

# Westlake Academy

Board of Trustees  
Policy Manual



Revised April 6, 2024

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## Section 1 - Admissions

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 1.01:**

**Date Board Adopted:** April 3, 2017

**Date Board Amended:** March 27, 2023

**Effective Date:** March 27, 2023

**Policy Category:** Admissions

**Policy Name:** Proof of Residency

**Policy Goal:** Clear and concise communication for students and parents regarding the criteria to establish residency status for individuals seeking admission to Westlake Academy.

**Policy Description:** If, during the enrollment period, Westlake Academy receives more applications from eligible applicants than there are spaces available in a class, then admission shall first be offered to eligible applicants residing within the Academy's Primary Boundary, which is consistent with the geographic boundaries of the Town of Westlake. The parent, legal guardian, or other person having lawful control of an applicant seeking admission as a resident of the Primary Boundary must provide proof of residency within the boundaries of the Town of Westlake.

**Required Documentation to Establish Residency in the Primary Boundary**

An applicant's parent, legal guardian, or other person having lawful control shall provide one or more of the following documents as proof of residence within the boundaries of the Town of Westlake:

- Tax receipt from the current year indicating homestead property ownership
- Fully executed building permit signed by the town of Westlake's Planning and Development department
- Current lease agreement (subject to additional requirements below); or
- Valid, fully executed real estate earnest money contract to purchase or build residential structure (subject to additional requirements below).

In addition to one of the documents identified above, the parent, legal guardian, or other person having lawful control must also provide:

- a photo identification card that includes the person's photograph, name, and address that matches the address included on the document provided from the list above. Acceptable photo identification cards shall include
  - a current and valid state-issued driver's license; or
  - a state of Texas identification card; or
  - a military or government-issued identification card; or
  - or a consular card.

Westlake Academy will not accept a credit card, debit card, or any club or retail membership card for proof of residency, even if such card includes a photograph; and

- Current utility bill for the primary residential structure in the name of the applicant's parent, legal guardian or other person having lawful control

Applicants must provide all updated documents within 30 days from the first day of school. If all documents have not been provided within the set timeframe, students will be administratively disenrolled.

### **Purchase of an Existing Home**

Applicants relying upon a contract to purchase an existing home to establish residency within the Primary Boundary must submit proof of residency within the Secondary Boundary at the time an enrollment application is submitted.

For a student to start school on the first day of school, an applicant relying upon a contract to purchase an existing home to establish residency must also provide additional documentation of a closing date and inhabit the residence within the first 90 days of the school year.

Failure to provide the required Primary Boundary residency documentation may result in a student's immediate disenrollment from the Academy.

### **New Construction**

Applicants relying upon a contract to build a home to establish residency within the Primary Boundary must submit proof of residency within the Secondary Boundary at the time an enrollment application is submitted.

In addition, an applicant relying upon a contract to build a new residence to establish residency must also provide documentation of an approved building permit from the

Town of Westlake and written notice from the builder confirming the slab/foundation was poured prior to August 1<sup>st</sup> of the school year in which they are seeking enrollment.

The applicant must also provide documentation from the builder of the estimated completion date for the new residence, which must occur within two years of the school year the student seeks to enroll.

In addition to these initial documentation requirements, the applicant will be required to submit verification, according to a schedule identified by the Town, of the completion of major construction milestones for the home including, but not limited to, framing, dry wall, masonry, roofing, plumbing, and electrical work. Responsibility for providing documentation of the milestones identified by the Town shall be the homeowner's sole responsibility. Failure by the homeowner to submit any or all of the milestone verifications may result in the Academy administratively disenrolling the student.

Failure to provide the required Primary Boundary residency documentation or may result in a student's immediate disenrollment from the Academy.

## **Lease**

An applicant relying on a residential lease to establish residency must provide a copy of a fully executed lease with a lease-term that extends for the entire time period the applicant intends to rely upon the lease to document residency. A residential lease shall be considered acceptable documentation to establish residency only if the leased premises is the primary residential structure on a property. Any family/person who executes and submits a lease to document residency in the Primary Boundary without occupying the leased property for as long as the applicant's child attends the Academy, shall subject their child(ren) to immediate removal from the school and such action may be considered fraudulent activity, unless documentation of another Primary Boundary residence is provided.

For a single-family residence, only one structure shall be recognized per legal address. Secondary structures such as garages, garage apartments, cabanas, pool houses, or cottages that are co-located on the property where the primary residential structure is located but are not recognized with a separate legal address are not eligible to establish residency under this policy. Further, a lease shall be accompanied with a utility bill showing that the utility service for the leased residential premises is in the name of the person leasing the primary residential structure.

**Primary Boundary Students Enrolled Prior to August 1, 2015** – For families with students enrolled in the Academy based on Westlake residency status prior to August 1, 2015, any subsequent changes to the residency policy do not apply. If these students attended Westlake Academy for at least two years prior to moving to an approved secondary boundary, the students can remain enrolled at the Academy.

### **Nonresident Student in Grandparent's After-School Care:**

A student seeking admission to Westlake Academy, **after August 1, 2015**, as a grandchild of a resident in the primary boundary due to a grandparent providing substantial after- school care for the student shall provide the required proof of residency based on the grandparent's Westlake residence and will be subject to the admission policy applicable to all Westlake residents regarding their continued enrollment. The grandparent must annually provide a notarized affidavit, on a form provided by Westlake Academy, confirming the extent of after-school care to be provided by the grandparent. Students applying for admissions based on the grandparent provision must live in one of the Academy's secondary boundaries.

The Superintendent shall have authority to approve such admission applications in accordance with the following criteria: a minimum of ten (10) hours per week of documented after-school care provided by the grandparent at the grandparent's Westlake residence.

### **Required Documentation to Establish Residency in Secondary Boundary**

If all eligible applicants from the primary boundary are admitted and the Academy chooses to admit transfer students from the secondary boundaries, the same types of documentation identified above shall be used to establish residency within the Academy's secondary boundary.

### **Residency Review**

A Westlake Academy representative may make periodic visits to a residence to verify that the student is actually living at the address provided on the enrollment application or is entitled to enrollment as a resident because of after-school care provided by a grandparent. A person who presents false information or false records to obtain admission to Westlake Academy commits a criminal offense and is subject to prosecution under Texas Penal Code Section 37.10.

Proof of residency shall be waived when a student is homeless as defined by law.

#### **Dates Amended:**

**08/03/09**

**12/06/10**

**08/13/12**

**06/03/13**

**11/17/14**

**06/01/14**

**4/3/2017**

**3/27/2023**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 1.02:**

**Date Board Adopted:** May 4, 2009

**Date Board Amended:** Feb. 5, 2024

**Effective Date:** Feb. 5, 2024

**Policy Category:** [Admissions](#)

**Policy Name:** [Westlake Academy Admissions Policy](#)

**Policy Goal:** Communication/Transparency of student and parent requirements for admission into Westlake Academy; Engagement of stakeholders and fiscal stewardship.

**Policy Description:**

Applications for enrollment for the following academic year are accepted from prospective students from December 1 through January 31 of each year. Applications received after January 31 will be considered for enrollment after the completion of the lottery process based on the applicant's status as a primary or secondary boundary applicant and will be placed on the wait list for the applicable grade based on the date of the application.

### **Re-enrollment for Current Students**

Currently enrolled students receive a *Notice of Intent to Return* form in February of each school year. This form asks students to state whether they intend to return to Westlake Academy the following school year and to identify any siblings who wish to apply for admission to Westlake Academy for the following school year. This form must be returned within 30 days of distribution. Students who do not return the *Notice of Intent to Return* form by the deadline are not guaranteed enrollment for the following school year.

Currently enrolled students who provide timely notice of the intent to return and who continue to reside within an approved geographical boundary, are automatically enrolled for the following school year, subject to the following condition: a currently enrolled student who obtained admission as the child of a full-time Town of Westlake employee retains the right to re-enrollment only if the student's parent continues to be employed by the Town of Westlake on a full-time basis.



The number of vacancies in each grade level are then determined.

### **Primary Boundary Student Applicants**

Primary boundary applicants are defined as students who reside within the boundaries of the Town of Westlake as described in Board Policy No. 1.01. Primary Boundary applicants receive priority consideration for enrollment at Westlake Academy. If the number of eligible Primary Boundary applicants does not exceed the number of vacancies, then all eligible applicants who timely applied will be offered admission. If there are more Primary Boundary applicants than spaces available, a lottery will be held for all Primary Boundary applicants to establish the order that enrollment will be offered.

### **Secondary Boundary Student Applicants**

Secondary Boundary applicants, also defined as transfer students, are defined as students who reside within the geographical boundaries of one of the approved school districts identified in Westlake Academy's charter. After all Primary Boundary applicants have been considered, Secondary Boundary applicants will be considered for enrollment.

If the number of eligible Secondary Boundary applicants exceeds the number of vacancies, a lottery will be held for all Secondary Boundary applicants to establish the order that enrollment will be offered.

### **Exemptions from the Lottery**

The following categories of applicants are exempt from the lottery process and are given priority in admission in the order identified below, so long as the total number of students admitted through exceptions below constitutes only a small percentage of the total school enrollment.

1. Children of the Founders of Westlake Academy
2. Children of Town of Westlake full-time employees
3. Siblings of admitted and returning students

Applicants participating in a lottery that are not offered enrollment prior to the beginning of the school year are placed on a waitlist by grade level according to the lottery results.

### **Enrollment Process**

Upon receiving an offer of enrollment, a student must provide records consistent with the Academy's enrollment procedures demonstrating the student has met the standards for entry into the grade for which the student applied. Should there be a discrepancy in the application grade level of the student and his/her educational records or performance level, the student's enrollment may be revoked.

Westlake Academy Charter School does not discriminate in admissions based on

gender, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability or the district the child would otherwise attend.

Westlake Academy will not enroll a student with a documented history of a criminal offense, juvenile court adjudication, or discipline problems under Texas Education Code Chapter 37, Subchapter A. If an applicant misrepresents or fails to disclose information about the student's discipline history during the enrollment process, the Academy reserves the right to revoke the student's offer of enrollment or unenroll the student from the Academy.

**Date Amended:**

**08/03/09**

**01/10/11**

**08/15/11**

**09/12/11**

**08/13/12**

**06/03/13**

**06/02/14**

**02/05/24**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 1.03:**

**Date Board Adopted:**      **March 7, 2016**

**Date Board Amended:**

**Effective Date:**              **March 7, 2016**

**Policy Category:**              **Admissions**

**Policy Name:**                  **Electronic Signature Policy**

**Policy Goal:** This policy identifies the requirements for the use of electronic signatures by members of the Westlake Academy community.

**Policy Description:** Westlake Academy encourages the use of electronic records and electronic signatures whenever their use can increase efficiency and save resources, so long as their use meets legal and security requirements.

Both state and federal law authorize the use and acceptance of electronic signatures. In response to the Electronic Signatures in Global and National Commerce Act (E-Sign), Texas adopted the Texas Uniform Electronic Transaction Act. Consistent with federal and state law, Westlake Academy adopts the following definitions related to the use of digital signatures in electronic transmissions.

"Digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature. Examples can include a digitized image of a handwritten signature, a code or personal identification number (PIN), and a mouse click on an "I accept" or "I approve" button.

"Electronic record" is a record created, generated, sent, communicated, received, or stored by electronic means. A "record" is information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. Financial and other documents or forms are records. An "electronic transaction" is a transaction conducted or performed, in whole or in part, by electronic means or electronic records. "Electronic" relates to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

To the fullest extent permitted by law, a digital signature may be used to authenticate a written electronic communication sent to Westlake Academy. The Academy agrees to

accept an electronic signature or “e-signature” as legally binding and the equivalent to handwritten signatures to signify an agreement.

## Section 2 - Faculty Attraction and Retention

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 2.01:**

**Date Board Adopted:** February 9, 2009

**Date Board Amended:** December 7, 2009

**Effective Date:** February 9, 2009

**Policy Category:** Faculty Attraction and Retention

**Policy Name:** Responsibility for Personnel Decisions and Setting Parameters for the CEO Regarding Establishment of Managerial Reporting and Organizational Structure

**Policy Goal:** Efficient and Effective Recruitment / Accountability Retention of Staff

**Policy Description:**

Administrative regulations governing Texas Charter Schools assigns to the Chief Executive Officer (CEO) responsibility for personnel decisions. As such, it is the purpose of this Board policy to delegate this function to the CEO as follows:

- a.) The CEO has final authority to offer employment, terminate employment, evaluate, promote, demote, appoint, and employ all Westlake Academy employees.
- b.) The CEO or his/her designate shall define the qualifications (excepting those that may be established by the Board), duties and responsibilities of all Academy positions and shall ensure that job descriptions are current and accessible to all employees and supervisors.
- c.) All compensation will be in accordance with Board approved teacher salary scales and establishment of new positions shall be approved by the Board.
- d.) The Board shall have input into the process utilized for the selection of section head positions.

e.) The CEO shall be responsible to the Board for establishing (and modifying when necessary) a managerial reporting and organizational structure, pursuant to applicable Board budget approvals, that meets the following criteria as well as facilitates and enhances:

- student achievement in alignment with the IB Learner profile
- communication with all Academy stakeholder groups
- timely staff decision making
- staff accountability
- employee empowerment and teamwork
- attainment of Board policies and adopted strategic plan desired outcomes
- staff professional development and effectiveness
- stewardship regarding the effective and efficient use of available resources
- clarity of reporting structure, lines of staff authority, and staff roles

**Dates Amended:**

**02/09/09**

**12/07/09**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 2.02:**

**Date Board Adopted:** January 4, 2010

**Date Board Amended:** N/A

**Effective Date:** January 4, 2010

**Policy Category:** Faculty Attraction and Retention

**Policy Name:** International Faculty Recruitment and Retention

**Policy Goal:** Establishing Guidelines for the Recruitment and Retention of International Faculty to Enhance School Diversity and International-mindedness

**Policy Description:** Since its inception as an International Baccalaureate (IB) World school, Westlake Academy has pursued the recruitment of a diverse, international teaching body through the use of stipends and payment of visa costs for faculty recruited from abroad. This effort has been carried out to facilitate for the Academy's students a diversity of teachers, teaching approaches, varying world views, and international-mindedness, all in concert with the IB Learner Profile. To this end, the Chief Executive Officer (CEO) is authorized to recruit internationally or retain existing international faculty subject to the following:

- a.) the CEO will be charged with determining the proper mixture of international and national faculty to provide the best educational services for Academy students.
- b.) when determined to be in the best interests of Westlake Academy students, the CEO may promulgate visa cost sharing arrangements by the Academy to recruit or retain international faculty on a case by case basis, subject to funding availability in the Academy budget and/or Fund 100.
- c.) the CEO is authorized, subject to annual Board budget approval, to pay yearly stipends to the Academy's international teachers with said stipends to be paid only for international staff that, when recruited by the Academy, had to move to the United States.

d.) any consideration for payment of green card expenses by the Academy related to an international faculty member employed at Westlake Academy can only be made after first receiving the recommendation of the CEO followed by the approval by the Board of Trustees. This consideration is also subject to funding availability in the Academy budget and/or Fund 100.



<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 2.03:**

**Date Board Adopted:** April 5, 2010

**Date Board Amended:** May 9, 2011

**Effective Date:** May 9, 2011

**Policy Category:** Faculty Attraction and Retention

**Policy Name:** Westlake Academy Nepotism Policy

**Policy Goal:** Establishing Guidelines for the prevention of Nepotism in the workplace and ensuring best practices of employees in the performance of assigned duties.

**Policy Description:** No person related within the second degree of affinity or within the third degree by consanguinity to any elected officer of Westlake Academy, or to the Superintendent, shall be appointed any office, position, or clerkship, or other service of Westlake Academy. Relatives of all other persons employed by Westlake Academy may not be employed by the Academy if the relative is within the second degree of affinity or within the second degree of consanguinity. This policy applies to all Westlake Academy departments, and may not be circumvented in cases where a relative would not be supervised by the existing employee. In the event that two employees enter into a marital relationship while working in the same department or section, one employee will be required to resign their employment with Westlake Academy within thirty (30) days. Present or future employees may not be promoted nor transferred to a position that would be in violation of this policy.

Exemptions to this policy may be made by the Superintendent, to the extent allowed by law, in order to enhance the Academy's recruitment and retention efforts. Consideration of applicable exceptions must first require a clear and demonstrable separation in the chain-of-command, appraisal, discipline, and job performance accountability between employees and their immediate supervisor and/or supervising Principal.

The decision of the Superintendent under this policy is final and may not be appealed.

For the purposes of this policy, a relative is defined to include:

**First degree affinity** – spouse, spouse’s mother, spouse’s father, spouse’s son, spouse’s daughter;

**Second degree affinity** – spouse’s brother, spouse’s sister, spouse’s grandmother, spouse’s grandfather, spouse’s granddaughter, spouse’s grandson;

**First degree of consanguinity** – employee’s mother, father, daughter, son;

**Second degree of consanguinity** – employee’s brother, sister, grandmother, grandfather, granddaughter, grandson;

**Third degree of consanguinity** – employee’s aunt, uncle, niece, nephew, great grandmother, great grandfather, great granddaughter, great grandson.

All provisions of this policy apply to relatives and/or relationships established between employees of the Town of Westlake and Westlake Academy.

**\*\* Note:** The above definitions have been amended to comport with relationship definitions contained in Chapter 19 of the Texas Administrative Code 100.1113(c).

The term “CEO” has been changed to “Superintendent”

**Dates Amended:**  
**05/09/11**

## Section 3 - Parent, Student and Faculty Relations and Expectations

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.01:**

**Date Board Adopted:**      **August 3, 2009**

**Date Board Amended:**      N/A

**Effective Date:**              **August 3, 2009**

**Policy Category:**              **Parent, Student and Faculty Relations and Expectations**

**Policy Name:**                  **Access to Student Records & Directory Information**

**Policy Goal:** Communication/Transparency and access to records that pertain to the student.

**Policy Description:**

**Definitions**

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

The term “education records” does not include:

- a. Records that contain only information about a student after the student is no longer attending the school.
- b. Records made by school personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record; or
- c. Records maintained by a law enforcement unit of the school that were created by that unit for the purpose of law enforcement.

20 U.S.C. Sec. 1232g(a)(4)(A)-(B); 34 C.F.R. Sec. 99.3

## **Confidentiality, Inspection and Amendment of Education Records**

The Family Educational Rights and Privacy Act (FERPA) protects the confidentiality of student education records and grants parents and students access to student educational records. Parents and students 18 years of age or older, have the following rights in connection with educational records:

1. To inspect and review the student's educational records who are or have attended Westlake Academy.
2. Non-custodial and divorced parents have equal rights relating to student records unless the school has been provided a court order to the contrary. A court order may specify the deletion of all references to a place of residence in the students records before the release to another party.
3. To review all written records pertaining to the student; including, attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization reports, teacher/counselor evaluations and reports of behavioral issues.  
TEC 26.004; C.F.R. 99.3(b), 99.4, 99.31(a)(8); Tex. Fam. Code. 153.012, 153.073
4. To request amendment of the student's educational records to ensure that the records are not inaccurate, misleading, or in violation of student rights, including the right to a formal hearing, if necessary. 34 C.F.R. 99.20, 99.21

## **Access by Other Persons Requires Consent**

FERPA prohibits the Academy from providing personally identifiable student information without prior written consent from a student's parent(s); a student's guardian(s); or the student, if the student is at least 18 years of age or is attending a post-secondary institution. 34 C.F.R. 99.30

## **Exceptions to the Consent Requirement**

Consent is not required when the requested information is provided:

1. In compliance with a court order or subpoena - Staff must make a reasonable effort to notify the parent/student in advance of the school's compliance;
2. To other school officials, including teachers, who have been determined to have "legitimate educational interests";
3. To other schools/school systems in which the student seeks or intends to enroll;

In connection with a student's application or receipt of financial aid;

4. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, student aid programs, and improving education;
5. To accrediting organizations;
6. In connection with a health and safety emergency 34 C.F.R. 99.31

## **Directory Information**

"Directory Information" pertains to information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. This may include, but is not limited to, the student's name, address, telephone number, e-mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in official sports or activities, weight and height of

members of athletic teams, honors and awards received, and the most recent educational agency or institution attended.

The Academy shall give notice, and on an annual basis, to parents of the following:

1. Types of information designated as “directory information” by the school;
2. *Right to refuse to allow the release of any or all types of information about the student designated as directory information; and*
3. Period of time within which a parent may submit written notification of his/her refusal to allow the disclosure of directory information by the school. 34 C.F.R. 99.3, 99.37

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.02:**

**Date Board Adopted:**      **August 3, 2009**

**Date Board Amended:**      **August 15, 2018**

**Effective Date:**              **August 15, 2018**

**Policy Category:**              **Parent, Student and Faculty Relations and Expectations**

**Policy Name:**                  **Attendance**

**Policy Goal:**    To encourage attendance and outline student and parent requirements

**Policy Description:**

Regular and consistent attendance is required to achieve academic success at Westlake Academy. Poor attendance is a major contributing factor toward receiving unsatisfactory grades and results in an additional commitment of after school hours to complete make-up assignments and review of class lecture notes.

**Compulsory Attendance**

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)–(c)*

Westlake Academy requires cooperation from parents in the matter of school attendance and punctuality. Parents should:

- Ensure your child arrives and is picked up on time each day. Families who do not pick up their students by the time specified in the Parent/Student Handbook may be subject to a late pick up fee after the second offense.
- Schedule routine medical and dental appointments after school hours when possible.
- Schedule family vacations during the school's vacation days and notify the school prior to any planned absence.
- Parents should inform the office before 10:00 am of any absences.

A student is exempt from compulsory attendance requirements if:

1. The student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

2. The student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.

#### *Education Code 25.086*

#### Voluntary Enrollment of Students 19 and Over

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, a district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except a school district may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).

#### *Education Code 25.085(e)–(h)*

#### Excused Absences

A district shall excuse a student from attending school for the following purposes:

1. Observing religious holy days, including one day of travel to and from the site where the student will observe the holy days, if necessary.
2. Attending a required court appearance, including one day of travel to and from the site where the court is located, if necessary.
3. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship, including one day of travel to and from the site of the governmental office, if necessary.
4. Taking part in a United States naturalization oath ceremony, including one day of travel to and from the site of the ceremony, if necessary.

5. Serving as an election clerk, including one day of travel to and from the site where the student will serve as an election clerk, if necessary.
6. A student in the conservatorship of the Department of Family and Protective Services (DFPS) shall be excused in order to participate, as determined and documented by DFPS, in an activity:
  - A. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or
  - B. Required under a service plan under Family Code Chapter 263, Subchapter B. *Education Code 25.087(b)(1); 19 TAC 129.21(j)(3)*
7. A temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. The student or parent must provide documentation of the appointment from the health-care professional. "Temporary absence" also includes an absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. *Education Code 25.08(b)(2), (b-3); 19 TAC 129.21(j)(3)*
8. For students in the Diploma Program (11th or 12th grade), an absence to visit an institution of higher education accredited by a generally recognized accrediting organization for the purpose of determining the student's interest in attending the institution of higher education. Excused absences under this provision may not exceed two days and must be supported by documentation to verify the student's visit at the institution of higher education. *Education Code 25.087(b-2); 19 TAC 129.21(j)(3)*
9. A student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, shall be excused from school to visit with the student's parent, stepparent, or guardian. An absence under this provision may not exceed five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)*
10. A student who is 17 years of age or older may be excused from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that: the absence is not for more than four days of school during the period the student is enrolled in high school; and the Academy verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard. *Education Code 25.087(b-5), (b-6)*
11. A student in grades 6 through 12 may be excused for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. *Education Code 25.087(c)*



A student whose absence is excused for a reason described above shall not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students. The student shall be allowed a reasonable time to make up school work missed on the days. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance. *Education Code 25.087(d)*

### Notice to Parents

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

### Notice of Absences

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

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

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school. *Education Code 25.095*

### Parent Contributing to Non-Attendance

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code Section 65.003(a).

The attendance officer or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under *Education Code Section 25.093*.

### Affirmative Defense - Parent

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by

the court to excuse an absence for this purpose does not affect the ability of the Academy to determine whether to excuse the absence for another purpose. *Education Code 25.093*

### Student Liability

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws and fails to attend school on ten or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a), (b)*

“Child” means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

### Affirmative Defense - Student

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven was excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence was or should be excused or that the absence was involuntary. A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose. *Family Code 65.003(c)*

### Truancy Prevention Measures

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period, but does not fail to attend school for the time described below, the district shall initiate truancy prevention measures on the student. *Education Code 25.0915(a-4)*

### Referral to Truancy Court

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, the Academy shall within ten school days of the student's tenth absence refer the student to a truancy court for truant conduct under *Family Code 65.003(a)*. *Education Code 25.0951*

### Withdrawal of Student

In order to continue enrollment from year to year at the Academy, the student or parent must complete the Academy's annual registration process. A student who is not registered by the deadline identified by the Academy and remains unregistered after documented attempts to contact the student/parent will be considered withdrawn from the Academy. Additionally, a student who is absent for five consecutive school days without notice and efforts by administrators to contact the student or parent are unsuccessful will be considered withdrawn from the Academy.

**Additional procedural information as it relates to attendance shall be recorded and published in the Parent/Student Handbook on an annual basis.**

**Dates Amended**  
**10/05/15**  
**08/10/16**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY</b></p>
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**Policy No. 3.03:**

**Date Board Adopted:** August 3, 2009

**Date Board Amended:** September 11, 2017

**Effective Date:** September 11, 2017

**Policy Category:** Parent, Student and Faculty Relations and Expectations

**Policy Name:** Bullying Policy

**Policy Goal:** Creation of a supportive and safe learning environment

**Policy Description:**

Westlake Academy policy and procedures are designed to promote a safe and productive learning environment. Westlake Academy shall prohibit bullying, including cyberbullying, as defined by applicable law, Texas Education Code 37.0832, and this policy. The procedures necessary to implement this policy will be published in the Parent/Student Handbook and on the Academy website.

**Prohibited Conduct**

Bullying, which includes cyberbullying (social media posts, texting, use of digital communication platforms or), means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.
5. Includes cyberbullying.

Cyberbullying means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text

messaging, a social media application, an Internet website, or any other Internet-based communication tool.

The prohibited conduct identified in this policy applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
  - a. Interferes with a student's educational opportunities; or
  - b. Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Westlake Academy prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith makes a complaint or who is involved in an investigation concerning an incident of alleged bullying.

A student who intentionally makes a false claim, provides false information, or refuses to cooperate with an investigation regarding bullying shall be subject to appropriate disciplinary action.

#### Procedures for Reporting & Investigating Bullying Complaints

Complaints about bullying conduct should be made as soon as possible after prohibited conduct occurs using the procedures identified in the Westlake Academy Parent/Student Handbook. Failure to timely report may impair the Academy's ability to investigate and effectively address the conduct.

Westlake Academy will establish procedures for reporting and investigating bullying complaints, which will be included in the Parent/Student Handbook and available on the Academy's website. The procedures shall include:

1. Actions a student should take to obtain assistance and intervention in response to bullying;
2. Procedures for reporting an incident of bullying or cyberbullying, including a procedure for a student to anonymously report an incident of bullying;
3. Procedures for providing notice of an incident of alleged bullying to:
  - a. A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
  - b. A parent or guardian of the alleged bully within a reasonable amount of time after the incident;
4. Procedures for investigating a reported incident of bullying, including taking prompt interim action calculated to prevent bullying

during the course of an investigation, if appropriate;

5. Procedures for determining whether the reported incident of bullying occurred, reporting the investigation findings, and appealing the findings of the investigation;
6. Opportunities for access to counseling for a student who is a victim of or a witness to bullying or who engages in bullying.

Academy staff shall take all reasonable measures to respect the privacy of a complainant, a person against whom a complaint is filed, and any witnesses or persons contributing information to a bullying investigation. However, limited disclosures may be necessary in order to conduct a thorough investigation.

### Disciplinary Consequences

If the results of an investigation indicate that bullying occurred, the Academy shall impose appropriate disciplinary consequences in accordance with the Westlake Academy Code of Conduct and may take other corrective action that is reasonably calculated to address the conduct. In the event an investigation concludes that improper conduct occurred that did not rise to the level of bullying, as defined by this policy, the Academy may take appropriate action in accordance with the Student Code of Conduct or any other corrective action deemed appropriate by Academy administrators.

Any conduct that constitutes bullying, including cyberbullying, shall be considered a serious offense that may result in a student's expulsion from Westlake Academy.

A student shall be expelled if the student:

1. Engages in bullying that encourages a student to commit or attempt to commit suicide;
2. Incites violence against a student through group bullying; or
3. Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

Westlake Academy will not impose disciplinary action against a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying.

Any disciplinary action related to bullying imposed on a student with a disability will comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 *et seq.*).

### **Dates Amended:**

**10/05/15**

**09/12/2022**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.04:**

**Date Board Adopted:**      **August 3, 2009**

**Date Board Amended:**      N/A

**Effective Date:**              **August 3, 2009**

**Policy Category:**              **Parent, Student and Faculty Relations and  
Expectations**

**Policy Name:**                  **Closed Campus**

**Policy Goal:**      Student Safety

**Policy Description:**

Westlake Academy operates the campus as a closed facility. Students are not allowed to leave campus during lunch except as approved by the Head(s) of Section, on a case-by-case basis – generally, in response to a parent's written request.

Students who leave campus without prior approval at lunch or during the school day will be subject to disciplinary action in accordance with the Academy disciplinary procedures as specified in the Parent/Student Handbook.



<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.05:**

**Date Board Adopted:** August 3, 2009

**Date Board Amended:** August 12, 2013

**Effective Date:** August 12, 2013

**Policy Category:** Parent, Student and Faculty Relations and Expectations

**Policy Name:** Complaint Policy

**Policy Goal:** Outline the policy and processes for filing a complaint or addressing concerns at the Academy.

**Policy Description:**

Student or parent complaints shall be filed in accordance with this policy, except as provided below:

1. Complaints alleging discrimination or harassment based on race, color, gender, national origin, disability, or religion and complaints concerning retaliation related to discrimination or harassment shall be submitted in accordance with Board Policy 5.03 and any applicable federal regulations.
2. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with Board Policy 3.03.
3. Complaints related to an expulsion order shall be submitted in accordance with Board Policy 5.02 and the Student Code of Conduct.
4. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be submitted in accordance with Board Policy 6.13 and appropriate due process standards in accordance with Section 504 of the Rehabilitation Act of 1973, 34 CFR 104.7(b).
5. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act shall be submitted in accordance with Board Policy 6.13 and the procedural safeguards provided to parents of all students referred to special education.

## **Informal Process**

The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

## **Formal Complaint Process**

Should the informal discussions fail to resolve the issue, the student/parent should follow the formal complaint processes shown below by timely filing a written complaint. Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent may withdraw a formal complaint at any time if the concerns are resolved. The process described in this policy does not create new or additional rights beyond those granted by law or Board policy.

## **General Provisions**

- “Complaints” and “Grievances” have the same meaning.
- Complaints arising out of an event or a series of related events must be addressed in one complaint. A student or parent may not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a prior complaint.
- Complaints and appeal notices must be in writing and may be filed by hand-delivery, fax, e-mail, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax and e-mail filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax or e-mail copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
- For the purpose of this policy, “days” shall mean school business days. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.” In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”
- “Response” shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student’s or parent’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
- A student may be represented by an adult at any level of the complaint. The student or parent may designate a representative through written notice to the Academy at any level of this process. If the student or parent designates a representative with fewer than three days’ notice to the Academy before a scheduled conference or hearing, the Academy may

reschedule the conference or hearing to a later date, if desired, in order to include the Academy's counsel. The Academy may be represented by counsel at any level of the process.

- All time limits shall be strictly followed unless modified by mutual written consent. If a complaint or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

## **Level One**

Formal complaints must be:

1. In writing, dated, and must describe the subject matter of the complaint, the date of the occurrence(s), and identify any persons with knowledge of the alleged complaint;
2. Filed within 10 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
3. Submitted to the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students and parents shall file Level One complaints with the campus principal. If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint was received and should immediately forward the complaint to the appropriate administrator.

The appropriate administrator shall investigate as necessary and may hold a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the student or parent a written response within ten days of receiving the complaint or within ten days following the conference, whichever is later. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

## **Level Two**

If the student or parent is not satisfied with the Level One response, or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision. The appeal notice must be filed in writing, within five days of the date of the written Level One response or, if no response was received, within five days of the Level One response deadline.

Upon notice of the appeal, the Superintendent or designee shall review the Level One record including:

1. The original complaint and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented at Level One and identified in the Level Two appeal notice. At the conference, the student or parent may provide information concerning any documents or information included in the Level One record. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

### **Level Three**

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board. The appeal notice must be filed in writing within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board. The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record. The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an

opportunity for questioning by the Board. The Level Three presentation shall be recorded.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

**Dates Amended:**  
**08/12/13**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.06:**

**Date Board Adopted:**      **August 3, 2009**

**Date Board Amended:**      N/A

**Effective Date:**              **August 3, 2009**

**Policy Category:**              **Parent, Student and Faculty Relations and Expectations**

**Policy Name:**                  **Compulsory Attendance, excused absences, and truancy**

**Policy Goal:**    To adhere to state regulations as it relates to school attendance

**Policy Description:**

**Compulsory Attendance**

The State of Texas requires children to attend school under the following parameters:

A child who is at least six (6) years of age, or who is younger than six (6) years of age and has previously been enrolled in 1<sup>st</sup> grade, and who has not yet reached his/her 18<sup>th</sup> birthday, shall attend school.

On enrollment in pre-kindergarten or kindergarten, a child shall attend school.

TEC 12.104(b)(1), 25.085(b)(c),(e)

**Truancy**

At the beginning of each year, the staff of Westlake Academy shall notify parents of the truancy policy of the school. The information shall be contained in the Parent/Student Handbook and shall utilize the following framework:

Pursuant to TEC 25.095 – Warning Notices, when a student reaches ten (10) full or partial day absences within a six month period, or 3 full or partial days within a four-week period, a notice will be sent home notifying them that continued absences will put them at risk for the following:

- (1) The student's parent is subject to prosecution under TEC 25.093, and
- (2) The student is subject to prosecution under TEC 25.094

The Academy shall notify a parent if the student has been absent from school, without excuse under TEC 25.087, on three full or partial days within a four-week period. The notice shall contain information outlining the following:

- (1) It is the duty of the parent to monitor and require school attendance.
- (2) The parent is at risk for prosecution under TEC 25.093
- (3) And, request a meeting between the appropriate school officials and the parent to discuss the absences.

Failure of the parent to receive the notice, is not a defense to prosecution.

### **Excused Absences**

A student shall be excused from school attendance for temporary absence resulting from any cause acceptable to the student's teacher(s), Head(s) of Section, or CEO. A student shall be excused from attending school for the purpose of attending religious holy days, including traveling for that purpose. TEC 25.087

The Parent/Student Handbook shall outline the specific and allowable school approved situations involving absences from class. The information will be published on an annual basis.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.07:**

**Date Board Adopted:** February 9, 2009

**Date Board Amended:** August 16, 2010

**Effective Date:** February 9, 2009

**Policy Category:** Parent, Student and Faculty Relations and Expectations

**Policy Name:** Parent-Student Handbook

**Policy Goal:** Effective communication of Parent-Student Expectations and Standards

**Policy Description:**

The purpose of this policy is to outline the Board of Trustees' desired outcome to have a Parent/Student Handbook to facilitate communication to Westlake Academy parents and students of the various aspects of the Academy's operations, student expectations, and student standards.

In that light, the Westlake Academy staff is charged with drafting, updating, and publishing, at least annually prior to the start of the school, a Parent/Student Handbook (Handbook). A copy of the current Handbook will be placed on the Academy's web site. During the course of the school year, the Academy staff is responsible for identifying amendments that may need to be made to the Handbook due to changes in Board policy or Academy procedures. If any amendments are made, they shall be communicated in a timely fashion to all Academy parents and students prior to their effective date.

Parents and students will be expected to sign an acknowledgment form stating they have read and understand the policies and procedures outlined in the Handbook for each applicable school year. A student that fails to provide a signed acknowledgment within the allotted time frame may be subject to expulsion from the Academy.

**Dates Amended:**  
08/16/10



<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.08:**

**Date Board Adopted:** August 3, 2009

**Date Board Amended:** N/A

**Effective Date:** August 3, 2009

**Policy Category:** Parent, Student and Faculty Relations and Expectations

**Policy Name:** Student Drivers

**Policy Goal:** Outline the requirements and responsibilities for student driving and parking assignments on campus

**Policy Description:**

In consideration of the safety of the students and due to the limited number of parking spaces, the Board reserves the right to institute regulations concerning the operation and parking of vehicles on Academy grounds – TEC 37.102(a).

A written application will be required prior to the issuance of a permit. A parking permit shall be required for a student to drive to the school campus and park a personal vehicle on school property. The permit holder is also subject to the following regulations:

- (1) Annual parking permit fees will be assessed and the amount published pursuant to the publication of the Parent/Student Handbook each year.
- (2) Students may apply for the permit upon proof of a state issued driver license (which does not include temporary permits), proof of insurance or financial responsibility documents, parental authorization and liability forms.
- (3) Upon approval, a parking decal will be issued to the student which shall be placed on the vehicle in accordance to the directives in the Parent/Student Handbook.
- (4) Westlake Academy may suspend the permit of any student for the following reasons:
  - a. Violation of the Student Driver Policy
  - b. Unsafe driving
  - c. If the driving privilege is interfering with class attendance or academic performance.

All students must obey the applicable traffic laws and restrictions pertaining to licensed drivers under the age of 18 while operating a motor vehicle on campus.

The school also reserves the right to search a student's vehicle, with student supervision while it is parked on school grounds.

Further parking and driving procedures will be published in the Parent/Student Handbook on an annual basis.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.09:**

**Date Board Adopted:**      **September 13, 2010**

**Date Board Amended:**      N/A

**Effective Date:**              **September 13, 2010**

**Policy Category:**              **Parent, Student and Faculty Relations and Expectations**

**Policy Name:**                  **Volunteer Policy**

**Policy Goal:** Pursuit of the Academy's mission/vision for effective education via a teacher-student-parent partnership which promotes positive parent and community involvement at Westlake Academy through a volunteer program constructed according to appropriate policy guidelines.

