing a district wide parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs;
- developing appropriate roles for community-based organizations and businesses, including faith-based organizations, in parental involvement activities; and
- providing other reasonable support for parental involvement activities under section 1118 as parents may request.

#### **PART IV. ADOPTION**

This District wide Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A programs, as evidenced by parent’s signature of the Parent Agreement.

#### **SECTION 2. Telephone Communication**

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

Section 2.1. Written Consent. Written consent will be obtained before the UT Permian Basin STEM Academy sends any automated phone calls or texts of a non-emergency manner. Written consent forms will include

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

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

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

Section 2.4. Consent Form

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

- weather closures/delays
- unverified absences
- school events

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

Please complete this form to indicate your approval to receive non-emergency messages. This form is only for the 2018-2019 school year and will need to be completed every year.

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Student Name: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Preferred Contact Number: ( )  Landline or  Mobile/Cell

Secondary Contact Number: ( )  Landline or  Mobile/Cell

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

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

\_\_\_\_\_ I do not give permission to send non-emergency messages to the phone numbers listed above.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**SECTION 3. Electronic Signatures**

The UT Permian Basin STEM Academy may request a digital or electronic signature from a parent, guardian, or adult student. However, a parent, guardian, or adult student must have the option to provide a handwritten signature if preferred.

#### **400.060. FERPA**

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

#### **SECTION 1. Compliance**

In regards to student records, the UT Permian Basin STEM Academy shall comply with the Family Educational Rights and Privacy Act (“FERPA”).

#### **SECTION 2. Custodian of Records**

The Superintendent is designated the custodian of all student records. The principal of each school is designated as an agent of the Superintendent for the purposes of the receipt of requests concerning the disclosure of student records.

#### **SECTION 3. Annual Notice**

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

#### **SECTION 4. Directory Information**

Section 4.1. Definition. Directory information is the following: (1) student’s name, (2) address, (3) telephone number, (4) date and place of birth, (5) photograph, (6) electronic mail address, (7) participation in officially recognized activities and sports, (8) weight and height of members of athletic teams, (9) dates of attendance, (10) awards received, (11) the most recent school attended by the student, (12) grade level, (13) enrollment status, (14) and other similar information.

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

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

#### **NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS**

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

1. The right to inspect and review the student's education records within 45 days after the day the UT Permian Basin STEM Academy receives a request for access.  
Parents or eligible students should submit to the school principal a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student’s education records that the parent, or eligible

student, believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

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

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

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

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

Family Policy Compliance Office:  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

The following is directory information: (1) student's name, (2) address, (3) telephone number, (4) date and place of birth, (5) photograph, (6) electronic mail address, (7) participation in officially recognized activities and sports, (8) weight and height of members of athletic teams, (9) dates of attendance, (10) awards received, (11) the most recent school attended by the student, (12) grade level, (13) enrollment status, (14) and other similar information.

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

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests.

This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))

- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to:  
(a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))

#### **400.070. ADOPTION OF A MAJOR CURRICULUM INITIATIVE**

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, the advisory board of the UT Permian Basin STEM Academy shall, in accordance with the Texas Open Meetings Law, hold a meeting during which

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

Prior to the adoption of the curriculum initiative for the UT Permian Basin STEM Academy, the Superintendent or designee, shall provide teachers and employees of the school an opportunity to express opinions regarding the initiative. Any opinions received by the Superintendent or designee shall be provided to the advisory board for their review. The Dean of the UT Permian Basin College of Education will review major curriculum initiatives and approve before implementation.

## **400.080. REQUIRED INSTRUCTION AND GRADUATION**

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy, which shall be effective on the date that the policy is adopted by the Board.

### **SECTION 1. Compliance**

The Superintendent shall ensure that the UT Permian Basin STEM Academy maintains compliance with all state laws and regulations governing curriculum and graduation requirements.

#### Section 1.1. Pledge of Allegiance.

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

#### Section 1.2 Observance of Moment of Silence.

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

#### Section 1.3. Commemoration of the Events of September 11, 2001.

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

#### Section 1.4. Instruction in Cardiopulmonary Resuscitation (CPR).

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

### **SECTION 2. Graduation**

The Superintendent shall ensure that the UT Permian Basin STEM Academy maintains compliance with all state laws and regulations governing graduation requirements.

#### Section 2.1 Endorsements.

The UT Permian Basin STEM Academy shall offer the following endorsements:

1. science, technology, engineering and math (STEM)
2. multidisciplinary students

The Superintendent or designee the UT Permian Basin STEM Academy, shall implement procedures to ensure that each student of the UT Permian Basin STEM Academy indicates in writing the endorsement the student intends to earn.

#### Section 2.2 Distinguished Level of Achievement.

The Superintendent or designee, of the UT Permian Basin STEM Academy, shall ensure that the UT Permian Basin STEM Academy offers the curriculum requirements for a student to earn a

distinguished level of achievement.

#### Section 2.3 Performance Acknowledgements.

The Superintendent or designee, of the UT Permian Basin STEM Academy, shall ensure that the UT Permian Basin STEM Academy offers the requirements adopted by the SBOE for a student to earn a performance acknowledgment on his or her diploma.

#### Section 2.4 High School Graduation Plan.

The principal of each high school campus of the UT Permian Basin STEM Academy shall designate a school counselor or school administrator responsible for developing and reviewing personal graduation plans with each 9th grade student and his or her parent or guardian in accordance with state law and regulations. The designee shall ensure that the student and the student's parent or guardian conform and sign the personal graduation plan.

The Superintendent or designee of the UT Permian Basin STEM Academy shall ensure that the information provided by the Texas Education Agency explaining the advantages of the distinguished level of achievement and each endorsement is posted on the school's website.