**Policy Description:**

The purpose of this policy is to provide overall guidance and policy direction to faculty, staff, and volunteers regarding Westlake Academy's volunteer program. Westlake Academy's Board of Trustees supports the use of volunteers, subject to the requirements of this policy, as a means to utilize the many abilities and talents of volunteers to enhance the educational experience for Westlake Academy students. It is recognized that volunteers provide the staff and students at Westlake Academy with resources and talents that would otherwise not be affordable or would require use of scarce Academy budget dollars to acquire.

Unless specifically stated herein, this policy applies to all volunteers in all programs and projects undertaken at or on behalf of the Academy.

Accordingly, it is appropriate for Westlake Academy staff to develop processes and procedures to manage and administer a volunteer program within the following policy boundaries:

- Westlake Academy volunteers are those individuals who choose to perform services for the Academy as defined by Academy staff without compensation or expectation of compensation of any kind. Volunteers are not employees of Westlake Academy.
- Anyone interested in volunteer service at Westlake Academy shall first apply by completing a volunteer application packet, which is available at the Academy office and on-line.

- A volunteer may not perform any volunteer duties for the Academy until:
  1. The Academy has obtained all necessary criminal history record information related to the volunteer as may be required by state law and board policy; and
  2. The Superintendent's designee makes a determination in his/her discretion on the appropriateness of volunteer service by the applicant and provides written notice that the volunteer's application has been approved; and
  3. The approved volunteer completes annual mandatory training, including completion of training on the Family Educational Rights and Privacy Act (FERPA) conducted by Academy staff, and signs the Academy's Learning Commitment.
- Approved volunteers will be assigned tasks and duties based upon the needs of the Academy as identified by Academy staff. All persons approved for volunteer service shall perform their volunteer service under the supervision of a Westlake Academy staff/faculty person. Volunteers will access their volunteer work stations at the Academy via the campus security system established by staff.
- Academy volunteers must comply with all applicable Academy policies and procedures at all times that volunteer services are provided; including, but not limited to, the Academy's acceptable use policies related to technology.

Use of volunteers does not constitute, either implicitly or explicitly, a binding contractual or personnel agreement on behalf of Westlake Academy. The Board of Trustees reserves the right to change this policy or any other policy related to use of volunteers and require adherence by all new and current volunteers.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.10:**

**Date Board Adopted:**      **August 16, 2010**

**Date Board Amended:**      **June 1, 2015**

**Effective Date:**              **June 1, 2015**

**Policy Category:**              **Parent, Student and Faculty Relations and  
Expectations**

**Policy Name:**                  **Academic Honesty and Honor Code**

**Policy Goal:**      To establish a standard for academic honesty and the expectations relative to an honor code for Westlake Academy

**Policy Description:**

A component of the mission statement for Westlake Academy is to strive to achieve academic excellence and develop life-long learning traits for the success of the students. As such, an academic honesty and honor code is necessary to support those endeavors.

All students are expected to act with integrity in regards to Academic and non-academic contexts. Any form of plagiarism, including downloading and using information from the internet without quoting sources, will be considered a violation of the code of conduct. We expect all students to be on their honor, and cheating will be dealt with severely.

**Academic Dishonesty**

Academic dishonesty is defined as:

- Engaging in any act of plagiarism by passing off ideas or words of another as one's own, using another's work without quoting sources, committing literary theft, or presenting an idea from an already existing source as new or original;
- Receiving or providing assistance on an assignment in or out of the classroom where collaboration is not explicitly condoned by the instructor;
- Communicating or attempting to communicate with another student during an examination via verbal, nonverbal, written, or electronic means;
- Disclosing the content of assessment material to another student who is taking or has taken the same course but has not yet taken the assessment in question;

- Possessing or using forbidden materials or aids during an assessment; or
- Stealing, attempted theft, or collusion with any who attempt to steal assessment materials.

Cheating, plagiarism, forgery and any other forms of academic dishonesty are considered severe discipline infractions and will be subject to the progressive discipline process outlined in the Parent/Student Handbook.

## **Honor Code**

By means of an Honor Code, students practice responsible leadership, accept personal responsibility and develop strong character and create an atmosphere free from suspicion. At its core, the Honor Code is based on mutual respect and trust, serving as a written model for what is expected from students in terms of behavior, as well as a pledge to live by the school's values. All students will be required to support the traits identified in the IB Learner Profile by committing to the following:

### ***Honor Pledge:***

*As an IB student, I am responsible to uphold a principled perspective in my personal and academic life.*

Students who commit themselves to upholding the Westlake Academy Honor Code will be instilled with a sense of honor and integrity that will last beyond their school years.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.11:**

**Date Board Adopted:**      **August 16, 2010**

**Date Board Amended:**      **August 12, 2013**

**Effective Date:**              **August 16, 2010**

**Policy Category:**              **Parent, Student and Faculty Relations and  
Expectations**

**Policy Name:**                  **Technology Use and Computer System  
Responsibilities**

**Policy Goal:** To establish accountability standards and parameters for the use of technology at Westlake Academy congruent with the Academy's academic honor and employee/student conduct codes and expectations.

**Policy Description:**

In an effort to promote appropriate and responsible use of technology in the classroom and throughout the broader learning environment, the Board of Trustees approves the following policies and procedures for Westlake Academy.

**Access to Westlake Academy Technology Resources**

Access to the Academy's electronic communications system and/or technology resources is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all Board policies and administrative regulations governing use of technology. All users of Westlake Academy technology resources shall agree to comply with all policies, regulations, and guidelines.

All Academy technology resources are business assets, and should not be considered private. The Academy may access and review any use of technology resource, including, but not limited to: internet utilization, email content, and data created, transmitted, or stored on devices utilizing the Academy's technology resources.

Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with Academy policies, any applicable employee policies or procedures, and the Parent/Student Handbook. Violations of law may result in disciplinary action by the Academy, in addition to any action taken by law enforcement.

Access to the Academy's electronic communications system and/or technology resources will be governed as follows:

1. All users (or the parent/legal guardian of student users) will be required to sign a user agreement annually each August prior to issuance or renewal of any account utilizing the Academy's technology resources.
2. Academy employees will be granted the appropriate level of access to the Academy's technology resources, as necessary to successfully perform their assigned job duties.
3. Appropriate use of personal email accounts are the sole responsibility of the end user. Users shall comply with the same policies, procedures, and standards when using or transmitting personal email using Westlake Academy technology resources.
4. Users agree to change passwords when requested to do so by a supervisor or technology administrator. All passwords must remain confidential and may not be shared.
5. Any system/resources user identified as a security risk or as having violated Academy and/or campus technology use guidelines may be denied access to Westlake Academy's technology resources.

### **User Responsibilities for Technology Resources**

The following standards will apply to all users of the Academy's technology resources:

1. Users are responsible at all times for the proper use of technology resources accessed through the user's ID/login. Users should take all reasonable precautions to prevent others from gaining access to their account(s).
2. The technology resources system may not be used for illegal purposes, in support of illegal activities, or for any other activity prohibited by Academy policy or guidelines.
3. Users may not disable, or attempt to disable, any content/media filtering devices on the Westlake Academy network.
4. Encryption methods other than those used and approved by the administrator may not be utilized.
5. System users may not use another person's user ID/login without written permission from the Superintendent or designee.



6. Students may not distribute personal information about themselves or others through the use of any Westlake Academy technology resources; including, but not limited to, personal addresses and telephone numbers.
7. Students should never make appointments to meet people whom they meet online and should report to a teacher or administrator if they receive any request for such a meeting.
8. System users must purge and/or make hard copies of electronic mail and files in accordance with established retention guidelines.
9. System users may not redistribute copyrighted programs or data except with the written permission of the copyright holder or designee. Such permission must be specified in the document or must be obtained directly from the copyright holder or designee in accordance with applicable copyright law, Academy policy, and administrative regulations.
10. System users should avoid actions that are likely to increase the risk of introducing viruses to the system, such as opening e-mail messages from unknown senders and loading data from unprotected computers.
11. System users may not install public domain programs to any device owned or maintained by Westlake Academy. Users may not download public domain programs for their own use, nor redistribute a public domain program. Users are responsible for determining whether a program is in the public domain.
12. System users may not use the Academy's technology resources to access, send, or post messages that are abusive, obscene, pornographic, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
13. The Westlake Academy network and related technologies are the property of the school and subject to inspection by administration at any time, including non-school owned electronic devices. Users should not have any expectation of privacy when utilizing the Westlake Academy's network, including all electronic communications devices or web-based systems.
14. System users should be mindful that use of school-related electronic mail addresses might cause recipients or other readers to assume they represent the school, whether or not that was the user's intention. Users have no authority to represent the Academy beyond that expressly given by the Academy.
15. Users may not engage in the wasteful use of the Academy's technology resources. This includes, but is not limited to, "spamming," use of internet bandwidth for non-educational purposes, or excessive printing.

16. System users may not gain unauthorized access to resources or information or attempt to disrupt the performance of any of the Academy's technology resources by any means.
17. System users understand and agree that all documents and communications are the property of the Academy. As such, a system user may not copy, download, disseminate, e-mail, or disclose Academy property to third parties not directly related to Academy business without the express written authority of the Superintendent.
18. Vandalism of any kind will require restitution for costs associated with hardware, software, and system restoration and may result in the revocation of access to the Academy's network or other technology resources.
19. This policy applies to any portable school-owned property (laptops, iPads, etc.) that may be issued to staff or other authorized parties. Users are required to follow all provisions of this policy when using these devices, even when they are removed from the premises.

### **Information from Third Parties**

System users and parents of students with access to the Academy's technology resources should be aware that, despite the Academy's use of technology protection measures as required by law, use of the system may provide access to other electronic communications systems in the global electronic network that may contain inaccurate and/or objectionable material.

Any user and/or student who gains access or knows of others accessing such material is expected to discontinue the access as quickly as possible and to report the incident to the supervising teacher/administrator(s).

A student knowingly bringing prohibited materials or media into the school's electronic environment will be subject to suspension of access and/or revocation of privileges on the Academy's system and will be subject to disciplinary action in accordance with the Student Code of Conduct.

An employee knowingly bringing prohibited materials or media into the school's electronic environment will be subject to disciplinary action in accordance with Academy policies.

### **Disclaimers**

Opinions, advice, services, and all other information expressed by system users, information providers, service providers, or other third-party individuals in the system are those of the providers and not necessarily the Academy.

The Academy will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the Academy's technology resources system.

Westlake Academy makes no expressed or implied guarantees that the activities or services provided by Westlake Academy technology resources will be error-free or without defect. Westlake Academy will not be responsible for any damages to users including, but not limited to loss of data, interruptions of service, personal or psychological damages, or financial losses. Westlake Academy is not responsible for the accuracy or quality of content obtained through our network or stored on our systems. Finally, Westlake Academy will not be responsible for unauthorized financial obligations incurred from use of any electronic communications device.

**Dates Amended:**  
**08/12/13**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.12:**

**Date Board Adopted:**      **August 16, 2010**

**Date Board Amended:**      **June 4, 2012**

**Effective Date:**              **June 4, 2012**

**Policy Category:**              **Parent, Student and Faculty Relations and Expectations**

**Policy Name:**                  **Electronic Communications and Faculty Responsibilities**

**Policy Goal:**      Establishing clear guidelines for the use of electronic communication between Westlake faculty/staff and parents, between Board members and parents, as well as between Academy faculty/staff members and their students.

**Policy Description:**

Effective communication is an essential component of any successful organization, and the Board wishes to encourage this type of communication among all Academy stakeholder groups and constituents. To that end, it is recognized that electronic communication is frequently used to achieve communication between parties on a timely basis. It is important to identify when electronic communication is appropriate, when it is not, and how to best utilize this method of communication for maximum effectiveness in the school setting.

**Definitions**

For the purposes of this policy, the term “electronic communication(s)” shall be defined as:

- a. Email
- b. Text messaging
- c. Instant Messaging
- d. Social media sites, such as Facebook and Twitter
- e. Video conferencing

**Electronic Communication shall be used for short and precise exchanges to discuss non-substantive matters such as:**

- a) plan or schedule meetings between a parent and teacher or between faculty/staff members
- b) answer a brief factual/logistical question about a student's homework assignment or scheduling of a test, quiz, or project, (i.e. when tests, quizzes, or projects will be given or when they are due)
- c) announce trip arrangements and logistics

The nature of some school related topics (such as those shown in sections d, e, and f) may require substantive discussion and therefore a face-to-face conversation is the preferred method of communication. If the issues are unresolved after an exchange of 3 emails (or other electronic communication) then further communication shall occur in face-to-face meetings or telephone conversations, as deemed appropriate. Such meetings and/or telephone conversations shall be set and/or occur in a timely fashion.

- a) discussions about a student's (or students') behavior or conduct, either in or outside of the classroom, on or off campus.
- b) discussions regarding a student's academic performance or student's life.
- c) discussions regarding teaching methods, subject content, policy or administrative decisions, or discipline measures/decisions.

Electronic Communication on any topic shall be timely and concise. As such, inquiries sent via electronic communication shall be answered/returned by faculty/staff within forty-eight (48) hours or less of their receipt from a parent or student (weekends and holidays excepted).

Faculty/staff members are also prohibited from using social media, personal email, or third-party websites to communicate with students or parents about any non-Academy-related matters.

**Dates Amended:**

**06/04/12**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.13:**

**Date Board Adopted:**      **August 16, 2010**

**Date Board Amended:**      **May 7, 2012**

**Effective Date:**              **May 7, 2012**

**Policy Category:**              **Parent, Student and Faculty Relations and Expectations**

**Policy Name:**                  **IB Learner Profile Statements**

**Policy Goal:** To pursue shared commitment between faculty, students and parents to build and nurture a flourishing International Baccalaureate (IB) learning community at Westlake centered on the philosophy of the IB.

**Policy Description:**

For quality education to occur, a partnership between parents, students, and faculty must unite towards a common vision and goals. As such, the Board of Trustees has established vision, mission, and values statements for Westlake Academy all grounded in Westlake Academy's strong roots in the International Baccalaureate (IB).

In order to bring this vision into the daily school life of our students, tools must be in place to connect the vision by emphasizing and cultivating the development of a learning community. This commitment is contained in the ten attributes of the IB Learner Profile. There is much written in educational literature about schools as "learning communities", centered on the faculty/staff, student and parents creating a learning community, which is often characterized as having these attributes:

- supportive and shared leadership
- collective creativity
- shared values and vision
- supportive conditions
- shared personal practice

**The Academy's IB Learner Profile Statements**

Are intended to help chart, reinforce and communicate to the parents, students, and faculty, not only the clear path necessary toward achieving a student's successful graduation, but the behaviors and ideals necessary to achieve that end. As such, the Board has developed statements toward establishing of the IB Learner Profile for faculty, students and parents.

The student portion of the IB Learner Profile, taken directly from the IB, is the students' overall development and achievement during the course of their educational career.

The faculty and staff section of the IB Learner Profile identifies and reinforces the professional conduct required to support our students while they are enrolled in our learning environment at Westlake Academy.

The parent statement portion of the IB Learner Profile affirms the importance of the parent's role in attaining a quality education for their child and supporting their student, as well as the staff, in achieving the long -term goal of creating a high quality learning environment. Parents are strongly encouraged to read and discuss these attributes with their children.

**Dates Amended:**

**08/16/10**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.14:**

**Date Board Adopted:**      November 5, 2018

**Date Board Amended:**

**Effective Date:**              November 5, 2018

**Policy Category:**              Parent, Student and Faculty Relations and  
Expectations

**Policy Name:**                  Student Records

**Policy Goal:** The purpose of the Westlake Academy Student Records policy is to inform students of their rights and responsibilities pertaining to their school records, in compliance with federal requirements as prescribed by law. It is also designed to protect the privacy of student records while articulating definitions relating to student records, how these records may be accessed and disclosed, the complaint procedure and other information relevant to the student record.

**Compliance with FERPA:** The use and/or disclosure of all student records shall comply with the Family Educational Rights and Privacy Act ("FERPA").

**Custodian of Records:** Westlake Academy is designated as the custodian of all student records. Requests concerning the disclosure of student records should be directed to programme principals.

**Annual Notice:** The Academy shall ensure that all parents of currently-enrolled students and currently-enrolled adult students annually receive a notice of their rights under FERPA.

**Procedure to Amend Records:** Within 15 Academy business days of the record custodian's receipt of a request to amend records, the Academy shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten Academy business days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence and, at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ten Academy business days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and



reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 Academy business days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the Academy's decision.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.16:**

**Date Board Adopted:**      October 7, 2019

**Date Board Amended:**

**Effective Date:**              October 7, 2019

**Policy Category:**              Parent, Student and Faculty Relations and  
Expectations

**Policy Name:**                  Distribution of Non-School Literature

**Policy Goal:**    The purpose of the Westlake Academy Distribution of Non-School Literature policy is to inform the Westlake Academy community and others about their rights and responsibilities pertaining to the distribution of literature from outside the school, in compliance with applicable federal and state law.

**Policy Description:**    The Executive Director shall be responsible for the development and enforcement of procedures related to the distribution of non-school literature on campus or at Westlake Academy events.

**Distribution of Non-School Literature**

The distribution of any materials not sponsored by Westlake Academy or by a Westlake Academy affiliate organization, regardless of the format of the materials, shall only be allowed in accordance with this policy.

Westlake Academy shall not be responsible for, nor shall it endorse, the contents of any non-school literature distributed on school premises or at Academy events.

For purposes of this policy, “distribution” means the circulation of more than ten copies of material from a source other than Westlake Academy. Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be considered non-school literature and shall not be governed by this policy.

**Limitations of Content**

Westlake Academy limits the distribution of non-school literature to materials related to the activities of Westlake Academy Affiliate Groups or materials related to opportunities or activities for students that supplement the Academy’s educational program. Non-school literature shall not be distributed on Westlake Academy property if:

1. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. The materials endorse actions endangering the health or safety of students.

3. The materials promote illegal use of drugs, alcohol, or other controlled substances.
4. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.
5. The materials contain defamatory statements about public figures or others.
6. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
7. The materials are hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence, and the materials would materially and substantially interfere with school activities or the rights of others.
8. There is reasonable cause to believe that distribution of the non-school literature would result in material and substantial interference with school activities or the rights of others.

### **Prior Review**

Prior to distribution on the premises of Westlake Academy, any person intending to distribute non-school literature under this policy shall submit the material to the appropriate Academy principal or the principal's designee for prior review. All submissions must include the name of the person or organization requesting the opportunity to distribute material. The principal will approve or reject the distribution of non-school materials within two school days of the date the materials are submitted using the standards identified in this policy.

Prior review shall not be required for distribution of non-school literature only in the following circumstances:

1. Distribution of materials to other attendees during a meeting of a non-curriculum-related student group authorized to meet at school during non-instructional time.
2. Distribution of non-school materials in circumstances for which exceptions to prior review are authorized by published Academy procedures, other Board Policy, or as may be required by law.

Even when prior review is not required, all other provisions of this policy shall apply.

### **Time, Place, and Manner Restrictions**

Westlake Academy principals shall be responsible for developing appropriate procedures to identify reasonable guidelines on the times, locations, and means by which non-school literature that is appropriate for distribution, as provided in this policy, may be made available or distributed on the premises of Westlake Academy.

### **Complaints**

Complaints regarding the enforcement of this policy or any other decisions by Academy administrators or staff related to the distribution of non-school literature may be presented to the appropriate campus administrator using the procedures in Westlake Academy Board Policy 3.05: Complaint Policy. **Amended 10/07/19**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 3.17:**

**Date Board Adopted:**      October 7, 2019

**Date Board Amended:**

**Effective Date:**              October 7, 2019

**Policy Category:**              **Parent, Student and Faculty Relations and Expectations**

**Policy Name:**                  **Student Communications and Publications**

**Policy Goal:**    The purpose of the Westlake Academy Student Communications and Publications policy is to inform students of their rights and responsibilities pertaining to communication through school publications, in compliance with applicable federal and state law.

**Policy Description:** All publications edited, printed, or distributed in the name of or on behalf of Westlake Academy shall be under the control and supervision of Academy administrators and the Westlake Academy Board of Trustees. All school-sponsored publications shall be part of the instructional program, under the supervision of a faculty sponsor, and shall be reviewed and edited to ensure the content is consistent with the ideals of the IB Student Learner Profile and other expectations of Westlake Academy. The Executive Director shall be responsible for oversight of all procedures related to the development, publication and distribution of school-sponsored publications, subject to the Superintendent's approval.

**Advertising in Student Publications**

Advertising in school publications may be accepted from bona fide businesses, subject to the approval of Academy employees exercising editorial supervision over the publications. Advertising deemed inappropriate for student readers or that advertises products presenting a health hazard, including but not limited to alcohol or tobacco products, shall not be accepted.

**Student Publication Content**

Generally, the content for student publications should be initiated and developed by Westlake Academy students. Westlake Academy administrators shall exercise editorial control over the content of school-sponsored publications so long as their actions are reasonably related to legitimate pedagogical concerns and otherwise consistent with applicable law.

In accordance with applicable legal standards, Westlake Academy publications shall not include content that:

1. Would substantially interfere with student instruction or other school activities;
2. Impinges on the rights of other students;
3. Is vulgar or profane;
4. Might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order;
5. Is inappropriate for the level of maturity of the readers;
6. Does not meet the standards of the educators who supervise the production of the publication; or
7. Associates the school with any position other than neutrality on matters of political controversy.

### **Complaints**

Complaints regarding the enforcement of this policy or any other decisions by Academy administrators or staff related to the development, publication or distribution of school-sponsored publications may be presented to the appropriate campus administrator using the procedures in Westlake Academy Board Policy 3.05: Complaint Policy.

## Section 4 - Financial Stewardship

<b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b>
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**Policy No. 4.01:**

**Date Board Adopted:** August 3, 2009

**Date Board Amended:** N/A

**Effective Date:** August 3, 2009

**Policy Category:** Financial Stewardship

**Policy Name:** Surplus Property Disposition

**Policy Goal:** Proper disposition of surplus Town assets acquired for Academy use in accordance with applicable local, State and other legal requirements and guidelines.

**Policy Description:**

1. **Purpose.** The purpose of this policy is to describe the guidelines for the disposal of surplus, obsolete, and non-repairable Westlake Academy properties and fixed assets.
2. **Effective.** Immediately on the date of its passage by the Board of Trustees.
3. **Applicability.** This policy applies to all employees.
4. **Disposal of Westlake Academy Property.** The CEO or designee, is authorized to sell worn-out, scrap, obsolete or unused personal property ("Surplus Property") other than items routinely discarded as waste. Disposal may take the form of an on-site auction, Internet auction, recycling, or trash disposal.
5. **General Information.** Westlake Academy may schedule items for auction that are considered economically unusable. These include fixed assets such as surplus, obsolete, or non-repairable properties. A Surplus Property Transfer Form signed by the department supervisor and CEO or designee is used to facilitate the transfer of these items for disposition. Arrangements for transfer are made based on available storage space and truck schedules for pick up. Every effort should be made to determine if a need for the surplus property exists anywhere else in Westlake Academy before a sale or disposal occurs. The CEO or designee maintains a list of surplus property scheduled for disposal. Other departments may requisition any

properties on the surplus list by sending a completed requisition form to the CEO or designee.

Property cannot be sold by the school, given to or taken by any employee for personal use, or disposed of in any manner other than described in this policy. All rights and titles to Westlake Academy property, whether real or personal, shall be vested in the Board of Trustees and its successors in office. The Board may, in an appropriate manner, dispose of property that is no longer necessary for Westlake Academy operations.

The CEO or designee is authorized to declare Westlake Academy materials, equipment, and supplies to be unnecessary and shall dispose of unnecessary materials, equipment, and supplies for fair market value. If the unnecessary property has no value, the CEO or designee may dispose of such property according to administrative discretion. Items obtained as federal surplus or with federal funds shall be managed according to federal regulations.

The CEO or designee shall establish procedures for the sale, at fair market value, of any surplus personal property such as books, equipment, and supplies. Items obtained as federal surplus or with federal funds shall be handled in accordance with federal regulations. Personal property includes any item owned by Westlake Academy not classified as real estate. Items of substantial value such as portable buildings and buses shall not be disposed of without advance Board notification under administrative regulations.

Monies collected from the sale of obsolete materials, equipment, and supplies shall be deposited to the Westlake Academy General Fund.

6. **Surplus Property:** Property no longer needed by Westlake Academy becomes surplus. If a need for the property is not known, it should be transferred to storage by using a Surplus Property Transfer Form.
7. **Westlake Academy Property Disposal Procedures:** Any property that is movable or not attached to the land (referred to as personal property) such as furniture, fixtures, vehicles, equipment, tools, instruments, clothing, or other such items of value, which has lost its useful value to the Academy or has become obsolete. Personal property does not include real estate such as land, including the building or improvements on it, or its natural assets, such as minerals and water.

Once items have reached their “end-of-useful-life” (as determined by the CEO or designee), the items will be classified as disposed property. Procedures for disposal are:

- a. Whenever an item of equipment is deemed to be obsolete or unfit for use, such equipment may be disposed of on a competitive basis, either by trade-in or outright sale to the highest prospective buyer.

- b. Items that cannot be sold in their original form, or lose their identity while in the possession of the Westlake Academy, may be sold as scrap, if deemed advisable, at the highest obtainable offer.
- c. The determination of the highest prospective buyer shall be made with the approval of the CEO or designee, or an authorized representative.

The CEO or designee coordinates a public sale of surplus property as needed for items that are no longer needed by Westlake Academy. Employees of Westlake Academy or the Town of Westlake will be permitted to purchase items at the sale on the same basis as all other buyers.

- a. Fixed Asset or Inventory items must be removed from Westlake Academy's inventory prior to disposal.
- b. Items should never be discarded at the department or campus level. Instead, items should be transferred to Surplus Property storage where they will then be sold in a Disposal Sale or discarded per instructions from the CEO or designee.
- c. Since there are many contributors to a Disposal Sale, proceeds are pooled and are not returned to any particular department's budget.

Westlake Academy property shall, at the option of the CEO or designee, be disposed of by one of the following methods:

- a. **On-site Auctions.** The CEO or designee advertises the auction in a local newspaper two weekends prior to the date of the auction. The advertisement shall indicate the time, date and location of the auction. The advertisement guidelines are as follows:
  - i. The advertisement must state that the Westlake Academy reserves the right to cancel or void any sale that has not been conducted in accordance with the terms of the auctioneer's contract;
  - ii. All sales shall be "as/where is";
  - iii. Payment must be made at the time of sale, and all sales are final;
  - iv. All sales will be for cash, money order, cashier's check, or check with Bank Letter of Guarantee; and
  - v. Westlake Academy shall not be responsible for any loss or damage to any article(s) sold at auction after the sale has been consummated.

The advertisement guidelines are as follows:

All items proposed for auction will be stored in a central location the day of the auction. Federally funded items are to be segregated on the auction floor. The sending department and the Finance Department will prepare the documents if required by federal and state guidelines.



The CEO or designee shall retain the right to remove any items from sale at the auction if the item does not yield at least 80 percent of the predetermined sales price or if the final sale is not in the best interest of Westlake Academy. An internal auditor must be present to serve as an independent observer to ensure compliance with auction procedures and must remain until all proceeds have been collected. The internal auditor will issue a written formal audit report to the Finance Director. Auction guidelines are as follows:

- i. Auctioneer. The auctioneer is selected by an open bid process conducted by the CEO or designee. The CEO or designee works with the auctioneer prior to the auction to verify that all items have been documented and have correct pallet and lot numbers on the auctioneer's coupon sales ledger. The CEO or designee provides the auctioneer with a copy of the auction lists, including a list of prices to establish a minimum bid price.
- ii. Vehicle Auction. All vehicles being sold at auction must have Westlake Academy emblems, license plates, and peripheral equipment (radios, sirens, etc.) are removed by the using department prior to the auction. The emblems are destroyed by the using department. The license plates are sent to the CEO or designee. After the sale, the CEO or designee releases the title to the new owner.
- iii. Collection and Distribution of Funds. All expenses incurred for the auction will be paid out of the receipts of the auction. The CEO or designee shall collect a desegregation form and applicable Tax Exempt Certificates from all buyers and collect and distribute all funds obtained from the auction. A minimum of two staff members will be required to process or collect all payments. Monies from the auction will be collected, in full, on the day of the auction, and submitted to the finance department.
- iv. Time Limit to Remove Auctioned Items. A maximum time limit of five days or less will be set by the CEO or designee, for the removal of all items after the auction. If items are not removed by this time, the items may be disposed of or re-auctioned. In such cases, no refund will be made to the buyer.
- v. Removal of Auctioned items. The new owner assumes all risks associated with moving or loading the property from the auction location. The CEO or designee, if necessary, will assist in loading the auctioned items, but assumes no liability for damage.

- b. **Electronic Auction.** An auction Web page will be secured by CEO or designee to facilitate an online auction and the items for sale will be listed. A starting bid price and a reserve price, if applicable, will be assigned to each item on the lists created through a coordinated effort by the CEO or designee, and the sending department. Any items not sold on the online auction may be listed at the on-site auction. Procedures for the on-site auction will apply to the electronic auction.
- c. **Donation, sale, or lease to Public Entities.** Property may be donated, sold, or leased to certain government or educational institutions. Prior to transfer, the Board of Trustees must declare no value or nominal value and that the Westlake Academy does not need the real property or improvements. The entity to whom the transfer is made has shown, to the satisfaction of the Board of Trustees, that the entity intends to continue to use the real property and improvements for public purposes.

The President of the Board of Trustees shall execute a deed transferring ownership of the real property and improvements to the municipality, county, state agency, or nonprofit organization. The deed must:

- i. Recite the resolution of the Board of Trustees authorizing the donation; and
  - ii. Provide that ownership of the real property and improvements revert to Westlake Academy if the municipality, county, state agency, or nonprofit organization discontinues use of the real property and improvements for public purposes; or
  - iii. Executes a document that purports to convey the property.
- d. **Other Means of Disposal.** Property may be directly disposed of under the following circumstances:
    - i. If the item is broken, unusable, and/or hazardous. Documentation and pictures must be provided for an item to be disposed of.
    - ii. Offer the property as a trade-in for new property of the same general type if the CEO or designee considers that action to be in the best interest of the Academy.
    - iii. Order any of the property to be destroyed or otherwise disposed of as worthless, if the Academy undertakes to sell that property and is unable to do so because no bids are received.
    - iv. Competitive sealed bids following the guidelines of Chapter 252 of the Texas Local Government Code for competitive bidding.

8. **Transfer of Assets Purchased with Federal Funds:** When items purchased wholly, or in part, with federal funds are no longer serviceable or required by Westlake Academy, the CEO or designee ensures that all federal and state regulations are met before disposition of assets at public auction or through the competitive bid process.
9. **Texas Education Agency Approval to Dispose of Equipment:** The CEO or designee will ensure that any items requiring TEA approval prior to disposal shall be done in accordance with applicable TEA regulations and in accordance with the procedures outlined in this policy.

## Section 5 - Governance

<b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b>
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**Policy No. 5.01:**

**Date Board Adopted:** August 3, 2009

**Date Board Amended:** November 5, 2018

**Effective Date:** November 5, 2018

**Policy Category:** Governance

**Policy Name:** Code of Conduct

**Policy Goal:** To delineate the standards of conduct for students, parents, teachers and administrators.

**Policy Description:**

Westlake Academy promotes integrity, truth, knowledge, trust, discipline, and respect in a safe learning and teaching environment. The Code of Conduct applies to all students, parents, teachers and administrators, each of whom has the right to a safe and productive environment. The underlying goal of the code of conduct is to create a community of learners who develop the skills and attitudes to become self-disciplined.

Westlake Academy policies regarding the code of conduct will be disseminated to all students and parents/guardians through the publication of the Parent/Student Handbook.

**Westlake Academy Code of Conduct**

1. All members of the Westlake Academy school community – the students, parents/guardians, volunteers, teachers, staff and administrators – must observe the regulations.
2. All members of the school community are to be treated with dignity and respect.
3. Responsible citizenship involves appropriate participation in the school community. Each member accepts the responsibility to participate in a manner reflecting dignity and respect.
4. Positive reinforcement of good behavior is the most effective means of promoting high standards of behavior and academic achievement.

5. Disruptions of class impede student learning and teacher productivity. All members of the school community are responsible for maintaining a positive learning environment.
6. All stakeholders are expected to act with integrity in academic and non-academic contexts.

### **Roles and Responsibility**

**School Board:** Is responsible for adopting policies that ensure individual student opportunity, excellence, and accountability for the Westlake Academy school community. The School Board will:

- Develop policies that communicate and uniformly enforce the Westlake Academy Code of Conduct in a manner that ensures the Board's commitment and support.
- Seek input from students, parents, and staff and review Academy policies regularly.
- Provide opportunities for staff to acquire the knowledge and skills necessary to maintain excellence.

**Superintendent:** Is responsible for providing a safe and positive learning environment in compliance with State and Federal laws and regulations and the direction of the School Board.

**Executive Director of the Academy:** Is responsible for all daily operations of the school, including oversight of personnel, curriculum development, enforcement of School Board policies and compliance with state and federal reporting guidelines; developing the annual budget and strategic planning to be submitted to the Board for approval; establishing parental participation and involvement opportunities and guidelines; and regularly communicating with students, parents, Westlake Academy affiliated groups and the school community.

**Head(s) of Section:** Is directly responsible for the organization and the administration of their section. Head(s) of Section will work in collaboration with teachers, to maintain a positive safe learning environment.

**Teachers and School Staff:** Under the leadership of the Head of Sections and executive manager, will maintain order in the school and are expected to hold everyone to the highest standard of respectful and responsible behavior. As role models, staff upholds these high standards when they:

- Communicate regularly and meaningfully with parents when needed;
- Maintain consistent standards of behavior for all students;
- Demonstrate respect for all students, staff, and parents;
- Prepare students for the full responsibilities of citizenship.

**Students:** Are to be treated with respect and dignity. In return, they must demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behavior. Respect and responsibility are demonstrated when a student:

- Comes to school prepared, on time, and ready to learn;
- Comes to school properly dressed in our school uniform;
- Shows respect for him/herself, for others, and for those in authority;
- Refrains from bringing anything to school that may compromise the safety of others;
- Follows the established rules and takes responsibility for his or her own actions;
- Is responsible for turning in all assignments on time.

**Parents:** Play a vital role in the education of their children and have a responsibility to support the efforts of school staff in maintaining a safe and respectful learning environment for all students. Parents fulfill this responsibility when they:

- Show an active interest in their child's school work and progress;
- Communicate regularly with the school;
- Help their child be neat, appropriately dressed, and prepared for school;
- Ensure that their child attends school regularly and on time;
- Promptly report to the school their child's absence or late arrival;
- Encourage and assist their child in following the rules of behavior;
- Assist school staff in dealing with disciplinary issues.
- Follows the complaint procedure in case of grievance.

Students violating the Code of Conduct will be subject to progressive disciplinary actions and/or expulsion as outlined in the Parent/Student Handbook.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 5.02:**

**Date Board Adopted:**      **August 3, 2009**

**Date Board Amended:**      **November 5, 2018**

**Effective Date:**              **November 5, 2018**

**Policy Category:**              **Governance**

**Policy Name:**                 **Discipline**

**Policy Goal:**    Description of the discipline policy

Our primary belief is that no student or member of the Westlake Academy community has the right to impede the education of another student. Any behavior, which is disruptive to the learning environment, will not be tolerated and appropriate disciplinary action will be taken, as necessary, to ensure the integrity of the learning environment. The Academy encourages parents to work with their children and school personnel to establish clear expectations for student behavior.

Staff and students will use the IB learner profile attributes as a basis for the development of a constructive behavior environment. Every effort will be made to develop positive consequences, which can be applied to individual students as well as classrooms. Consistency is important and will be a priority in decisions involving student behavior and discipline in order to establish firm and consistent limits for students. The IB program also establishes a positive educational environment for both the student and teacher.

**Parent/Student Handbook:** Each year, Westlake Academy shall make available the Parent/Student Handbook, which shall include a Code of Conduct that describes the acceptable standards of student conduct and the disciplinary consequences applicable to violations of the standards of conduct, school trip policies or other school or classroom rules. *Through their enrollment in the Academy, both parents and students acknowledge access to the Parent/Student Handbook, which is available on the school's website or in hard copy upon request.*

Revisions to the Handbook that are made during the school year shall be made available promptly to students, parents, teachers, administrators, and others.

**Progressive Discipline:** Generally, consequences for disregarding acceptable standards of conduct or school and classroom rules will include one or more of the following:

1. Warning from teacher or any member of school staff and reflection by student
2. Disciplinary action from classroom teacher, parent notification, and reflection by the student
3. For more serious offenses, Principal directed disciplinary action, parent notification, and reflection by the student
4. For repeated infractions or serious offenses, disciplinary action by the Principal or Superintendent, parent notification and reflection by the student

Disciplinary consequences will be reviewed by school personnel according to a grid system. The grid will identify types of offenses, which are categorized into three (3) levels based on severity. Each level will identify the disciplinary consequences that may apply to offenses within that level. The grid will be updated and published in the Parent/Student Handbook on an annual basis. Disciplinary consequences may include:

1. Detention / Restitution-Reflection Activity (RRA)
2. Saturday School
3. In-school Suspension
4. Out-of-school Suspension
5. Expulsion
6. Or other consequences determined by the Principal or Superintendent to be appropriate in compliance with the procedures identified in the Parent/Student Handbook.

**Guidelines for Discipline Procedure:** Westlake Academy personnel shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student's behavior, to maintain essential order, or to protect other students, school employees, or property.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the unique circumstances of each case following any applicable investigation. Factors that may be considered include:
  - a. Investigative documentation of alleged offense;
  - b. Seriousness of the offense;
  - c. Student's age;
  - d. Frequency of misconduct;
  - e. Student's attitude;
  - f. Potential effect of the misconduct on the school environment;
  - g. Provisions of the Parent/Student Handbook.
3. Investigative processes may include, but are not limited to:
  - a. Personal accounts of teachers/staff members
  - b. Interviews/written statements of the student facing disciplinary action



- c. Interviews/written statements of other students involved in or witnesses to the alleged incident
  - d. Search of student belongings (see the Interrogations and Searches Policy)
4. When applicable, the following steps will be taken to ensure Westlake Academy students receive appropriate due process:
- The student will be informed of the prohibited conduct or rule violation that he/she is alleged to have committed.
  - The student will be provided information related to the factual basis for the allegations.
  - The student will have an opportunity to respond to the allegations and provide any additional information relevant to the allegations, including any defenses or other mitigating factors.

**Discipline Processes:** As stated, conduct violations will be reviewed according to a discipline grid.

- L  
level I – discipline consequences shall be handled by the classroom / subject matter teacher.
- L  
level II and III – discipline consequences shall be handled by the Principal / Assistant Principal as appropriate.

School personnel may request immediate intervention by the Principal or Superintendent in any disciplinary matter. Parents will be notified promptly if a student's behavior may result in a disciplinary consequence that includes detention for which the parent may need to make alternative transportation plans for the student, in-school suspension, out-of-school suspension, or proposed expulsion.

The consequences for a serious offense may result in disciplinary action up to and including expulsion on the first offense.

**Expellable Offenses:** A student may be expelled if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony;
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1);
3. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of:
  - a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq;

- b. A dangerous drug as defined by the Texas Dangerous Drug Act, Health and Safety Code, Chapter 483;
4. Sells, gives, or delivers to another person an alcoholic beverage, as defined by the Alcoholic Beverage Code, 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;
5. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code, 485.031 through 485.034;
6. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code, 21.07;
7. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code, 21.08;
8. Uses or possesses tobacco products;
9. Engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Texas Penal Code 42.06, or terroristic threat under Texas Penal Code 22.07.

Westlake Academy does not have a Disciplinary Alternative Education Program (DAEP). A student engaging in conduct that would support a mandatory or discretionary placement in a DAEP under the Texas Education Code may be subject to expulsion from Westlake Academy.

In addition to the above provisions, any conduct by a student that poses a risk to the safety of the student, other students, school employees or school property may be treated as a serious offense and may result in the student's removal from class and other appropriate discipline, up to and including expulsion.

**Gun-Free Schools Act:** In accordance with the Gun-Free Schools Act, Westlake Academy shall expel any student who is determined to have brought a firearm, as defined by federal law, to school. 20 U.S.C. § 7151; Tex. Educ. Code §§ 12.104(b)(1), 37.007(e).

For purposes of this policy, "firearm" means:

1. Any weapon (including a starter gun) which will, or is designed to, or which may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer; and
4. Any destructive device, which means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or

other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled. 18 U.S.C. § 921.

**Expulsion Procedures:** Before a student may be expelled, the student shall be provided a hearing at which the student is afforded appropriate due process as required by the federal constitution. The minimum procedural requirements necessary to satisfy due process depend upon the circumstances and the interests of the parties involved. Federal due process requires notice and some opportunity for a hearing. Upon recommendation for expulsion by a principal, a hearing shall be scheduled before the Superintendent or designee.

1. Notice. The notice shall contain a statement of the specific charges and grounds that, if proven, would justify expulsion. The student may be given the names of the witnesses against him or her and/or an oral or written report on the facts to which each witness testifies.
2. Hearing. The rights of the student may properly be determined upon the hearsay evidence of school administrators who investigate disciplinary infractions. The results and findings of the hearing should be presented in a report open to the student's inspection. *Dixon v. Alabama State Bd. of Educ.*, 294 F.2d 150 (5th Cir. 1961), cert. denied, 368 U.S. 930 (1961).
3. Representative. At the hearing, the student is entitled to be represented by the student's parent, guardian, or another adult who can provide guidance to the student and who is not an employee of the Academy. If the Academy makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the Academy may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.
4. Expulsion Order. The Superintendent shall deliver a copy of the order expelling the student to the student and the student's parent or guardian. Notice of the expulsion order shall also be forwarded to the student's home school district in compliance with state law.
5. Effect of Withdrawal. If a student withdraws from the Academy before an order for expulsion is entered, the principal or Board, as appropriate, may complete the proceedings, enter an order, and notify the student's home school district. The home district will determine whether or not to uphold the expulsion and/or place students in an alternative education program.

**Disciplinary Appeals:** Disciplinary consequences that do not result in removal from the regular classroom may be reviewed at the campus level, but may not be appealed beyond the campus level.

**Out-of-School Suspension:** A student assigned out-of-school suspension by a principal may appeal the decision to the Superintendent. The Superintendent or his/her designee will review the campus-level investigation and may conduct

interviews or additional investigation if deemed appropriate. Within ten school days of receiving the appeal request, the Superintendent or designee will provide notice of his/her decision to: 1. Uphold the suspension; 2. Overturn the suspension; or 3. Assign an alternative consequence. The Superintendent or designee's decision is final and may not be appealed.

Expulsion: An order by the Superintendent or designee to expel a student may be appealed to the Board.

**Dates Amended:**

**08/16/10**

**08/12/13**

**TOWN OF WESTLAKE  
WESTLAKE ACADEMY  
BOARD OF TRUSTEES POLICY**

**Policy No. 5.03:**

**Date Board Adopted:** August 3, 2009

**Date Board Amended:** June 2, 2014

**Effective Date:** June 2, 2014

**Policy Category:** Governance

**Policy Name:** Non-Discrimination Compliance

**Policy Goal:** Provide an effective learning environment free from discriminatory practices.

**Policy Description:**

Westlake Academy affirms its intent to comply with all Federal and State laws related to the prevention of discrimination based upon race, color, national origin, age, sex or disability, including, but not limited to: Title VI (20 U.S.C. 1681); Title IX (42 U.S.C. 2000d); the Individuals with Disabilities Education Act (20 U.S.C. 1400 *et seq.*); Section 504 (29 U.S.C. 794); and the Americans with Disabilities Act (42 U.S.C. 12132).

Sexual harassment of students is discrimination on the basis of sex under Title IX. *Franklin v. Gwinnett County Schools*, 503 U.S. 60 (1992).

Westlake Academy shall designate at least one employee to coordinate its efforts to comply with Title IX, Section 504, and the ADA. Westlake Academy shall notify all students and employees of the name, office, address and telephone number of the employee(s) so designated.

Westlake Academy shall adopt and publish grievance procedures for prompt and equitable resolution of student or employee complaints alleging discrimination under these statutes. 34 CFR 106.8 (Title IX); 34 CFR 104.7 (Section 504)

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

Westlake Academy shall inform parents/guardians of students eligible under Section 504 of the Rehabilitation Act of 1973 of all services and options available to the student under that statute. 19 Texas Administrative Code 74.28(d),(e).

Westlake Academy shall provide a free appropriate public education to each qualified student with a disability enrolled in Westlake Academy, regardless of the nature or severity of the student's disability. *See Board Policy 6.13 Special Education.*

**Dates Amended:**

**06/02/14**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 5.04:**

**Date Board Adopted:**      **December 7, 2009**

**Date Board Amended:**      **N/A**

**Effective Date:**              **December 7, 2009**

**Policy Category:**              **Governance**

**Policy Name:**                  **Campus Facility Renovation/Modification Projects  
and Capital Projects Guidelines**

**Policy Goal:** Establishment of a process and central point of contact and coordination for Westlake Academy campus facility additions, renovations, modifications, and proposed capital projects.

**Policy Description:**

As Westlake Academy has transitioned into a K-12 educational facility, the need now exists to formally identify a specific individual/position for capital project submission requests as well as coordination of all campus facility renovation and modification projects. The CEO, or his/her designee, shall be the central point of contact for all such projects.

All projects involving additions or modifications to the existing campus will be submitted during the Academic Services Budget preparation process with a full description of the project, its budget, and any impact on on-going operating costs. All capital projects will be submitted in accordance with the capital budgeting process and the budget calendar on forms provided by the Town. All projects will be submitted through the CEO or his/her designate.

All capital projects will be submitted in accordance with the Town's current financial policies adopted with the Town budget. This policy applies to projects submitted by Staff and by Academy affiliate organizations.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 5.05:**

**Date Board Adopted:** December 7, 2009

**Date Board Amended:** N/A

**Effective Date:** December 7, 2009

**Policy Category:** Governance

**Policy Name:** Board Parameters for Staff Recommendations to the Board of Trustees

**Policy Goal:** Board definition of executive limitations and boundaries for Staff compilation of reports and recommendations presented to the Board

**Policy Description:**

In an effort to provide the CEO and Staff of Westlake Academy with the proper guidance necessary to operate the school in an effective manner and ensure the Board is provided with the most current and complete information possible when making decisions, the following policy statement regarding executive limitations is established:

*Information, advice, reports, as well as recommendations and research presented to the Board of Trustees by the Staff will contain no significant gaps in regards to timeliness of the information, completeness of the research, or accuracy of the facts associated with the presentation.*

Adherence to this policy, will allow the Board to make well informed and appropriate decisions necessary to achieve the success of Westlake Academy and its students.



<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 5.06:**

**Date Board Adopted:**      **December 7, 2009**

**Date Board Amended:**      **June 2, 2014**

**Effective Date:**              **June 2, 2014**

**Policy Category:**              **Governance**

**Policy Name:**                  **Adherence to the Texas Education Agency,  
International Baccalaureate and Charter  
Guidelines**

**Policy Goal:** Establish Board policy governance parameters by which the education activities and decisions related to the students at Westlake Academy will be conducted.

**Policy Description:**

As Westlake Academy is an open-enrollment public charter school, which provides education to students utilizing the International Baccalaureate (IB) curriculum, the school is required to adhere to criteria and regulations promulgated by various authorizing agencies. In an effort to provide the CEO and Staff of Westlake Academy with clear guidance from the Board of Trustees, as it relates to these multiple authorizing agencies, the following policy statement regarding operational guidelines is established:

*Any action in the activities or education of the students at Westlake Academy, which materially deviates from the International Baccalaureate curriculum, will be considered imprudent by the Board of Trustees.*

The statement is issued to indicate the importance the Board places in the mission/vision of Westlake Academy to educate students utilizing the IB methods and organizational goals specified.

With this stated policy commitment to the IB curriculum as the focus of instruction in all grades at Westlake Academy, it is recognized that Advanced Placement (AP) coursework strengthens and compliments the IB curriculum. These guidelines outline the parameters for Academy staff to utilize in supporting the integrity and focus of the IB Diploma Program at Westlake Academy:

- AP and IB curriculum will be integrated with the Texas Essential Knowledge and Skills (TEKS) and taught through inquiry-based instructional approaches aligned with the IB approach to learning.

- Fees for students who choose to participate in AP testing will be user fee based, i.e. born by the student. Participation fees in any AP course will include cost for testing and related materials only. All fees will be determined by the Superintendent or his/her designate and remitted to Westlake Academy.
- Teachers or a designated coordinator will be responsible for all logistics for ordering, scheduling and proctoring exams.

**Dates Amended:**

**09/10/12**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 5.07:**

**Date Board Adopted:**      **April 5, 2010**

**Date Board Amended:**      **N/A**

**Effective Date:**              **April 5, 2010**

**Policy Category:**              **Governance**

**Policy Name:**                  **Use of Academy Facilities by Non-school Related Groups**

**Policy Goal:**    Establishment of a policy as it relates to the use of Westlake Academy campus facilities by auxiliary student-related groups not directly involved in the educational curriculum of the students.

**Policy Description:**

As the interests and opportunities for student involvement have expanded, the Board has identified the need to develop a structured policy for the use of Academy facilities by non-school related groups. These groups should enrich the school experience of the students and offer them the opportunity to participate in additional philanthropic based events and organized club meetings which are not directly involved in the daily educational curriculum of the students.

Staff is directed to create an application process to accommodate requests for the use of campus facilities by such groups. Priority for the use of campus facilities will be given to Academy-sponsored groups and activities as well as officially recognized Westlake Academy affiliate organizations, which include the Westlake Academy Foundation, the House of Commons, and the Westlake Academy Athletic Council. Other requests under this policy will be considered according to the order of submittal and available meeting space and times.

Student participation in meetings scheduled subject to this policy shall be strictly voluntary. All such meetings must occur during non-instructional time of the students' day and shall not require official staff intervention or facilitation.

This policy shall function in tandem with the Town of Westlake Facility Use policy and all applicants under this policy shall abide by all procedural requirements as set forth in the Town's Facility Use policy, except that an applicant under this policy need not be a resident of the Town of Westlake. The use of Westlake Academy facilities is considered to be a privilege and as such, the Academy reserves the right to prohibit any group from utilizing the facilities if they partake in activities which include unlawful conduct, result in property damage, or engage in other types of disruptive behavior. Any fees or deposits required through the Town's Facility Use policy shall be waived for eligible applicants reserving campus facilities under this policy.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 5.08:**

**Date Board Adopted:**      **August 16, 2010**

**Date Board Amended:**      **February 8, 2021**

**Effective Date:**              **February 8, 2021**

**Policy Category:**              **Governance**

**Policy Name:**                  **Vehicle Transportation Policy**

**Policy Goal**

To establish the standards and parameters governing the use of school owned, leased, or rented vehicles in a manner which promotes safety and protects school assets from loss or damage.

**Policy Description**

In an effort to promote safe transportation for all school-related events and establish appropriate standards regarding the use of Westlake Academy-owned, leased, or rented vehicles, the Board of Trustees approves the following policies and procedures for Westlake Academy.

**Policy Definitions**

For purposes of this policy:

1. "Bus" means a motor vehicle used to transport persons and designed to accommodate more than ten persons, including the driver.
2. "Passenger car" refers to a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate ten or fewer passengers.
3. "Passenger van" means a motor vehicle, other than a motorcycle or passenger car, used to transport persons and designed to transport 15 or fewer passengers, including the driver.
4. "School activity bus" means a bus designed to accommodate more than 15 passengers, including the operator, that is owned, operated, rented, or leased by Westlake Academy and is used to transport public school students on a school-related activity trip, other than on routes to and from school. The term does not include a chartered bus, a bus operated by a mass transit authority, or a school bus.
5. "School bus" means a motor vehicle that was manufactured in compliance with the federal motor vehicle safety standards for school buses in effect

- on the date of manufacture and that is used to transport preprimary, primary, or secondary students to and from school or on a school-related activity trip other than on routes to and from school. The term does not include a school-chartered bus or a bus operated by a mass transit authority.
6. "Motor bus" means a vehicle designed to transport more than 15 passengers, including the driver. *Education Code 34.003; Transportation Code 541.201*
  7. "Motor vehicle" means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric bicycle or an electric personal assistive mobility device, as defined by *Texas Transportation Code 551.201(11)*.

### **Bus Operation**

A school bus may not be operated if:

1. The door of the school bus is open; or
2. The number of passengers on the bus is greater than the manufacturer's design capacity for the bus.

### **Student Transportation**

The Board of Trustees may contract for all or any part of its public school transportation with a mass transit authority or commercial transportation company, provided that the authority or commercial transportation company:

1. Requires its school bus drivers to have the qualifications required by and be certified in accordance with standards established by the Department of Public Safety;
2. Transports 15 or more students only in school buses or mass transit authority buses that meet or exceed safety standards for school buses established under Education Code 34.002;
3. Conducts all the following education programs with Board approval:
  - a. A program to inform the public that public school students will be riding on the authority's or company's buses;
  - b. A program to educate drivers of the buses to be used under the contract of the special needs and problems of public school students riding on the buses; and
  - c. A program to educate public school students on bus riding safety and any special considerations arising from the use of the authority's or company's buses.

### **New Van Purchases or Leases**

A school system may not purchase or lease a new 15-passenger van, if it will be used significantly by, or on behalf of, the school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multi-function school activity buses under United States Code Title 49. This provision does not apply in some limited circumstances, including the purchase or lease of a 15-passenger van under a

contract executed before August 10, 2005, the date of enactment of this provision.  
49 U.S.C. 30112.

### **School Activities**

When transporting students in connection with school activities:

1. Only school buses or motor buses may be used to transport 15 or more students; and
2. Passenger cars or passenger vans may be used to transport fewer than 15 students. *Education Code 34.003(b)(1), (2)*

### **Drivers**

The operator of a passenger car or passenger van used to transport students to school or to a school activity shall ensure that the number of passengers does not exceed the designed capacity of the vehicle and that each passenger is secured by a safety belt. *Education Code 34.003(c)*

1. Drivers will be fully licensed and shall not be under the influence of any substance that may alter their ability to drive.
2. Drivers will meet all applicable staff qualifications including a satisfactory criminal history and motor vehicle record check (MVR).
3. Drivers will obey all traffic regulations.
4. The driver shall not be included in the child: staff ratio. Drivers must not be distracted from safe driving practices by being simultaneously responsible for the supervision of children.
5. The Driver will be familiar with the planned route ahead of time.
6. Drivers must be authorized by Westlake Academy prior to operating any Academy-owned, leased, or rented vehicle. Approval of all drivers will be based on established administrative criteria and guidelines.
7. Operational procedures governing the use and maintenance of Academy-owned, leased, or rented vehicles will be based on established administrative criteria and guidelines.

### **Transportation Safety**

Westlake Academy shall meet or exceed the safety standards for school buses established by the U.S department of Transportation and the Texas Department of Public Safety (DPS), with the advice of TEA.

### **Safety Standards**

An operator of a school bus, while operating the bus, shall prohibit a passenger from:

1. Standing in the bus; or
2. Sitting: a. on the floor of the bus, or b. in any location on the bus that is not designed as a seat. *Transportation Code 545.426*

An operator may not use a wireless communication device while operating a passenger bus with a minor passenger on the bus unless the passenger bus is stopped. *Transportation Code 545.425*

### **Seat Belts**

A bus, including a school bus and a school activity bus, operated by or contracted for use by Westlake Academy for the transportation of school children shall be equipped with a three-point seat belt for each passenger, including the operator. This requirement applies to:

1. Each bus purchased by Westlake Academy on or after September 1, 2010, for the transportation of school children; and
2. Each school-chartered bus contracted for use by Westlake Academy on or after September 1, 2011, for the transportation of school children.

Westlake Academy shall require a student riding a bus operated by or contracted for operation by Westlake Academy to wear a seat belt. Westlake Academy may implement a disciplinary policy to enforce the use of seat belts by students. *Education Code 34.013*

### **School Bus Emergency Evacuation Training**

The Academy will conduct a training session for students and teachers concerning procedures for evacuating a school bus during an emergency. These drills will be conducted once a year prior to the first transportation activity.

**Dates Amended:**  
**02/08/2021**



<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 5.09:**

**Date Board Adopted:**      **May 7, 2012**

**Date Board Amended:**      **N/A**

**Effective Date:**              **May 7, 2012**

**Policy Category:**              **Governance**

**Policy Name:**                  **Affiliate Group Guidelines**

**Policy Goal:** To identify guidelines for the affiliate groups who work with Westlake Academy through the communication and involvement of all stakeholders found within the community and who work toward providing financial sustainability and support of the students by operating an efficient affiliate organization with well-managed resources designed to further the Academy's mission and vision statements.

**Policy Description:**

Affiliate groups of Westlake Academy must be identified as such by the Board of Trustees and must comply with the requirements of this policy. An affiliate of Westlake Academy is an organization designed to further the Academy's official mission, vision and values and must have a formal organizational structure. The Board of Trustees shall determine, in its sole discretion, whether an organization may be considered an affiliate group of the Academy and may revoke such status at any time. As of the date of this policy, which may be amended, Westlake Academy recognizes the following affiliate groups:

- House of Commons (Parent/Teacher Organization)
- Westlake Academy Foundation
- Westlake Academy Athletic Club

The House of Commons is the Parent/Teacher Organization, created to build, serve and support the community, through the sponsoring of social and educational events, assisting with filling the volunteer needs of the school and contributing financially to, or for the benefit of, Westlake Academy.

The Westlake Academy Foundation exists to raise funds for the operational needs, capital projects, and endowment requirements of Westlake Academy.

The Westlake Academy Athletic Club serves and supports the athletic program in building student athletic participation within the community, through the

organization of fundraising events, hosting the athletic banquet, providing volunteers, marketing spirit wear and making financial contributions directly to or for the benefit of Westlake Academy athletics.

Any additions to the officially recognized affiliate groups require approval and adherence to the basic operational guidelines, procedures and policies established by Westlake Academy. Failure to comply with the policy and operational guidelines may result in the loss of the groups affiliate status.

#### Organizational Structure

Affiliate groups shall organize and function in a way that is consistent with the Academy's philosophy and objectives, within adopted Board policies, in accordance with athletic guidelines and financial and audit regulations. Affiliate groups agree to comply with all applicable local, state and federal laws, rules and regulations. Such compliance shall include, but is not limited to the following:

- Required IRS filings
- Collection and reporting of any applicable sales tax
- Obtain all necessary permits related to sales/use taxes or food handling

#### Fiduciary and Stewardship Responsibilities

Affiliate groups agree to present, at least annually a report to the Board of Trustees including, but not limited to, these topics:

- Events (both completed and planned for the coming year)
- Financial reports, including an annual audit report
- Anticipated budget/staff requests, projects, capital campaigns, or other major purchases (if any) which may impact the budget planning process or the expenditures of Westlake Academy and/or the Town of Westlake

The purpose of the report is to foster on-going dialogue between both the affiliate groups and the Board of Trustees and improve efficiencies toward the betterment of the educational outcomes at Westlake Academy. The scheduling of the annual report will be handled through the Town Secretary's office and placed on the appropriate agenda.

Also, upon request, affiliate groups will participate, as needed, in the annual strategic planning process and work toward achieving the identified goals and objectives of Westlake Academy.

#### Background Checks

Individuals who wish to volunteer through the programs established by the affiliate groups will be required to adhere to the volunteer policy established by the Westlake Academy Board of Trustees and comply with all procedures for criminal history background checks in accordance with state law.

#### Town (Academy) Logos

Each affiliate group who would like to use the restricted logos for the Town of Westlake, Westlake Academy, or the Westlake Academy athletic teams must obtain written approval on an annual basis. Request and approval procedures will be published in the *Operational Guidelines for Westlake Academy Affiliate Groups*.

#### Operational Guidelines for Westlake Academy Affiliate Groups

Staff is directed to draft and maintain an *Operational Guidelines* document designed to provide the affiliate group(s) with the information necessary to operate in compliance with Academy policy and maintain the status of an affiliate group, which shall include, but is not limited to:

- a. Fundraising Procedures (raffles, vendor sales, etc.) – authorizing the use of fundraising events to promote and support Westlake Academy and provide for coordination between the authorized affiliates.
- b. Events Hosting and Facility Usage – authorizing the hosting of annual events to be sponsored by the groups, such as Bandana Bonanza, Monster Mash, Baja, sports banquets, etc. and providing the necessary contact information for groups to request access to the facilities according to the Town's *Facility Use Policy*
- c. Sporting Information – providing for the identification of the appropriate sports league the Academy operates through for competitive sports teams and information on the necessary rules and regulations.
- d. Logo Usage – establish and communication the appropriate usage guidelines for the Town/Academy logos in promoting the affiliate groups or through the use of the authorized sportswear.
- e. Email Distribution List – identifying guidelines under which the parent email listing may be used to disseminate information and allow for a cooperative arrangement between each affiliate group to communicate in a manner that considers each major fundraising / holiday / sports banquet event.
- f. Other items deemed necessary for operations.

## Section 6 - Student Achievement

<p>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</p>
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**Policy No. 6.01:**

**Date Board Adopted:**

**Date Board Amended:**

**Effective Date:**

**Policy Category:**                      **Student Achievement**

**Policy Name:**                        **RESERVED FOR FUTURE USE**

**Policy Goal:**

**Policy Description:**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.02:**

**Date Board Adopted:**      **March 9, 2009**

**Date Board Amended:**      **September 11, 2017**

**Effective Date:**              **September 11, 2017**

**Policy Category:**              **Student Achievement**

**Policy Name:**                  **Board Parameters for School Sanctioned Trips**

**Policy Description:** The Board of Trustees supports Academy-sanctioned trips as a means to pursue, promote, and enhance IB learning goals for Academy students as set out in the IB Learner Profile. As such, all school-sanctioned trips should complement and promote the IB Learner Profile, the IB curriculum, as well as provide direct educational value to the student participants. In an effort to provide the safest possible environment for the students of Westlake Academy, this policy for student trips will be enforced on any travel opportunities that occur away from the property located at 2600 J. T. Ottinger Road, Westlake, TX 76262.

**Proposing and Developing Student Travel Opportunities**

**School-sanctioned trip** - Any travel opportunity for Westlake Academy students that is led by the members of the Westlake Academy faculty is considered a school-sanctioned Westlake Academy trip and must comply with the requirements set forth by this policy and any applicable administrative procedures for student travel.

The Executive Director shall be responsible for ensuring appropriate administrative procedures are developed to ensure effective and efficient implementation of this board policy. Administrative procedures shall be subject to approval by the Superintendent.

## I. General Requirements

- Trip proposals should be submitted to the Executive Director or his/her designee at least 12 months prior to the proposed departure date. Proposals will be reviewed initially by a committee that includes the Executive Director, appropriate Principals, and others as assigned. Acceptable proposals will be forwarded to the Superintendent for review. The Superintendent will forward acceptable proposals to the Board of Trustees for final approval.
- Student trips will be limited to travel dates within the Academy's approved school calendar.
- An appropriate ratio of faculty to students will be established by the Executive Director for all approved trips and will include at least one male and one female faculty member.
- All chaperones for school-sanctioned trips will be members of the Westlake Academy faculty and staff. Parents may be provided the opportunity to attend certain domestic student trips with their child. Such opportunities will be identified in the information distributed about the trip to Westlake Academy families.
- Students participating in school-sanctioned trips must be in good standing as outlined in the Parent/Student Handbook and the Academy's administrative procedures for school trips. A student may be restricted from participating in a school trip at any time that the student's standing changes. Such restrictions may result in the forfeiture of payments made to the school prior to the time the restrictions were imposed.
- All students participating in a school-sanctioned trip must use the transportation arranged by the Academy. An exception may be made for student's traveling with a parent or guardian as identified in the administrative procedures for school trips.
- **A student's participation in a school-sanctioned trip is a privilege, not a right.** Students participating in school trips are expected to represent Westlake Academy in a responsible manner. The Academy's code of conduct and other expectations identified in the Parent/Student Handbook apply at all times during school-sanctioned trips. During school trips, students remain subject to the disciplinary processes contained in the Parent/Student Handbook.
- Trip proposals must include an opportunity for students to share their experiences with the Westlake Academy community.
- Once a proposal is approved, the trip leader(s) will work with the Executive Director or his/her designee to ensure all applicable policies and administrative procedures are followed. All student trips must be organized in accordance with the requirements established in the Parent-Student Handbook and other applicable administrative procedures.

## II. Anticipated Trips by Grade Level

The following trips have been identified as curriculum enhancing trips, which the Board agrees are appropriate to continue to offer to Westlake Academy students subject to the discretion of the Executive Director:

<u>Grade</u>	<u>Trip Format/Location</u>	<u>Occurrence</u>
<b><u>Primary</u></b>		
K – 2	Daytime field trips (local, no overnights)	
3	Unit of Inquiry related trip (domestic) <i>Ex. Camp Tyler, 2 night stay, Whitehouse, TX</i>	Spring
4	Unit of Inquiry related trip (local, no overnights)	Spring
5	Unit of Inquiry related trip (domestic) <i>Ex. Sky Ranch in October, 2 night stay</i>	Fall
<b><u>Secondary</u></b>		
6	Team Building (domestic) <i>Ex. Camp Eagle, Rocksprings, TX, 3 night stay</i>	Fall
7 Spring	Daytime field trips (local, no overnights)	Fall or
8 (domestic)	Historical Trip related to Humanities (U.S. History) Spring  <i>Ex. Washington D.C.</i>	
9	Daytime field trips (local, no overnights) <i>Ex. Leadership, team building</i>	Fall
10	College Tour Opportunity (domestic) Overnight (# of nights TBD)	Spring
11	College Tour Opportunity (domestic) Overnight (# of nights TBD)	Fall
12	Senior Retreat (domestic) Overnight (# of nights TBD)	Fall

## III. International Trips

Any international trips will be considered based on student/teacher interest in specific academic, leadership, and service initiatives (e.g. Shoulder to Shoulder, Leadership Symposium, San Miguel Immersion Program, etc.). All international trips must adhere to all Westlake Academy Board Policies and administrative procedures for school-sanctioned trips. These school-sanctioned trips may be offered at various times throughout the year upon the recommendation of the Executive Director and approval by the Board of Trustees.

#### **IV. Financing Trips, Insurance, Permissions, etc.**

- Participation in school-sanctioned trips is voluntary and all students participating shall be responsible for all fees and costs associated with the trip.
- Students are also responsible for all incidental costs associated with travel, including, but not limited to fees associated with transportation to airports or other departure locations, passport fees, required vaccinations and/or suggested medications, and money for souvenirs, snacks, and other incidentals.
- Generally, all trip expenses are non-refundable. An explanation of any refund opportunities will be included in the trip-specific information provided to families prior to committing to participation on a school-sanctioned trip.
- A student must have written permission from a parent or legal guardian to participate in any school-sanctioned trip. For each trip, the Academy will also identify any other documentation that will be required prior to a trip's departure, which may include liability waivers, behavior agreements, medical service authorization form, emergency contact information, and any other information deemed necessary by the Academy administration. Failure to provide the required information prior to the departure date may result in denial of the opportunity to travel and forfeiture of any amounts paid related to the trip.

#### **V. Final Note**

All student trip planning is the responsibility of Westlake Academy faculty and staff, subject to the restrictions of this policy and administrative procedures for student travel. Parent input is encouraged and will be considered; however, all final decisions will be made by Academy administrators and the Board of Trustees as identified in this policy. The Board of Trustees shall always have final approval of all out-of-state, school-sanctioned trips. Such approval shall consider the immunity laws applicable for the destination, school and employee liability for damages arising from accidents and/or injuries that may occur during the trip, the stated educational value of the trip, and whether participation results from advancement in a regional or national competition.

**Dates Amended:**

**08/16/10**

**02/09/15**



03/07/16

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.03:**

**Date Board Adopted:**      **November 3, 2009**

**Date Board Amended:**      **August 10, 2016**

**Effective Date:**              **August 10, 2016**

**Policy Category:**              **Student Achievement**

**Policy Name:**                  **Assessment and Grade Reporting Policy  
Secondary – Middle Years Program and Diploma  
Program**

**Policy Goal:**    Definition, uniformity, and transparency in the Academy's  
Secondary (MYP and DP) assessment and grading policy.

**Policy Description:**

**Grading Policy**

Uniform assessment of achievement and grade reporting standards are an important component to support student success in the Secondary (MYP and DP) programs at Westlake Academy. In order to accurately reflect the academic achievement of students, the Academy shall develop grading standards that incorporate the following purposes:

- Reflect a student's mastery of the curriculum as demonstrated by the student's performance on exams, homework assignments, projects, etc.
- Allow the parent to easily identify and gauge their child's performance and progress
- Promote consistency across grade level(s) of assessment standards and grade reporting
- Assist colleges in determining the scope of a student's academic achievement
- Demonstrate college readiness
- Identify any subject area where a student may need additional assistance to reach educational goals

In order to promote the above-identified purposes and establish comprehensive grade assessment and reporting standards for the student body of Westlake

Academy, Staff will develop uniform *grading/assessment guidelines* for all secondary grades and publish the information in the Parent/Student Handbook and on the Academy's web site on an annual basis. These guidelines will address the Academy's assessment philosophy and practices, the roles of summative and formative assessments, the role of grades, and the role of criterion-based rubrics and assessment.

#### Use of Assessments

Staff will administer a variety of assessments to measure student knowledge and progress throughout the year. The frequency and type of assessment utilized will be program specific (*i.e.* Middle Years or Diploma Program) and will be published in the Parent/Student Handbook.

In the Secondary School (Middle Years and Diploma Program), a student shall not be required to complete more than two major assessments/tests on the same day.

In addition, SENIORS in the Diploma Program sitting for the IB exams may be exempt from final exams based on criteria adopted by the Executive Principal or his/her designee.

#### Grade & Progress Reports

Westlake Academy will send home grade reports at the end of each quarter (approximately nine-week period). Additionally, parents shall receive interval reports on student progress once each semester by parent/teacher conference. This will allow parents to meet with teachers and briefly discuss their child's progress. Additional concerns may be addressed as needed at conferences scheduled at the request of the teacher or a parent any time during the school year.

#### Weighted Grades

The Academy shall identify courses for which weighted grades will be assigned and designate the courses and grade weighting procedures in the Parent/Student Handbook. The Academy shall record the weighted numerical grades on each student's academic achievement record.

When a transfer student enters Westlake Academy with an academic achievement record that includes a grade that was subject to a grade-weighting system from another school, the Academy shall convert the weighted grade to reflect the grading scale applicable to the same or equivalent course offered by Westlake Academy. This paragraph applies only if the same or equivalent course is offered to the same class of students at the Academy.

#### Evaluation of Credits for Transfer Students

The Academy accepts credits from other public schools accredited by the State of Texas. Transfer students may also request a transfer of credits from privately-

accredited educational institutions. Upon receipt of a transcript, courses will be evaluated by Westlake Academy to determine if the course meets the requirements for graduation from a Texas high school, as well as any applicable standards for Westlake Academy. Parents/Students are responsible for providing any additional information requested by the Academy that it deems necessary for the evaluation of transfer credits.

In order to receive credit for completed coursework, students entering Westlake Academy from a non-accredited school or from home schooling must take credit-by-exam (CBE) tests approved in advance by Westlake Academy. Students are responsible for any applicable fees associated with these tests and must achieve acceptable test scores based on the standards of the administering organization.

Guidelines consistent with these policies will be developed by Staff and published in the Parent/Student Handbook.

**Dates Amended:**  
**08/11/14**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.04:**

**Date Board Adopted:**     May 12, 2014

**Date Board Amended:**     January, 22, 2024

**Effective Date:**             Pending approval by TEA

**Policy Category:**             [Student Achievement](#)

**Policy Name:**                 [Graduation Policy](#)

**Policy Goal:** Establishing graduation requirements, defining commencement participation requirements, and determining Valedictorian, Salutatorian and Honor Graduate criteria.

**Policy Description:** Westlake Academy has a rigorous and enriching International Baccalaureate (IB) curriculum that fosters college and career readiness. Students who graduate from Westlake Academy will therefore complete a program of study that includes high academic standards making them eligible for the Distinguished Level of Achievement recognition. The course offerings at Westlake Academy are specifically designed so that students who graduate with the Distinguished Level of Achievement undertake the full IB Diploma Programme.

**Graduation Requirements:**

The academic credit requirements for a Westlake Academy diploma are identified in the chart below:

### Graduation Policy Credits: Foundation Plan and Distinguished Level of Achievement

<b>GROUP</b>		<b>Foundation Plan Required Credits</b>	<b>Westlake Academy with Distinguished Level of Achievement Required Credits</b>	
<b>1</b>	Language and Literature	4.0 English	4.0 English	4.0
<b>2</b>	Language Acquisition	2.0 Language B	2.0 Language B credits	2.0
<b>3</b>	Individuals and Societies	1.0 World Geography or World History	1.0 World Geography or World History	3.0
		1.0 US History	1.0 US History	
		0.5 Economics	0.5 Economics	
		0.5 Government	0.5 Government	
<b>4</b>	Sciences	1.0 Biology	1.0 Biology	4.0
		2.0 Lab Science	1.0 Lab Science	
			2.0 Science	
<b>5</b>	Mathematics	1.0 Algebra 1	1.0 Algebra 1	4.0
		1.0 Geometry	1.0 Geometry	
		1.0 Math	1.0 Algebra 2	
			1.0 Mathematics	
<b>6</b>	Arts / Electives	1.0 Fine Art	1.0 Fine Art	1.0
		5.0 Electives	7.0 Electives	7.0
<b>PE</b>	Physical Education	1.0 Physical Education	1.0 Physical Education	1.0
<b>Total</b>		22.0		26.0

### Additional information

- High School credits can be earned in Language B, and Mathematics in Grade 7 and/or Grade 8.
- Students receiving Special Education Services are eligible to graduate under the Foundation High School Program with approval of their IEP committee or as otherwise allowed by federal law.
- Generally, all students must also achieve satisfactory performance on required state End of Course (EOC) assessments, unless excused by state or federal law. Westlake Academy will establish an individual graduation committee for an 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Texas Education Code 39.025 for not more than two courses. The individual graduation committee will be established at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate without achieving satisfactory performance on the EOC assessment. Additional information about the members and the

responsibilities of a student's individual graduation committee will be provided in the Parent/Student Handbook.

### Graduation Policy Credits: Texas First Program

Eligible Westlake Academy students may graduate early through the Texas First Program. Any student who wishes to graduate on the Texas First Program must obtain approval from the Head of School or their designee that the required criteria identified below have been met.

Eligible students must meet the following criteria:

- At least 22 high school credits earned;
- Final GPA equivalent of 3.0 or higher on a 4.0 scale;
- Overall score in at least the 80th percentile on one or more of the following assessments: ACT, SAT, PSAT/NMSQT, TSIA/TSIA2, or GED; or, alternatively, a GPA in the top 10 percent of the student's class;
- Completion of the STAAR EOC exams in English I or II, Algebra I, and Biology, or completion of eligible substitute assessments; and
- Demonstration of mastery\* in each subject area of English/Language Arts, Mathematics, Science, Social Studies, and a language other than English.

\* The benchmarks of what constitutes mastery in each subject area is described in Texas Administrative Code Title 19, Section 21.52 (a)(2).

Additional Endorsements – Westlake Academy students who complete the Westlake Academy graduation requirements can also select and earn other endorsements as defined in the Texas Education Code.

Additional Requirements – Westlake Academy graduation candidates must complete the following Texas Education Code requirements to be eligible for graduation. These are:

- Each student must complete and submit a Free Application for Federal Student Aid (FAFSA) or a Texas Application for State Financial Aid (TASFA).
- Complete CPR Training.
- Complete Proper Interaction with Peace Officer Training.

### Early Graduation

Westlake Academy does not allow for early graduation unless a) the student has

satisfied all the requirements to graduate on the Texas First Program or b) the student has met the required credits of the Foundation High School Program AND the Head of School, or their designee, has determined it is in the best interest of the student to graduate early due to exceptional circumstances.

Eligibility to Participate in Commencement Ceremony – Westlake Academy seniors who have satisfied all Westlake Academy requirements for graduation are eligible to participate in the graduation ceremonies; however, disciplinary infractions may jeopardize a student's opportunity to participate in the commencement ceremony consistent with the student code of conduct and as determined by the Head of School.