#### Section 2.5 Individual Graduation Committee

The Superintendent, or designee, of the UT Permian Basin STEM Academy shall establish an Individual Graduation Committee (IGC) for each student who has failed not more than two end-of-course (EOC) assessments, is in their 12<sup>th</sup> grade year, and has successfully completed at least the Foundation High School Program.

The IGC shall be composed of the following persons:

1. Principal or principal's designee,
2. The teacher of the course for each EOC the student failed;
3. The department chair or lead teacher supervising the teacher described above;
4. The student's parent or guardian; or
5. A designated advocate if the parent or guardian is unable to serve; or
6. The student (at the student's option) if the student is 18 years of age or is emancipated.

The Superintendent shall ensure that the UT Permian Basin STEM Academy maintains compliance with all state laws and regulations governing graduation of a student by means of an individual graduation committee (IGC). The Superintendent shall implement procedures for the establishment of, and graduation determinations made by, an IGC. Such procedures shall include the following:

1. The process by which the UT Permian Basin STEM Academy shall appoint a designated advocate if the parent or guardian of a student is unable to serve on the IGC;
2. The method by which the UT Permian Basin STEM Academy shall provide notice to the parent or guardian of the student or designated advocate, if applicable, of the time, place, and purpose of the IGC;
3. The method by which the UT Permian Basin STEM Academy documents the student's satisfaction of the additional remediation requirements and demonstration of proficiency in the subject matter of the EOC exam failed by the student;
4. The academic criteria considered by the IGC to determine if a student is qualified to graduate;
5. The vote of the IGC on the graduation decision of an individual student; and
6. A timeline for the IGC's determination of the graduation decision.

### **SECTION 3. End-of-Course Assessments**

#### Section 3.1. End-of-Course Exams.

Students shall take end-of-course (EOC) exams for secondary-level courses in Algebra I, Biology, English I, English II and United States History. A student's performance on such assessments shall not be used in determining class ranking or to account for a percentage of the student's final grade for the course.

1. The UT Permian Basin STEM Academy shall not administer more than two benchmark assessment instruments to prepare a student for an end-of-course exam.
2. The principal, or designee, of each campus of the UT Permian Basin STEM Academy, shall implement procedures to ensure that each teacher receives the results of the end-of-course exam administered to students taught by that teacher in the subject for which the exam is administered.
3. The principal, or designee, of each campus of the UT Permian Basin STEM Academy, shall ensure that each student who fails to perform satisfactorily on an end-of-course exam receives accelerated instruction in the applicable subject area.

#### Section 3.2. Texas Success Initiative (TSI).

A student enrolled in a college preparatory Mathematics or English language arts course that satisfies the Texas Success Initiative (TSI) college readiness benchmarks is exempt from the Algebra I or English I and English II end-of-course exams, even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument.

#### Section 3.3. Retakes.

A student who fails to achieve the requisite score on an end of course exam may retake the exam.

#### Section 3.4. Students with Disabilities.

The admission, review, and dismissal committee shall determine the type of assessment to be administered to a student receiving special education services. A parent or guardian of a student with special needs may request administration of additional benchmark assessments.

#### Section 3.5 Postsecondary Readiness Assessments.

The UT Permian Basin STEM Academy shall administer postsecondary readiness assessments in Algebra II and English III for students enrolled in those courses. The results of such assessments shall not be used to determine the student's final course grade, class rank, or for any purpose other than as a measure of the student's readiness for post-secondary education.

### **SECTION 4. Preliminary College Preparation Assessment**

The UT Permian Basin STEM Academy will administer a preliminary college preparation assessment to 8<sup>th</sup> and/or 10<sup>th</sup> grade students in the spring of each year. Results of the assessment will be used to determine student progress, strengths, and deficiencies.

### **SECTION 5. Notification Regarding Automatic College Admission and Financial Aid**

The Superintendent or designee of the UT Permian Basin STEM Academy, shall ensure that each high school campus operated by the UT Permian Basin STEM Academy, posts signs in the counselor's office, in each principal's office and in each administrative building, the requirements for automatic admission to a Texas public college or university and the curriculum requirements

for federal financial aid.

The principal of each high school campus operated by the UT Permian Basin STEM Academy, shall ensure that each student, at the time the student registers for one or more classes required for high school graduation, receives a notice regarding the requirements for automatic admission to a Texas public college or university and the curriculum requirements for federal financial aid, and shall ensure that the notice is signed by the student's counselor, the student and the student's parent or guardian.

## **SECTION 7. School Counselor**

The Superintendent or designee of the UT Permian Basin STEM Academy, shall ensure that each student enrolled at the high school level, beginning in the first year and each year enrolled at the high school level, receives the following information from a school counselor:

1. the importance of postsecondary education;
2. the advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program under Texas Education Code Section 28.025;
3. the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
4. financial aid eligibility;
5. instruction on how to apply for federal financial aid;
6. the center for financial aid information established under Texas Education Code Section 61.0776;
7. the automatic admission of certain students to general academic teaching institutions as provided by Texas Education Code Section 51.803;
8. the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56 of the Texas Education Code;
9. the availability of programs in the district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs; and
10. the availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education as provided by Texas Education Code Section 54.366 for a student who is or was previously in the conservatorship of the Department of Family and Protective Services.

## **400.090. BILINGUAL / ESL EDUCATION PROGRAM**

### **SECTION 1. Program Principles**

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

SECTION 1.2. Compliance with State and Federal Requirements. The Superintendent or designee, shall ensure that the bilingual and/or ESL programs of the UT Permian Basin STEM Academy operate in compliance with federal and state law.

### **SECTION 2. Program Responsibilities**

The Superintendent will ensure that the UT Permian Basin STEM Academy shall:

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

### **SECTION 3. Establishment of Language Proficiency Assessment Committee (LPAC)**

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

The Superintendent or designee shall ensure that a sufficient number of LPACs are established at the UT Permian Basin STEM Academy to discharge LPAC duties within 20 school days of enrollment of an ELL student. The Superintendent shall ensure that this policy and all LPAC procedures are on file in the records of the UT Permian Basin STEM Academy.