For students who have not successfully completed all coursework, an exception may be made in the event that a senior lacks one (1) credit towards the graduation requirements. The student must have a plan approved by the Head of School to complete the credit prior to the beginning of the next school year. No other exceptions to participation in the graduation ceremony will be granted except as required by law.

Academic Recognition - Westlake Academy will recognize academic achievement through the establishment of a class Valedictorian, Salutatorian, and Honor Graduates. These recognitions are determined based on a student's Cumulative Grade Point Average (CGPA) as recorded at the end of the third reporting period of a student's senior year.

Valedictorian and Salutatorian – The graduating senior with the highest CGPA will be recognized as Valedictorian, and the graduating senior with the second highest CGPA will be recognized as Salutatorian. In the event of a tie for Valedictorian and/or Salutatorian, the Academy shall compute the weighted numerical grade average to a sufficient number of decimal places until the tie is broken. Additionally, Valedictorian and Salutatorian eligibility requires attendance at Westlake Academy for at least six consecutive semesters immediately preceding graduation. Further, the Head of School may deem a student ineligible for these recognitions if the student is in violation of Westlake Academy's student code of conduct, other school requirements, Town code, or State law.

Honor Graduates - A graduating senior whose weighted CGPA is 94% or above at the end of the third quarter of the student's senior year will be determined to be an Honor Graduate and will be duly recognized at commencement.

Rank in Class - Rank in class is determined by CGPA and will be used for the purposes of:

- Identifying students eligible to obtain automatic admission to Texas public universities based upon a university's uniform admission policy and in accordance with the Texas Education Code. This information will be reported directly to institutions by Westlake Academy staff; and



- Determining Valedictorian and Salutatorian.

Outside of the above circumstances, Westlake Academy is a non-ranking high school.

Operational guidelines consistent with this policy will be detailed and published in the Parent/Student Handbook.

Students Receiving Special Education Services – Westlake Academy will comply with federal and state laws and regulations applicable to graduation requirements for eligible students under the Individuals with Disabilities Education Act.

To the extent required by law, Westlake Academy will provide a summary of performance for graduating students receiving special education services. This summary will consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals as well as any required evaluation information.

The Academy shall issue a certificate of attendance to a student who receives special education services and who has completed four years of high school but has not completed the student's individualized education program (IEP). A student eligible to receive a certificate of attendance shall be allowed to participate in a commencement ceremony with students receiving high school diplomas. A student may participate in only one commencement ceremony under this provision.

**Dates Amended:**

**10/05/15**

**11/02/15**

**05/06/19**

**09/13/21**

**05/23/22**

**01/22/24**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.05:**

**Date Board Adopted:** December 7, 2009

**Date Board Amended:** N/A

**Effective Date:** December 7, 2009

**Policy Category:** Student Achievement

**Policy Name:** IB Exam Fees

**Policy Goal:** To maximize student opportunity to take IB Diploma Exams

**Policy Description:**

This establishes a Board policy regarding IB exam fees, directs Staff to conduct an annual review of same during each budget year, and to determine the school's ability to share the associated costs with parents and students.

The Diploma Program students who wish to graduate with an IB Diploma are required to take subject specific exams to complete the program and attain the diploma issued through the International Baccalaureate Organization (IBO). As a component of the process, the IBO requires each student to remit associated registration and exam fees.

In order to support Academy students in their efforts to attain an IB Diploma, the Board directs the Staff, as part of the annual budget preparation process, to estimate the number of graduating seniors eligible to sit for the exams and calculate the anticipated costs of the registration/exam fees.

Once the costs are calculated, Staff will review the school's budget and determine if the Academy may assist our students and their families, by paying up to one-half of the exam fees. Any costs reimbursed by the State shall also be utilized in the calculations and retained by the Academy to reduce the overall monetary commitment require do the students. Staff is further directed to adopt administrative procedures so that sufficient controls are in place to ensure public educational purpose is served.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.06:**

**Date Board Adopted:**      November 3, 2009

**Date Board Amended:**      N/A

**Effective Date:**              November 3, 2009

**Policy Category:**              Student Achievement

**Policy Name:**                  Homework Policy

**Policy Goal:**    Creation of an effective and supportive learning environment

**Policy Description:**

Westlake Academy is a school with a desired outcome of high academic achievement for each student. In support of this outcome, homework is considered as an integral component of a student's school career and serves the vital purpose of assisting the student in their pursuit of knowledge. Homework is viewed as:

- An avenue to increase and enhance student learning
- Providing additional drill, practice and study
- A support vehicle for teaching and developing personal responsibility
- Informing parents of the subject matter and classroom lessons of their child

Staff will develop uniform *homework requirement guidelines* for all grades and place the information in the Parent/Student Handbook and on the Academy's web site on an annual basis.

Allowances and contingency plans will be developed for excused absences along with consequences for unexcused absences and the submittal of late assignments. In addition, schedules for student/teacher tutorials will be included in the homework requirement guidelines.

Parents are encouraged to assist the Academy's instruction program by providing the student with the necessary tools and time to complete the homework requirements.

Failure to adhere to the homework requirements will subject the student to the possibility of receiving poor/failing grades on assignments. Continued abuse of the homework requirement guidelines will subject the student to the progressive disciplinary policy of the Academy.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.07:**

**Date Board Adopted:**      December 7, 2009

**Date Board Amended:**     September 9, 2019

**Effective Date:**             August 13, 2012

**Policy Category:**             Student Achievement

**Policy Name:**                 Student Athletic/Extra Curricular Program  
Academic Eligibility

**Policy Category:**   Student Achievement

**Policy Goal:**   To establish uniform guidelines for determining student participation in Westlake Academy's athletic/extra-Curricular programs.

**Policy Description:**

Westlake Academy offers the rigorous International Baccalaureate Organization (IBO) course work as the standard curriculum for students in grades K-12 and values the traits found in the IB Learner profile. In particular, the traits of being Principled and Balanced will be emphasized in our sports and extra-curricular programs. The Academy will offer the students the opportunity to participate in these types of activities in an environment that fosters fairness, justice and respect for the dignity of the individual, groups and communities and also promotes a greater understanding of the importance of intellectual, physical and emotional balance.

Currently, Westlake Academy participates in the Texas Christian Athletic Fellowship (TCAF) League for competitive sports and other extra-curricular events. Westlake Academy participants and coaches/sponsors must comply with TCAF policies and procedures in order to remain eligible. Staff is directed to periodically review TCAF's requirements as it pertains to eligibility and update the Parent/Student Handbook in order to inform students of the necessary requirements to participate each year.

Beginning with the 2019-2020 school year, home-school student participation will not be allowed for Westlake Academy teams. To the extent allowed by TCAF and to the extent roster space is available, Westlake Academy will allow an exemption for student athletes who participated on a varsity Westlake Academy team during the 2018-2019 school year and remained in good standing during the 2018-2019 school year.

**Dates Amended:**

**11/01/2010**

**08/13/2013**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.08:** Reserved

**Date Board Adopted:**

**Date Board Amended:**

**Effective Date:**

**Policy Category:** Student Achievement

**Policy Name:** Reserved

**Policy Goal:**

**Policy Description:**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.09:**

**Date Board Adopted:**      **April 5, 2010**

**Date Board Amended:**      **September 14, 2020**

**Effective Date:**              **September 14, 2020**

**Policy Category:**              **Student Achievement**

**Policy Name:**                  **Primary (K-G5) Assessment and Grade Reporting**

**Primary Goal**

One of the primary goals of the PYP assessment and reporting system is to align with the International Baccalaureate's stance on measuring student progress and reporting on student achievement in relation to designated learning standards. The report card is designed in a manner that is objective and aligned with the state curriculum standards, the Texas Essential Knowledge and Skills (TEKS). The goal of this policy is to create transparency in the Primary (K-G5) Student Assessment and Grading Policy.

**Policy Description**

The purpose of this assessment and reporting policy is to create a process that accurately, consistently, fairly and with specificity communicates the learning progress and achievement of learners to students themselves, parents, and other faculty members with an education need to know. Ultimately, our goal is to create a community that embraces assessment and reporting as a valuable and essential part of the learning cycle.

**Policy Function**

The Academy shall align the rigor of the International Baccalaureate framework to the instructional standards of the Texas Essential Knowledge and Skills (TEKS). These established instructional standards shall provide teachers and students with a learning progression designed to address the concepts and skills needed for successful matriculation from grade to grade. Assessment and reporting procedures will maintain the integrity of the International Baccalaureate programme.

Classroom learning activities shall be designed so that each student's progression indicates the level of mastery achieved within the grade level standards. Learning shall be effectively measured, reported, and documented in



alignment with a set of clearly defined transdisciplinary concepts and content-area knowledge and skills collaboratively designed by the administration, faculty, and staff.

## **Our Purpose of Assessment and Reporting**

There are two main purposes of assessment and reporting:

- **Measuring Learning:** capturing what a student has learned during a specific point in time; supports student achievement and progress in learning; analysis of data points to evaluate student progress
- **Reporting on Learning:** the process of informing parents and students on progress made towards achievement; identifying areas of growth; this is the most public component of assessment (IBO, 2018).

## **The Benefits of Assessment and Reporting**

### ***For IB Learners:***

- As lifelong learners, students develop agency to reach their highest potential
- Students know where they are and partner with their teacher and parents to set future academic goals
- Students understand how school learning relates to present world and future goals
- Students use evidence to select learning strategies to improve their work
- Students are offered multiple opportunities and ways through which to demonstrate proficiency

### ***For Parents:***

- Report cards provide information about the child's learning experience in school
- Parents are aware of exactly what their child knows, is able to do, and the next steps for progress
- Parents offer support for their child by extending understanding and supporting learning in real-world contexts

### ***For IB Educators:***

- Educators provide classroom instruction that is learner centered. The teacher and student work together to track progress and identify the next steps in the learning process
- Educators know exactly where students stand in their progress toward learning targets and what support or extension needs to be provided
- Assessment and reporting practices relate to instructional planning by providing informed feedback on the effectiveness of approaches and methods

- Assessment results determine when students need extra help and when they need more challenging work

## Mastery Levels

In the reporting process, parents and students will clearly see what was taught during the nine-week grading period and the degree to which the learner has mastered the taught curriculum, allowing enriched conversations between parents/students and teachers to provide a clear understanding of what grade level standards need to be targeted for growth and what standards have been mastered. Students will be able to use the reporting process to set specific goals to work toward mastery.

Primary Years Programme Student Mastery Levels			
IA	DA	AA	IP
Independent Application of Standard to New Situations	Demonstrates Achievement of Standard <i>(the goal is for students to reach this level)</i>	Approaching achievement of Standard with Support	Insufficient Progress Toward Standard
Correlation to the Assessment Tools Used in PYP Classrooms <i>Child-friendly mastery levels used in instruction</i>			
I can teach someone	I can do this by myself	I need help	I don't understand

Westlake Academy ATL rubric for PYP and MYP Quarter Reports			
Exceeds Expectations	Meets Expectations	Approaches Expectations	Below Expectations

## Reporting in a nine-week cycle

Quarterly reports will be made available via ManageBac at the end of each nine-week period			
<b>Quarter One (Q1):</b> October	<b>Quarter Two (Q2):</b> January	<b>Quarter Three (Q3):</b> March	<b>Quarter Four (Q4):</b> June

Assessment and reporting is an integral part of instruction. It determines whether or not the goals of education are being met. This affects decisions about instructional needs, curriculum, student performance, and matriculation. Assessment and reporting systems provide specific feedback and indicators of mastery to each stakeholder grouping.

**Dates Amended:**

10/03/11

05/09/16

09/14/2020



<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.10:**

**Date Board Adopted:** January 9, 2012

**Date Board Amended:** N/A

**Effective Date:** January 1, 2012; *contingent upon approval by TEA*

**Policy Category:** Student Achievement

**Policy Name:** State Testing and Advanced Coursework

**Policy Goal:** To clarify which State tests students taking advanced coursework need to take.

**Policy Description:**

It is the policy of Westlake Academy that if, a student is taking an advanced course and taking the STAAR EOC assessment for said course, that the student will not be required to take the grade level EOC in that subject. For example a Grade 8 student taking Algebra 1 will take Grade 8 Reading, Science and Social Studies as well as Algebra 1 EOC but will not be required to take the Grade 8 math EOC.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.11:**

**Date Board Adopted:**      **March 5, 2012**

**Date Board Amended:**      **N/A**

**Effective Date:**              **March 5, 2012;**

**Policy Category:**              **Student Achievement**

**Policy Name:**                  **Homebound Instruction**

**Policy Goal:** Provide an appropriate learning environment for students with medical issues that prevent attendance in the regular classroom.

**Policy Description:**

Consistent with TEA's Student Attendance Accounting procedures, a student who will be confined for a minimum of four (4) weeks to a hospital or homebound for medical reasons that are specifically documented by a physician licensed to practice in the United States may be eligible to receive general education homebound services. Parents should request services through the appropriate principal in accordance with administrative procedures.

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

For all students receiving homebound instruction, Westlake Academy will create and maintain documentation of all instructional services provided in accordance with administrative procedures.

Nothing in this policy is intended to limit the rights of students eligible to receive special education services. For special education students that require homebound instruction, the student's ARD committee shall determine the type and amount of instruction to be provided and, when the student is able to return to the regular educational setting, the length of the transition period based on current medical information.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.12:** (Combined with 6.08)

**Date Board Adopted:** November 5, 2012

**Date Board Amended:** November 17, 2014

**Effective Date:** November 17, 2014

**Policy Category:** Student Achievement

**Policy Name:** Promotion and Retention

**Policy Goal:** Describe the standards for promotion based on mastery of curriculum and the criteria/circumstances for consideration of student retention based on unsatisfactory academic achievement.

**Policy Description:**

The curriculum of Westlake Academy as an IB World School requires students to embark on the rigorous International Baccalaureate Organization (IBO) coursework found in the Primary Years Programme, Middle Years Programme, and the Diploma Programme. The curriculum content aligns the Texas Essential Knowledge and Skills (TEKS) requirements and the IBO learning outcomes. Instructional programs shall be developed at each grade level to implement the curriculum in a manner that supports the Academy's vision to "...inspire students to achieve their highest individual potential."

In order to ensure academic achievement and the mastery of the necessary skills to advance to each subsequent grade level, the Staff of Westlake Academy will develop specific guidelines and procedures for instructional programs and course content, which will be published in the Parent/Student Handbook on an annual basis. Instructional programs are developed with the expectation that students will progress through the curriculum for one grade level each academic year.

**Promotion**

Students shall be promoted based on academic achievement and demonstrated proficiency of the subject matter or grade level. In addition to other factors that must be considered for promotion under state law, mastery of the curriculum for a particular grade/subject will generally be determined based on a final passing grade of 70 or higher and demonstrated mastery of the skills necessary for success at the next level.

To evaluate a student's mastery of the curriculum, principals may review and consider the following when making recommendations and/or decisions related to promotion:

- School-work and achievement records for the student (internal assessments, report cards, etc.)
- Recommendations from current or previous instructors/teachers
- External standardized achievement exams (mandatory state assessments, the International School's Assessment and other tests deemed appropriate by the Executive Principal or his/her designee)

In addition to the above considerations, all promotion decisions must comply with applicable state law related to performance on required state assessments. A student may not be promoted to a sixth grade program if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments; and a student may not be promoted to the ninth grade program if the student has not performed satisfactorily on the eighth grade mathematics and reading assessment instruments unless an exception applies under the state assessment requirements that exempts the student from administration of the fifth or eighth grade assessments. Tex. Educ. Code 28.0211(a).

The Academy is not precluded from retaining, in accordance with state law, a student who performs satisfactorily on a grade advancement test. Tex. Educ. Code 28.0211(g).

### Advanced Promotion

The Board also recognizes that a student may progress at an advanced rate such that the student is prepared to pursue coursework in a grade or subject area above the student's corresponding grade level based on age. The principal and/or a parent may initiate a request for a student to advance beyond the next grade level or in a particular subject area beyond the next grade level. In responding to such a request, the principal will review all the data identified above for promotion decisions as well as the following additional information:

- Teacher recommendations that include social-emotional aspects and maturity of the student, and the student's attitude toward learning and independent study in order to help determine the potential success of the student in the promoted course/grade
- Documentation of additional academic work completed outside the normal classroom hours, and activities (academic competitions, summer camps, advanced tutoring programs, and/or on-line coursework, etc.)
- If deemed necessary, performance on additional assessment(s) identified by the principal to determine the appropriate placement of the student and the student's ability to advance in the applicable coursework.



## Credit for Graduation Requirements

Credit must be earned for any course required for graduation. A student seeking credit for a course without receiving instruction in the course from Westlake Academy must meet all of the criteria for promotion along with the following:

1. The student shall complete a standardized exam, such as the Texas Tech high school exit-level course(s) or a similar assessment from a credit-awarding institution. The student must achieve a score of at least 90% or higher in order to receive credit for the course at the Academy.
2. All exams must be pre-approved by the principal(s).
3. The student shall be responsible for any associated exam fees required by the testing institution.

Upon receipt of a request for credit under this section, the principal(s) should complete the review and consideration of the identified criteria within 15 days of the initial request and communicate a decision to the student and parents regarding whether the proposed alternative for obtaining credit will be accepted by Westlake Academy.

## Retention

If either a parent or the Academy identifies a concern regarding a student's ability to advance to the next grade level, state and/or internal assessments may be administered to assist the Academy in determining if a student has attained the necessary educational understanding to advance. Additional evaluation may include, *but is not limited to*, consideration of grade/subject specific examinations, essays, homework assignments, group and individual projects, and state mandated assessments.

## Summer School/Alternative Educational Programs

Students, who do not meet the necessary requirements for advancement, must complete comparable coursework in summer school or through an alternative education program in order to avoid retention at the current grade level. ***A student who fails two (2) or more core classes may not advance to the next grade level.***

Students who do not satisfactorily complete a course required by the state or the Academy for high school graduation must complete the course through a summer or alternative educational program approved in advance by the Executive Principal/Director of Education or his/her designee prior to being considered for graduation from Westlake Academy. Students who fail a core course must satisfactorily complete and attain a passing grade in the class during the summer session immediately following the academic year in which the class was failed to avoid retention.

If the course is not offered at Westlake Academy, it is the parent/guardian's responsibility to locate a summer school or alternative educational program within their home district for remediation that is acceptable for credit and approved by the Executive Principal/Director of Education or his/her designee. Westlake Academy reserves the right to accept or deny summer school credit.

Prior to attending summer school or any alternative educational program, parents and students should obtain written approval from the Executive Principal/Director of Education or his/her designee to ensure that the program is acceptable to the Academy and to identify the required standards for the student to transfer the credit to the Academy.

### State Assessments and Remediation

The Board of Trustees and the Staff of Westlake Academy are committed to student success on state-mandated assessments and take seriously the obligation to provide students the assistance they need to support an opportunity for students to succeed.

All students at state-mandated assessment testing grade levels (Grades 3-11), will be taught the content contained within the Texas Essential Knowledge and Skills (TEKS) curriculum to ensure appropriate readiness for the successful completion of all state-mandated assessments. Students who are not making adequate progress will receive remedial assistance in accordance with state law requirements. A schedule(s) for accelerated instruction will be developed by Staff and communicated to the parent/guardian of the students needing additional assistance.

Operational guidelines consistent with the above policy directives will be detailed and published as necessary by Academy Staff in the Parent/Student Handbook on an annual basis.

#### **Dates Amended:**

**11/03/09** (6.08)

**08/11/14**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.13:**

**Date Board Adopted:**      **March 4, 2013**

**Date Board Amended:**      **October 5, 2020**

**Effective Date:**              **October 5, 2020**

**Policy Category:**              **Student Achievement**

**Policy Name:**                  **Special Education**

**Policy Goal:** Establishing a program to design and deliver high quality support that ensures all students are successful, parents are informed, and educators are empowered.

**Policy Description:**

Federal and State law provide minimum standards and requirements that each child is entitled to receive in a publicly funded LEA (Local Education Agency). Further, federal and state law requires the Westlake Academy Board of Trustees to adopt policies that ensure implementation of the Individuals with Disabilities Act of 2004 (IDEA) and all other federal and state laws, rules and regulations regarding students with disabilities receiving special education services. Further, Westlake Academy, as an LEA, has maintained the necessary policies and any future amendments to those regulations, laws, and rules will be incorporated into the policies and procedures implemented by Westlake Academy. The specific special education policies may be found in the SPED Policies manual. The creation of a separate SPED Policy Manual will allow for easy viewing and accessibility by all stakeholders.

Additionally, Westlake Academy recognizes that special education services are developed for each child through a partnership of the parent, teacher, and administration. This process is student focused recognizing that special education is a service and not a place; that all faculty and staff, support the unique requirements of each student with a disability and will strive to provide an environment that will best meet each student's needs.

## **SPED Appendix - Link**

Admission, Review, and Dismissal (ARD) Committee  
Ages 0-5  
Applicability of Texas Education Code Relating to Special Education  
Autism  
Child Find Duty  
Closing the Gap  
Compliance with Federal Funding Requirements IDEA  
Compliance with Federal Funding Requirements Title 1  
Consent  
Contracts for Services – Residential Placement  
Coordination of Funds for Purchases of Instructional Materials  
Curriculum  
Diagnosis and Programs of Instruction  
District and Campus Improvement Plans  
Dyslexia Services  
Eligibility  
Evaluation Procedures  
Extracurricular Activities  
Foster Parents  
Free Appropriate Public Education  
Graduation Requirements  
Health and Safety  
IEP  
Independent Educational Evaluations  
Least Restrictive Environment  
Monitoring and Compliance  
Native Language  
Non-educational Community Based Support Services  
Open-Enrollment Charter Equal Educational Opportunity  
Prior Written Notice  
Procedural Safeguards  
Public Education Information Management System (PEIMS)  
Records  
Referral for Possible Special Education Services  
Shared Service Arrangements  
Special Education Teacher and Related Service Provider Qualifications  
State Funding Special Allotments  
Student Discipline  
Teacher Requested Review  
Testing – Student Assessment  
Transfer of Parental Rights at Age of Majority

Transition Services  
Transportation Services

**Dates Amended:**  
**10/5/2020**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 6.14:**

**Date Board Adopted:**      November 7, 2016

**Date Board Amended:**      N/A

**Effective Date:**              November 7, 2016

**Policy Category:**              Special Education

**Policy Name:**                      Special Education Video/Audio Monitoring

**Policy Goal:**    Promote student safety and provide transparency in the educational services provided to certain special education students.

**Policy Description:**

**Purpose of Video Surveillance**

The purpose of the video surveillance allowed under this policy is to promote student safety in certain self-contained classrooms and other special education settings. In accordance with Texas Education Code Section 29.022, a parent, trustee, or staff member may submit a request for the Academy to provide video equipment in a classroom in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled.

**Procedures for Authorized Video Surveillance**

- A written request for video surveillance in special education settings may be submitted to the Westlake Academy Executive Director. The Executive Director shall review the request and either: 1. forward the request to the appropriate staff to implement video surveillance in accordance with this policy and any applicable administrative procedures; or 2. provide the requestor a response regarding why the request is deficient.
- Upon receipt of a proper request, the Academy shall place, operate, and maintain one or more video cameras in self-contained classrooms or other special education settings in accordance with Education Code 29.022 and 19 Administrative Code 103.1301.
- Authorized video surveillance shall include audio recording capability and will capture all areas of the self-contained classroom except that no video

surveillance shall be conducted of the inside of a bathroom or other area used for toileting or diapering a student or removing or changing a student's clothes.

- Authorized video surveillance will be operational at all times during the instructional day when students are in the self-contained classroom during the regular school year and during any extended school year services. Video surveillance shall continue for as long as the classroom or setting continues to satisfy the requirements of Texas Education Code Section 29.022(a).
- Written notice shall be provided to staff members assigned to special education self-contained classrooms and to the parents of students who are assigned to special education self-contained classrooms prior to installation of the video cameras and, after installation, annually by September 1 of each calendar year.
- Westlake Academy may post a notice at the entrance of any self-contained classroom or other special education setting in which video cameras are placed stating that video and audio surveillance are conducted in the classroom or setting.
- Video recordings shall be retained for a minimum of six months.

### **Confidentiality & Access to Video Surveillance**

Regular or continual monitoring of surveillance video is prohibited. Additionally, video recordings may only be viewed in accordance with applicable law and the procedures adopted by Westlake Academy. Video recordings shall not be used for teacher evaluation.

The Academy will protect the confidentiality of all parties involved under Education Code 29.022 and 19 Administrative Code 103.1301. As such, unauthorized use or disclosure is prohibited. Unauthorized disclosure of confidential or privileged information is a serious violation under this policy and will subject the person(s) who made the unauthorized disclosure to appropriate discipline, including removal/dismissal.

Video recordings may only be viewed by the following individuals, to the extent not limited by the Family Educational Rights and Privacy Act (FERPA).

The Academy shall release a recording for viewing by:

1. A staff member or other school employee or a parent of a student involved in an incident that is documented by a video recording for which a complaint has been reported to the Academy, on request of the staff member, employee, or parent, respectively;
2. Appropriate Department of Family and Protective Services (DPS) personnel as part of an investigation of alleged or suspected abuse or neglect of a child under Family Code 261.406;

3. A peace officer, a school nurse, a school administrator trained in de-escalation and restraint techniques as provided by commissioner of education rule;
4. Appropriate TEA or State Board for Educator Certification personnel or agents as part of an investigation.

If a recording documents possible abuse or neglect of a child under Family Code, Chapter 261, individuals reviewing the recording must submit a report to DFPS or other authority in accordance with applicable law.

If any person described by item 2, 3, or 4 above views a video recording and believes that it documents a possible violation of school policy, the person may allow access to the recording to appropriate legal and human resources personnel of the Academy to the extent not limited by FERPA or other law. A recording believed to document a possible violation of Academy policy may be used in a disciplinary action against school staff and shall be released in a legal proceeding at the request of a parent of the student involved in the incident documented by the recording. A recording believed to document a possible violation of Academy policy must be released for viewing by the employee who is the subject of the disciplinary action at the request of the employee.

Staff members whose assigned duties for Westlake Academy include installing, operating, and/or maintaining the video surveillance equipment or recordings will be provided access to surveillance equipment and recordings to the extent necessary to insure the efficient and effective implementation of this policy.

### **Procedures for Reporting a Complaint**

To report a complaint of an alleged incident in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted, parents and/or staff members should do the following:

- Report the incident in writing to the programme principal using the form developed by the Academy;
- Programme principal will view the relevant portion of the video recording to determine if an incident was recorded;
- If the reported incident is recorded on video, the programme principal shall arrange for the person submitting the complaint to view the video, if requested;
- Programme principal will also investigate the incident by interviewing any parties deemed necessary to determine the facts of the incident; and
- Parents will be notified of the status of an investigation and given a written report of all determined facts and conclusions.



If reporting process does not resolve the complaint, a formal complaint should be filed under the provisions provided in the Parent/Student Handbook. Additionally, complaints alleging violations of this policy should be addressed through the grievance procedures provided in the Parent/Student Handbook or other dispute resolution channels.

**FERPA**

State law does not limit the access of a student's parent to an educational record of the student under FERPA or other law. To the extent any provisions in Education Code 29.022 and 19 Administrative Code 103.1301 conflict with FERPA or other federal law, federal law prevails.

## SPECIAL EDUCATION CROSSWALK

REGION 18 LEGAL FRAMEWORK	SLHABOARD POLICIES	PROCEDURE TEMPLATES
<b>Child Find</b>		#CHILD FIND- Child Find Duty #CHILD FIND - Generic
State Funding: Special Allotments	6.20	
Open-Enrollment Charter Equal Educational Opportunity	6.3, 6.1	
Aoolicability of Texas Education Code Relating to Special Education	6.2	
Compliance with Federal Funding Requirements: IDEA	6.17	
Free Appropriate Public Education	6.1	
Evaluation Procedures	6.16	
Child Find Duty	6.6	
Referral for Possible Special Education Services	6.15	
Ages 0-5	6.5	
Independent Educational Evaluations	6.16	
Monitoring and Compliance	6.2	
Eligibility	6.14	
<b>District and Campus Improvement Plan</b>		
District and Campus Improvement Plans	6.12	
<b>Parent Notification and Personal Graduation Plan</b>		
Graduation Requirements	6.3, 6.22	
<b>Closin2 the Gap</b>		
Closing the Gap	6.8	
Testing - Student Assessment	6.3, 6.16	
DiaQTLosis and Programs of Instruction	6.3, 6.8	
Free Appropriate Public Education	6.1	
Aoolicability of Texas Education Code Relating to Special Education	6.2	
State Funding: Special Allotments	6.20	
Graduation Requirements	6.3, 6.22	

<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
Curriculum	6.8	
Open-Emollment Charter Equal Educational Opportunity	6.3, 6.1	
Individual Education Program	6.3	
Shared Services Arrangements	6.19	
<b>Dyslexia Services</b>		#CHILD FIND - Dyslexia Services
Dyslexia Services	6.13	
Curriculum	6.8	
Public Education Information Management System (PEIMS)	6.2	
<b>Referral for Possible Special Education Services</b>		#CHILD FIND - Referral for Possible Special Education
Referral for Possible Special Education Services	6.15	
Native Language	6.3, 6.9, 6.25	
Consent	6.9, 6.25	
Independent Educational Evaluations	6.16	
Prior Written Notice	6.9	
Child Find Duty	6.6	
Monitoring and Compliance	6.2	
Eligibility	6.14	
<b>Ages 0-5</b>		#Child Find - Ages 0-5
Ages 0-5	6.5	
State Funding: Special Allotments	6.20	
Child Find Duty	6.6	
Admission, Review and Dismissal (ARD) Committee Meeting	6.3	
Evaluation Procedures	6.16	
Eligibility	6.14	
Prior Written Notice	6.9	

<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
Native Language	6.3, 6.9, 6.25	
Testing- Student Assessment	6.3, 6.16	
Least Restrictive Environment	6.3, 6.1	
Individual Education Program (IEP)	6.3	
<b>Children Who Transfer</b>		#CHILD FIND- Children Who Transfer
Evaluation Procedures	6.7, 6.16	
Records	6.26	
Individual Education Program (IEP)	6.7, 6.3	
Admission, Review and Dismissal (ARD) Committee Meeting	6.7, 6.3	
Transfer of Parental Rights at Age of Maiority	6.4	
Consent	6.9	
<b>Children Who are Incarcerated</b>		
Transfer of Parental Rights at Age of Maiority	6.4	
Transition Services	6.3	
<b>Private School Children</b>	6.24	
<b>Parent</b>		
Consent	6.9	
Native Language	6.3, 6.9, 6.25	
Records	6.26	
Prior Written Notice	6.9	
Health & Safety	6.11, 6.29, 6.29	
Closing the Gap	6.8	
Curriculum	6.8	
Teacher Requested Review	6.2	
Foster and Surrogate Parents	6.23	
Admission, Review and Dismissal (ARD) Committee Meeting	6.3	
Transfer of Parental Rights at Age of Majority	6.4	
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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Free Appropriate Public Education	6.1	
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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Evaluation Procedures	6.16	
Eligibility	6.14	
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Free Appropriate Public Education	6.1	
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Evaluation Procedures	6.16	
Eligibility	6.14	
<b>Noncategorical Early Childhood</b>		#EVALUATION- Disabilities #EVALUATION- Disabilities- Noncategorical Early Childhood
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Admission, Review and Dismissal (ARD) Committee Meeting	6.3	
Evaluation Procedures	6.16	
Eligibility	6.14	

<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
<b>Orthopedic Impairment</b>		#EVALUATION- Disabilities #EVALUATION- Disabilities- Orthopedic Impairment
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Eligibility	6.14	
<b>Other Health Impairment</b>		#EVALUATION- Disabilities #EVALUATION- Disabilities- Other Health Impairment
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Admission, Review and Dismissal (ARD) Committee Meeting	6.3	
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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Evaluation Procedures	6.16	
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<b>Visual Impairment</b>		#EVALUATION- Disabilities #EVALUATION- Disabilities- Visual Impairment
Free Appropriate Public Education	6.1	
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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<b>ARD Committee Membership</b>		#FAPE Admission Review and Dismissal Committee Membership
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Transfer of Parental Rights at Age of Maiority	6.4	
Admission, Review and Dismissal (ARD) Committee Meeting	6.3	
<b>ARD Committee Meeting</b>		#FAPE Admission Review and Dismissal Committee Meeting

<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
		#FAPE Generic
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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Admission, Review and Dismissal (ARD) Committee Meeting	6.3	
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<b>Special Factors</b>		#FAPE Composite
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<b>Supplementary Aids and Services, Special Education, Related Services</b>		#FAPE Composite
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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<b>Consent to Access Private Insurance</b>		
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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Independent Education Proirram (IEP)	6.3	
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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<b>REGION 18 LEGAL FRAMEWORK</b>	<b>SLHABOARD POLICIES</b>	<b>PROCEDURE TEMPLATES</b>
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**Sec. 1. NONDISCRIMINATIONPOLICY**

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any service, program, or activity provided or offered by Westlake Academy.

*42 US.C. 12132; 29 US.C. 794(a); 34 CFR 104.4(a).*

**Sec. 2. FREE APPROPRIATE PUBLIC EDUCATION**

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

FAPE means special education and related services that:

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

*20 US.C. 1401(9); 34 CFR 300.13, 300.17, 300.36.*

**Sec. 3. LEAST RESTRICTIVE ENVIRONMENT**

Westlake Academy shall ensure that, to the maximum extent possible, children with disabilities shall be educated with children who are not disabled. Special classes, special schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved.

*20 US.C. 1412(a)(5); 34 CFR 300.114(a)(2).*

**Sec. 4. DISCIPLINE**

All disciplinary actions regarding students with disabilities shall be determined in accordance with applicable federal regulations, Education Code Chapter 37, 19 Administrative Code 89.1053, and Westlake Academy policy.

*19 TAC 89.1050(g).*

**Sec. 5. INSTRUCTIONAL ARRANGEMENTS AND SETTINGS**

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

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

*19 TAC 89.63(c), (l).*

**Sec. 6. RELATED SERVICES**

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

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

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

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

**Sec. 1. APPLICABILITY OF TEXAS EDUCATION CODE**

An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code relating to special education programs.

*Education Code 12.104(b)(2)(F).*

Westlake Academy Charter School shall comply with the requirements for monitoring compliance with federal and state laws relating to special education pursuant to Texas Education Code Section 29.010.

**Sec. 2. ASSURANCE**

Open-enrollment charter schools must submit a plan to the Texas Education Agency that provides assurances that the charter school has in effect policies, procedures and programs that are consistent with the State and Federal policies and procedures governing special education.

*20 U.S.C. 1413(a); 34 CFR 300.200-.201.*

**Sec. 3. PUBLIC EDUCATION INFORMATION MANAGEMENT SYSTEM (PEIMS)**

"Most of the data TEA requests from school districts and charter schools are gathered using the Public Education Information Management System ("PEIMS"). PEIMS data are used for the Academic Excellence Indicator System ("AEIS"), Foundation School Program ("FSP"), statistical purposes, federal reporting, legislative requests, and audit purposes. Through PEIMS, schools report data including student demographic and academic performance, student attendance, personnel information, financial data, and organizational information." *Texas Open-Enrollment Charter School Handbook* (TEA, Division of Charter School Administration, September 2011).

**Sec. 4. APPLICABILITY OF TITLE RELATING TO THE PEIMS**

An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code, relating to the PEIMS to the extent necessary to monitor compliance with Subchapter D (Open-Enrollment Charter School), Chapter 12, Texas Education Code.

*Education Code 12.104(b)(2)(A).*

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The Superintendent or designee shall prepare required PEIMS submissions in accordance with PEIMS Data Standards and Module 10 of the Financial Accountability System Resource Guide. The Superintendent or designee may collaborate with the regional education service center in preparing and timely submitting PEIMS reports.

#### **Sec. 5. CONTRACTS FOR SERVICES; RESIDENTIAL PLACEMENT**

Westlake Academy may contract with a public or private facility, institution, or agency inside or outside of this State for the provision of services to students with disabilities. Each contract for residential placement must be approved by the Commissioner. The Commissioner may approve a residential placement contract only after at least a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. The Commissioner may approve either the whole or a part of a facility or program.

*Education Code 29.00B(a).*

When a student, including one for whom the State is managing conservator, is placed primarily for care or treatment reasons in a private residential facility that operates its own private education program, none of the costs may be paid from public education funds. If a residential placement primarily for care or treatment reasons involves a private residential facility in which the education program is provided by the open-enrollment charter school, the portion of the costs that includes appropriate education services, as determined by the admission, review, and dismissal ("**ARD**") committee, shall be paid from State and Federal education funds.

*Education Code 29.00B(c)..*

If Westlake Academy contracts for the provision of education services rather than providing the services, Westlake Academy shall oversee the implementation of the student's individualized education program ("IEP") and shall annually reevaluate the appropriateness of the arrangement. An approved facility, institution, or agency with whom Westlake Academy contracts shall periodically report to Westlake Academy on the services the student has received or will receive in accordance with the contract as well as diagnostic or other evaluative information that Westlake Academy requires in order to fulfill its obligations under Subchapter A (Special Education), Chapter 29, Texas Education Code.

*Education Code 29.00B(d).*

#### **Sec. 6. FACILITIES**

Any construction of new facilities or alteration of existing facilities with authorized Individuals with Disabilities Education Act ("IDEA") program funds must comply with the requirements of:

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- Appendix A of Part 36 of Title 28, Code of Federal Regulations (commonly known as the *Americans with Disabilities Accessibility Guidelines for Buildings and Facilities*); and
- Appendix A of Subpart 101-19.6 of Title 41, Code of Federal Regulations (commonly known as the *Uniform Federal Accessibility Standards*).

## Sec. 7. ADMINISTRATION OF EQUIPMENT

The ARD committee must consider whether the student needs assistive technology devices ("ATDs") as part of the student's special education, related services, or supplementary aids and services. On a case-by-case basis, the use of school-purchased ATDs in the student's home or in other settings is required if the student's ARD committee determines that the student needs access to those devices in order to receive free appropriate public education. (34 CFR §§300.105; 300.324(a)(2)(v); 20 USC §1414(d)(3)(B)(v))

Assistive technology means any device or equipment used to improve or maintain the function capabilities of a student with a disability. Assistive technology does not include a medical device that is surgically implanted. (34 CFR §§300.5-300.6)

Westlake Academy may transfer an ATD in accordance to TEC, §30.0015. The transfer agreement must include the standards in TEC §30.0015, including the following:

- 1) The transferor and transferee must represent and agree that the terms of the transfer are based on the fair market value of the ATD, determined in accordance with generally accepted accounting principles.
- 2) The informed consent of the parent of the student with a disability, or the adult student, for whom the ATD is being transferred must be obtained before the transfer of an ATD pursuant to TEC, §30.0015. The procedures employed by Westlake Academy in obtaining informed consent shall be consistent with the procedures employed by the school to obtain parental consent under 34 CFR §300.300. Consistent with 34 CFR, §300.505(c), informed parental or adult student consent need not be obtained if the school can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parent or the adult student has failed to respond. To meet the reasonable measures requirement, the school must use procedures consistent with those described in 34 CFR, §300.322(d).
- 3) If the transfer is a sale, then the sale of the ATD shall be evidenced by a "Uniform Transfer Agreement" which includes the following:
  - a. the names of the transferor and the transferee (which may be any individual or entity identified in TEC, §30.0015(b));
  - b. the date of the transfer;
  - c. a description of the ATD being transferred;

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- d. the terms of the transfer (including the transfer of warranties, to the extent applicable); and
- e. the signatures of authorized representatives of both transferor and transferee.

(19 TAC 89.1056)

**Sec. 8. SPECIAL EDUCATION TEACHER DEFINED (20 U.S.C. §1401(10)(B)(I))**

When used with respect to any public elementary school or secondary school special education teacher teaching in a State, such term means that-the teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law.

**Sec. 9. COMPLIANCE WITH FEDERAL AND STATE PERSONNEL STANDARDS FOR INDIVIDUALS SERVING CHILDREN WITH DISABILITIES**

Westlake Academy shall ensure that personnel standards for all individuals serving children with disabilities are met in accordance with the IDEA and its procedures.

Westlake Academy recognizes that both the Every Student Succeeds Act and the IDEA provide that charter school teachers must meet the requirements set forth in the State's public charter school law. 20 U.S.C. §§ 6311(g)(2)(J); 20 U.S.C. §1401(10)(B)(i). In Texas, that means that the charter school special education teacher must be certified.

Westlake Academy shall make an ongoing good-faith effort to recruit and hire appropriately and adequately certified and/or licensed personnel to provide a wide range of special education and related services to students with disabilities who are eligible for special education services. Special education staffing needs come from the individualized decisions made by the Admission Review and Dismissal ("ARD") committee.

Westlake Academy shall ensure that all personnel necessary to carry out the requirements of the IDEA 2004 are appropriately and adequately certified and/or licensed, prepared and assigned.

Westlake Academy adopts as policy the provisions under State and Federal law concerning personnel, including:

Charter school teachers must only meet the requirements of the State's public charter school law, which differ from the requirements for Texas teacher certification. In Texas, State law

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does not require a teacher employed by an open-enrollment charter school to be certified unless the teacher is assigned to teach in special education or bilingual education programs, in which case the appropriate State certification is required. The minimum qualification under State law for a teacher at an open-enrollment charter school, other than a special education or bilingual education teacher, is a bachelor's degree. However, the governing body of Westlake Academy may set the qualifications for teachers at a standard above what State law requires.

The open-enrollment charter school shall not employ a person as a teacher unless that person holds a bachelor's degree.

*Education Code 12.129(a).*

In an open-enrollment charter school that serves youth referred to or placed in a residential trade center by a local or state agency, a person may be employed as a teacher for a noncore vocational course without holding a baccalaureate degree if the person has demonstrated subject matter expertise related to the subject taught, such as professional work experience, formal training and education, holding a relevant active professional industry license, certification, or registration, or any combination of work experience, training and education, and industry license, certification, or registration, and received as least 20 hours of classroom management training as determined by the governing body of the open-enrollment charter school.

*Education Code 12.129(b).*

All special education and related service personnel shall be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 CFR 300.156; Education Code Sections 21.002, 21.003, and 29.304; or appropriate state agency credentials.

*19 TAC 89.1131(a).*

#### **Sec.10. NOTICE TO PARENTS-QUALIFICATIONS**

The Superintendent or designee shall provide to the parent or guardian of each student enrolled in Westlake Academy written notice of the qualifications of each teacher employed by Westlake Academy.

Additionally, the Superintendent or designee shall, at the beginning of each school year, notify the parents of each student attending Westlake Academy that the parents may request, and Westlake Academy shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

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1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.
3. Whether the teacher is teaching in the field of discipline of the certification of the teacher.
4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

Westlake Academy shall also provide to each individual parent timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification standards or licensure requirements at the grade level and subject area in which the teacher has been assigned.

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**Sec. 1. ADMISSION, REVIEW AND DISMISSAL COMMITTEES**

Westlake Academy Charter School shall establish an admission, review and dismissal ("ARD") committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted. The ARD committee shall be the individualized education program ("IEP") team defined at 34 CFR 300.321.

**Sec. 2. ARD COMMITTEE RESPONSIBILITIES**

The ARD committee and Westlake Academy are responsible for:

1. Evaluating, reevaluating, and determining eligibility for special education and related services;
2. Placement of students with disabilities, including disciplinary changes in placement;
3. Development of student IEPs;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of personal graduation plans;
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213;
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

*34 CFR 300.116(a), 300.321(a); 19 TAC 89.1050(a).*

**Sec. 3. COMMITTEE MEMBERS**

Westlake Academy shall ensure that each ARD committee meeting includes:

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;
3. At least one special education teacher, or where appropriate, at least one special education provider of the child;
4. A representative of Westlake Academy who:
  - a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

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- b. Is knowledgeable about the general education curriculum; and
- c. Is knowledgeable about the availability of Westlake Academy's resources;
- 5. An individual who can interpret the instructional implications of evaluation results, who may be a member of team described in Section 3(2)-(6);
- 6. At the discretion of the parent or Westlake Academy, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- 7. The child, whenever appropriate;
- 8. To the extent appropriate, with the consent of the parent(s) or a student who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
- 9. A representative from career and technical education ("CTE"), preferably the teacher, when considering initial or continued placement of a student in CTE;
- 10. For a child who is an emergent bilingual student, a member of the child's language-proficiency assessment committee ("LPAC");
- 11. For a child with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of children with auditory impairments; and
- 12. For a child with a visual impairment, including deaf-blindness, a teacher who is certified in the education of children with visual impairments.

*19 TAC 89.1050.*

A Westlake Academy member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and Westlake Academy agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A Westlake Academy member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and Westlake Academy consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

*20 US.C. 1414(d)(l)(C); 34 CFR 300.321(e).*

**a) *Transition Meeting Membership***

If the ARD committee is meeting to consider postsecondary goals and the transition services needed to assist the student in reaching those goals, Westlake Academy shall invite:

- 1. The student. If the student does not attend, Westlake Academy shall take other steps to ensure that the student's preferences and interests are considered.

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2. To the extent appropriate, and with the consent of the parent or student who has reached the age of majority, a representative of any other agency that is likely to be responsible for providing or paying for transition services.

*34 CFR 300.321(b).*

#### **Sec.4.PARENTAL INVOLVEMENT**

Westlake Academy shall take steps to ensure that one or both of the parents of a student with a disability are present at each ARD committee meeting or are afforded the opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include all information required by applicable regulation); and
2. Scheduling the meeting at a mutually agreed time and place.

*34 CFR 300.322(a)-(b); 19 TAC 89.1050.*

#### **Sec. 5. ALTERNATIVE PARTICIPATION METHODS**

If neither parent can attend an ARD committee meeting, Westlake Academy must use other methods to ensure parent participation, including individual or conference telephone calls.

*20 U.S.C. 1414(f); 34 CFR 300.322(c).*

An ARD committee meeting may be conducted without a parent in attendance if Westlake Academy is unable to convince the parents that they should attend. In such event, Westlake Academy must keep a record of its attempts to arrange a mutually agreed time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

*34 CFR 300.322(d).*

#### **Sec. 6. ARD COMMITTEE MEETINGS**

Westlake Academy shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability. The committee shall

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review each student's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once per year.

A meeting does not include informal or unscheduled conversations involving Westlake Academy personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that Westlake Academy personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

*20 US.C. 1414(d)(4); 34 CFR 300.116(b)(1), 300.324(b), (c)(1); 300.501(b)(3).*

**a) *Meeting at Parent Request***

Upon request of a written request for an ARD committee meeting from a parent, the Westlake Academy must (1) schedule and convene a meeting; or (2) within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting.

*19 TAC 89.1050(e).*

**b) *Transfer Students***

If a student transfers to Westlake Academy, and the student had a previous IEP in place, Westlake Academy shall provide the student with a free appropriate public education ("FAPE"), including services comparable to those described in the previous IEP, in consultation with the parents, until:

1. In the case of a student who transfers within the state, Westlake Academy adopts the previous IEP or develops, adopts, and implements a new IEP.
2. In the case of a student who had an IEP in effect in another state, Westlake Academy conducts an evaluation, if determined necessary by Westlake Academy, and develops, adopts, and implements a new IEP, if appropriate.

*20 US.C. 1414(d)(2)(C)(i); 34 CFR 300.323(e), (f).*

**c) *Transfer of Records***

Westlake Academy shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the child's previous district. *20 US.C. 1414(d)(2)(C)(ii); 34 CFR 300.323(g).*

**d) *Military Dependents***

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Westlake Academy shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude Westlake Academy from performing subsequent evaluations to ensure appropriate placement of the student. Education Code 162.002 art. V, § C.

**Sec. 7. ELIGIBILITY DETERMINATIONS**

The group of qualified professionals that determines whether a child is a child with a disability and the child's educational needs is the ARD committee.

*19 TAC 89.1040(b), 89.1050(a)(5); 34 CFR 300.306(a)(1).*

Westlake Academy shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4)(B); 34 CFR 300.306(a).

The ARD committee must make its decisions regarding a student's initial eligibility determination and, when appropriate, the student's IEP and placement within the timeframes prescribed by state and federal law.

*19 TAC 89.10JJ(d), (e).*

**Sec. 8. INDIVIDUALIZED EDUCATION PROGRAM**

Westlake Academy shall develop, review, and revise an IEP for each child with a disability.

*20 US.C. 1412(a)(4); 34 CFR 300.320(a).*

Westlake Academy shall have an IEP in effect for each child with a disability at the beginning of each school year.

*20 US.C. 1414(d)(2)(A); 34 CFR 300.323(a).*

The term "individualized education program" means a written statement for each child with a disability that includes:

1. A statement of the child's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;

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3. A description of how the child's progress toward the annual goals will be measured and when periodic reports on the progress of the child will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child;
5. A statement of the program modifications or supports for school personnel that will be provided for the child;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state or system-wide assessments;
9. If the ARD committee determines that the child must take an alternative assessment instead of a particular regular state or system-wide assessment, a statement of why the child cannot participate in the regular assessment and why the particular assessment selected is appropriate for the child;
10. Beginning not later than the first IEP to be in effect when the child is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the child in reaching those goals; and
11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

*20 US.C. 1414(d); 34 CFR 300.320; 19 TAC 89.1055.*

## **Sec. 9. TRANSLATING IEPs**

If the child's parent is unable to speak English, Westlake Academy shall:

1. Provide the parent with a written or audio-taped copy of the child's IEP translated into Spanish if Spanish is the parent's native language; or
2. If the parent's native language is a language other than Spanish, make a good faith effort to provide the parent with a written or audiotaped copy of the child's IEP translated into the parent's native language.

*Education Code 29.005(d).*

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## Sec. 10. **AUTISM/PERVASIVE DEVELOPMENTAL DISORDERS**

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders ("ASD");
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with **ASD**.

If the ARD committee determines that services are not needed in one or more of the areas in 1-11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

*19 TAC 89.1055(e)-(f).*

## Sec.11. **VISUAL IMPAIRMENT**

Westlake Academy shall adopt written procedures as required in Education Code 30.002(c)(10) for providing special education services to students with visual impairments, if such services are necessary. *19 TAC 89.1075(b).*

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An IEP for a student with a visual impairment must include instruction in braille unless the student's ARD committee determines and documents that braille is not an appropriate literacy medium for the student, based on an evaluation of the student's appropriate literacy media and literacy skills and the student's current and future instructional needs.

*Education Code 30.002.*

**Sec. 12. STUDENTS WHO ARE DEAF OR HARD OF HEARING**

Westlake Academy must develop an IEP for students who are deaf or hard of hearing in which the students have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency.

*Education Code 29.303.*

**Sec. 13. COLLABORATIVE PROCESS**

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions concerning the required elements of the IEP shall be made by agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

**a) *Recess***

When agreement about all required elements of the IEP is not achieved, the parent or adult student who disagrees shall be offered a single opportunity to have the ARD committee recess for a period not to exceed ten school days. This recess is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program.

These requirements do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than failure of the parents and Westlake Academy to reach agreement about all required elements of an IEP.

During the recess, the ARD committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the ARD committee to reach agreement.

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The date, time, and place for continuing the ARD committee meeting shall be determined by agreement before the recess.

*19 TAC 89.1050(g).*

**b) *No Agreement Reached***

If, after the ten-day recess, the ARD committee still cannot reach agreement, Westlake Academy shall implement the IEP that it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. The ARD committee members who disagree shall be offered the opportunity to write their own statements.

When Westlake Academy implements an IEP with which the parents, or an adult student disagree, it shall provide prior written notice in compliance with applicable regulations and Westlake Academy policy.

*19 TAC 89.1050.*

**Sec. 14. IEP MODIFICATION**

After a student's annual ARD committee meeting, changes to an IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP. To do so, the parent and Westlake Academy must agree to not convene an ARD committee meeting to amend the IEP and Westlake Academy must develop a written document to amend or modify the IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

Decisions regarding eligibility, changes of placement, and manifestation determination reviews may not be conducted through the amendment process.

*34 CFR 300.324(a)(4),(6).*

To the extent possible, Westlake Academy shall encourage the consolidation of reevaluation meetings for the child and other ARD committee meetings for the child.

*20 US.C. 1414(d)(3)(D)-(F); 34 CFR 300.324(a)(4)-(a)(6).*

**Sec. 15. LEAST RESTRICTIVE ENVIRONMENT**

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Westlake Academy shall ensure that, to the maximum extent possible, children with disabilities shall be educated with children who are not disabled. Special classes, special schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved.

*20 U.S.C. 1412(a)(5); 34 CFR 300.114(a)(2).*

**Sec. 16. EXTENDED SCHOOL YEAR SERVICES**

Westlake Academy shall ensure that ESY services are available as necessary to provide a student with a disability with a FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for a FAPE. Westlake Academy may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

*34 CFR 300.106; 19 TAC 89.1065.*

**Sec.17. GRADUATION**

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

*19 TAC 101.3023(a).*

**Sec. 18. STATE ASSESSMENTS**

The TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's ARD committee, including assessment instruments approved by the Commissioner that measures growth. The assessment instruments developed or adopted, including the assessment instruments approved by the Commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

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The TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required end-of-course ("EOC") assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

#### **Sec. 19. TRANSPORTATION**

Westlake Academy shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP.

*19 TAC 89.1096(e).*

#### **Sec. 20. TRANSITION SERVICES**

##### **a) *Definitions***

"Transition services" means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes:
  - a. Instruction;
  - b. Related services;
  - c. Community experiences;
  - d. The development of employment and other post-school adult living objectives; and
  - e. If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

*20 U.S.C. 1401(34); 34 CFR 300.43.*

##### **b) *Individual Transition Planning***

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In accordance with Education Code 29.011 and 29.0111, not later than when a student reaches 14 years of age, the ARD committee must consider, and if appropriate, address the following issues in the IEP:

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
3. If the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or Westlake Academy;
4. Any postsecondary education options;
5. A functional vocational evaluation;
6. Employment goals and objectives;
7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments;
8. Independent living goals and objectives; and
9. Appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

In accordance with 34 C.F.R. 300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under paragraph (1) of this subsection.

*20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.0111; 19 TAC 89.1055(h), OJ.*

Westlake Academy shall post the transition and employment guide on the Westlake Academy website if Westlake Academy maintains a website; provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at: (A) the first meeting of the student's ARD committee at which transition is discussed; and (B) the first committee meeting at which transition is discussed that occurs after the date on which the guide is updated. Upon request, Westlake Academy shall provide a printed copy of the guide to a student or parent.

*Education Code 29.0112.*

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**c) *Graduation***

Graduation with a regular high school diploma under 19 TAC 89.1070(b)(1), (b)(2)(D), (f)(1), (f)(2), or (f)(3)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 TAC 89.1070(b)(2)(A), (B), or (C) or (f)(3)(A), (B), or (C), the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements.

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

Westlake Academy is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

Westlake Academy shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

*20 U.S.C. 1414(c)(5); 34 CFR 300.102(a)(3), 300.305(e)(2); 19 TAC 89.1070.*

**Sec. 21. BEHAVIOR IMPROVEMENT PLANS/BEHAVIOR INTERVENTION PLANS**

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan ("BIP") is appropriate for a student with an IEP. If deemed appropriate, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a BIP is included as part of a student's IEP, the ARD committee shall review the plan at least annually and more frequently if appropriate to address:

1. changes in a student's circumstances that may impact the student's behavior, such as:
  - a. the placement of the student in a different educational setting;
  - b. an increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
  - c. a pattern of unexcused absences; or
  - d. an unauthorized unsupervised departure from an educational setting; or
2. the safety of the student or others.

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*Education Code 29.005(g),(h).*

**Sec. 22. Covm-19 SPECIAL EDUCATION RECOVERY ACT**

**a) *IBP Supplement Applicability***

Not later than May 1, 2022, Westlake Academy shall prepare a supplement to be included with the IEP developed under Education Code 29.005(b) for each child who was emolled in Westlake Academy's special education program during the 2019-2020 school year or the 2020-2021 school year.

**b) *Required Content***

The supplement must include information indicating:

1. if applicable, whether the written report of the child's full individual and initial evaluation under Education Code 29.004 was completed during the 2019-2020 school year or the 2020-2021 school year and, if so, whether the report was completed by the date required under section 29.004;
2. if applicable, whether the child's initial IEP was developed under Education Code 29.005(b) during the 2019-2020 school year or the 2020-2021 school year and, if so, whether the program was developed by the date required under 34 CFR 300.323(c)(l);
3. whether the provision of special services to the child under an IEP during the 2019-2020 school year or the 2020-2021 school year was interrupted, reduced, delayed, suspended, or discontinued; and
4. whether compensatory educational services are appropriate for the child based on the information under (1)-(3) above or any other factors.

**c) *Exception***

Education Code 29.0052 does not apply to a child if during the 2020-2021 school year the child's IEP documents the information described in Subsections (b)(1)-(4) above.

*Education Code 29.0052.*

**Sec. 23. SUPPLEMENTAL SPECIAL EDUCATION SERVICES PROGRAM**

The Texas Education Agency ("TEA") shall establish and administer a supplemental special education services program under Chapter 29, Education Code, Subchapter A-1 ("the SSES Program"). The SSES Program provides a grant of not more than \$1,500 to the parent of an eligible

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student for purchase certain supplemental special education services and supplemental special education instructional materials.

***a) ARD Committee Duties***

For a student who has been approved to participate in the SSES Program, the ARD committee shall meet and provide to the parent:

1. Information regarding the types of supplemental special education services available under the SSES Program and provided by TEA-approved providers for which an account maintained under Education Code 29.042(b) may be used; and
2. Instructions regarding accessing the SSES Program account.

*Education Code 29.048(b).*

***b) ARD Committee Prohibited Considerations***

The ARD committee shall not consider a student's receipt of services under the SSES Program when developing the student's IEP.

*Education Code 29.048(a).*

**Sec. 1. AGE OF MAJORITY - TRANSFER OF RIGHTS**

Not later than one year before the 18th birthday of a student with a disability, Westlake Academy shall:

1. Provide to the student and the student's parents:
  - a. Written notice regarding the transfer of rights; and
  - b. Information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code, Chapter 1357, and other supports and services that may enable the student to live independently; and
2. Ensure that the student's individualized education program ("IEP") includes a statement that Westlake Academy provided the required notice, information, and resources.

When a student reaches the age of majority (18 years of age), Westlake Academy shall provide written notice to the student and the student's parents of the transfer of parental rights. The notice must include the information required above.

This notice is separate and distinct from the requirement that, beginning at least one year before the student reaches the age of 18, the student's IEP include a statement regarding transfer of parental rights.

If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship, Westlake Academy shall provide the student or parent information and resources on supported decision-making agreements under Estates Code, Chapter 1357.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student.

*34 CFR 300.520; Education Code 29.017(a), (c), (c-1), (c-2); 19 TAC 89.1049(c).*

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Sec. 1. **PREKINDERGARTEN PROGRAMS**

a) ***Tuition-Free Program***

Westlake Academy Charter School shall offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least four years of age. Westlake Academy Charter School may offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least three years of age.

i. **Exemption**

Westlake Academy Charter School may apply to the Commissioner of Education for an exemption from the requirement that it provide a free prekindergarten program if Westlake Academy Charter School would be required to construct classroom facilities in order to provide the program.

ii. **Half--Day Basis**

A tuition-free prekindergarten class may be operated on a half-day basis for children under four years of age and shall be operated on a full-day basis for children who are at least four years of age.

iii. **Program Eligibility**

A child is eligible for emollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless, as defined by federal law, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty; or
6. Is or ever has been in:
  - a. the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201; or
  - b. foster care in another state or territory, if the child resides in this state;
7. Is the child of a person eligible for the Star of Texas Award as:

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- a. A peace officer under Section 3106.002, Government Code;
- b. A firefighter under Section 3106.003, Government Code; or
- c. An emergency medical first responder under Section 3106.004, Government Code.

A child who is eligible for enrollment under items 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

iv. Public Notice

The Superintendent shall develop a system to notify the population in the community with children eligible for enrollment of the availability of the program. The system must include public notices issued in English and Spanish.

v. Transportation

Westlake Academy is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system.

vi. High-Quality Prekindergarten Required

A free prekindergarten class for children who are at least four years of age must comply with the program standards required for high-quality prekindergarten programs under Education Code Chapter 29, Subchapter E-1.

## Sec. 2. PRESCHOOL-AGED CHILDREN

If Westlake Academy Charter School offers preschool, Westlake Academy Charter School must provide a free appropriate public education ("FAPE") in the least restrictive environment to preschool-aged students even if Westlake Academy Charter School does not provide free preschool programs to all preschool-aged children.

*34 C.F.R. 300.J0J(a)-(b) and §300.116.*

Westlake Academy Charter School may provide opportunities for the participation of the preschool students with disabilities in other preschool programs operated by public agencies or by locating classes for preschool students with disabilities in regular elementary schools. However, Westlake Academy Charter School is not required to initiate preschool programs or to establish extensive contact programs with private schools which serve both students with disabilities and students

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without disabilities solely to satisfy the requirements regarding placement in the least restrictive environment.

*OSEP Policy Memo 89-23; 34 C.F.R. 300.102(a).*

Westlake Academy Charter School shall develop a system to notify residents within Westlake Academy Charter School's boundaries with children who are at least three but younger than six and who are eligible for enrollment in a special education program of the availability of such programs.

*Education Code 29.009.*

### **Sec. 3. TRANSITION OF CHILDREN FROM PART C**

By the third birthday of a child participating in early intervention programs the Westlake Academy Charter School xxx must ensure that an individualized education program ("IEP") or an individualized family service plan ("IFSP"), has been developed and is being implemented for the child.

In the case of a child with a disability aged three through five the ARD committee must consider an IFSP that contains the IFSP content (including the natural environments statement, educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures.

*34 CFR 300.323(b).*

### **Sec. 6.4.4 COMMUNICATION MODE OF DEAF OR HARD OF HEARING CHILD**

The comprehensive statewide plan for the education of children with visual impairments must:

1. Adequately provide for comprehensive diagnosis and evaluation of each school-age child with a serious visual impairment;
2. Include the procedures, format, and content of the IEP for each child with a visual impairment;
3. Emphasize providing educational services to children with visual impairments in their home communities whenever possible;
4. Include methods to ensure that children with visual impairments receiving special education services in school districts receive, before being placed in a classroom setting or within a reasonable time after placement: (A) evaluation of the impairment; and (B) instruction in an expanded core curriculum, which is required for students with visual

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- impairments to succeed in classroom settings and to derive lasting, practical benefits from the education provided by school districts, including instruction in: (i) compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum; (ii) orientation and mobility; (iii) social interaction skills; (iv) career planning; (v) assistive technology, including optical devices; (vi) independent living skills; (vii) recreation and leisure enjoyment; (viii) self-determination; and (ix) sensory efficiency;
5. Provide for flexibility on the part of school districts to meet the special needs of children with visual impairments through: (A) specialty staff and resources provided by the district; (B) contractual arrangements with other qualified public or private agencies; (C) supportive assistance from regional education service centers or adjacent school districts; (D) short-term or long-term services through the Texas School for the Blind and Visually Impaired or related facilities or programs; or (E) other instructional and service arrangements approved by the agency;
  6. Include a statewide admission, review, and dismissal ("ARD") process;
  7. Provide for effective interaction between the visually impaired child's classroom setting and the child's home environment, including providing for parental training and counseling either by school district staff or by representatives of other organizations directly involved in the development and implementation of the IEP for the child;
  8. Require the continuing education and professional development of school district staff providing special education services to children with visual impairments;
  9. Provide for adequate monitoring and precise evaluation of special education services provided to children with visual impairments through school districts; and
  10. Require that school districts providing special education services to children with visual impairments develop procedures for assuring that staff assigned to work with the children have prompt and effective access directly to resources available through: (A) cooperating agencies in the area; (B) the Texas School for the Blind and Visually Impaired; (C) the Central Media Depository for specialized instructional materials and aids made specifically for use by students with visual impairments; (D) sheltered workshops participating in the state program of purchases of blind-made goods and services; and (E) related sources.

Each eligible blind or visually impaired student is entitled to receive educational programs according to an IEP that:

1. Is developed in accordance with federal and state requirements for providing special education services;
2. Is developed by a committee composed as required by federal law;
3. Reflects that the student has been provided a detailed explanation of the various service resources available to the student in the community and throughout the state;
4. Provides a detailed description of the arrangements made to provide the student with the evaluation and instruction; and

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5. Sets forth the plans and arrangements made for contacts with and continuing services to the student beyond regular school hours to ensure the student learns the skills and receives the required instruction.

In the development of the IEP for a student with a visual impairment, proficiency in reading and writing is a significant indicator of the student's satisfactory educational progress.

The IEP for a student with a visual impairment must include instruction in braille and the use of braille unless the student's ARD committee determines and documents that braille is not an appropriate literacy medium for the student.

The ARD committee's determination must be based on an evaluation of the student's appropriate literacy media and literacy skills and the student's current and future instructional needs.

Braille instruction may be used in combination with other special education services appropriate to the student's educational needs and shall be provided by a teacher certified to teach students with visual impairments.

*Education Code 30.002.*

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**Sec. 1. CmLD FIND**

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

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

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

**Sec. 2. PRIVATE SCHOOL STUDENTS**

Westlake Academy shall coordinate with home school districts, who are primarily responsible for consulting with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools within Westlake Academy's boundaries.

Westlake Academy shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending the public schools within Westlake Academy's boundaries.

*20 US.C. 1412(a)(J0)(A)(ii)-(iv).*

**Sec. 3. PRESCHOOL STUDENTS**

Westlake Academy shall develop a system to notify residents within Westlake Academy's boundaries with children who are at least three but younger than six and who are eligible for enrollment in a special education program of the availability of such programs.

*Education Code 29.009.*

**Sec. 4. STUDENT RECORDS**

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After each student is enrolled in Westlake Academy, Westlake Academy will promptly request all student records from the student's previous school.

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**Sec. 1. STUDENTS WHO TRANSFER WITH AN IEP**

***a. Texas Transfers***

When a student transfers to Westlake Academy from another school within Texas, Westlake Academy shall provide a free appropriate public education ("FAPE") to the student. Westlake Academy shall provide comparable services as those described in the individualized education program ("IEP") the student transferred with until Westlake Academy adopts the student's IEP from the previous school, or develops, adopts, and implements a new IEP.

***b. Out-of-State Transfers***

If the student with a disability transfers to Westlake Academy from a school outside of Texas, Westlake Academy shall provide the student with FAPE, including comparable services, until Westlake Academy conducts an evaluation and develops, adopts, and implements a new IEP.

*34 CFR 300.3231.*

A new IEP must be implemented within 30 school days from the date the student is verified as being a student eligible for special education services.

If a student transfers from Westlake Academy, Westlake Academy will furnish the student's special education records to the student's new school not later than the 10th working day after the date a request for the information is received by Westlake Academy.

*19 TAC 89.10500)(3).*

## **Sec. 1. PREKINDERGARTEN PROGRAMS**

The education of students with disabilities can be made more effective by providing incentives for whole-school approaches, scientifically-based early reading programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label students as disabled in order to address the learning and behavioral needs of such students.

*20 U.S.C. 1400(c)(5)(F).*

In implementing coordinated, early intervening services, Westlake Academy may carry out activities that include:

1. professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
2. providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

*20 U.S.C. 1413(f)(2); 34 CFR 300.226(b).*

An early intervention service (including a response-to-intervention or (RTI)) process cannot delay the initial evaluation for special education services of a student suspected of having a disability. A parent may request an evaluation at any time to determine whether the student is a student with a disability. If a parent requests an evaluation and Westlake Academy agrees that the student may be eligible for special education, Westlake Academy must evaluate the student. If Westlake Academy denies the parent's request for evaluation, Westlake Academy shall provide notice to the parent explaining the basis for the refusal. The parent may challenge the refusal to evaluate through the impartial hearing process.

*20 U.S.C. 1413(f)(3); 34 CFR 300.226(c).*

## **Sec. 2. BILINGUAL EDUCATION PROGRAM**

Westlake Academy shall identify emergent bilingual students based on state criteria. Westlake Academy shall provide an appropriate Bilingual Education (BE) or English as a Second Language (ESL) program conducted by teachers certified for such courses.

*Education Code Chapter 29, Subchapter B; 19 TAC 89.1201-1265.  
Education Code 29.060(a).*

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**Sec. 3. STUDENT WITH DISABILITIES AND LIMITED ENGLISH PROFICIENCY**

Westlake Academy shall ensure that a student with limited English proficiency who also qualifies for special education services as a student with a disability under the Individuals with Disabilities Education Act is not refused services in a bilingual education or English as a second language program solely because the student has a disability.

*19 TAC 89.1230.*

**Sec. 4. APPLICABILITY OF TITLE RELATING TO BILINGUAL EDUCATION**

An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code, relating to bilingual education under Subchapter B (Bilingual Education and Special Language Programs), Chapter 29, Texas Education Code. (Education Code 12.104(b)(2)(G)).

Westlake Academy adopts the requirements of Subchapter B (Bilingual Education and Special Language Programs), Chapter 29, Texas Education Code pursuant to Education Code 12.104(b)(2)(G).

**Sec. 5. ESTABLISHMENT OF BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAM**

Westlake Academy shall establish a BE or ESL program as required by Education Code Section 29.053 (Establishment of Bilingual Education and Special Language Programs) and in accordance with the procedures established by the Texas Education Agency ("TEA"), unless otherwise excepted under Education Code 29.054 (Exception).

Westlake Academy

**Sec. 6. LANGUAGE PROFICIENCY ASSESSMENT COMMITTEES**

Westlake Academy shall further establish a Language Proficiency Assessment Committee ("LPAC") that complies with Education Code Section 29.063. The LPAC shall select the appropriate assessment option for each English language learner (ELL) in accordance with this subchapter. For each ELL who receives special education services, the student's admission, review, and dismissal ("**ARD**") committee in conjunction with the student's LPAC shall select the appropriate assessments. The LPAC shall document the decisions and justifications in the student's permanent record file, and the ARD committee shall document the decisions and justifications in the student's individualized education program. Assessment decisions shall be made on an individual student basis and in accordance with administrative procedures established by the TEA.

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*19 TAC 101.1005(a).*

**Sec. 7. PROGRAM CONTENT: METHOD OF INSTRUCTION**

Westlake Academy's bilingual education program's content and instruction shall comply with Education Code Section 29.055.

**Sec. 8. ENROLLMENT OF STUDENTS IN PROGRAM**

Westlake Academy shall comply with the TEA criteria for identification, assessment, and classification of emergent bilingual students eligible for entry into the program or exit from the program.

*Education Code 29.056(a).*

The student's parent must approve a student's entry into the program, exit from the program, or placement in the program. The open-enrollment charter school or parent may appeal the decision under Education Code Section 29.064.

*Education Code §29.056(a).*

Westlake Academy, through its LPAC, shall evaluate and consider reenrollment of students who have transferred out of a bilingual education or special language program under Education Code Section 29.056(h) as required by Education Code Section 29.0561.

**Sec. 9. FACILITIES: CLASSES**

Westlake Academy shall ensure that bilingual education and special language programs are located in the regular public charter school rather than in separate facilities.

*Education Code 29.057.*

**Sec. 10. ENROLLMENT OF STUDENTS WHO ARE NOT EMERGENT BILINGUAL STUDENTS.**

Westlake Academy ensures that enrollment of students who do not have limited English proficiency may occur only if the requirements of Education Code Section 29.058 are met.

*Education Code 29.058.*

**Sec. 11. COOPERATION AMONG SCHOOLS**

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Westlake Academy may cooperate with other schools to provide a bilingual education or special language program.

*Education Code 29.059.*

**Sec. 12. PRESCHOOL, SUMMER SCHOOL, AND EXTENDED TIME PROGRAMS**

Each open-enrollment charter school that is required to offer a bilingual education or special language program shall offer a voluntary program for students of limited English proficiency who will be eligible for admission to kindergarten or the first grade at the beginning of the school year. A school that operates on a system permitted by the Texas Education Code other than a semester system shall offer 120 hours of instruction on a schedule the governing board establishes. The program shall meet the requirements of Education Code Section 29.060.

*Education Code 29.060(a).*

Enrollment of a student in the program is optional with the parent of the student.

*Education Code 29.060(b).*

The program must be an intensive bilingual education or special language program that meets standards established by the Texas Education Agency. The student/teacher ratio for the program may not exceed 18:1.

*Education Code 29.060(c).*

Westlake Academy may establish on a full- or part-time basis summer school, extended day, or extended week bilingual education or special language programs for students of limited English proficiency and may join with other schools or schools in establishing the programs.

*Education Code 29.060(d).*

The programs required or authorized by Education Code Section 29.060 may not be a substitute for programs required to be provided during the regular school year.

*Education Code 29.060(e).*

The legislature may appropriate money from the foundation school fund for support of a program under Education Code Section 29.060(a).

*Education Code 29.060(f).*

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**Sec. 13. BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAM TEACHERS**

Westlake Academy shall ensure that bilingual education and special language program teachers are properly certified.

*Education Code 29.061.*

**Sec. 14. APPEALS**

A parent of a student enrolled in a bilingual education or special language program may appeal to the Commissioner of Education if Westlake Academy fails to comply with the requirements established by law or by the TEA. If the parent disagrees with the placement of the student in the program, the parent may appeal that decision to the Board. Appeals shall be conducted in accordance with procedures adopted by the Commissioner of Education under Chapter 157 of the Texas Administrative Code.

*Education Code 29.064; 19 TAC 89.1240.*

**Sec. 15. PEIMS REPORTING REQUIREMENTS**

Westlake Academy shall meet Public Education Information Management System Reporting Requirements with respect to its bilingual education or special language programs.

*Education Code 29.066.*

## **Sec. 1. CONSENT**

Consent means that:

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

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

*34 CFR 300.9.*

## **Sec. 2. LANGUAGE OF NOTICES**

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

*34 CFR 300.503(c), 300.504(d).*

### **a) *Electronic Delivery of Notices***

A parent of a child with a disability may elect to receive required notices by electronic mail, if Westlake Academy makes that option available.

*34 CFR 300.505.*

## **Sec. 3. NOTICE OF PROCEDURAL SAFEGUARDS**

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

1. Upon initial referral or parental request for evaluation;

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

Westlake Academy may also place a current copy of the procedural safeguards notice on its Internet website.

**a) *Contents of Notice***

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

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

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

**Sec. 4. PRIOR WRITTEN NOTICE AND CONSENT**

Westlake Academy shall provide prior written notice to the parents within a reasonable time before the school proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of a FAPE to the child.

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*34 CFR 300.503(a).*

Notice must be provided to the parent in the parent's native language or other mode of communication at least five school days before Westlake Academy proposes or refuses the action, unless the parent agrees to a shorter time frame.

*19 TAC 89.1050(h).*

**a) *Contents of Notice***

The notice must include:

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

*34 CFR 300.503(b).*

**b) *Consent to Initial Evaluation***

Before Westlake Academy conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation Westlake Academy proposes to conduct, and obtain informed consent for the evaluation from the parents.

*20 U.S.C. 1414(a)(l)(D), (E); 34 CFR 300.304(a).*

**c) *Consent to Services***

Westlake Academy shall seek informed consent from the parent before providing special education and related services to a child.

*20 U.S.C. 1414(a)(l)(D).*

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**d) *Consent to Reevaluation***

Westlake Academy shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if Westlake Academy can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond.

*20 U.S.C. 1414(c)(3).*

**e) *Psychological Examinations and Tests***

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

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

If Westlake Academy determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent, Westlake Academy shall provide the information above to the parent regarding the additional examination or test and shall obtain additional consent for the examination of test.

*Education Code 29.0041(a), (b).*

**Sec. 5. CONSENT TO EXCUSE MEMBER FROM ATTENDING ARD COMMITTEE MEETING**

A Westlake Academy member of the ARD committee may be excused from attending an individualized education program ("IEP") meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and Westlake Academy consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

**Sec. 6. PARENTAL CONSENT TO ACCESS PUBLIC BENEFITS**

Westlake Academy shall obtain informed consent from the parent each time that access to a parent's private insurance proceeds or to public benefits or an insurance program is sought.

*34 CFR 300.154(d)(2)(iv)(A).*

**Sec. 7. PARENTAL CONSENT FOR TRANSFER OF ASSISTIVE TECHNOLOGY DEVICES**

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Westlake Academy shall obtain informed consent from the parent or the adult student if the adult student has the legal capacity to enter into a contract before transferring an assistive technology device through a transfer agreement that incorporates the standards of the state.