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

Section 3.2. General Responsibilities of LPAC. The Superintendent shall establish procedures governing the UT Permian Basin STEM Academy LPAC for fulfilling LPAC responsibilities and duties. The UT Permian Basin STEM Academy LPAC shall accomplish the following general responsibilities:

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

#### **SECTION 4. Training**

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

#### **SECTION 5. Home Language Survey**

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

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

#### **SECTION 6. ELL Classification and Instructional Placement**

SECTION 6.1. ELL Classification. The UT Permian Basin STEM Academy LPAC may classify a student as an ELL student if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the Texas Education Agency (TEA)-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or

4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

**SECTION 6.2 Report to Board.** Within the first four weeks of the first day of school, the UT Permian Basin STEM Academy LPAC shall determine and report to the UT Permian Basin STEM Academy advisory board the number of ELL students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The ED or designee shall report this information on behalf of the advisory board to TEA before November 1st of each year.

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

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

1. the academic progress in either language of the ELL students and the extent to which they are becoming English proficient;
2. the number of students who have been exited from the bilingual education and ESL program; and
3. the number of teachers and aides trained in the frequency, scope, and results of the training.

## **SECTION 7. PARENTAL NOTICE AND CONSENT**

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

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

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

writing.

**SECTION 7.3. Parental Notice of Exit.** The UT Permian Basin STEM Academy LPAC is responsible for informing parents/legal guardians in writing when their student meets the exit criteria and exits from a bilingual education or ESL program. The notice shall be made in English and the home language of the student.

**Section 7.4 Annual Progress Report.** The UT Permian Basin STEM Academy LPAC is responsible for providing parents/legal guardians with an annual report on the progress of their ELL child in the bilingual or ESL program. The report shall be made in English and the home language of the student.

## **SECTION 8. Documentation**

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

## **SECTION 9. Personnel**

The Superintendent of the UT Permian Basin STEM Academy will ensure that teachers assigned to bilingual education and ESL programs are appropriately certified in bilingual education or ESL, respectively.

## **SECTION 10. Bilingual/ESL Program**

The UT Permian Basin STEM Academy shall offer an ESL program if the UT Permian Basin STEM Academy has an enrollment of 20 or more students classified as ELL students in any language classification in the same grade level. The Superintendent shall ensure that the ESL program offered by the UT Permian Basin STEM Academy complies with applicable regulations.

**Section 10.1(a) Bilingual Education Program.** The UT Permian Basin STEM Academy shall offer a bilingual program for students in Grades K-5 and Grades 6-8 by offering dual language instruction using the transitional bilingual/early exit program model.

**Section 10.1(b) ESL Program.** The UT Permian Basin STEM Academy shall offer an ESL program for students in Grades 9-12 using the ESL/content-based program model.

**Section 10.2 Summer Programs.**

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

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

## **400.100. IDEA POLICIES & PROCEDURES**

### **SECTION 1. Legal Framework**

It is the policy of the UT Permian Basin STEM Academy to follow the Legal Framework for the child Centered Process developed through the Region 18 Education Service Center. Additional policies may be adopted by the advisory board to evidence the UT Permian Basin STEM Academy's commitment to the framework and uploaded to Region 18's Legal Framework website.

### **SECTION 2. Regular Education Teacher IEP Review Request**

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

### **SECTION 3. Special Education Video Surveillance**

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

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

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

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

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

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

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

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

The UT Permian Basin STEM Academy will provide the requestor with a written response within 7 business days after receipt of the request informing the requestor whether the request has been approved or denied.

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

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

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

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

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

Section 3.5. Installation of Video. Upon approval of a written request for installation of video equipment, the video equipment will be purchased by the UT Permian Basin STEM Academy.

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

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

Following installation, the UT Permian Basin STEM Academy will ensure the video equipment is properly operating, and then disable all live monitoring capabilities.

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

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

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

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

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

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

The campus administrator will provide written notice of receipt of the report within 48 hours to the person reporting. The campus administrator will review the video and audio recording within 5 school days of receiving the report and determine if the incident occurred. During those 5 days, and during any subsequent investigation, the campus administrator will take any necessary measures to protect the student from possible harm. These steps may include:

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

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

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

If an alleged incident is recorded, the campus administrator shall notify the UT Permian Basin

STEM Academy's Superintendent or designee and a formal investigation in accordance with school policy will begin.

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

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

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

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

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

Section 3.9. Grievance Process. If a person believes that the UT Permian Basin STEM Academy is not implementing TEC §29.022 or is in violation of TEC §29.022, the person may file a local grievance in accordance with the UT Permian Basin STEM Academy's grievance policy. The grievance policy can be found in Section 300.120 of the board policy.

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

The advisory board, a parent, staff member, or administrator at the UT Permian Basin STEM Academy may request an expedited review to the TEA if the UT Permian Basin STEM Academy:

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

If the TEA determines that it is likely that the UT Permian Basin STEM Academy will not prevail, the UT Permian Basin STEM Academy will comply with the request, even if the UT Permian

Basin STEM Academy appeals the decision.

The special education dispute resolution procedures in 34 Code of Federal Regulations do not apply to complaints alleging the UT Permian Basin STEM Academy is not in compliance with TEC §29.022.

## **400.110. SECTION 504**

### **SECTION 1. Policy of Nondiscrimination**

It is a policy of the UT Permian Basin STEM Academy not to discriminate based on disability in its educational programs as required by Section 504 of the Rehabilitation Act of 1973 (Section 504).

### **SECTION 2. Section 504 Coordinator**

The following position is designated as Section 504 compliance coordinator:

Lucinda Hurlbut  
Special Populations Coordinator  
UT Permian Basin STEM Academy  
4901 E. University Blvd.  
Odessa, TX 79762  
432-552-2580

### **SECTION 3. Section 504 Committee**

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

### **SECTION 4. Training**

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

### **SECTION 5. Notice of Nondiscrimination Policy**

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

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

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

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

If the school publishes or uses recruitment materials containing general information that it makes

available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

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

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

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

## **SECTION 7. Free and Appropriate Public Education**

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

SECTION 7.2. Appropriate Education.

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

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

## **SECTION 8. Education Setting**

SECTION 8.1. Academic Setting. The UT Permian Basin STEM Academy shall provide for the education of each enrolled disabled student, within the meaning Section 504, in the same setting

with students who are not disabled to the maximum extent appropriate to the needs of the disabled student. A disabled student shall be placed in the regular educational environment operated by the school unless it is demonstrated by the school that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever the school places a student in a setting other than the regular educational environment pursuant to this paragraph, The Superintendent or designee shall take into account the proximity of the alternate setting to the student's home.

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

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

## **SECTION 9. Evaluation and Placement**

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

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

SECTION 9.3. Evaluation Procedures. The Superintendent or designee shall establish standards and procedures for the evaluation and placement of students who, because of disability need or are believed to need special education or related services that ensure that:

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

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

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

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

## **SECTION 10. Procedural Safeguards**

### **SECTION 10.1. Notification Requirements.**

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

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

### **SECTION 10.3. Impartial Hearing.**

1. **Right to a Hearing.** The Superintendent or designee shall establish a process that ensures that a parent or guardian has the opportunity for an impartial hearing if they have a concern or complaint about the school's actions regarding the identification, evaluation, or educational placement of a student with disabilities.
2. **Impartial Hearing Officer.** The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the school or related to a member of the Board in a degree that would be prohibited under state

- laws and rules relating to nepotism. The impartial hearing officer is not required to be an attorney.
3. **Timeline.** The UT Permian Basin STEM Academy shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.
  4. **Appeal.** If a parent or guardian is dissatisfied with the outcome of the hearing and requests an appeal, the parent or guardian must specify the objections in writing and file them with the Superintendent and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The Superintendent shall appoint an independent appeals officer to conduct a review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.

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

## **SECTION 11. Students with Diabetes**

To meet the needs of students with diabetes, the UT Permian Basin STEM Academy adopts the following policy.

**Section 11.1. Diabetes Management and Treatment Plan (DMNT):** If a student needs diabetic care while at school, the UT Permian Basin STEM Academy must have a Diabetes Management and Treatment Plan (DMTP) on file at school. The DMTP must:

1. Identify the health-care services the student may receive at school;
2. Evaluate the student's ability to manage and level of understanding of the student's diabetes; and
3. Be signed by the parent or guardian and the physician. The parent or guardian must submit the DMTP to the school.

Once a DMTP is received by the school, the UT Permian Basin STEM Academy must review and update the plan prior to the beginning of the school year, upon enrollment, or as soon as practicable following a diagnosis of diabetes for the student.

**Section 11.2. Individual Health Plan (IHP):** An individual health plan (IHP) for the student will be developed by the school nurse. The IHP must be developed in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment and one or more of the student's teachers. A student's IHP will incorporate components of the student's DMTP.

In accordance with the student's IHP, student is permitted to attend to the management and care of the student's diabetes, which may include:

1. Performing blood glucose level checks;
2. Administering insulin through the insulin delivery system the student uses;
3. Treating hypoglycemia and hyperglycemia;
4. Possessing on the student's person at any time any supplies or equipment necessary to monitor and care for the student's diabetes; and

5. Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

Section 11.3. Trained personnel: The UT Permian Basin STEM Academy will ensure that school nurse is present and available to provide the required care to a student with diabetes during the regular school day.

Section 11.4. Placement: The UT Permian Basin STEM Academy may not restrict the placement of a student with diabetes to a particular setting on the basis that the campus does not have the required personnel.

Section 11. 5. Extracurricular Activities: Students with diabetes may not be excluded from extracurricular activities or school programs because of their diagnosis. Additionally, a student with diabetes may attend field trips and the UT Permian Basin STEM Academy cannot require the student's parent to attend.

## **SECTION 12. Website Accessibility**

It is the policy of the UT Permian Basin STEM Academy to provide access to all programs, benefits, and services to all members of the community.

Section 12.1. Website Guidelines: The UT Permian Basin STEM Academy requires all website content to follow the Section 508 of the Rehabilitation Act guidelines, including but not limited to:

1. A text equivalent for every non-text element shall be provided (e.g., via "alt", "longdesc", or in element content)
2. Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.
3. Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.
4. Documents shall be organized so they are readable without requiring an associated style sheet.
5. A text-only page, with equivalent information or functionality, shall be provided to make a web site comply with the provisions of these standards, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page changes.

Additional guidelines can be found on the Section 508 Website:

<https://www.section508.gov/summary-section508-standards>

Section 12.2. Assistance: If a member of the community is having difficulty accessing information on the website, inquiries and requests should go the UT Permian Basin webmaster. This information will also be posted on the homepage of the UT Permian Basin website.

Section 12.3. Annual Review: the UT Permian Basin STEM Academy will complete a technology review each year using wave.webaim.org or similar program to ensure the school's website and internet programs are accessible and in compliance with Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.

## **400.120. HEALTH**

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

### **SECTION 1. Immunizations & Reportable Diseases**

The Superintendent or designee, of the UT Permian Basin STEM Academy shall ensure compliance with immunization laws and regulations and that the UT Permian Basin STEM Academy complies with laws and regulations regarding reportable diseases.