**Sec. 8. OTHER CONSENT REQUIREMENTS**

Parental consent is not required before Westlake Academy may:

1. review existing data as part of the student's evaluation or a reevaluation; or
2. give the student a test or other evaluation that is given to all students unless, before that test or evaluation, consent is required from parents of all students.

*34 CFR 300.300(d).*

Instructional materials adopted by Westlake Academy must be provided to students at no cost.

If Westlake Academy chooses to coordinate with the National Instructional Materials Access Center (NIMAC) when purchasing print instructional materials, it must acquire the print instructional materials in the same manner and subject to the same conditions as the Texas Education Agency acquires print instructional materials.

If Westlake Academy chooses not to coordinate with the NIMAC when purchasing print instructional materials, it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner and shall provide assurance of compliance with this policy to the Texas Education Agency.

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**PART I: DISCIPLINE OF STUDENTS WITH DISABILITIES UNDER SECTION 504**

**Sec. 1. STUDENTS WITH DISABILITIES UNDER SECTION 504**

Westlake Academy shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 CFR 104.35(a)*.

Westlake Academy may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or alcohol to the same extent that Westlake Academy would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*.

**PART II: DISCIPLINE OF STUDENTS RECEIVING  
SPECIAL EDUCATION SERVICES**

**Sec. 2. SPECIAL EDUCATION STUDENTS**

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal ("ARD") committee. Any disciplinary action shall be determined in accordance with federal law and regulations, including those requiring the provision of:

1. functional behavioral assessments ("FBAs");
2. positive behavioral interventions, strategies, and supports;
3. behavioral intervention plans/behavior improvement plans ("BIPs"); and
4. the manifestation determination review ("MDR").

*Education Code 37.004(b)*.

**Sec. 3. REMOVAL FOR TEN DAYS OR LESS**

A student with a disability who violates the Westlake Academy Student Code of Conduct may be moved from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days, to the extent those

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alternatives are applied to children without disabilities. *20 U.S.C. 1415(k)(l)(B); 34 C.F.R. 300.530(b)(l).*

*Services During Removal for Ten Days or Less.* Westlake Academy is required to provide services during the period of removal if Westlake Academy provides services to a child without disabilities who is similarly removed. *34 C.F.R. 300.530(d).*

#### **Sec. 4. SUBSEQUENT REMOVALS OF TEN DAYS OR LESS**

Westlake Academy personnel may remove the student for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement under 34 CFR 300.536. *34 C.F.R. 300.530(b)(l).*

*Services During Subsequent Removals of Ten Days or Less.* After a student has been removed from his or her current placement for ten school days in the same school year, during any subsequent removal of ten consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program ("IEP"). *20 U.S.C. 1415(k)(l)(D); 34 C.F.R. 300.530(d)(4).*

#### **Sec. 5. NOTICE OF PROCEDURAL SAFEGUARDS**

Not later than the date on which the decision to take the disciplinary action is made, Westlake Academy shall notify the student's parents of the decision and of all procedural safeguards. *20 U.S.C. 1415(k)(l)(H).*

#### **Sec. 6. CHANGES IN PLACEMENT**

Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review ("**MDR**")

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than ten consecutive school days; or
2. Subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than ten school days in a school year;

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- b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and
- c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

Westlake Academy determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. Westlake Academy's determination is subject to review through due process and judicial proceedings. *34 C.F.R. 300.536*.

Westlake Academy personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates the Student Code of Conduct. *20 U.S.C. 1415(k)(l)(A)*.

#### **Sec. 7. MANIFESTATION DETERMINATION**

Within ten school days of any decision to change the placement of a student because of a violation of the Student Code of Conduct, Westlake Academy, parents, and relevant members of the ARD committee (as determined by the parent and Westlake Academy) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or
2. The direct result of Westlake Academy's failure to implement the IEP.

If Westlake Academy, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

*20 U.S.C. 1415(k)(l)(E); 34 C.F.R. 300.530(e)*.

##### **a) *Not a Manifestation***

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(l)(C), (k)(2); 34 C.F.R. 300.530(c)*.

##### **i. Services During Removal**

The student must:

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1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting. *34 C.F.R. 300.530(d)(1)-(2)*.

**b) *Manifestation***

If Westlake Academy, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment ("FBA"), unless Westlake Academy had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan ("BIP") for the student; or
2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at SPECIAL CIRCUMSTANCES below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent, and Westlake Academy agree to a change in placement as part of the modification of the BIP.

*20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(/).*

**i. Special Circumstances**

Westlake Academy personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of Texas Education Agency (the "TEA") or Westlake Academy; or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the TEA or Westlake Academy;

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3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the TEA or Westlake Academy.

*20 U.S.C. 1415(k)(l)(G); 34 C.F.R. 300.530(g).*

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2).*

**c) *Services During Removal***

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

*34 C.F.R. 300.530(d)(l).*

**Sec. 8. APPEALS**

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. Additionally, Westlake Academy may request a hearing if it believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others.

*20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151.*

**a) *Placement During Appeals***

When an appeal has been requested by a parent or Westlake Academy the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and Westlake Academy agree otherwise.

*20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533.*

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**Sec. 9. REPORTING CRIMES**

Federal law does not prohibit Westlake Academy from reporting a crime committed by a student with a disability to appropriate authorities. If Westlake Academy reports a crime, Westlake Academy shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom Westlake Academy reported the crime. Westlake Academy may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act ("FERPA").

*20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535.*

**Sec. 10. STUDENTS NOT YET IDENTIFIED**

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated the Student Code of Conduct may assert any of the protections provided for in the Individuals with Disabilities Education Act if Westlake Academy had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. *20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a).*

**a) *School Knowledge***

Westlake Academy shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to Westlake Academy supervisory or administrative personnel, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other Westlake Academy personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other Westlake Academy supervisory personnel.

*20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b).*

**b) *Exceptions***

Westlake Academy shall not be deemed to have knowledge that the student had a disability if:

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1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated and it was determined that the student did not have a disability.

*20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c).*

If Westlake Academy does not have knowledge, before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

*20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d).*

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It is the policy of Westlake Academy to annually conduct a comprehensive needs assessment and to conduct district and campus improvement plans, if required by state and federal funding requirements.

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**Sec. 1. DYSLEXIA AND RELATED DISORDERS**

The Board shall ensure that procedures for identifying and providing appropriate instructional services to students for dyslexia and related disorders are implemented by Westlake Academy. These procedures shall be implemented in accordance with the most recently updated version of the State Board of Education's *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)*.

**SEC. 2. PARENTAL NOTIFICATIONS AND CONSENT**

Anytime a child is suspected to have dyslexia or a related disorder and may need dyslexia intervention services, the LEA must seek parental consent for a Full Individual Initial Evaluation (FIIE) under the IDEA. The process of seeking informed parental consent under the IDEA must include proper prior written notice and be accompanied by the notice of procedural safeguards.

Westlake Academy shall provide to parents of children suspected to have dyslexia or a related disorder a copy of or link to the electronic version of the most recently updated version of the State Board of Education's *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)*.

Parents and guardians of students with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support modules as required by Section 26.0081 of the Education Code.

**Sec 3. IDENTIFICATION AND TESTING**

A process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available, as outlined in the *Dyslexia Handbook*. The program must include a screening at the end of each school year for all kindergarten students and by January 31<sup>st</sup> for first grade students.

Westlake Academy may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

**SEC 4. PERSONNEL QUALIFICATIONS**

Highly trained individuals must deliver dyslexia instruction. Teachers who provide dyslexia intervention for students are not required to hold a specific license or certification. However, these educators must at a minimum have additional documented dyslexia training aligned to 19 TAC §74.28(c) and must deliver the instruction with fidelity. A provider of dyslexia instruction does not have to be certified as a special educator when serving a student who also receives special

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education and related services if that provider is the most appropriate person to offer dyslexia instruction.

#### **SEC. 5. TREATMENT AND SERVICES**

Westlake Academy shall provide each identified student access at his or her campus to instructional programs and to the services of a teacher trained in dyslexia and related services. Westlake Academy may, with the approval of each student's parents or guardians, offer additional services at a centralized location, so long as such centralized services do not preclude each student from receiving services at his or her campus.

##### **a) *Reading Program***

Westlake Academy shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the *Dyslexia Handbook*.

Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multi-sensory, phonetic methods and a variety of writing and spelling components described in the *Dyslexia Handbook*. The professional development activities specified by each school and/or campus planning committee shall include these instructional strategies.

##### **b) *Reassessment***

Unless otherwise provided by law, a student determined to have dyslexia during testing or accommodated because of dyslexia may not be retested for dyslexia for the purpose of reassessing the student's need for accommodations until Westlake Academy reevaluates the information obtained from previous testing of the student.

#### **SEC 6. PARENT EDUCATION PROGRAM**

Westlake Academy shall develop and provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program should include:

- Awareness of characteristics of dyslexia and related disorders;
- Information on testing and diagnosis of dyslexia;
- Information on effective strategies for teaching dyslexic students; and
- Awareness of information on modification, especially modifications allowed on standardized testing.

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*Education Code 38.003; 19 TAC 74.28.*

**Sec. 7. REPORTING**

Westlake Academy must report through the Public Education Information Management System to the Texas Education Agency the number of students enrolled who are identified as having dyslexia.

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## Sec. 1. **ELIGIBILITY CRITERIA**

A student that is at least three years old but not more than 21 years of age may be eligible for special education services if the student is found to have a disability in one of the following categories, and, by reason of the disability, has need for special education and related services:

1. Intellectual Disability;
2. Hearing impairment;
3. Visual Impairment;
4. Speech or Language impairment;
5. Emotional disturbance;
6. Orthopedic impairment;
7. Other health impairment;
8. Traumatic brain injury;
9. Deaf-blindness;
10. Specific Learning Disability;
11. Autism;
12. Developmental delay; or
13. Multiple Disabilities.

*34 CFR 300.306(a)(1), 300.8; 19 TAC 89.1050(a).*

Additionally, a student is eligible to participate in Westlake Academy's special education program if the student is not more than 21 years of age and has a visual or auditory impairment that prevents the student from being adequately or safely educated in public school without the provision of special services. (TEC §29.003)

## Sec. 2. **DETERMINING ELIGIBILITY**

Following the completion of the full and individual initial evaluation, the student's admission, review, and dismissal ("ARD") committee must make an eligibility determination. The ARD committee members reviewing evaluations and data to determine eligibility must include a licensed specialist in school psychology ("LSSP"), an educational diagnostician, or other appropriately certified or licensed practitioner with experience, and a licensed or certified professional for a specific eligibility category defined below.

*19 TAC 89.1040.*

When interpreting evaluation data for the purpose of determining if a student is a student with a disability under 34 CFR 300.8 and the educational needs of the student, Westlake Academy shall:

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1. Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and
2. Ensure that information obtained from all of these sources is documented and carefully considered.

If a student is determined to be a student with a disability and needs special education and related services, the ARD committee must develop an individualized education program ("IEP") for the student in accordance with 34 CFR 300.320 through 300.324 and corresponding state law.

*34 CFR 300.306.*

A student is not eligible for special education services through the evaluation, if a student is found to only need related services. A student cannot be found eligible for services if the determinant factor for that determination is lack of appropriate instruction in reading, including in the essential components of reading instruction, lack of appropriate instruction in math, or limited English proficiency/status as an emergent bilingual student.

34 CFR 300.306(b).

For children aged three through nine, or any subset of that age range, may be a child with a disability if the student is:

1. experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Physical development, cognitive development, communication development, social or emotional development, or adaptive development; and
2. needs special education and related services.

*34 CFR 300.8(b).*

### **Sec. 3. INTELLECTUAL DISABILITY**

A student qualifies as a student with an intellectual disability if the student has significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance.

*34 CFR 300.8(c)(6); 19 TAC 89.1040(c)(5).*

### **Sec. 4. SPEECH OR LANGUAGE IMPAIRMENT**

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A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. The evaluation team shall include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech/language pathologist.

*34 CFR 300.8(c)(11); 19 TAC 89.1040(c)(10).*

#### **Sec. 5. EMOTIONAL DISTURBANCE**

A student may be eligible for services as a student with an emotional disturbance if they exhibit one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors;
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
3. Inappropriate types of behavior or feelings under normal circumstances;
4. A general pervasive mood of unhappiness or depression; or
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia, but does not include children who are socially maladjusted, unless it is determined that they have an emotional disturbance. A written evaluation must include recommendations for behavior intervention strategies.

*34 CFR 300.8(c)(4); 19 TAC 89.1040(c)(4).*

#### **Sec. 6. ORTHOPEDIC IMPAIRMENT**

A severe orthopedic impairment, including impairments caused by congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). If the impairment adversely impacts a student's educational performance, the student is eligible under this category.

*34 CFR 300.8(c)(8); 19 TAC 89.1040(10).*

The multidisciplinary team determining eligibility under the criteria for an orthopedic impairment must include a licensed physician.

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*19 TAC 89.1040(10).*

**Sec. 7. OTHER HEALTH IMPAIRMENT ("OHi")**

A student with limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli caused by chronic or acute health problems such as:

1. Asthma;
2. Attention Deficit Disorder or Attention Deficit Hyperactivity Disorder;
3. Diabetes;
4. Epilepsy;
5. Heart Condition;
6. Hemophilia;
7. Lead poisoning;
8. Leukemia;
9. Nephritis;
10. Rheumatic Fever;
11. Sickle Cell Anemia; or
12. Tourette Syndrome.

If the health condition limits alertness in the educational environment and adversely impacts a student's learning, he or she is eligible for OHi. In determining eligibility, Westlake Academy shall must include a licensed physician on the multidisciplinary team.

**Sec. 8. TRAUMATIC BRAIN INJURY**

An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Westlake Academy shall include a licensed physician, and a licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriately certified or licensed practitioner with experience and training in this area to review the data and determine eligibility.

*19 TAC 89.1040(11).*

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**Sec. 9. HEARING OR AUDITORY IMPAIRMENT AND DEAFNESS**

A student with an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but is not included under the definition of deafness.

The student's evaluation must include an ontological examination performed by an otologist or by a licensed medical doctor, with documentation that an otologist is not reasonably available. Westlake Academy shall also conduct an audiological evaluation by a licensed audiologist. The evaluation must include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended amplification.

*34 CFR 300.8(c)(5); 19 TAC 89.1040(c)(3).*

**Sec. 10. DEAFNESS**

Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a student's educational performance. (34 CFR §300.8(c)(3))

**Sec. 11. VISUAL IMPAIRMENT INCLUDING BLINDNESS**

An impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

*34 CFR 300.8(c)(13).*

A student with a visual impairment is one who:

1. has been determined by a licensed ophthalmologist or optometrist to have no vision or to have a serious visual loss after correction; or to have a progressive medical condition that results in no vision or a serious visual loss after correction.
2. has been determined by the following evaluations to have a need for special services, including:
  - a. a functional vision evaluation by a professional certified in the education of students with visual impairments or a certified orientation and mobility instructor. The evaluation must include the performance of tasks in a variety of environments requiring the use of both near and distance vision and recommendations concerning the need for a clinical low vision evaluation and an orientation and mobility evaluation; or
  - b. a learning media assessment by a professional certified in the education of students with visual impairments. The learning media assessment must include recommendations concerning which specific visual, tactual, and/or auditory learning

media are appropriate for the student and whether or not there is a need for ongoing evaluation in this area.

*19 TAC 89.1040(12)(A).*

Through evaluation, Westlake Academy should state the student's visual loss in exact measures of visual field and corrected visual acuity at a distance and at close range in each eye by a licensed ophthalmologist or optometrist. The report should also include prognosis whenever possible. If exact measures cannot be obtained, the eye specialist must so state and provide best estimates.

A student that qualifies as a student with a visual impairment is considered functionally blind if, based on the preceding evaluations, the student will use tactual media (which includes Braille) as a primary tool for learning to be able to communicate in both reading and writing at the same level of proficiency as other students of comparable ability.

*19 TAC 89.1040(12)(B).*

## **Sec. 12. DEAF-BLINDNESS**

A student is eligible under deaf-blindness if identified with hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

*34 CFR §300.8(c)(2).*

In addition to the Individuals with Disabilities Education Act ("IDEA") requirements, a student may be eligible if a student is found to:

1. meet the eligibility criteria for auditory impairment specified in subsection 19 TAC 89.1040(c)(3) and visual impairment specified in subsection 19 TAC 89.1040 (c)(12);
2. meet the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist indicates there is no speech at an age when speech would normally be expected;
3. have documented hearing and visual losses that, if considered individually, may not meet the requirements for auditory impairment or visual impairment, but the combination of such losses adversely affects the student's educational performance; or
4. have a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without special education intervention, will adversely affect the student's educational performance.

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*19 TAC 89.1040(c).*

**Sec. 13. SPECIFIC LEARNING DISABILITY**

Specific learning disability includes a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

*34 CFR 300.8(c)(10).*

In addition to being identified as having a disorder that impacts a basic psychological process, Westlake Academy shall also show that the student does not achieve adequately for the student's age or meet state-approved grade-level standards in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving when provided appropriate instruction, as indicated by performance on multiple measures such as in-class tests; grade average over time (e.g. six weeks, semester); norm- or criterion- referenced tests; statewide assessments; or a process based on the child's response to scientific, research-based intervention.

Westlake Academy's evaluation must also show that the student:

1. does not make sufficient progress when provided a process based on the student's response to scientific, research-based intervention (as defined in 20 USC, §7801(37)), as indicated by the student's performance relative to the performance of the student's peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction; or
2. the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability, as indicated by significant variance among specific areas of cognitive function, such as working memory and verbal comprehension, or between specific areas of cognitive function and academic achievement.

*19 TAC 89.1040(c)(9).*

A specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR §300.8(c)(10))

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Prior to identifying a student as one with a learning disability, Westlake Academy shall ensure that the suspected disability is not due to lack of educational opportunity or lack of appropriate instruction. Westlake Academy shall consider data that shows the student has received appropriate instruction in math and reading in the general education setting. Westlake Academy shall also consider documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction. This may include, but is not limited to, RTI progress results, in-class tests on grade-level curriculum, or other regularly administered assessments. Intervals are considered reasonable if consistent with the assessment requirements of a student's specific instructional program.

*19 TAC 89.1040(c)(9).*

#### **Sec. 14. AUTISM**

A student with autism is one that meets the criteria outlined in 34 CFR 300.8(c)(1) of the IDEA. It also includes students with pervasive developmental disorders.

*19 TAC 89.1040(c)(1).*

Under IDEA, autism is a developmental disability significantly affecting a student's verbal and nonverbal communication and social interactions that adversely affects a student's educational performance. Engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences are often associated with autism. Characteristics of autism are generally evident before age three. A child who manifests the characteristics of autism after age three could be identified as having autism if the student meets the above criteria also defined in 34 CFR 300.8(c)(1)(i).

A student does not meet the eligibility category for autism if a student's educational performance is adversely affected primarily because the student has an emotional disturbance, as defined above and in 34 CFR 300.8(c)(4).

*34 CFR 300.8(c)(1).*

The written evaluation determining eligibility under autism must include recommendations for behavior interventions.

*19 TAC 89.1040(c)(1).*

#### **Sec. 15. MULTIPLE DISABILITIES**

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A student may qualify as a student with multiple disabilities if they are identified to have a combination of impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment) and the combination causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness.

*34 CFR 300.8(c)(7).*

The impairments must be: (a) expected to continue indefinitely; and (b) severely limit performance in two or more of the following:

1. psychomotor skills;
2. self-care skills;
3. communication;
4. social and emotional development, or
5. cognition.

A student who qualifies for more than one impairment but does not severely impair performance in one of the above categories, or is not expected to continue indefinitely, does not qualify as a student with multiple disabilities.

*19 TAC 89.1040(c)(6).*

**Sec. 1. REFERRAL FOR FULL AND INDIVIDUAL INITIAL EVALUATION**

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

**a) *Obligation to Refer***

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

*20 U.S.C. 1414(a)(1); 34 CFR 300.301; 19 TAC 89.1011.*

**b) *Parent Request***

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

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 CFR 300.503, a copy of the procedural safeguards notice required by 34 CFR 300.504, and an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR 300.503, and a copy of the procedural safeguards notice required by 34 CFR 300.504.

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

**Sec. 2. NOTICE OF RIGHTS**

Westlake Academy shall provide written notice to a student's parent or guardian within a reasonable time before proposing or refusing to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education ("FAPE").

34 CFR §300.8(c)(10)

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### Sec. 3. INITIAL EVALUATION

Westlake Academy shall conduct a full and individual initial evaluation before the initial provision of special education and related services. *20 U.S.C. 1414(a)(l)(A)*.

Westlake Academy shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. *20 U.S.C. 1414(b)(3)(D)*.

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

#### **a) *Consent for Initial Evaluation***

Westlake Academy shall make reasonable efforts to obtain informed parental consent before conducting an initial evaluation.

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

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

#### **b) *Wards of the State***

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

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

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

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**Sec. 4. PROVIDING ASSISTANCE TO STUDENTS WHO HAVE LEARNING DIFFICULTIES OR NEED SPECIAL EDUCATION SERVICES**

If a student is experiencing learning difficulties, the parent may contact their child's campus principal to learn about Westlake Academy's overall general education referral or screening system for support services. This system links students to a variety of support options, including referral for a special education evaluation. Students having difficulty in the regular classroom should be considered for tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention ("Rtl"). The implementation of Rtl has the potential to have a positive impact on Westlake Academy's ability to meet the needs of all struggling students.

At any time, a parent is entitled to request an evaluation for special education services by presenting a written request to the Special Education Coordinator or to a Westlake Academy administrative employee. Westlake Academy must, within 15 school days of receiving the request, either (1) give the parent an opportunity to give written consent for the evaluation or (2) refuse to provide the evaluation and provide the parent with written notice that explains why the child will not be evaluated. This written notice will include a statement that informs the parents of their rights if they disagree with Westlake Academy. Additionally, the parent will receive a copy of the *Notice of Procedural Safeguards - Rights of Parents of Students with Disabilities*.

If consent for evaluation is obtained, Westlake Academy must generally complete the evaluation and report within 45 school days of the date Westlake Academy receives the written consent. Westlake Academy must give a copy of the evaluation report to the parent.

**Sec. 5. NOTIFICATION TO PARENTS REGARDING INTERVENTION STRATEGIES**

Each school year, Westlake Academy shall notify a parent of each child, other than a child enrolled in a special education program, who receives assistance from the Westlake Academy for learning difficulties, including through the use of intervention strategies that Westlake Academy provides to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year;
2. Be written in English or, to the extent practicable, the parent's native language; and
3. Include:
  - a. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
  - b. Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;

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- c. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
- d. The estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and
- e. A copy of a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services or for aids, accommodations, or services under Section 504 of the Rehabilitation Act ("Section 504").

The notice under this policy may be provided to a child's parent at a Section 504 meeting.

A parent is entitled to access to all written records of Westlake Academy concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, reports of behavioral progress, and records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

**Sec. 1. FULL AND INDIVIDUAL EVALUATION (FIE)**

Westlake Academy shall ensure that upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the Individuals with Disabilities Education Act ("IDEA"), and preparation of the written report, the admission, review and dismissal ("ARD") committee determines if the student is a student with a disability under state and federal standards.

Westlake Academy shall conduct a full and individual initial evaluation ("FIE") prior to providing special education and related services to any student. All students must be evaluated in accordance with the IDEA and the Texas Education Code.

Westlake Academy shall have procedures in place to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of students with disabilities are selected and administered so as to not be racially, culturally, or gender discriminatory. Assessment and procedures shall be provided and administered in the student's native language or most proficient mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.

*34 CFR 300.301; Education Code 29.310.*

All implementing assessment procedures must differentiate between language proficiency and handicapping condition. Additionally, placement procedures must ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability.

*19 TAC 89.1230.*

No single procedure shall be the sole criterion for determining whether a student is a student with a disability or for determining an appropriate education program for a student with a disability. The evaluation must be sufficiently comprehensive to identify all of the student's special education and related services' needs. Each student must be evaluated in all suspected areas of disability.

*34 CFR 300.301, 300.304; Education Code 29.310.*

All assessments must be administered in accordance with the instructions provided and by a trained and knowledgeable person.

*34 CFR 300.301, 300.304.*

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## Sec. 2. TIMELINE

If a student's parent provides a written request for an evaluation to the school's director of special education services or to a district administrative employee, Westlake Academy shall, within 15 school days, (1) provide the parent with prior written notice of its proposal to conduct an evaluation, a copy of the procedural safeguards, and an opportunity to give written consent for the evaluation, or (2) provide prior written notice and procedural safeguards if the school is denying the request for evaluation.

*Education Code 29.004(c).*

A written FIE report must be completed not later than the 45th school day following the date on which Westlake Academy receives written consent for the evaluation, signed by the student's parent. If the student is absent for more than three days in that time period, the timeline must be extended by the number of days the student was absent.

*Education Code 29.004(a).*

This timeframe shall not apply if:

1. A student enrolls in the current school after the relevant time frame has begun and before the previous school made a determination as to whether the student has a disability, but only if the current school is making sufficient progress to ensure a prompt completion of the evaluation and the parent and current school agree to a specific time for completion of the evaluation; or
2. The parent repeatedly fails or refuses to produce the student for the evaluation.

*34 CFR 300.301(d).*

Following the completion of the FIE, the ARD committee must meet within 30 calendar days from the date of completion to review and determine eligibility.

*Education Code 29.004.*

If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, individualized education program ("IEP"), and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer.

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If the student is an English language learner, the language proficiency assessment committee (LPAC) must also attend the meeting to determine services. (19 TAC §89.1050(c)(J))

If Westlake Academy receives written consent for an FIE from a student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed and the written report of the evaluation must be provided to the parent not later than June 30 of that year. The ARD committee must meet by the 15th school day of the following school year to consider the evaluation.

If Westlake Academy receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the school receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the FIE must be completed not later than the 45th school day after receiving consent.

School days do not include days following the last instructional day of the spring term and before the first day of the fall term.

*Education Code 29.004.*

### **Sec. 3. SPECIFIC LEARNING DISABILITY EVALUATION**

The Texas Education Agency cannot require Westlake Academy to use the severe discrepancy between intellectual ability and achievement for determining whether a student has a specific learning disability. TEA must permit the use of a process based on the child's response to scientific, research-based intervention; and may permit the use of other alternative research-based procedures for determining whether a student has a specific learning disability.

*34 CFR 300.307.*

The evaluation process for specific learning disability includes an observation of the child in the learning environment, including the regular classroom setting, to document academic performance and behavior in the areas of difficulty.

*34 CFR 300.310 (a).*

### **Sec. 4. FUNCTIONAL BEHAVIOR ASSESSMENT (FBA)**

A functional behavior assessment ("FBA") may be necessary for a student whose behavior impedes their education. Prior to completing an FBA, Westlake Academy shall get consent from the parent.

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*34 CFR 300.9.*

If an ARD committee determines a change of placement is necessary due to the student's behavior, it must conduct an FBA and implement a behavioral intervention plan ("BIP"). If an FBA was already completed, the ARD committee must review and update the BIP.

*34 CFR 300.350(/).*

**Sec. 5. REVIEW OF EXISTING EVALUATION DATA**

A Review of Existing Evaluation Data ("REED") is required as part of an initial evaluation, if appropriate, and as part of any reevaluation. The REED must be conducted by the ARD committee members and other qualified professionals, as appropriate. The ARD committee members may conduct the review without a meeting.

The REED must include a review of the following:

- Evaluations and information provided by the parents of the student;
- Current classroom-based, local, or State assessments, and classroom-based observations; and
- Observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the ARD committee members must identify what additional data, if any, are needed to determine:

- Whether the student is a student with a disability, and the educational needs of the student, or, in case of a reevaluation of a student, whether the student continues to have such a disability and the educational needs of the student;
- Whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services;
- The present levels of academic achievement and related developmental needs of the student; and
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

Westlake Academy shall administer any assessments or other evaluation measures needed to produce the data identified by the REED in accordance with applicable procedural requirements regarding notice and consent.

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If additional data is not needed, the ARD committee must notify the parent of the determination decision and provide information about the parent's right to request additional assessments to determine student needs and eligibility.

*34 CFR 300.305.*

Westlake Academy shall conduct a reevaluation of the student if the school determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parent or teacher requests a reevaluation. Areevaluation may not occur more than once per year, unless agreed to by the school and the parent. A reevaluation must occur at least every three years, unless the school and parent agree the evaluation is unnecessary.

*34 CFR 300.303.*

#### **Sec. 6. CHANGE IN ELIGIBILITY**

Westlake Academy shall evaluate a student with a disability before determining a student is no longer eligible for special education and related services.

An evaluation is not required if a student is no longer eligible due to graduation or exceeding the age eligibility in Texas. Westlake Academy shall create a summary of performance and include recommendations on how to assist the student in meeting postsecondary goals.

*34 CFR 300.305(e).*

#### **Sec. 7. CONSIDERATION OF SERVICES PROVIDED IN REGULAR EDUCATION SETTING**

To ensure that underachievement in the student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group of qualified professionals, as part of a full and individual evaluation, must consider:

- Data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of progress during instruction, which was provided to the student's parents.

*34 CFR 300.309(b).*

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**Sec. 8. COORDINATION OF EVALUATIONS WITH PRIOR AND SUBSEQUENT SCHOOLS**

The school shall ensure that evaluations of students who transfer from one local education agency to another in the same academic year are coordinated with the student's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

*20 U.S.C. 1414(b)(3)(D).*

**Sec. 9. PSYCHOLOGICAL EXAMINATIONS AND TESTS**

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, Westlake Academy shall provide to the child's parent:

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

If Westlake Academy determines that an additional examination or test is required for the evaluation of a child's need for special education, Westlake Academy shall provide the information above to the parent regarding the additional examination or test and shall obtain additional consent for the examination or test.

*Education Code 29.0041(a), (b).*

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

The time required for Westlake Academy to provide information and seek consent may not be counted toward the timeframe for completion of an evaluation.

*Education Code 29.0041.*

**Sec. 10. EXTENSION OF TIMELINES**

For a specific learning disability, the timelines for evaluation under this policy may be extended by mutual written agreement of the student's parents and the ARD committee.

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*34 CFR 300.309(c).*

**Sec. 11. EVALUATION CONDUCTED PURSUANT TO A SPECIAL EDUCATION DUE PROCESS HEARING**

A special education hearing officer in an impartial due process hearing brought under 20 U.S.C. §1415 may issue an order or decision that authorizes one or more evaluations of a student who is eligible for, or who is suspected as being eligible for, special education services. Such an order or decision authorizes the evaluation of the student without parental consent as if it were a court order for purposes of any State or federal law providing for consent by order of a court.

*Education Code 29.016.*

**Sec. 12. INDEPENDENT EDUCATIONAL EVALUATIONS**

The parent of a student with a disability has the right to obtain an independent educational evaluation ("IEE") of the parent's child if the parent disagrees with the evaluation of the student that was obtained by Westlake Academy.

If the parent requests an IEE, Westlake Academy must provide the parent with information about where the parent may obtain an IEE and about Westlake Academy's criteria that apply to IEE.

**Sec. 13. DEFINITIONS**

An IEE means an evaluation conducted by a qualified examiner who is not employed by the school responsible for the education of a student.

Public expense means that Westlake Academy either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the provisions of Part B of IDEA, which allow each State to use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of Part B of IDEA.

*34 CFR 300.502.*

**Sec. 14. RIGHT TO AN INDEPENDENT EVALUATION AT PUBLIC EXPENSE**

The parent has the right to request an IEE of the parent's child at public expense if the parent disagrees with an evaluation of the student completed by Westlake Academy.

If the parent requests an IEE, Westlake Academy must respond to the parent by either:

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1. without unnecessary delay, filing a due process complaint to request a hearing to show that its evaluation of the student is appropriate; or
2. providing an IEE at public expense, unless Westlake Academy demonstrates in a due process hearing that the evaluation of the student that the parent obtained did not meet Westlake Academy's criteria.

If Westlake Academy requests a hearing and the final decision is that Westlake Academy's evaluation of the student is appropriate, the parent still has the right to an IEE, but not at public expense.

If the parent requests an IEE of the student, Westlake Academy may ask why the parent objects to the evaluation of the student obtained by Westlake Academy; however, Westlake Academy may not require an explanation and may not unreasonably delay either providing the IEE of the student at public expense or filing a due process complaint to request a due process hearing to defend Westlake Academy's evaluation of the student.

The parent is entitled to only one IEE of the student at public expense each time Westlake Academy conducts an evaluation of the student with which the parent disagrees.

*34 CFR 300.502.*

**a) *Parent-Initiated Evaluations***

If the parent obtains an IEE of the student at public expense or the parent shares with Westlake Academy an evaluation of the student that the parent obtained at private expense:

1. Westlake Academy must consider the results of the evaluation of the student, if it meets Westlake Academy's criteria for IEE, in any decision made with respect to the provision of a free appropriate public education to the student; and
2. the parent or Westlake Academy may present the evaluation as evidence at a due process hearing regarding the student.

*34 CFR 300.502.*

**b) *Requests for Evaluations by Hearing Officers***

If a hearing officer requests an IEE of the student as part of a due process hearing, the cost of the evaluation must be at public expense.

**Sec. 15. CRITERIA FOR OBTAINING IEE AT PUBLIC EXPENSE**

The criteria under which the IEE is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE.

**a) *Location***

The evaluator conducting an IEE of a child with a disability at public expense must be located within a 100-mile radius of Westlake Academy. This will allow the evaluator access to Westlake Academy for observation of the student and access to the student's cumulative and special education eligibility folders.

**b) *Cost***

Parents are free to select whomever they choose to perform the IEE, so long as the examiner meets Westlake Academy's criteria. Westlake Academy will pay a fee for an IEE that allows a parent to choose from among qualified professionals in the area.

Westlake Academy will not pay unreasonably excessive fees. An unreasonably excessive fee is one which is 20% above the prevailing fees in the area as established by the Medicaid/Medicare Service Provider Manual for the specific test being considered.

Parents will be offered the opportunity to demonstrate to their child's ARD committee that unique circumstances exist which justify an IEE that does not meet Westlake Academy criteria outlined in this document.

When evaluators have a sliding scale fee based on parent income, Westlake Academy will pay the amount charged to the parent if the evaluator meets Westlake Academy criteria or Westlake Academy has approved the IEE that does not meet Westlake Academy criteria.

In the event a parent pursues an IEE independently or pursues an IEE provider that is not on Westlake Academy independent evaluator list, Westlake Academy will determine if the evaluator meets Westlake Academy criteria prior to authorizing payment or reimbursement. If payment will be authorized, an original billing form and an original written report with original signature must be submitted to Westlake Academy prior to payment.

Westlake Academy will deny payment for an IEE conducted by an evaluator who does not meet Westlake Academy criteria. Westlake Academy will deny payment for an IEE that does not meet TEA criteria for the specific disability identified.

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If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

Travel costs for evaluators will not exceed Westlake Academy rates for travel as established by state guidelines.

A contract for an IEE between an evaluator and Westlake Academy will not exceed one year. All terms will become void after the expiration date of one year.

**c) *Evaluator Criteria***

The evaluator conducting the IEE must meet Westlake Academy criteria and possess comparable credentials to the examiner that conducted the evaluation that is in dispute.

Evaluators must possess current licensure/certification to conduct the evaluation and must provide copies of his or her license or certification with the evaluation, if not previously provided.

Evaluators must comply with all requirements specified in state and federal law, including those outlined in the professional board responsible for providing the license or certification.

Evaluators must meet the examiner qualifications for the tests administered as outlined by the test producer.

The evaluator will have access to the student's cumulative folder and special education folders in gathering information about the student.

The evaluator will have the ability to interview teachers and observe the student in the educational setting.

Prior to conducting the assessment, the evaluator agrees to submit to a national criminal history review and to provide any and all information necessary to secure the national criminal history review, including fingerprints and photographs, or other information required by Texas Education Code§ 22.0834 concerning Contractor or Contractor's Subcontractors.

The evaluator agrees to conduct a thorough evaluation in the area(s) performed by Westlake Academy with which the parent disagrees.

Copies of protocols must be provided to Westlake Academy.

The report must comply with all federal and state requirements, including addressing the presence or absence of a disability condition as defined under the IDEA and the Texas Education Code.

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The evaluation must be provided to Westlake Academy upon completion.

Except for the criteria described above, Westlake Academy may not impose conditions or timelines related to obtaining an IEE at public expense.

*34 CFR 300.502(e).*

### **Sec. 1. COMPLIANCE**

Westlake Academy shall use Individuals with Disabilities Education Act ("IDEA") Part B funds received to:

1. comply with the federal maintenance of effort ("MOE") requirements;
2. supplement State, local and other Federal funds and not supplant such funds; and
3. pay the excess costs of providing special education and related services to children with disabilities and must be used to supplement State, local, and other Federal funds.

*34 CFR 300.202, 20 U.S.C. 1413(a)(2).*

### **Sec. 2. REDUCING LEVEL OF EXPENDITURES**

Funds provided to Westlake Academy will not be used to reduce the level of expenditures for the education of students with disabilities made by Westlake Academy below the level of those funds for the preceding year.

*20 U.S.C. 1423(a)(2)(A)(iii), Appendix E to Part 300.*

Westlake Academy may reduce the level of expenditures if the reduction is attributable to:

1. Voluntary departure, retirement, or departure for just cause of special education personnel;
2. A decrease in enrollment of students with disabilities;
3. The termination of the obligation of Westlake Academy to provide a special education program to a particular student with a disability that is an exceptionally costly program because the child left Westlake Academy, aged out of services, or no longer needs special education;
4. The termination of costly expenditures for long-term purchases; or
5. The assumption of cost by the high cost fund operated by the Texas Education Agency.

*34 CFR 300.204.*

### **Sec. 3. EXCESS EXPENDITURES**

Having complied with MOE and excess costs requirements, IDEA Part B funds provided to the school will be used for the following activities:

1. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to the child with a

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- disability in accordance with the individualized education program ("IEP") of the child, even if nondisabled children benefit from such services;
2. To develop and implement coordinated, early intervening educational services in compliance with the child find and administration requirements, including:
    - a. Early intervening services, which may include interagency financing structures, for children in kindergarten through grade 12 (with a particular emphasis on children in kindergarten through grade 3) who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment;
    - b. Westlake Academy may not use more than 15 percent of the amount received under IDEA Part B for any fiscal year, less any adjustments by Westlake Academy to local fiscal effort, if any, in combination with other amounts, which may include amounts other than education funds, to develop and implement coordinated, early intervening services; and
  3. To establish and implement cost or risk-sharing funds, consortia, or cooperatives for Westlake Academy, or for Westlake Academy's working in a consortium of which Westlake Academy is a part, to pay for high-cost special education and related services.
  4. Westlake Academy may use IDEA Part B funds to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP that is needed for the implementation of such case management activities.