#### Section 1.2. HIV/AIDS STATUS.

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

### **SECTION 2. Care for Students At-Risk for Anaphylaxis**

#### Section 2.1. Food Allergy Management in the School Setting.

- a. Food Allergy Management Team. The Superintendent shall create a food allergy management team to implement, coordinate, and monitor food allergy management at each the UT Permian Basin STEM Academy campus. Members of the team may include: a school nurse, the principal, food service staff, custodial staff, a counselor, classroom teacher, and bus driver. The food allergy management team will work with parents or guardians in supporting students with food allergies on the campus as well as assist campus staff in implementing procedures and student specific strategies.
- b. Point of Contact. The Superintendent shall designate an employee, who is knowledgeable about food allergies, to serve as the point of contact for parents, guardians, healthcare providers, and the campus food allergy management team. The designee shall receive ongoing training in the management of food allergies in the school setting, including the provision of administration of epinephrine. The Superintendent’s designee shall ensure that moderate to severe allergic reactions known to the UT Permian Basin STEM Academy shall be documented and submitted in an annual report to the Superintendent; the Superintendent shall present this report to the Board during the annual review of the policies and procedures concerning food allergies and anaphylaxis.
- c. Storage of Medications. The school nurse, shall develop procedures, in accordance with applicable laws, for the storage of medications that are relevant to food allergies and anaphylaxis.

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

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

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

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

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

- a. Procedures. The food allergy management team shall develop procedures that outline district-wide, campus-wide, classroom-wide, and individual strategies that are to be utilized for managing students with food allergies at-risk for anaphylaxis. In developing these procedures, consideration shall be given in promoting safety in the following areas, including, but not limited to: the cafeteria, all classrooms,

hallways, common areas in the school, on the bus, and during all school-sponsored activities, including field trips, athletic events, on-campus, off-campus, and before and after school activities. The Superintendent's designee, serving as the point of contact, working in collaboration with the campus food allergy management team, and parents or guardians may help in developing individual campus strategies to support students with food allergies at-risk for anaphylaxis.

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

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

- a. Training Schedule. The Superintendent or designee, shall establish a training schedule that ensures that, at a minimum annually, all school staff is trained to recognize and manage a life threatening anaphylactic reaction. The training schedule may implement a tiered approach including an "awareness training" for all staff and a more "comprehensive training" for the campus food allergy management team and school staff members that will be responsible for the care of individual students.
- b. Awareness training. Awareness training is intended to give an overview of food allergies and anaphylaxis including the signs and symptoms of an allergic reaction, as well as

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

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

#### Section 2.6. Post-Anaphylaxis Reaction Review

In the event that a student has a moderate to severe reaction, to prepare for the child's return to school, The Superintendent's designee and the campus food allergy management team shall collaborate with the student's parent or guardian in collecting and reviewing information and implementing the following activities in order to prepare for the child's return to the classroom:

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

#### Section 2.7. Review of Policies & Procedures

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

### **SECTION 3. Administration of Epinephrine Auto-injector**

Section 3.1 . Written Notice.

The UT Permian Basin STEM Academy will provide written notice to all parents or guardians prior to the implementation of the policy and at the beginning of each school year.

Section 3.2. Authorized Personnel.

The Superintendent will designate which school personnel or volunteers are authorized to administer an epinephrine auto-injector. Only school personnel or school volunteers that are authorized and trained can administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on the UT Permian Basin STEM Academy campus.

Each campus will have one or more authorized and trained persons present during all hours the UT Permian Basin STEM Academy campus is open.

Section 3.3. Training for Authorized Personnel.

The Superintendent shall ensure that all authorized persons complete mandatory training on an annual basis.

The UT Permian Basin STEM Academy campus will maintain a record of completed trainings.

Section 3.4. Maintenance and Storage of Epinephrine Auto-Injectors.

All epinephrine auto-injectors must be maintained in accordance with the Commissioner's rules. All epinephrine auto-injectors must be stored in accordance with the Commissioner's rules and stored in a secure location and be easily accessible to those authorized and trained to administer an epinephrine auto-injector.

Section 3.5. Reporting.

The Superintendent shall develop procedures for how an authorized person reports the administration of an epinephrine auto-injector within 10 business days of the administration to the following:

- a. The Advisory Board;
- b. The physician or person who prescribed the auto-injector;
- c. The Commissioner of Education; and
- d. The Commissioner of state health services
- e. The report must include:
  - i. the age of the person who received the epinephrine auto-injector;
  - ii. whether that person was a student, school personnel, volunteer, or visitor;
  - iii. the physical location of where the auto-injector was administered;
  - iv. the number of doses administered;
  - v. the title of the person who administered the epinephrine auto-injector; and
  - vi. any other information required by the Commissioner of Education.

## **SECTION 4. Administration of Prescription Medication**

Section 4.1. Written Request Required.

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

The principal of the UT Permian Basin STEM Academy campus shall ensure that a written request to administer prescription medication to a student is received from the student's parent, legal

guardian, or person having legal control of the student before prescription medication may be administered by an the UT Permian Basin STEM Academy employee.

Section 4.2. Authorized Employees.

Employees authorized by the UT Permian Basin STEM Academy to administer prescription medication include:

- a. A registered nurse;
- b. Campus Administrative Assistants
- c. Trained Paraprofessionals

Section 4.3. Prescription Medication Dispenser.

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

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

Section 4.4. Self-Administration of Prescription Asthma or Anaphylaxis Medicine.

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

Section 4.5. Non-Prescription Medication. A licensed physician or registered nurse who provides volunteer services to UT Permian Basin STEM Academy may administer to a student:

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

Section 4.6. Sunscreen.

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

## **SECTION 5. Psychotropic Medication**

Section 5.1. Employee Prohibition: An employee may not:

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

Section 5.2. Exceptions to Prohibition: Section 3.1 does not prevent an employee from:

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

## **SECTION 6. Prohibition of Tobacco and Alcohol**

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

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

## **SECTION 7. Posting of Steroid Notice**

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

## **SECTION 8. Notice of Lice**

The UT Permian Basin STEM Academy's nurse will send a written notice to the parent or guardian of a child determined to have lice within 48 hours of the school becoming aware that the student has lice.

The UT Permian Basin STEM Academy's nurse will send a written notice to the parents or guardians of each child that shares a class with a child that has been determined to have lice within 5 school days of the school becoming aware that a student has lice.

Notices will not include any identifying information and will include recommendations for the treatment and prevention of lice from the Center of Disease Control.

### ***Sample Letter:***

Dear Parent,

The UT Permian Basin STEM Academy determined on [INSERT DATE] that your child [may have/ may have been exposed to] head lice. Please examine your child's hair and scalp for evidence of live lice, lice eggs, or nits (egg casings left behind after lice have hatched). Children with head lice should be treated as soon as possible to minimize the spread to other individuals.

### **What You Need To Know About Head Lice in School**

#### **What Are Head Lice?**

- Head lice are tiny grey to brown insects about the size of a sesame seed that live in human hair and must feed on human blood to survive.
- They lay tiny white oval-shaped eggs about the size of a knot in a thread, called nits that attach to strands of hair close to the scalp. Although it is hard to see head lice, you can see the nits if you look closely.
- Nits are most often found in the hair behind the ears and at the back of the head and neck. The first sign of lice is itching of the head, which is caused by the bite of the head lice.
- Head lice do not spread disease.

#### How Do You Get Head Lice?

- Any child can get head lice.
- Head lice happen mostly with elementary school-aged children.
- Children get lice from other children through head to head contact during play or sports or nap time, and most often in school settings.
- Sharing combs, brushes, hair accessories, hats, or lockers can spread head lice.
- You can't spread nits...only live lice.

#### How Do You Get Rid of Head Lice?

- Use an over-the-counter FDA-approved shampoo treatment found at drug and grocery stores. Follow directions on package exactly.
- Soak all combs and brushes in very hot water for about 1 hour.
- Wash sheets, blankets and other bedding in hot water.
- Seal stuffed animals in a plastic bag for 1 week.
- Vacuum carpets, furniture and mattresses thoroughly.
- Re-treat hair again in 7 days.

#### If You Suspect a Child in Your Classroom Has Lice

- Have the child checked by the school nurse
- Follow your school/district policies regarding head lice
- Educate children on avoiding activities that may spread head lice...remind them not to share combs, brushes, hair accessories, headphones, hats, clothing, bedding, etc.

#### How to Prevent Lice

- Avoid head-to-head (hair-to-hair) contact during play and other activities at home, school, and elsewhere (sports activities, playground, slumber parties, camp)
- Do not share clothing such as hats, scarves, coats, sports uniforms, hair ribbons, or barrettes
- Do not share combs, brushes, or towels. Disinfest combs and brushes used by an infested person by soaking them in hot water (at least 130°F) for 5–10 minutes
- Do not lie on beds, couches, pillows, carpets, or stuffed animals that have recently been in contact with an infested person
- Machine wash and dry clothing, bed linens, and other items that an infested person wore or used during the 2 days before treatment using the hot water (130°F) laundry cycle and the high heat drying cycle. Clothing and items that are not washable can be dry-cleaned OR sealed in a plastic bag and stored for 2 weeks
- Vacuum the floor and furniture, particularly where the infested person sat or lay. However, spending much time and money on housecleaning activities is not necessary to avoid reinfestation by lice or nits that may have fallen off the head or crawled onto furniture or clothing
- Do not use fumigant sprays or fogs; they are not necessary to control head lice and can be toxic if inhaled or absorbed through the skin

You can find more resources and information regarding treatment and prevention on the Center for Disease Control's Website: <https://www.cdc.gov/parasites/lice/head/>

Sincerely,  
The UT Permian Basin STEM Academy

## **SECTION 9. Donating Food**

The UT Permian Basin STEM Academy will partner with an affiliated nonprofit organization, in order to donate surplus food that may be redistributed to students at the UT Permian Basin STEM Academy.

The advisory board will review the partnership with a nonprofit organization. In evaluating the program, the advisory board will consider:

1. Amount of food redistributed;
2. Efficiency of the program;
3. Affiliation of nonprofit to the UT Permian Basin STEM Academy

As part of the partnership, the UT Permian Basin STEM Academy will donate surplus food from breakfast, lunch, dinner, or snacks to an affiliated nonprofit organization to be redistributed to students who are unable to purchase breakfast, lunch, dinner, or snacks.

The Superintendent will determine when food may be distributed.

#### **400.140. STUDENT SAFETY**

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

#### **SECTION 1. Discipline**

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

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

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

#### **SECTION 2. Transfer Option for Victims of Violent Acts**

The Superintendent or designee, shall develop local procedures allowing for the transfer of a student to attend a safe school if the student becomes a victim of a violent criminal offense while on a school campus or on any school property, or while attending a school-sponsored or school-related activity.

#### **SECTION 3. Child Abuse, Maltreatment and Neglect**

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

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

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

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

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

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

The Superintendent or designee, shall ensure that the UT Permian Basin STEM Academy posts a sign in English and in Spanish that contains the toll-free number operated by the Department of Family and Protective Services to receive reports of child abuse or neglect in a clearly visible location in a public area of the school that is readily accessible to students.

#### **Section 4. School Visitors**

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

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

Section 4.2. Unauthorized Persons: Refusal of Entry, Ejection, Identification, and Appeal.  
(*updated 01/16/2019*)

A school administrator, school resource officer, or school peace officer of the UT Permian Basin STEM Academy may refuse to allow a person to enter on or may eject a person from property under the school's control if the person refuses to leave peaceably on request and:

- a. the person poses a substantial risk of harm to any person; or
- b. the person behaves in a manner that is inappropriate for a school setting; and
  - i. the administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
  - ii. the person persists in that behavior.