*34 CFR 300.208.*

#### **Sec. 4. EARLY INTERVENING SERVICES**

Funds made available for early intervening services, must supplement not supplant funds available under the Elementary and Secondary Education Act ("ESEA").

*34 CFR 300.226(e).*

#### **Sec. 5. USE OF IDEA PART B FUNDS FOR TITLE 1 PROGRAMS**

Notwithstanding any other provisions related to commingling of funds, Westlake Academy may use IDEA Part B funds received for any fiscal year to carry out a Title 1, Part A school wide programs under ESEA, except that the amount may not exceed:

- the amount received by the school under IDEA Part B for that fiscal year; divided by
- the number of students with disabilities in the jurisdiction of the school; and multiplied by
- the number of students with disabilities participating in the school wide program.

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*34 CFR 300.206; 20 U.S.C. 1413.*

**Sec. 6. COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS: TITLE 1**

To the extent required under Title 1 of the ESEA, Westlake Academy shall ensure equity among school programs in staff/student ratios and in expenditures of money for curriculum materials and instructional supplies. "Staff" shall include teachers, administrators, and auxiliary personnel. In special programs, such as special education and bilingual education, a lower ratio may be maintained and more money may be spent as necessary to fulfill other legal requirements.

The parental involvement program shall be set up in accordance with requirements of Title 1 of the ESEA, as applicable. Parental involvement is encouraged and required in the planning and decision-making process for the school and for the campus.

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Sec. 1. **NONEDUCATIONAL COMMUNITY BASED SUPPORT SERVICES**

Students with disabilities and their families may be eligible to receive noneducational community based support services paid for by public funds.

The Texas Education Agency ("TEA") is responsible for establishing procedures and criteria for the allocation of noneducational funds to open-enrollment charter schools for the provision of noneducational community-based support services to certain students with disabilities and their families so that those students may receive a free appropriate public education ("FAPE") in the least restrictive environment.

*Education Code 29.013(a).*

Westlake Academy shall use any funds allocated under Education Code Section 29.013 only for eligible students with disabilities who would remain or would have to be placed in residential facilities primarily for educational reasons without the provision of noneducational community-based support services.

*Education Code 29.013(b).*

The support services may include in-home family support, respite care, and case management for families with a student who otherwise would have been placed by an open-enrollment charter school in a private residential facility.

*Education Code 29.013(c).*

The provision of services under Education Code Section 29.013 does not supersede or limit the responsibility of other agencies to provide or pay for costs of noneducational community-based support services to enable any student with disabilities to receive a FAPE in the least restrictive environment. Specifically, services provided under Education Code Section 29.013 may not be used for a student with disabilities who is currently placed or who needs to be placed in a residential facility primarily for noneducational reasons. Funds cannot be used to cover services already required through the student's individual education program or for long-term care.

*Education Code 29.013(d).*

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**Sec. 1. SHARED SERVICES ARRANGEMENT**

Westlake Academy Charter School may enter into a written contract to jointly operate its special education programs. Funds to which the cooperating schools/charter schools are entitled may be allocated to the schools/charter schools jointly as shared services arrangement units or shared services arrangement funds in accordance with the shared services arrangement schools/charters' agreement, Texas Education Agency Guidance and Texas Government. Code Chapter 791 (interlocal agreements).

**Sec. 1. STATE FUNDING: SPECIAL ALLOTMENTS**

Westlake Academy shall maintain records of students participating in special programs in accordance with the Commissioner of Education's rules.

19 TAC 129.21.

**Sec. 2. SPECIAL EDUCATION ALLOTMENT**

Each open-enrollment charter school will receive an annual allotment equal to the adjusted basic allotment multiplied by 1.1 for each student receiving special education and related services in a mainstream instructional arrangement. For each full-time equivalent student receiving special education and related services in average daily attendance in an instructional arrangement other than a mainstream instructional arrangement, the open-enrollment charter school is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to instructional arrangement as set forth in Section 48.102, Texas Education Code.

Funds allocated under this section, other than an indirect cost allotment established under State Board of Education ("SBOE") rule, must be used in the special education program under Subchapter A, Chapter 29 of the Texas Education Code.

*Education Code 48.102(h).*

**Sec. 3. COMPENSATORY EDUCATION ALLOTMENT**

Westlake Academy must use funds allocated under TEC §48.104 for a purpose authorized in Section 48.1040-1), (k) of the Texas Education Code

*Education Code 48.104.*

Funds allocated under Education Code Section 48.104 shall be used to fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B (School-Based Health Centers), Chapter 39, Texas Education Code, or disparity in the rates of high school completion between students at risk of dropping out of school, as defined by Section 29.081 of the Education Code (Compensatory, Intensive, and Accelerated Instruction) and all other students. Specifically, the funds, other than an indirect cost allotment established under SBOE rule, which may not exceed 45 percent, may be used to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Education Code Section 29.081 or an alternative education program established under Education Code Section 37.008 (Disciplinary Alternative Education Programs) or to support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided



by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under Education Code Section 29.081, Westlake Academy's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction.

*Education Code 48.104(k).*

#### **Sec. 4. BILINGUAL EDUCATION ALLOTMENT**

For each student in average daily attendance in a bilingual education or special language program under Subchapter B, Chapter 29, an open-enrollment charter school is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.1. Funds allocated under this section, other than an indirect cost allotment established under SBOE rule, must be used in providing bilingual education or special language programs under Subchapter B, Chapter 29, and must be accounted for under existing agency reporting and auditing procedures. An open-enrollment charter school's bilingual education or special language allocation may only be used for program and student evaluation, instructional materials and equipment, staff development, supplemental staff expenses, salary supplements for teachers, and other supplies required for quality instruction and smaller class size.

*Education Code 12.104(b)(3)(G), 42.105.*

#### **Sec. 5. CAREER AND TECHNOLOGY EDUCATION ALLOTMENT**

For each full-time equivalent student in average daily attendance in an approved career and technology education program in grades 7 through 12 or in career and technology education programs for students with disabilities in grades seven through 12, an open-enrollment charter school is entitled to:

1. an annual allotment equal to the adjusted basic allotment multiplied by a weight of 1.35; and
2. \$50 for each of the following in which the student is enrolled:
  - a. two or more advanced career and technology education classes for a total of three or more credits;
  - b. a campus designated as a P-TECH school under Section 29.566; or
  - c. a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education.

For purposes of this allotment, "full-time equivalent student" means 30 hours of contact a week between a student and career and technology education program personnel.

At least 55% of the funds allocated under this section must be used in providing career and technology education programs in grades 7 through 12.

*Education Code 48.106.*

**Sec. 1. COMPLIANCE WITH GENERAL AND FISCAL GUIDELINES**

Westlake Academy Charter School must comply with the Texas Education Agency General and Fiscal Guidelines.

**Sec. 2. CHARGING COSTS TO SPECIAL EDUCATION GRANT**

Westlake Academy Charter School may charge costs to a special education grant when those costs follow the Westlake Academy Charter School's local written procedures for allowability of costs and meet the following criteria:

- Are reasonable for the performance of the special education grant and are allocable under the applicable cost principles;
- Conform to limitations or exclusions set forth in applicable cost principles or the special education grant agreement as to types or amount of costs;
- Are consistent with policies and procedures that apply uniformly to federally or state-funded activities funded from other sources;
- Are accorded consistent treatment among all grant programs, regardless of funding source;
- Are not included as a cost or used to meet cost-sharing or matching requirements of any other federally or state-funded program in the current or a prior period; and
- Are adequately documented.

**Sec. 3. REASONABLE COST**

A cost can be considered reasonable if it meets the following standards:

- The cost is of a type generally recognized as ordinary and necessary for the operation of Westlake Academy Charter School or grant performance;
- Restrictions or requirements are imposed for generally accepted sound business practices, arms-length bargaining, federal or state laws and regulations, and grant award terms and conditions;
- Consideration is given to market prices for comparable goods or services for the geographical area;
- Individuals are acting with prudence in the circumstances of responsibility to Westlake Academy Charter School and federal and state government; and
- There are no significant deviations from established practices of Westlake Academy Charter School that may unjustifiably increase grant costs.

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**a) *Allocating Costs***

A cost is allocable to the special education grant in accordance with relative benefits received if it is treated consistently with other costs incurred for the same purposes in like circumstance and if it meets the following:

- Is incurred specifically for the grant;
- Benefits both the grant and the other work and can be distributed in reasonable proportion to the benefits received; and
- Is necessary to the overall operation of Westlake Academy Charter School and is assignable in part to the special education grant award in accordance with the principles of this framework.

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**Sec. 1. APPLICABILITY OF TITLE RELATING TO HIGH SCHOOL GRADUATION**

Westlake Academy is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code ("TEC"), or a rule adopted under Title 2 (Public Education) of the TEC, relating to high school graduation under TEC Section 28.025.

*Education Code 12.104(b)(2)(E).*

**Sec. 2. ARD COMMITTEE AND IEP**

For each student who is at least 14 years of age and qualifies for special education, the admission, review, and dismissal ("ARD") committee must begin transition planning. The ARD committee must also consider the student's graduation plan and what state assessments are required for graduation.

*Education Code 29.0111; 19 TAC 89.1070.*

**Sec. 3. SPECIAL EDUCATION ELIGIBILITY UPON GRADUATION**

Graduation with a regular high school diploma terminates a student's eligibility for special education and related services. Termination of eligibility based on graduation requires Westlake Academy to complete a summary of performance in accordance with 34 CFR 300.305(e)(3), and prior written notice must be provided to the parent.

*34 CFR 300.102.*

A student who receives a diploma, but took one or more classes with a modified curriculum, may request the ARD committee determine needed educational services as long as the student meets the age eligibility requirements. Modified curriculum is defined as curriculum or content that is reduced in amount or complexity of the required Texas Essential Knowledge and Skills ("TEKS").

*19 TAC 89.1070.*

**Sec. 4. GRADUATION REQUIREMENTS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM**

A student with a disability that receives special education services and who enters 9th grade in or after the 2014-2015 school year, may receive a regular high school diploma if the student:

1. Demonstrates mastery of the required states standards;
2. Completes the credit requirements under the Foundation High School Program; or

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3. Achieves satisfactory performance on the required state assessment unless the ARD committee determines that satisfactory performance on the required state assessment is not necessary for graduation.

A student who receives special education services entering 9th grade in 2014-2015 or after may also earn a high school diploma if the student meets the above requirements and successfully completes the individualized education program ("IEP") and meets one of the following:

1. consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable the student to maintain employment without direct or ongoing educational support;
2. consistent with the IEP, demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support;
3. has access to services that are not within the legal responsibility of Westlake Academy or educational options for which the student has been prepared for by the academic program;  
or
4. no longer meets eligibility requirements

*19 TAC 89.1070; Education Code 28.025.*

#### **Sec. 5. ENDORSEMENTS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM**

A student receiving special education services, may receive an endorsement if the student:

1. Completes the requirements for graduation under the Foundation High School Program and completes the additional credits requirements in mathematics, science, and elective courses required for an endorsement with or without modified curriculum; or
2. Completes the courses required for the endorsement without modified curriculum; and
3. Performs satisfactorily on the state assessment.

A student who is in 11th or 12th grade in 2014-2015, 2015-2016, or 2016-2017 school years who took each of the required assessments, but failed to achieve satisfactorily on no more than two assessments is eligible for an endorsement if the student meets the other endorsement requirements.

For students receiving special education services, if the student wants to use a course to satisfy both the Foundation High School Program requirements and for the endorsement requirement, the course must be completed without modified curriculum.

*19 TAC 89.1070; Education Code 28.025.*

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**Sec. 6. TRANSITIONING TO THE FOUNDATION HIGH SCHOOL PROGRAM**

For students who entered 9th grade prior to the 2014-2015 school year, a student may receive a diploma under the Foundation High School Program if the student's ARD committee determines the student should take courses under the Foundations program and the student completes the requirements.

A student transitioning may also receive an endorsement if he or she meets the requirements.

A student who is in 11th or 12th grade in the 2014-2015, 2015-2016, or 2016-2017 school years and transitioning to the Foundation High School Program, who took each of the required assessments, but failed to achieve satisfactorily on no more than two assessments may graduate if the student met the other graduation requirements.

*19 TAC 89.1070; Education Code 28.025.*

**Sec. 7. SUBSTITUTIONS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM**

**a) *Language other than English***

If the ARD committee determines that a student with a disability is unable to complete two credits in the same language other than English, the ARD committee may determine to:

1. substitute a combination of two credits from ELA, math, science, or social studies; or
2. substitute two credits of CTE, technology applications, or other academic electives.

*Education Code 74.12(b)(5)(D)(i), 28.025(b-14)(1).*

**b) *Physical Education***

In accordance with State Board of Education ("SBOE") rules, a student who is unable to participate in physical activity due to disability or illness is allowed to substitute one credit in English language arts, mathematics, science, or social studies or one academic elective credit for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

- The student's ARD committee, if the student receives special education services under the IDEA and Texas Education Code Chapter 29;

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- The student's 504 committee, if the student does not receive special education services under the IDEA or Texas Education Code Chapter 29, Subchapter A but is covered by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794; or
- If each of the described committees is inapplicable, a committee established by the school of persons with appropriate knowledge regarding the student.

*Education Code 28.025(b-11).*

Credits allowed as a substitution for the language and PE requirement may not be used to satisfy other graduation credit requirements.

*Education Code 28.025(b-11),(b-14).*

**Sec. 8. ~~DISTINGUISHED ACHIEVEMENT, RECOMMENDED, AND MINIMUM HIGH SCHOOL PROGRAM~~**

A student receiving special education services who entered 9th grade before the 2014-2015 school year, may graduate with a regular diploma if the student:

1. Demonstrates mastery of the state standards;
2. Completes credit requirements for graduation under the recommended or distinguished program; and
3. Achieves satisfactory performance on the required state assessment.

A student who is in 11th or 12th grade in 2014-2015, 2015-2016, or 2016-2017 school years and who took each of the required assessments, but failed to achieve satisfactorily on no more than two assessments may graduate under the recommended or distinguished program if the student met the other graduation requirements.

A student receiving special education services who entered 9th grade before the 2014-2015 school year, may also graduate with a regular diploma if the student:

1. Demonstrates mastery of the state standards;
2. Completes credit requirements for graduation under the minimum program; and
3. Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee.

A student receiving special education services who entered 9th grade before the 2014-2015 school year, may also graduate with a regular diploma if the student:

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1. Demonstrates mastery of the state standards through courses, one or more of which contained modified content and is aligned with the requirements under the minimum high school program;
2. Completes credit requirements for graduation under the minimum program;
3. Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee; and
4. Successfully completes the IEP and meets one of the following conditions:
  - a. consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable the student to maintain employment without direct or ongoing educational support;
  - b. consistent with the IEP, demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support;
  - c. has access to services that are not within the legal responsibility of Westlake Academy or educational options for which the student has been prepared for by the academic program; or
  - d. No longer meets eligibility requirements.

*19 TAC 89.1070.*

**Sec. 9. HIGH SCHOOL DIPLOMA AND CERTIFICATE: ACADEMIC ACHIEVEMENT RECORD**

Westlake Academy does issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the SBOE under Education Code Section 28.025(a) but who fails to comply with Section 39.025 (Secondary-Level Performance Required) relating to exit-level assessment requirements. Westlake Academy does allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.

*Education Code 28.025(d).*

**Sec. 10. CERTIFICATE OF ATTENDANCE**

Westlake Academy does issue a Certificate of Attendance to a student who receives special education services under the Individuals with Disabilities Education Act ("IDEA"), and who has completed four years of high school but has not completed the student's IEP. Westlake Academy shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony. Receiving a Certificate of Attendance does not preclude a student from receiving a diploma.

*Education Code 28.025(f).*

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**Sec. 11. PROMOTION TO 6TH OR 9TH GRADE**

A student may not be promoted to 6th grade if the student does not perform satisfactorily on the 5th grade mathematics and reading assessments.

A student may not be promoted to 9th grade if the student did not perform satisfactorily on the 8th grade mathematics and reading assessments.

Each time a student fails to perform satisfactorily on an assessment administered under Section 39.023(a) in the 3rd, 4th, 5th, 6th, 7th, or 8th grade, Westlake Academy shall provide the student with accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.

The ARD committee of a student who participates in Westlake Academy's special education program and who does not perform satisfactorily on an assessment shall determine:

1. the manner in which the student will participate in an accelerated instruction program under this section; and
2. whether the student will be promoted or retained under this section.

*Education Code 28.0211.*

**Sec. 1. FOSTER PARENT**

A foster parent may act as a parent of a child with a disability, as authorized under 20 U.S.C. 1415(b) and its subsequent amendments, if:

1. the Department of Family and Protective Services ("DFPS") is appointed as the temporary or permanent managing conservator of the child;
2. the rights and duties of the department to make decisions regarding education provided to the child under Section 153.371, Family Code, have not been limited by court order; and
3. the foster parent agrees to:
  - a. participate in making special education decisions on the child's behalf; and
  - b. complete a training program that complies with minimum standards established by the Texas Education Agency ("TEA") rule.

*Education Code 29.015(a).*

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled admission, review, and dismissal ("**ARD**") committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

*Education Code 29.015(b).*

Westlake Academy may not require a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

1. the **DFPS**;
2. a school district;
3. an education service center; or
4. any other entity that receives federal funds to provide special education training to parents.

A foster parent who is denied the right to act as a parent under Education Code Section 29.015 by an open-enrollment charter school may file a complaint with the TEA in accordance with federal law and regulations.

*Education Code 29.015(c).*

Westlake Academy shall provide notice to the student's educational decision-maker and caseworker regarding events that may significantly impact the education of a student, including:

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1. requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Education Code Section 29.003;
2. ARD committee meetings;
3. manifestation determination reviews required by Education Code Section 37.004(b);
4. any disciplinary actions under Chapter 37 of the Education Code for which parental notice is required;
5. citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
6. reports of restraint and seclusion required by Education Code Section 37.0021; and
7. use of corporal punishment as provided by Education Code Section 37.0011.

*Education Code 25.007.*

As a condition to receiving funds under Title I, Part A, Westlake Academy shall collaborate with the state or local child welfare agency to:

- a. ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with 42 U.S.C. 675(4)(A) and to the extent required by law; and
- b. ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, Westlake Academy will, to the extent required by law, provide transportation to the school of origin if:
  - i. the local child welfare agency agrees to reimburse Westlake Academy for the cost of transportation;
  - ii. Westlake Academy agrees to pay the cost of transportation; or
  - iii. Westlake Academy and the local welfare agency agree to share the cost of such transportation.

*20 U.S.C. 6312(c)(5).*

## **Sec. 2. SURROGATE PARENT**

Westlake Academy must appoint an individual to serve as the surrogate parent for a child if:

1. Westlake Academy is unable to identify or locate a parent for a child with a disability; or
2. the foster parent of a child is unwilling or unable to serve as a parent.

A surrogate parent appointed by Westlake Academy may not:

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1. be an employee of the state, Westlake Academy, or any other agency involved in the education or care of the child; or
2. have any interest that conflicts with the interests of the child.

A surrogate parent must:

1. be willing to serve in that capacity;
2. exercise independent judgement in pursuing the child's interests;
3. ensure that the child's due process rights under applicable state and federal laws are not violated;
4. complete a training program that complies with minimum standards established by agency rule before the next scheduled admission, review, and dismissal committee meeting for the child but not later than the 90th day after the date the surrogate parent is appointed;
5. visit the child and the school where the child is enrolled;
6. review the child's educational records;
7. consult with any person involved in the child's education, including the child's teachers, caseworkers, court-appointed volunteers, guardian ad litem, attorney ad litem, foster parent, and caregiver; and
8. attend meetings of the child's admission, review, and dismissal committee.

Westlake Academy may appoint a person who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer advocate as the child's surrogate parent. As soon as practicable after appointing a surrogate parent Westlake Academy shall provide written notice of the appointment to the child's educational decision-maker and caseworker.

If a court appoints a surrogate parent for a child with a disability and the Westlake Academy determines that the surrogate parent is failing to perform or is not properly performing the duties listed in this policy, Westlake Academy shall consult with the DFPS regarding whether another person should be appointed to serve as the surrogate parent for the child.

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**Sec. 1. CmLD FIND PRIVATE SCHOOL STUDENTS**

Westlake Academy shall coordinate with home school districts, who are primarily responsible for consulting with private school representatives, regarding the child find process and the provision of special education and related services to children enrolled in private schools within Westlake Academy's boundaries.

Westlake Academy shall undertake activities similar to those undertaken for children enrolled in public schools and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending the public schools within Westlake Academy's boundaries.

*20 U.S.C. 1412(a)(J0)(A)(ii)-(iv).*

**Sec. 2. SPECIAL EDUCATION STUDENTS PLACED IN PRIVATE SCHOOL**

**a) *Placement by Westlake Academy***

If Westlake Academy places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, Westlake Academy shall ensure that the child is provided special education and related services, in accordance with an individualized education program ("IEP"), at no cost to the parents.

*20 U.S.C. 1412(a)(J0)(B)(i).*

**b) *Placement by the Parent***

When a student with a disability who has been placed by his or her parent directly in a private school is referred to Westlake Academy, Westlake Academy shall convene an admission, review, and dismissal ("**ARD**") committee to determine whether Westlake Academy can offer the child a free appropriate public education ("FAPE"). If Westlake Academy determines that it can offer a FAPE to the student, Westlake Academy is not responsible for providing educational services to the student, except as provided in 34 CFR 300.130-300.144 or 19 TAC 89.1096(e), until such time as the parents choose to enroll the student in Westlake Academy full time.

*19 TAC 89.1096(b).*

**Sec. 3. REJECTION OF OFFER OF FAPE**

**a) *Student Receives ISP***

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If Westlake Academy offers to provide a FAPE to a child with a disability and the parents elect to place the child in a private school or facility, Westlake Academy is not required to pay for the cost of education, including special education and related services. However, Westlake Academy must develop and implement an individualized services plan ("ISP") for the child.

*20 U.S.C. 1412(a)(J)(C)(i); 34 CFR 300.148(a).*

**b) *Reimbursement***

If the parents of a child with a disability, who previously received special education and related services under the authority of Westlake Academy, enroll the child in a private school without the consent or referral by Westlake Academy, a court or a hearing officer may require Westlake Academy to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that Westlake Academy had not made a FAPE available to the child in a timely manner before the enrollment.

*20 U.S.C. 1412(a)(J)(C)(ii); 34 CFR 300.148(c).*

**Sec. 1. PROCEDURAL SAFEGUARDS**

The Superintendent or designee shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education ("FAPE").

*20 US.C. 1415(a)-(b).*

These procedures shall include:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 CFR 300.501.*
2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 CFR 300.502.*
3. Assignment of an individual to act as a surrogate for the parent when no parent can be identified, Westlake Academy cannot locate the parents, or the child is a ward of the state. *34 CFR 300.519.*
4. Prior written notice to the parents whenever Westlake Academy proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 CFR 300.503.*
5. Procedures to allow parties to resolve disputes through a mediation process. *34 CFR 300.506.*
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 CFR 300.507.*
7. Procedures that require either party, or the attorney representing a party, to provide the other party a due process complaint (which shall remain confidential). *34 CFR 300.508.*

**Sec. 2. LANGUAGE OF NOTICES**

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

*34 CFR 300.503(c), 300.504(d).*

**a) *Electronic Delivery of Notices***

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

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34 CFR 300.505.

**b) *Notice of Procedural Safeguards***

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

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

Westlake Academy may also place a current copy of the procedural safeguards notice on its Internet website.

**c) *Contents of Notice***

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

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

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*20 US.C. 1415(a)-(b), (d); 34 CFR 300.504(c).*

### Sec. 3. **DISPUTE RESOLUTION**

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

1. ARD committee meetings, including IEP facilitation if offered by Westlake Academy, under 19 TAC 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to Westlake Academy policies, with the principal, special education director, Superintendent, or Board;
4. Requesting state IEP facilitation in accordance with 19 TAC 89.1197 (relating to State Individualized Education Program Facilitation);
5. Requesting mediation through the Texas Education Agency ("TEA") in accordance with 34 CFR 300.506;
6. Filing a complaint with TEA in accordance with 34 CFR 300.153; or
7. Requesting a due process hearing through TEA in accordance with 34 CFR 300.507-300.514.

*19 TAC 89.1150.*

### Sec. 4. **DUE PROCESS COMPLAINT**

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

#### **a) *Time Limits***

##### *I. Due Process Complaints Filed Before September 1, 2022:*

A due process complaint filed before September 1, 2022 must set forth an alleged violation that occurred not more than one year before the date the parent or Westlake Academy knew or should have known about the alleged action that forms the basis of the complaint. *20 US.C. 1415(l)(1)(A); 19 TAC 89.1151(c).*

##### *2. Due Process Complaints Filed On or After September 1, 2022:*

A due process complaint filed on or after September 1, 2022 must set forth an alleged violation that occurred not more than two years before the date the parent or Westlake Academy knew or should have known about the alleged action that forms the basis of the complaint. *20 US.C. 1415(l)(1)(A); Education Code 29.0164.*

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**b) *Exceptions***

These time limits shall not apply if the parent was prevented from requesting a hearing due to:

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

*20 US.C. 1415(!)(3)(D); 34 CFR 300.511(/);19 TAC 89.1151(d).*

**c) *"Stay Put"***

During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, the child shall remain in the then-current educational placement unless Westlake Academy and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 US. C. 14150); 34 CFR 300.518, 300.533.*

**d) *Exception***

When a due process hearing has been requested by a parent or Westlake Academy concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the parent and Westlake Academy agree otherwise. *20 US.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 CFR 300.533.*

**e) *Resolution Process***

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

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

If Westlake Academy has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. If Westlake

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Academy is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, Westlake Academy may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint.

*34 CFR 300.510.*

**Sec. 5. TRANSFER OF RIGHTS TO ADULT STUDENTS**

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

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student.

*34 CFR 300.520; Education Code 29.017(a)-(b); 19 TAC 89.1049(c).*

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Student records shall be maintained for each student from the time the student is in attendance at Westlake Academy until withdrawal or graduation from Westlake Academy. These records shall move with the respective student from campus to campus. Records for students not in attendance and/or withdrawn students and graduates shall be retained for the period of time required by law. No permanent records may be destroyed without explicit written permission from the Superintendent.

**Sec. 1. EDUCATION RECORDS**

**a) *"Education Records" Defined***

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

The term "education records" does not include:

1. Records that are created or received by Westlake Academy after an individual is no longer a student in attendance, and that are not directly related to the individual's attendance as a student.
2. Records made by Westlake Academy personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of Westlake Academy that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is eighteen years of age or older, or who is attending an institution of postsecondary education, that are:
  - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
  - b. Made, maintained, or used only in connection with treatment of the student; and
  - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

State and federal law safeguard educational records from unauthorized inspection or use. All information relating to student performance, including grades, test results, and disciplinary records are considered confidential educational records. Release of those records are restricted to parents; school staff members with a legitimate educational interest; various governmental agencies or in response to a subpoena or court order; or a school to which the student transfers or subsequently

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enrolls. Release to any other person or agency will occur only with prior written consent of the parent.

**b) *Screening Records***

The Principal of each Westlake Academy campus shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in Westlake Academy. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with Section 2-d (Access by Other Persons) below.

**c) *Immunization Records***

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

**d) *Medical Records***

The parent of a student is entitled to access the student's medical records maintained by Westlake Academy. On request of a student's parent, Westlake Academy shall provide a copy of the student's medical records to the parent. Westlake Academy may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code.

**e) *Privacy Rule for Non-"Education Records"***

To the extent Westlake Academy is a covered entity under the Health Insurance Portability and Accountability Act ("HIPAA"), Westlake Academy must comply with the Privacy Rule, 45 CFR Part 164, with respect to protected health information that is not an education record.

**f) *Food Allergy Information***

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

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i. Exceptions

If Westlake Academy receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by Westlake Academy. A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by Westlake Academy, including a notation that the child's student records indicate that a parent has notified Westlake Academy of the child's possible food allergy.

g) ***Assessment Instruments***

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

h) ***Academic Achievement Records (Grades 9-12)***

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

i) ***Enrollment Records***

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

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

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

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

## **Sec. 2. ACCESS, DISCLOSURE, AND AMENDMENT**

### **a) *Definitions***

#### **i. "Attendance"**

"Attendance" includes, but is not limited to:

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

#### **ii. "Disclosure"**

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

#### **iii. "Parent"**

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

#### **iv. "Personally Identifiable Information"**

"Personally identifiable information" includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;

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

v. "Record"

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

vi. "Authorized Representative"

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

vii. "Education Program"

"Education program" means any program that is principally engaged in the provision of education, including but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by Westlake Academy.

viii. "Signed and Dated Written Consent"

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

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

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**b) *Access by Parents***

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

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

**c) *Access by Student***

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

Nothing in this section prevents Westlake Academy from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 CFR 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed.

**d) *Access by Other Persons***

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

i. *School Officials*

Westlake Academy may disclose personally identifiable information without parent consent when disclosure is made to school officials with legitimate educational interest in the information. A school official is:

1. A person employed by Westlake Academy as an administrator, instructor, or support staff member (including health or medical staff and law enforcement unit personnel).
2. A person serving on the Board.

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3. A person or company with whom Westlake Academy has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist).
4. A consultant, contractor, volunteer, or other party to whom Westlake Academy has outsourced institutional services or functions, provided that the outside party:
  - a. Performs an institutional service or function for which Westlake Academy would otherwise use employees;
  - b. Is under the direct control of Westlake Academy with respect to the use and maintenance of education records; and
  - c. Is subject to the requirements of 34 CFR 99.33(a) governing the use and redisclosure of personally identifiable information from education records.
5. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or 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 educational record in order to fulfill his or her professional responsibility.

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

ii. Officials of Other Schools

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

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

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

iii. Authorized Governmental Representatives

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

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

iv. Financial Aid Personnel

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

v. Juvenile Justice Officials

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

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

vi. Organizations Conducting Surveys

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

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

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and

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4. Requires the organization to destroy or return to Westlake Academy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.

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

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

vii. Accrediting Organizations

Accrediting organizations that require the information for purposes of accreditation.

viii. Health & Safety Emergency

Appropriate persons, including the student's parents, who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

In making a determination, Westlake Academy may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If Westlake Academy determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

ix. Secretary of Agriculture

The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of schools receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act.

x. State or Local Child Welfare Agency

An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student.

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xi. Directory Information

Any person requesting directory information after Westlake Academy has given public notice of that definition

e) ***Written Consent***

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

f) ***Instructional Resources and Parental Rights***

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U. S. Department of Education ("DOE") shall be available for inspection by the parents of students.

g) ***Information Collection***

i. DOE Funded Surveys

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

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

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ii. Information Collection Funded by Other Sources

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

iii. Subpoenaed Records

Westlake Academy shall release student records to an entity or persons designated in a subpoena. Westlake Academy shall not disclose to any person the existence or contents of the subpoena if a court orders Westlake Academy to refrain from such disclosure. Unless the court or other issuing agency orders Westlake Academy to refrain from such disclosure or the order is an *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331, Westlake Academy shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance.

iv. Sex Offenders

Westlake Academy may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to Westlake Academy under 42 U.S.C. 14071 and applicable federal guidelines.

**h) Parental Rights and Student Privacy**

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

1. Parents have a right to inspect any survey created by a third party before the survey is administered or distributed by Westlake Academy to the student. Parents should submit such a request to the Principal, and shall be provided an opportunity to inspect the survey within a reasonable period of time as determined by the Principal. Upon a parent's request to inspect a survey, the parent's child shall not participate in the survey until the parent has had a reasonable opportunity to inspect the survey, as determined by the Principal.

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

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

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

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**i) *Request Procedure***

Westlake Academy must permit parents to inspect and review education records related to their children that are collected, maintained, or used by the Westlake Academy under the IDEA. Westlake Academy must comply with the request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session, and in no case more than 45 days after the request has been made.

**j) *Destruction of Records***

Westlake Academy shall not destroy any education records if there is an outstanding request to inspect and review the records.

**k) *De-Identified Records***

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

**l) *Education Research***

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

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

**m) *Authenticating Requestors' Identities***

Westlake Academy must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom Westlake Academy discloses personally identifiable information from education records.

**n) *Transfer Not Permitted***

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third-party permits access to information in violation of this policy, Westlake Academy shall not permit access to information from education records to that third party for a period of not less than five years.

Westlake Academy shall inform a party to whom a disclosure is made of the requirements of 34 CFR 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student.

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

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

**o) *Record of Access to Student Records***

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

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Westlake Academy must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception (see Section 2-d-viii above):

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

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as Westlake Academy maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system.

The record shall not include requests for access by, or access granted to, parents of the student or officials of Westlake Academy, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order.

**p) *Right to Amend Records***

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

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

**q) *Fees/or Copies***

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis.

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**r) *Records of Students with Disabilities***

Westlake Academy shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities.

i. *Access Rights*

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

1. Parents may request that a representative inspect and review the records.
2. Westlake Academy shall comply with a request without unnecessary delay and before any meeting regarding an IEP or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request.
3. Westlake Academy shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records.

ii. *List of Types and Locations of Information*

Westlake Academy shall provide parents on request a list of types and locations of education records.

iii. *Parental Consent*

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the IDEA or disclosed to anyone other than officials of agencies collecting or using this information. Westlake Academy may not release information from these records without parental consent except as provided in FERPA.

iv. *Confidentiality*

Westlake Academy shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in Westlake Academy shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. Westlake Academy shall maintain for

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public inspection a current listing of the names and positions of employees who may have access to this information.

v. *Destruction of Information*

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

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

s) *Annual Notification of Rights*

Westlake Academy shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

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

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

The notice must include all of the following:

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

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

**t) *Custodian of Records***

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

**Sec. 3. DIRECTORY INFORMATION**

Certain information about students is considered "directory information" and will be released to anyone who follows procedures for requesting it unless the parent or eligible student objects in writing to its release, within a reasonable time period set by the Superintendent, of receiving notice of FERPA rights. A parent or eligible student may also choose to opt out of the release of directory information at any time during the school year. At any time after restricting the release of directory information, a parent or eligible student may in writing authorize Westlake Academy to release directory information.

**a) *Definition***

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

1. Student's name;
2. Address;
3. Telephone listing;
4. Electronic mail address;
5. Photographs (including video images);
6. Date and place of birth;
7. Major field of study;
8. Dates of attendance;
9. Grade level;
10. Participation in officially recognized activities and sports;
11. Weight and height of members of athletic teams;
12. Degrees, honors, and awards received; and
13. The most recent educational agency or institution attended.

"Directory information" does not include a student's:

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

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

1. Extracurricular programs or events (e.g., school plays, concerts, athletic events, graduation ceremonies).
2. Publications (e.g., newsletters, yearbook, etc.).
3. Honor roll and other student recognition lists.
4. Marketing materials of the School (e.g., print media, website, videos, newspaper, etc.).

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

1. Student's name;
2. Address;
3. Telephone listing; and
4. E-mail address.

**b) *Disclosure of Directory Information***

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

1. Disclosure relating to school-sponsored/school-affiliated purposes; and
2. Disclosure to military recruiters and institutions of higher education, but only for secondary students.

**c) *In Class***

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

**d) *Former Students***

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

**e) *Confirmation of Identity or Records***

Westlake Academy may not disclose or confirm directory information without meeting the written consent requirements in 34 CFR 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.

**f) *Designation of Directory Information***

Westlake Academy may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by Westlake Academy as directory information is excepted from disclosure by Westlake Academy under Government Code Chapter 552.

Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or school publication, if any such purpose has been designated by Westlake Academy, remains otherwise confidential and may not be released under Government Code Chapter 552.

**g) *Student Recruiting Information***

Notwithstanding the provisions of Section 3 (Directory Information) above, upon receipt of assistance under the Elementary and Secondary Education Act of 1965 (ESEA), Westlake Academy shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing described above not be released without prior written parental consent. Westlake Academy shall notify parents of the option to make a request and shall comply with any request.

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**Sec. 4. INFORMATION FROM LAW ENFORCEMENT**

**a) *Oral Notice of Arrest or Referral***

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

**b) *Written Notice of Arrest or Referral***

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

**c) *Oral Notice of Conviction or Adjudication***

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

**d) *Notice of Transfer or Reenrollment***

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

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

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

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**e) *Duty to Flag Records***

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

**i. Request in Person**

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

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

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

**ii. Request in Writing**

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

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iii. Removal of Flag

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

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

**Sec. 5. ACCESS TO RECORDS UNDER THE IDEA**

The IDEA grants parents the right to inspect and review all educational records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child. 34 CFR § 300.501(a). Westlake Academy must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the district under the IDEA. Westlake Academy must comply with the request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session, and in no case more than 45 days after the request has been made. 34 CFR § 300.613(a).

**Sec. 1. DEFINITIONS**

**a) *"Records"***

The term "records" means all documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other recording media, regardless of physical form or characteristic, and regardless of whether public access to it is open or restricted under the laws of the state, created or received by Westlake Academy, or any of its officers or employees pursuant to law or in the transaction of public business, are hereby declared to be the records of Westlake Academy and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

The term "records" does not include:

1. Convenience copies: "Extra identical copies of documents created only for convenience of reference or research;"
2. Copies of documents furnished to the public (to fulfill a Public Information Act request).
3. Blank forms/stocks of publications; or
4. Library or museum materials.

**b) *"Essential Record"***

The term "essential record" means any record of Westlake Academy necessary to the resumption or continuation of operations of Westlake Academy in an emergency or disaster, to the recreation of the legal and financial status of Westlake Academy, or to the protection and fulfillment of obligations to the people of the state.

**c) *"Records Management"***

The term "records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographic and electronic and other records storage systems.

**d) *"Records Liaison Officers"***

The term "records liaison officers" means the persons designated under Section 9 of this policy.