The UT Permian Basin STEM Academy will maintain a written record of each verbal warning issued as described above in this section, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from the UT Permian Basin STEM Academy's property under this section, the school will provide to the person written information explaining the appeal process set forth below in this section.

If a parent or guardian of a child enrolled in the UT Permian Basin STEM Academy is refused entry to the school's property under this section, the school shall accommodate the parent or guardian to ensure that the parent or guardian may participate in

- a. the child's admission, review, and dismissal committee,
- b. the child's 504 meeting,
- c. due process hearings, or
- d. parent teacher conferences.

The term of a person's refusal of entry to or ejection from a UT Permian Basin STEM Academy's property under this section may be up to two years.

The UT Permian Basin STEM Academy will post on its Internet website and each campus will post on any Internet website of the campus a notice regarding the provisions of this section, including the appeal process set forth below in this section.

A person refused entry or ejected under this section may appeal this decision using the school grievance policy. *Grievance Policy can be found in section 300.120.*

A decision of the Superintendent to grant or deny an appeal under this section is final.

Section 4.3. Registered Sex Offenders. Registered sex offenders are prohibited from entering school grounds. Exceptions:

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

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

Section 4.4. Protective Orders. The UT Permian Basin STEM Academy personnel shall comply with all legal restraining and protective orders pertaining to students enrolled in the UT Permian Basin STEM Academy.

## **SECTION 5. Weapon and Handgun Prohibition**

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

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

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

## **SECTION 6. Protective Eye Devices**

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

- a. the use of hazardous chemicals;
- b. the use of hot liquids or solids;
- c. the use of molten materials;
- d. performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
- e. milling, sawing, turning, shaping, cutting, or stamping of any solid materials'
- f. heat treatment, tempering, or kiln firing of any metal or other materials;
- g. cutting, welding, or brazing operations;

- h. the use of hazardous radiation, including the use of infrared and ultraviolet light or lasers; repair or servicing of any vehicle; or
- i. any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

## **SECTION 7. Internet Use**

SECTION 7.1. Computer System Access. Access to all of the UT Permian Basin STEM Academy' computers, computer networks, electronic mail, and the Internet is for educational and administrative purposes. The Superintendent or designee shall require all users to agree in writing to comply with the UT Permian Basin STEM Academy's policies and procedures in regards to such access. Failure to comply may result in disciplinary action.

SECTION 7.2. Protection Measure. The Superintendent or designee shall ensure that the UT Permian Basin STEM Academy utilizes a filtering device or software that prevents any the UT Permian Basin STEM Academy computer, and prevents the UT Permian Basin STEM Academy's Internet service, from accessing material that is obscene, child pornography, or harmful to minors.

SECTION 7.3. Internet Safety. The Superintendent or designee shall implement a safety plan that ensures:

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

SECTION 7.4. Monitored Computer Use. The use of the UT Permian Basin STEM Academy's computers and/or Internet system is not confidential and may be monitored by designated the UT Permian Basin STEM Academy personnel to ensure appropriate use.

## **SECTION 8. Prohibition Against Discrimination, Harassment, Intimidation, or Bullying**

The UT Permian Basin STEM Academy strives to provide students and staff with a school environment free from discrimination, harassment, intimidation and bullying. The Superintendent shall take appropriate actions to ensure the UT Permian Basin STEM Academy's Harassment, Intimidation and Bullying Policy and procedures are enforced.

Section 8.1. Dissemination of Policy. At the beginning of each school year, the UT Permian Basin STEM Academy's Prohibition Against Harassment, Intimidation, or Bullying Policy will be disseminated to all students, parents, guardians, employees and volunteers. the UT Permian Basin STEM Academy will also make information available to students about recognizing and preventing harassment, intimidation, or bullying.

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

Section 8.2. Prohibition. The UT Permian Basin STEM Academy explicitly prohibits discrimination, harassment, intimidation, and/or bullying on the basis of race, color, national origin, sex, gender, gender expression, gender identity, disability, age, sexual orientation, and/or religion, or any other basis protected by law. The UT Permian Basin STEM Academy prohibits discrimination, harassment, intimidation, or bullying in any form, including:

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

Section 8.3. Definitions.

- a. Discrimination against a student is defined as conduct directed at the student on the basis of race, color, national origin, sex/gender, gender expression, gender identity, disability, age, sexual orientation, religion, or any other basis prohibited by law, that adversely affects the student.
- b. Sexual harassment by an employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:
  - A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
  - The conduct is so severe, persistent, or pervasive that it:
    1. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
    2. Creates an intimidating, threatening, hostile, or abusive educational environment
  - Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.
- c. Sexual harassment by others includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:
  - Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
  - Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
  - Otherwise adversely affects the student's educational opportunities.
- d. Bullying includes a single significant act or a pattern of acts by one or more students directed

at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
  - is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
  - materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
  - infringes on the rights of the victim at school. Bullying includes cyberbullying.
- e. Cyberbullying is bullying that is done through the use of any electronic communication device, including a cell phone or other phone, a computer, a camera, e-mail, an Internet website, or any other Internet-based communication tool. Cyberbullying includes conduct that occurs off school property or outside of a school-sponsored or school-related activity if it:
- interferes with a student's educational opportunities, or
  - substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Section 8.4. Reporting. The UT Permian Basin STEM Academy encourages students who believe they are being subjected to discrimination, harassment, intimidation, or bullying and students who have first-hand knowledge of such harassment, to report the matter promptly to any the UT Permian Basin STEM Academy employee, adult volunteer, contractor, or agent who is not involved in the alleged discrimination, harassment, intimidation or bullying. Reports may be made orally or in writing, and reports may be made anonymously. Students, parents or guardians may contact the Anti Bully Committee (ABC) Chair to obtain a form that may be used to submit the report but use of a form is not required to make a report.