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**e) *"Records Management Committee"***

The term "records management committee" means the committee established under Section 5 of this policy.

**f) *"Records Management Officer"***

The term "records management officer" means the person designated in Section 4 of this policy.

**g) *"Records Management Plan"***

The term "records management plan" means the plan developed under Section 6 of this policy.

**Sec. 2. RECORDS DECLARED PUBLIC PROPERTY**

All records as defined in Section 1 of this policy are hereby declared to be the property of Westlake Academy. No official or employee of Westlake Academy has, by virtue of his or her position, any personal or property right to such records, even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

**Sec. 3. POLICY**

It is hereby declared to be the policy of Westlake Academy to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all records of this office through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Local Government Records Act and accepted records management practice.

**Sec. 4. RECORDS MANAGEMENT OFFICER**

The registrar will serve as Records Management Officer for Westlake Academy as provided by law, and will ensure that the maintenance, destruction, electronic storage, or other disposition of the records of this office are carried out in accordance with the requirements of the Local Government Records Act.

**Sec. 5. ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES**

The Records Management Officer, in consultation with the Human Resource Director, shall appoint a Records Management Committee consisting of:

1. A Human Resource Department Supervisor; and

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2. A financial officer for Westlake Academy; and
3. An executive or administrative officer for Westlake Academy

The committee shall:

1. Assist the Records Management Officer in the development of policies and procedures governing the records management program;
2. Review the performance of the program on a regular basis and propose changes and improvements if needed;
3. Review and approve records control schedules submitted by the Records Management Officer;
4. Give final approval to the destruction of records in accordance with approved records control schedules; and
5. Actively support and promote the records management program throughout Westlake Academy.

**Sec. 6. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN**

The Records Management Officer and the Records Management Committee shall develop a records management plan for Westlake Academy to be submitted to the Board. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, to adequately protect the essential records of Westlake Academy, and to properly preserve those records of Westlake Academy that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this policy effectively.

Once approved by the Board, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of Westlake Academy, and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

**Sec. 7. DUTIES OF RECORDS MANAGEMENT OFFICER**

In addition to other duties assigned in this policy, the Records Management Officer shall:

1. Administer the records management program and provide assistance to department heads in its implementation;
2. Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;

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3. In cooperation with Principals and department heads, identify essential records and establish a disaster plan for each Westlake Academy campus and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
4. Develop procedures to ensure the permanent preservation of the historically valuable records of Westlake Academy;
5. Establish standards for filing and storage equipment and for record keeping supplies;
6. Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for Westlake Academy;
7. Provide records management advice and assistance to all Westlake Academy departments by preparing a manual or manuals of procedure and policy and by on-site consultation;
8. Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and Westlake Academy's records control schedules are in compliance with state regulations;
9. Disseminate to the Board, department heads, and Principals information concerning state laws and administrative rules relating to local government records;
10. Instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;
11. Direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this policy;
12. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of Westlake Academy records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
13. Maintain records on the volume of records destroyed under approved records -- control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
14. Report annually to the Superintendent on the implementation of the records management plan in each department of Westlake Academy; and
15. Bring to the attention of the Superintendent non-compliance by department heads, Principals, or other Westlake Academy personnel with the policies and procedures of the records management program or the Local Government Records Act.

**Sec. 8. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS AND PRINCIPALS**

In addition to other duties assigned in this policy, department heads and Principals shall:

1. Cooperate with the Records Management Officer in carrying out the policies and procedures established by Westlake Academy for the efficient and economical management of records and in carrying out the requirements of this policy;

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2. Adequately document the transaction of government business and the services, programs, and duties for which the department head, principal, and his or her staff are responsible; and
3. Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of Westlake Academy and the requirements of this policy.

**Sec. 9. DESIGNATION OF RECORDS LIAISON OFFICERS**

Each department head and Principal shall designate a member of his or her staff to serve as a Records Liaison Officer for the implementation of the records management program in the department.

If the Records Management Officer determines that in the best interests of the records management program more than one Records Liaison Officer should be designated for a department, the department head or Principal shall designate the number of Records Liaison Officers specified by the Records Management Officer.

Persons designated as Records Liaison Officers shall be thoroughly familiar with all records created and maintained by the department.

In the event of the resignation, retirement, dismissal, or removal by action of the department head or Principal of a person designated as a Records Liaison Officer, the department head or Principal shall promptly designate another person to fill the vacancy.

A department head or Principal may serve as Records Liaison Officer for his or her department.

**Sec. 10. DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS**

In addition to other duties assigned in this policy, Records Liaison Officers shall:

1. Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
2. In cooperation with the Records Management Officer, coordinate and implement the policies and procedures of the records management program in their department; and
3. Disseminate information to department staff concerning the records management program.

**Sec. 11. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE**

1. The Records Management Officer, in cooperation with department heads, Principals, and Records Liaison Officers, shall prepare records control schedules on a department by

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department basis, listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of Westlake Academy records as the records management plan may require.

2. Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state, and that it continues to reflect the record keeping procedures and needs of the department and the records management program of Westlake Academy.
3. Before its adoption, a records control schedule or amended schedule for a department must be approved by the department head or Principal and the members of the Records Management Committee.
4. Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

**Sec. 12. IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE**

1. A records control schedule for a department that has been approved and adopted under Section 11 shall be implemented by department heads, principals and Records Liaison Officers according to the policies and procedures of the records management plan.
2. A record whose retention period has expired on a record control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the records is pertinent to a pending lawsuit, or the department head or principal requests in writing to the Records Management Committee that the record be retained for an additional period.
3. Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the Records Management Committee.

**Sec. 13. DESTRUCTION OF UNSCHEDULED RECORDS**

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.

**Sec.14. CONTRACT SERVICES**

With approval of the Board, the Records Management Officer and Committee may assign and delegate duties under this Policy to contracted services. The engagement of contract services will not relieve persons assigned and responsible under this policy from such assignment and responsibilities.

**Sec. 15. RECORD OF ACCESS**

Westlake Academy shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The record of access shall be maintained with the education records of the student as long as the records are maintained.

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## Sec. 1. **BEHAVIOR MANAGEMENT TECHNIQUES**

It is Westlake Academy's policy to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.

*Education Code 37.0021(a); 19 TAC 89.1053(a), OJ.*

**Exceptions.** Education Code 37.0021 (regarding use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided by Education Code 37.0021(i); and
2. An educational services provider with whom a student is placed by a judicial authority unless the services are provided in a Westlake Academy educational program.

*Education Code 37.0021(g).*

## Sec. 2. **CONFINEMENT**

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. *Education Code 37.0021(a).*

Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and
2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1).

*Education Code 37.0021(/), 37.007(a)(1); Penal Code 46.01(1), (3), (6), 46.05.*

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**Sec. 3. SECLUSION**

A Westlake Academy employee or volunteer or an independent contractor of Westlake Academy may not place a student in seclusion. "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

*Education Code 37.0021(b)(2), (c).*

**Sec. 4. RESTRAINT**

A Westlake Academy employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

*19 TAC 89.1053(c).*

**a) *Definitions***

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

*Education Code 37.0021(b)(1); 19 TAC 89.1053(b)(2).*

"Restraint" does not include the use of:

1. Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
2. Limited physical contact with a child to promote safety (*e.g.*, holding a student's hand), to prevent a potentially harmful action (*e.g.*, running into the street), to teach a skill, or to provide comfort;

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3. Limited physical contact or appropriately prescribed adaptive equipment to prevent a child from engaging in ongoing, repetitive self-injurious behaviors; or
4. Seat belts and other safety equipment used to secure children during transportation.

*19 TAC 89.1053(/).*

"Emergency" means a situation in which a student's behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

*19 TAC 89.1053(b)(l).*

**b) Training**

Training for Westlake Academy employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 TAC 89.1053(d).

**c) Data Reporting**

Cumulative data regarding the use of restraint must be electronically reported through the Public Education Information Management System in accordance with reporting standards specified by the Texas Education Agency.

*Education Code 37.0021(i); 19 TAC 89.1053(/),(k).*

**d) Documentation**

In a case in which restraint is used by Westlake Academy employees, volunteers, or independent contractors, Westlake Academy shall comply with the documentation requirements set forth at 19 TAC 89.1053(e).

**Sec. 5. TIME-OUT**

A Westlake Academy employee, volunteer, or independent contractor may use time-out with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out;
2. Time-out must only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's individualized education

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program ("IEP") and/or behavior intervention plan ("BIP") if it is utilized on a recurrent basis to increase or decrease targeted behavior; and

3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

*19 TAC 89.1053(b)(3), (g).*

"Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

*Education Code 37.0021(b)(3); 19 TAC 89.1053(b)(3).*

**a) Training**

Training for Westlake Academy employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 TAC 89.1053(h).

**b) Documentation**

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

*19 TAC 89.1053(i).*

**Sec. 6. PROHIBITED AVERSIVE TECHNIQUES**

Westlake Academy and employees, volunteers, and independent contractor of Westlake Academy may not apply an aversive technique, or by authorization, order, or consent, cause an aversive technique to be applied, to a child.

*Education Code 37.0023(b).*

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"Aversive technique" means a technique or intervention that is intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain. The term includes a technique or intervention that:

1. is designed to or likely to cause physical pain, other than an intervention or technique permitted under Section 37.0011;
2. notwithstanding Section 37.0011, is designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks;
3. involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face;
4. denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility;
5. ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse;
6. employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint;
7. impairs the student's breathing, including any procedure that involves:
  - a. applying pressure to the student's torso or neck; or
  - b. obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face;
8. restricts the student's circulation;
9. secures the student to a stationary object while the student is in a sitting or standing position;
10. inhibits, reduces, or hinders the student's ability to communicate;
11. involves the use of a chemical restraint;
12. constitutes a use of time-out that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's individualized education program, including isolating the student by the use of physical barriers; or
13. except as provided by Section 37.0023 (c), deprives the student of the use of one or more of the student's senses.

*Education Code 37.0023(a).*

## **Sec. 1. DEFINITIONS**

For purposes of this policy, the following terms will have the meanings set forth below:

**"Parent"** means a person standing in parental relation to a child, including a guardian, and whose child receives special education and related services and assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.

**"Staff member"** means a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a self-contained classroom or other special education setting.

**"Board"** means a majority of the Westlake Academy Board of Directors.

**"School business day"** means a day that campus or Westlake Academy administrative offices are open.

**"Time-Out"** has the meaning assigned by Education Code 37.0021.

**"Self-contained classroom"** means a classroom on a regular Westlake Academy campus (*i.e.*, a campus that serves students in general education and students in special education) in which a majority of the students in regular attendance are provided special education and related services and have one of the following instructional arrangements/settings described in the Student Attendance Accounting Handbook adopted by the Texas Education Agency ("TEA"):

1. self-contained (mild/moderate/severe) regular campus;
2. full-time early childhood (preschool program for children with disabilities) special education setting;
3. residential care and treatment facility--self-contained (mild/moderate/severe) regular campus;
4. residential care and treatment facility--full-time early childhood special education setting;
5. off home campus--self-contained (mild/moderate/severe) regular campus; or
6. off home campus--full-time early childhood special education setting.

**"Other special education setting"** means a classroom on a separate Westlake Academy campus (*i.e.*, a campus that serves only students who receive special education and related services) in which a majority of the students in regular attendance are provided special education and related services and have one of the following instructional arrangements/settings described in the Student Attendance Accounting Handbook adopted by the TEA:

1. residential care and treatment facility--separate campus; or
2. off home campus--separate campus.

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**"Incident"** means an event or circumstance that involves alleged "abuse" or "neglect," as those terms are described in Texas Family Code Section 261.001, of a student by a Westlake Academy employee or alleged "physical abuse" or "sexual abuse," as those terms are described in Texas Family Code Section 261.410, of a student by another student; and allegedly occurred in a self-contained classroom or other special education setting in which video surveillance is conducted under Texas Education Code Section 29.022.

### **Sec. 2. PROMOTION OF STUDENT SAFETY**

Westlake Academy will, upon receipt of a written request authorized by this policy, provide equipment, including a video camera, to the school or schools specified in the request

A school or campus that receives equipment due to a video surveillance request shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.

Westlake Academy may not:

1. allow regular or continual monitoring of video recorded under this policy; or
2. use video recorded under this policy for routine teacher evaluation or monitoring or for any purpose other than the promotion of student safety.

### **Sec. 3. PROCEDURES FOR REQUESTING VIDEO SURVEILLANCE**

Video surveillance under this policy is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings.

#### **a) *Parent Request***

A parent may request in writing that equipment be provided to the school or campus at which the parent's child receives special education services in one or more self-contained classrooms or other special education settings.

#### **b) *Board Request***

The Board may request in writing that equipment be provided to one or more specified schools or campuses at which one or more children receive special education services in self-contained classrooms or other special education settings.

**c) *Principal or Assistant Principal Request***

The Principal or Assistant Principal of a school or campus at which one or more children receive special education services in self-contained classrooms or other special education settings may request in writing that equipment be provided to the Principal's or Assistant Principal's school or campus.

**d) *Staff Member Request***

A staff member assigned to work with one or more children receiving special education services in a self-contained classroom or other special education settings may request in writing that equipment be provided to the school or campus at which the staff member works.

**e) *Additional Procedures***

A school or campus that receives equipment as a result of the request of a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable.

A school or campus that receives equipment as a result of the request by the Board, Principal, or Assistant Principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings.

Westlake Academy shall designate an administrator (the "Administrator") at the Westlake Academy Central Office with responsibility for coordinating the provision of equipment to schools and campuses in compliance with this policy.

A written request must be submitted and acted on as follows:

1. A parent, staff member, or Assistant Principal must submit a request to the Principal or designee of the school or campus addressed in the request, and the Principal or designee must provide a copy of the request to the Administrator.
2. A Principal must submit a request by the Principal to the Administrator.
3. The Board must submit a request to the Administrator, and the Administrator must provide a copy of the request to the Principal or designee of the school or campus addressed in the request.

Westlake Academy shall provide a response to a request not later than the seventh school business day after receipt of the request by the person to whom it must be submitted that either authorizes the request or states the reason for denying the request. Unless granted an extension by the TEA,

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the school or campus must begin operation of a video camera in compliance with this policy not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized.

A parent of a student whose admission, review, and dismissal ("ARD") committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed to make a request for the video camera by the later of the date on which the current school year ends, or the 10th school business day after the date of the placement determination by the ARD committee. Unless the TEA grants an extension of time, the school or campus must begin operation of a video camera not later than the later of the 10th school day of the fall semester or the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made.

#### **Sec. 4. COORDINATION OF EQUIPMENT**

The administrator responsible for coordinating equipment delivery to campuses shall be Westlake Academy Campus Administrator.

#### **Sec. 5. ADVANCE WRITTEN NOTICE TO CAMPUS STAFF AND PARENTS**

Before Westlake Academy activates a video camera in a classroom or other special education setting, Westlake Academy shall provide written notice of the placement to all school or campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting. This notice shall be in the form of a "Notice of Installation of Video and Audio Recording Equipment" form adopted by the Superintendent or designee, and shall be distributed to all parties prior to the start of recording.

At Westlake Academy's discretion, campuses may post a notice at the entrance of any self-contained classroom or other special education setting in which video camera are placed stating that video and audio surveillance are conducted in the classroom or setting.

#### **Sec. 6. TIMES OF OPERATION**

Cameras shall be operational at all times during the instructional day when students are in the self-contained classroom or other special education setting.

A school or campus that places a video camera in a classroom or other special education setting shall operate and maintain the video camera in the classroom or setting, as long as the classroom or setting continues to satisfy the requirements under this policy, for the remainder of the school

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year in which the school or campus received the request, unless the requestor withdraws the request in writing.

If for any reason a school or campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request.

Not later than the 10th school day before the end of each school year, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following school year unless a person eligible to make a request for the next school year submits a new request.

This policy applies to placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services.

#### **Sec. 7. RESTRICTIONS ON VIDEO RECORDING**

Video cameras must be capable of covering all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out. Video cameras must also be capable of recording audio from all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out.

The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of classroom or setting.

#### **Sec. 8. RETENTION OF RECORDINGS**

Westlake Academy shall retain video recordings from a video camera placed under this policy for at least three months after the date the video was recorded.

If a person described in Section 8-a (Requests to View a Video Recording) as eligible to receive a copy of a video requests to view a video recording from a video camera placed under this policy, Westlake Academy must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, Westlake Academy shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

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A video recording under this policy is a governmental record only for purposes of 37.10, Penal Code.

### **Sec. 9. CONFIDENTIALITY OF VIDEO RECORDINGS**

A video recording of a student is confidential and may not be released or viewed except as provided by Texas Education Code Section 29.022; the Family Educational Rights and Privacy Act of 1974 ("FERPA"); or other applicable law.

#### ***a) Requests to View a Video Recording***

Westlake Academy will release a recording for viewing by:

1. A Westlake Academy employee who is involved in an alleged incident that is documented by the recording and has been reported to Westlake Academy, on request of the employee;
2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to Westlake Academy, on request of the parent;
3. Appropriate Department of Family and Protective Services ("DFPS") personnel as part of an investigation under Section 261.406, Family Code;
4. A peace officer, a school nurse, a district-level or campus-level administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the Board in response to a report of an alleged incident or an investigation of Westlake Academy personnel or a report of alleged abuse committed by a student; or
5. Appropriate TEA or State Board for Educator Certification personnel or agents as part of an investigation.

A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording is not in violation of this policy.

If a person described by subsections (4) or (5) above who views the video recording believes that the recording documents a possible violation under Subchapter E, Chapter 261, Family Code, the person shall notify the DFPS for investigation in accordance with Family Code Section 261.406.

If any person described by subsections (3), (4), or (5) above who views the recording believes that the recording documents a possible violation of Westlake Academy policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of Westlake Academy policy relating to the neglect or abuse of a

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student may be used as part of a disciplinary actions against Westlake Academy personnel and shall be released at the request of the student's parent in a legal proceeding.

If Westlake Academy determines that the recording is an "education record," Westlake Academy shall release the recording in accordance with FERPA. State law does not limit the access of a student's parent to a record regarding the student under FERPA or other law.

In order to review recordings for potential release, and operation and maintenance of the equipment, the following individuals shall have access to the video equipment: list out titles/departments that may have access to video equipment.

**Sec. 10. PROCEDURES FOR REPORTING A COMPLAINT AND/OR REQUESTING TO VIEW RECORDING**

Video and audio recording equipment shall be used for safety purposes to access documented, specific incidents. To report a complaint of alleged abuse or neglect to Westlake Academy and/or to request to view a recording allowed by Section 8 above, a written "Incident Report Form," as adopted by the Superintendent or designee, shall be used by the requestor. This form will be completed to the extent of known information, and returned to the Superintendent or designee for validation.

**Sec. 11. GRIEVANCE PROCEDURES**

The special education dispute resolution procedures in 34 C.F.R. 300.151-300.153 and 300.504-300.515, do not apply to complaints alleging that Westlake Academy has failed to comply with Education Code Section 29.022. Complaints alleging violations of Westlake Academy's video surveillance obligations for special education settings under Education Code Section 29.022 must be addressed through Westlake Academy's Student and Parent Grievance Process (see PG. 126 of policy #6.14), as adopted by the Board.

Westlake Academy, a parent, staff member, or an administrator may request an expedited review by the TEA of Westlake Academy's (1) denial of a request, (2) request for an extension of time to begin operation of a video camera, or (3) determination to not release a video recording to an individual. If Westlake Academy, a parent, staff member or administrator requests an expedited review, the TEA shall notify all other interested parties of the request.

If an expedited review has been requested, the TEA shall issue a preliminary judgment as to whether Westlake Academy is likely to prevail on the issue under a full review by the TEA. If the TEA determines Westlake Academy is not likely to prevail, Westlake Academy must fully comply with the policy notwithstanding an appeal of the TEA's decision. The TEA shall notify the

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requestor and Westlake Academy, if Westlake Academy is not the requestor, of the TEA's determination.

**Sec. 12. FUNDING**

Westlake Academy may solicit and accept gifts, grants, and donations from any person to implement the requirements in Education Code Section 29.022. Westlake Academy is not permitted to use Individuals with Disabilities Education Act, Part B, funds or state special education funds to implement the requirements of Education Code Section 29.022.

**Sec. 13. No WANER OF IMMUNITY**

The requirements described by this policy do not:

1. Waive any immunity from liability of Westlake Academy, or of Westlake Academy officers or employees; or
2. Create any liability for a cause of action against Westlake Academy or against Westlake Academy officers or employees.

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<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 06-15:**

**Date Board Adopted:** February 4, 2019

**Effective Date:** February 4, 2019

**Policy Category:** Student Achievement

**Policy Name:** Bilingual Education/ESL

**Policy Goal:** To provide equal opportunities for all students to have access to curriculum and instruction.

**Policy Description:**

Westlake Academy shall ensure that a student who has a home language other than English and who is identified as an English language learner shall have an opportunity to participate in a bilingual or English as a Second Language (ESL) program in accordance with the requirements of the Texas Education Code.

Westlake Academy shall:

1. Identify English language learners based on criteria established by the state;
2. Provide appropriate special language programs as a part of the IB programme;
3. Seek teaching personnel certified for the special language programs offered by the Academy; and
4. Assess achievement in accordance with Education Code Chapter 39.

Westlake Academy shall adopt procedures to establish a Language Proficiency Assessment Committee (LPAC). The LPAC shall have the duties set forth in Texas Education Code Section 29.063(c). Orientation and training shall be provided to 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.



## Section 7 - Student Behavior

<b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b>
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**Policy No. 7.01:**

**Date Board Adopted:** August 3, 2009

**Date Board Amended:** May 4, 2020

**Effective Date:** May 4, 2020

**Policy Category:** Student Behavior

**Policy Name:** Drugs, Tobacco, Alcohol and Weapons

**Policy Goal:** To delineate the policy pertaining to the possession or use of illegal drugs, tobacco, alcohol, weapons and other contraband items on school property, school-sponsored events, school-sanctioned trips or activities, and off-site teaching facilities.

**Policy Description:**

In order to create a conducive learning environment and outline the policy on the possession or use of illegal drugs, tobacco, alcohol, weapons and other contraband items such as e-cigarettes, Westlake Academy adopts the following disciplinary procedures, which are consistent with state law.

The Parent/Student Handbook provides additional information about the progressive disciplinary consequences that may apply, including, but not limited to, expulsion from Westlake Academy for violations of this policy.

A student may be removed from class and/or expelled from Westlake Academy if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or arriving on campus or while attending a school-sponsored or school-related activity on or off school property:

1. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of:
  - a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, *et seq*;
  - b. A dangerous drug as defined by the Texas Dangerous Drug Act, Health and Safety Code, Chapter 483;

10. Sells, gives, or delivers to another person an alcoholic beverage, as defined by the Alcoholic Beverage Code Section 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of alcohol;
11. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Texas Health and Safety Code Sections 485.031 through 485.034.

Students are prohibited from smoking, vaping, or otherwise using, or possessing e-cigarettes or tobacco products on school property or at a school-related or school-sanctioned activity on or off school property. Use or possession of tobacco products, e-cigarettes, or other products or paraphernalia used for vaping shall be an expellable offense.

For purposes of this policy:

"E-cigarette" means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term does not include a prescription medical device unrelated to the cessation of smoking. The term includes:

1. A device regardless of whether it is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and
2. A component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.  
Texas Health and Safety Code Section 161.081(1-a).

### **Gun-Free Schools Act**

In accordance with the Gun-Free Schools Act, Westlake Academy shall expel, from the student's regular program, for a period of one (1) year, any student who is determined to have brought a firearm, as defined by federal law, to school. The CEO may modify the term of expulsion for a student or assess another comparable penalty that results in the student's exclusion from the regular school program, on a case-by-case basis.  
20 U.S.C. § 7151; Tex. Educ. Code §§ 12.104(b)(1), 37.007(e).

For purposes of this policy:

"Firearm" means:

1. Any weapon (including a starter gun) which will, or is designed to, or which may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer; or
4. Any destructive device, which includes any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four

(4) ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled. 18 U.S.C. § 921.

**Dates Amended:**  
**05/04/2020**

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 7.02:**

**Date Board Adopted:**      **August 3, 2009**

**Date Board Amended:**      N/A

**Effective Date:**              **August 3, 2009**

**Policy Category:**              **Student Behavior**

**Policy Name:**                  **Uniform Requirements**

**Policy Goal:**      Creation of an effective learning environment

**Policy Description:**

Students at Westlake Academy are required to wear school approved uniforms each day. Appropriate dress and grooming contributes to a productive academic environment in which students can focus on learning, develop an awareness of others, develop character and good citizenship skills, and instill respect and self-discipline.

Uniform standards also promote a positive image of the school within the community and encourage students to uphold and enhance that image. All students must wear the approved uniform at all times while on campus. The prescribed uniform includes a dress uniform, a casual uniform and a gym/P.E. uniform.

**Dress Uniform**

*Required for Grades 1 – 12 ~* are to be worn on days predetermined by the Head(s) of Section. All dress uniform days will be conveyed to the students in advance, however, students may also wear the dress uniform at their own choosing on any school day. There are no dress uniform requirements for Kindergarten.

**Casual Uniform**

*Required for all grades ~* all students should purchase casual uniforms which will contain a combination of colors and styles. The casual uniform may not be worn on dress uniform days, but may be worn at all other times.

### P.E. Uniform

*Required for Grades 2 – 12* ~ students will be required to wear the P.E. uniform as outlined in the Parent/Student Handbook.

### Free Dress Day

Will be approved by the respective Head of Section on an as approved basis. Guidelines for appropriate dress on these occasions will be outlined in the Parent/Student Handbook.

There are no exceptions to the uniform policy. Students wearing anything other than the prescribed uniform may be sent home. Clothing that resembles the prescribed garments are not permitted.

Westlake Academy staff will periodically review the designated uniform provider to ensure the quality and price are advantageous to our students and their parents. Parents will be informed of any changes to the uniform provider on a timely basis.

## Section 8 - Student Services

<b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b>
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**Policy No. 8.01:**

**Date Board Adopted:** December 4, 2017

**Date Board Amended:** N/A

**Effective Date:** December 4, 2017

**Policy Category:** Student Services

**Policy Name:** Lice Policy

**Policy Goal:** Create a healthy learning environment

**Policy Description:**

Westlake Academy shall adopt procedures for the Academy's nurse to provide notice as required by law if the nurse determines or becomes aware that a student enrolled in the Academy has lice.

In accordance with Texas Education Code Section 38.031, notice shall be provided by the Academy in writing or electronically as follows:

- (1) Notice to the parent of the child with lice as soon as practicable, but not later than 48 hours after the nurse determines or becomes aware of that fact.
- (2) Notice to the parent of each child assigned to the same classroom as the child with lice not later than the fifth school day after the date on which the nurse determines or becomes aware of that fact.
- (3) All notices provided under this policy shall include the recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of lice.
- (4) Any notice to a parent of another child in the same classroom may not identify the child with lice and must otherwise comply with any applicable student privacy laws and policies.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 8.02:**

**Date Board Adopted:**      **August 15, 2018**

**Date Board Amended:**      **N/A**

**Effective Date:**              **August 15, 2018**

**Policy Category:**              **Student Services**

**Policy Name:**                  **Child Abuse and Neglect**

**Policy Goal:** To provide opportunities for students to acquire anti victimization skills and establish procedures for reporting suspected child abuse or neglect.

**Policy Description:**

Westlake Academy shall provide child abuse anti-victimization programs for all primary and secondary students. Education Code 38.004.

The Academy shall also adopt and train staff on procedures for reporting instances of child abuse and neglect as required by the Texas Family Code. Any person who has cause to believe a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by Family Code 261.101.

If a professional has cause to believe that a child has been or may be abused or neglected, including a belief that a child is a victim of an offense under Texas Penal Code Section 21.11 (Indecency with a Child), the professional shall make a report within 48 hours after the professional first suspects abuse or neglect. A professional may not delegate to or rely on another person to make the report.

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

A notice of employee responsibilities and procedures for reporting suspected child abuse and neglect is outlined in the Westlake Academy Parent Student Handbook.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 8.03:**

**Date Board Adopted:**      **August 15, 2018**

**Date Board Amended:**      N/A

**Effective Date:**              **August 15, 2018**

**Policy Category:**            **Student Services**

**Policy Name:**                **Student Safety**

**Policy Goal:** To provide a safe environment and communication with families in the event of educator misconduct.

**Policy Description:**

Westlake Academy shall provide notice to the parent or guardian of a student with whom an educator is alleged to have engaged in misconduct as defined by this Policy and Education Code 21.006(b)(2).

Misconduct is defined as:

1. Abuse of a student or minor, or unlawful act with a student or minor;
2. Involved in a romantic relationship with, or solicited or engaged in sexual contact with a student or minor.

Westlake Academy shall inform the parent or guardian:

1. As soon as feasible that the alleged misconduct may have occurred;
2. Whether the educator was terminated following an investigation of the alleged misconduct or resigned before the completion of the investigation; and
3. Whether a report was submitted to the State Board for Educator Certification (SBEC) concerning the alleged misconduct.

Education Code 21.0061



<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 8.04:**

**Date Board Adopted:**      **August 15, 2018**

**Date Board Amended:**      N/A

**Effective Date:**              **August 15, 2018**

**Policy Category:**            **Student Services**

**Policy Name:**                **Immunization**

**Policy Goal:** To promote student health and wellness through required immunizations for school admission.

**Policy Description:**

The immunization policy ensures compliance with immunization requirements identified by the Texas Department of State Health Services (TDSHS), provides an awareness program for stakeholders, and incorporates procedures for provisional admission, completion of vaccinations and a review of vaccination status.

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis. TDSHS may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school. Education Code 38.001(a), (b)

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

Westlake Academy shall post the following on its website:

1. A list, in English and Spanish, of:
  - a. The immunizations required by TDSHS for admission to public school;
  - b. Any immunizations or vaccines recommended for public school students by TDSHS. The list must include the influenza vaccine, unless TDSHS requires the influenza vaccine for admission to a public school; and

- c. Health clinics in the community that offer the influenza vaccine, to the extent those clinics are known to the district; and
- 2. A link to the TDSHS Internet website where a person may obtain information relating to the procedures for claiming an exemption from the immunization requirements.

Westlake Academy shall comply with the provisions of Education Code Chapter 38 and Title 25 of the Texas Administrative Code Chapter 97 regarding immunization requirements, exceptions, and documentation, including provisional admission, completion of vaccinations and a review of vaccination status.

Further information on immunization requirements, including the procedures for claiming an exception to the immunization policy, provisional admission, completion of vaccinations and a review of vaccination status, may be found on the Westlake Academy Website in the section 'Student Life/Services-Health on Campus' and in the Parent/Student Handbook.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 8.05:**

**Date Board Adopted:**      **August 15, 2018**

**Date Board Amended:**      **N/A**

**Effective Date:**              **August 15, 2018**

**Policy Category:**            **Student Services**

**Policy Name:**                **Food Allergies**

**Policy Goal:** The purpose of the food allergy policy is to provide appropriate and clear guidelines to protect students from severe reactions or fatalities associated with anaphylaxis by providing an opportunity for effective and quick-response use of epinephrine.

**Policy Description:**

Westlake Academy will adopt guidelines/procedures on student food allergy management plans to limit the risk posed to students with food allergies.

In accordance with Texas Education Code Section 38.0151, this policy provides guidelines for the care of students with diagnosed food allergies at risk for anaphylaxis based on the guidance developed by state authorities.

The following components will be used in developing and administering plans to care for students diagnosed with food allergies:

1. Identification of students with food allergies at risk for anaphylaxis;
2. Development, implementation, communication and monitoring of emergency care plans, 504 plans and/or individual health care plans for students with food allergies at risk for anaphylaxis;
3. Reducing the risk of exposure within the school setting;
4. Training programs for school staff on anaphylaxis and emergency response to anaphylactic reactions;
5. Methods for requesting specific food allergy information from a parent of a student with a diagnosed food allergy;
6. Annual review of the school's food allergy management plan.

Westlake Academy will ensure guidelines for the care of students with food allergies at risk for anaphylaxis includes the roles and responsibilities of the parents, administration, nurses, teachers, dining hall manager, students and contract cleaning/custodial personnel.

Further information on food allergies, and the roles and responsibilities of certain individuals may be found on the Westlake Academy Website in the section 'Student Life/Services-Health on Campus.' The reference guide 'Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis' will also be posted and used as a reference guide.

Additional guidelines on food allergies shall be published in the Parent/Student Handbook on an annual basis.

<p style="text-align: center;"><b>TOWN OF WESTLAKE WESTLAKE ACADEMY BOARD OF TRUSTEES POLICY</b></p>
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**Policy No. 8.06**

**Date Board Adopted:**      **May 4, 2020**

**Date Board Amended:**

**Effective Date:**              **May 4, 2020**

**Policy Category:**              **Student Services**

**Policy Name:**                  **Suicide Prevention & Crisis Intervention Policy**

**Policy Goal:** The purpose of this policy is to protect the health and well-being of all students by implementing procedures to aid in the prevention, risk-assessment, intervention, and response to students in crisis, including students at risk for suicide. The Academy:

- Recognizes that physical and mental health are integral components of student growth and development.
- Further recognizes that suicide is a leading cause of death among young people.
- Has an ethical responsibility to be proactive in implementing risk-assessment and prevention procedures in an effort to reduce the events of student suicide and other self-harm.
- Acknowledges the school's role in providing an environment that is sensitive to individual and societal factors that place youth at greater risk for suicide and helps to foster positive youth development and resilience.
- Acknowledges that comprehensive suicide prevention and crisis intervention policies include prevention, intervention, and postvention components.

**Policy Description:** This policy relates to actions that take place in the school, on school property, at school-sponsored functions and activities, on school buses, and at school-sponsored out-of-school events where school staff are present. This policy applies to the entire school community, including educators, school support staff, students, parents/guardians, and volunteers. This policy also covers appropriate school responses to suicidal or high-risk behaviors that take place outside of the school environment.

**Definitions:** In the course defining the scope of suicide prevention initiatives, the following definitions are employed.

- **At-Risk** - Suicide risk is not a dichotomous concern, but rather, exists on a continuum with various levels of risk. Each level of risk needs a different level of response and intervention by the Academy. A student who is defined as high-risk for suicide is one who has made a suicide attempt,

has the intent to die by suicide, or has displayed a significant change in behavior suggesting the onset of potential mental health conditions or a deterioration of mental health. The student may have thoughts about suicide, including potential means of death, and may have a plan. In addition, the student may exhibit behaviors or feelings of isolation, hopelessness, helplessness, and the inability to tolerate any more pain.

- **Threat Assessment and Management Team** – This team is a group of officials that convene to identify, evaluate, and address threats or potential threats to school security. The Threat Assessment and Management Team initiates a threat assessment when any student makes a threat through statements, gestures, drawings, writings, etc., or if there is concern that a student may be about to act-out violently or engage in self-harm. The trained Threat Assessment and Management Team is directed by the Executive Director and will include:
  1. Westlake Academy Executive Director, as acting administrator
  2. All campus Professional School Counselors (the school mental health providers at the PYP, MYP, and DP levels)
  3. Westlake Town Marshall, as law enforcement representative
  4. Westlake Academy Special Education Coordinator
  5. Other representatives, as appropriate, based on the circumstances related to the threat
- **Self-Harm** - Behavior that is self-directed and deliberately results in injury or the potential for injury to oneself. Self-harm behaviors can be either non-suicidal or suicidal. Although non-suicidal self-injury (NSSI) lacks suicidal intent, youth who engage in any type of self-harm should receive mental health care. Treatment can improve coping strategies to lower the urge to self-harm and reduce the long-term risk of a future suicide attempt.
- **Suicide** - Death caused by self-directed injurious behavior with any intent to die as a result of the behavior.
- **Suicide Attempt** - A self-injurious behavior for which there is evidence that the person had at least some intent to die. A suicide attempt may result in death, injuries, or no injuries. A mixture of ambivalent feelings, such as a wish to die and a desire to live, is a common experience with most suicide attempts. Therefore, ambivalence is not a reliable indicator of the seriousness or level of danger of a suicide attempt or the person's overall risk.
- **Suicidal Behavior** - Suicide attempts, injury to oneself associated with at least some level of intent, developing a plan or strategy for suicide, gathering the means for a suicide plan, or any other overt action or thought indicating intent to end one's life.
- **Suicidal Ideation** - Thinking about, considering, or planning for self-injurious behavior that may result in death. A desire to be dead without a

plan or the intent to end one's life is still considered suicidal ideation and shall be taken seriously.

- **Suicide Contagion** - The process by which suicidal behavior or a suicide completion influences an increase in the suicide risk of others. Identification, modeling, and guilt are each thought to play a role in contagion. Although rare, suicide contagion can result in a cluster of suicides within a community.

**Prevention and Intervention:** The Threat Assessment and Management Team shall be appointed by the superintendent or designee and shall be responsible for creating suicide prevention guidelines and procedures that include:

- Prevention initiatives;
- Intervention initiatives;
- Postvention initiatives; and
- Staff development initiatives.

All school personnel are expected to know and be accountable for following all policies and procedures regarding suicide prevention. In addition, all staff members shall report students they believe to be at-risk for suicide to the appropriate school counselor or a member of the Threat Assessment and Management Team.

**Staff Development:** All staff shall receive, at minimum, annual professional development on risk factors, warning signs, protective factors, response procedures, referrals, postvention, and resources regarding youth suicide prevention. The professional development shall include additional information regarding groups of students at elevated risk for suicide, including those living with mental and/or substance use disorders, those who engage in self-harm or have attempted suicide, students who have experienced the loss of a loved one, and those with medical conditions or certain types of disabilities.

The suicide prevention training must use a best practice-based program recommended by the Texas Department of State Health Services (TDSHS) in coordination with TEA. The training may be satisfied through independent review of suicide prevention training material that complies with guidelines developed by TEA and is offered online.

Additional professional development in risk assessment and crisis intervention shall be provided to the Threat Assessment Team and school nurses.

The Academy will maintain records that include the name of each educator who participated in the training and the date of the training on an annual basis.

**Publication and Distribution** - This policy shall be reviewed annually along with the Academy's Suicide Prevention Guidelines and Procedures. The Threat Assessment Team will post the Academy's Suicide Prevention Guidelines and Procedures as an internal document and provide students, staff and families with procedures on how to reach out for assistance in the Parent/Student Code of Conduct.