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

Section 8.5. Notification. The principal or principal's designee will provide notice of an incident of bullying:

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

Section 8.6. Investigation. Once a campus administrator receives a report of intimidation, harassment, and/or bullying of a student, the campus administrator must begin an immediate, appropriate, and impartial investigation of the incident. An investigation will include:

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

If a report of bullying gives the school reasonable belief that a student may have evidence of bullying or cyberbullying, the UT Permian Basin STEM Academy may conduct a search in accordance with school policy and in compliance with state and federal law.

The UT Permian Basin STEM Academy may report an incident of bullying to local law enforcement, if a campus administrator believes that the type of bullying or cyberbullying necessitates the involvement of law enforcement.

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

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

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

Section 8.7. Consequences. Any student found to have engaged in harassment, intimidation, and/or bullying in violation of this policy may be subject to disciplinary action up to and including expulsion. A student who is a victim of bullying, that has been found to have acted in self-defense, may not be disciplined. Students who qualify for special education services will be disciplined in accordance with the Individuals with Disabilities Education Act. Students and parents can review the Student Code of Conduct for the full disciplinary policy of the UT Permian Basin STEM Academy.

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

Section 8.8. Compensatory Services. The UT Permian Basin STEM Academy may be required to provide additional services to a student who is harassed in order to address the effects of the harassment. The need for compensatory services and the services provided will be determined on an individual basis.

Section 8.9. Retaliation Prohibited. The UT Permian Basin STEM Academy prohibits retaliation against any person who in good faith reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with the UT Permian Basin STEM Academy policies and procedures. Individuals who intentionally fabricate allegations of harassment, intimidation or bullying may be subject to disciplinary action in accordance with the UT Permian Basin STEM Academy policies and procedures.

## **SECTION 9: Notice of Events that Significantly Impact the Education of Foster Children**

The UT Permian Basin STEM Academy welcomes all students and works to maintain open communication between our schools and families. The Superintendent or designee will develop procedures to ensure that a child's educational decision-maker and caseworker are notified of:

- a. A request or referral for an evaluation under section 504 or special education;
- b. An admission, review, and dismissal (ARD) committee meeting;
- c. A manifestation determination review is scheduled;
- d. Any disciplinary actions under Chapter 37 and parent notice is required;
- e. Class C misdemeanor citations for offenses on school property or at school sponsored events;
- f. Reports of restraint and seclusion; and
- g. Use of corporal punishment

## **SECTION 10. Truancy Prevention and Referral**

The Superintendent or designee of the UT Permian Basin STEM Academy shall adopt truancy prevention measures designed to address student conduct related to truancy. Those measures shall include one or more of the following: behavior intervention plans, school-based services, or refer student to other services aimed at addressing the student's truancy.

The Superintendent or designee of the UT Permian Basin STEM Academy shall develop procedures for providing notice to parents and referring a student to truancy court or referring parent to a county, justice, or municipal court.

## **400.160 MISCELLANEOUS PROVISIONS RELATING TO STUDENTS**

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy, which shall be effective on the date that the policy is adopted by the Board.

### **SECTION 1. Religious Discrimination Prohibited**

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

### **SECTION 2. Homeless Children**

Section 2.1. Homeless Liaison. The Special Populations Coordinator is appointed the homeless liaison of the UT Permian Basin STEM Academy.

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

### **SECTION 3. The Texas Virtual School Network (VSN).**

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

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

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

Section 3.3 Fees for Enrollment in Additional VSN Courses. The UT Permian Basin STEM Academy shall charge a fee for a student seeking to enroll in a course through the VSN if the Superintendent or designee, determines;

- a. the student seeks to enroll in a course through the VSN that is beyond the normal course load taken by students in the equivalent grade level; or
- b. the student is currently enrolled in three (3) full-time courses through the VSN and the student seeks to enroll in an additional course through the VSN.
- c. The fee charged by the UT Permian Basin STEM Academy for enrollment in a course

through the VSN under this policy shall not exceed the lesser of the cost of providing the course or \$400.

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

#### **SECTION 4. Multi-tiered Intervention Services**

Section 4.1. Parent Rights. Parents and guardians of children at the UT Permian Basin STEM Academy have the right to access any records related to assistance provided for learning difficulties, including information collected while the student receives intervention services through response to intervention.

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

Section 4.2. Notice of Intervention. The UT Permian Basin STEM Academy shall provide each parent or guardian of a student receiving intervention services above the general intervention services offered to all students written notice 5 school days prior to a child beginning to receive intervention. The notice will include:

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

#### **SECTION 5. School Field Trips (updated 01/16/2019)**

The advisory board of the UT Permian Basin STEM Academy adopts the following form to be used for all school sponsored field trips.

Forms must include:

Parent/Guardian Permission for Field Trip  
NAME OF TRIP  
Date of Trip

This form must be completed and submitted by Insert Date Here or student may not attend.

Description of Trip

- Leave time, return time
- Who will attend
- How will students be transported
- How will students be supervised on outing
- Cost of trip

#### Other Information Relevant to Field Trip

- Will lunch be provided, or do students need to pack one
- Sunscreen?
- Money needed?
- Appropriate attire?

#### Rules and Regulations Specific to this Trip

- Rules that must be followed above and beyond regular school rules
- Example Rules:
- Student must have passing grades in all subjects to attend
- Each student is under the jurisdiction of, and subject to the directions given by the group sponsor at all times during the trip.
- Each student is to remain with the group at all times, except when granted permission to leave by the sponsor.
- Each person is to refrain from damaging any property not his or her own. Property damage, either intentionally or unintentionally, will be paid for by the person or persons responsible.
- All members of the trip are expected to conduct themselves in such a manner as not to bring discredit, upon themselves, the group, or their school.

All special field trip regulations, local school rules, and rules outlined in the Student/Parent Handbook will be enforced.

Please retain this page for your records and sign and return the next page by Insert Date Here for your student to attend.