

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:

1. special education programs under Subchapter A, Chapter 29;
2. health and safety under Chapter 38 (including the provisions related to screening and treatment for dyslexia and related disorders;
3. reading instruments and accelerated reading instruction programs under Section 28.006;
4. accelerated instruction under Section 28.0211; and
5. a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Section 26.004(b)(11) and 26.0081(c) and (d).

Tex. Educ. Code § 12.104(b)(3)(C), (D), (F), (T).

International Leadership of Texas 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 Texas Academic Performance Reports ("TAPR"), 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).

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.

Tex Educ. Code § 12.104(b)(3)(A).

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. 4. CONTRACTS FOR SERVICES; RESIDENTIAL PLACEMENT

International Leadership of Texas 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.

Tex. Educ. Code § 29.008(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 student's ARD committee, shall be paid from State and Federal education funds.

Tex. Educ. Code § 29.008(c).

If International Leadership of Texas contracts for the provision of education services rather than providing the services, International Leadership of Texas 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 International Leadership of Texas contracts shall periodically report to International Leadership of Texas on the services the student has received or will receive in accordance with the contract as well as diagnostic or other evaluative information that International Leadership of Texas requires in order to fulfill its obligations under Subchapter A (Special Education), Chapter 29, Texas Education Code.

Tex. Educ. Code § 29.008(d).

Sec. 5. FACILITIES CONSTRUCTION AND ALTERATION

If the secretary of education determines that a program authorized under the IDEA Part B will be improved by permitting program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the secretary is authorized to allow the use of funds for those purposes. *34 CFR 300.718(a)*. 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:

- 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*).

34 CFR 300.718(b).

Sec. 6. ADMINISTRATION OF EQUIPMENT

If the secretary of education determines that a program authorized under the IDEA Part B will be improved by permitting program funds to be used to acquire appropriate equipment, the secretary is authorized to allow the use of those funds for those purposes. *34 CFR 300.718(a)*. International Leadership of Texas must ensure that assistive technology devices (ATDs) are made available to a student with a disability if required as part of the student’s special education, related services, or supplementary aids and services.

34 CFR 300.105(a).

“Equipment” includes machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house such machinery, utilities or equipment; and all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

34 CFR 300.14.

“Assistive technology device (ATD)” means any device, including equipment or a product system, that is used to increase, maintain, or improve functional capabilities of a child with a disability. *Texas Education Code 30.0015(a)(1)*.

The ARD committee must consider whether a 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)

International Leadership of Texas may transfer an ATD in accordance to TEC 30.0015. Transfer means the process by which the LEA that has purchased the ATD may sell, lease, or loan the device for the continuing use by the child or adult student with a disability changing the school of attendance in the LEA or leaving the LEA. An ATD may only be transferred to the school or LEA in which the child or adult student enrolls; a state agency that provides services to the child or adult student following graduation from high school; or the child's parents or the adult student, if the adult student has the legal capacity to enter into a contract.

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 International Leadership of Texas 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;
 - 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.

Nothing in the above requirements alters any existing obligation under federal or state law to provide ATDs to children with disabilities; requires International Leadership of Texas to transfer an ATE to any person or entity; limits International Leadership of Texas' right to sell, lease, loan or otherwise convey or dispose of property as authorized by federal or state laws, rules, or regulations; or authorizes any transfer of an ATD that is inconsistent with any restriction or transferability imposed by the manufacturer or developer of the ATD or applicable federal or state laws, rules, or regulations.

19 TAC 89.1056; Tex. Educ. Code § 30.0015

Sec. 7. SPECIAL EDUCATION AND RELATED SERVICE PERSONNEL

All special education and related service personnel must be certified, endorsed, or licensed in the areas of assignment. *19 TAC 89.1131(a); 34 CFR 300.156(a), (b)*. International Leadership of Texas shall ensure that personnel standards for all individuals serving children with disabilities are met in accordance with the IDEA and its procedures. International Leadership of Texas 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.

(a) Special Education Teacher Qualifications

When used with respect to any public elementary school or secondary school special education teacher teaching at International Leadership of Texas, qualified means that the teacher has obtained full state certification as a special education teacher, including alternative certification, or passed the state special education teacher licensing examination, and holds a license to teach in the state as a special education teacher; has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and holds at least a bachelor's degree. *34 CFR 300.156(c)(1); 19 TAC 89.1131*. International Leadership of Texas 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 has the same certification, endorsement, and licensing requirements for special education providers as all other public schools.

(b) Alternative Certification

A teacher in an alternative certification program who is not yet fully certified may be considered to be qualified if the teacher is participating in an approved State Board of Education certification alternative route to special education certification program under which the teachers received high-

quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching; participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program; assumes functions as a teacher only for a specified period of time not to exceed three years; and demonstrates satisfactory progress toward full certification as prescribed by the state. *34 CFR 300.156(c)(2)*.

(c) Assignment

International Leadership of Texas may assign a teacher who holds a special education certificate or an endorsement to any level of basic special education instructional program serving students with disabilities ages 3 to 21, as allowed by certification, with the following exceptions:

- Individuals assigned to provide speech therapy instructional services must hold a valid Texas Education Agency certificate in speech and hearing therapy or speech and language therapy, or a valid state license as a speech/language pathologist;
- Teachers certified in educating students with visual impairments must be available to students with visual impairments, including deaf-blindness, through one of International Leadership of Texas's instructional options, a shared services arrangement with other LEAs, or an education service center, and teachers assigned full-time or part-time to instruct children from birth to age two with visual impairments, including deaf-blindness, must be certified in the education of students with visual impairments;
- Teachers certified in educating students who are deaf or hard of hearing must be available to students who are deaf or hard of hearing, including a regional day school program for the deaf, or a shared service arrangement; and
- When the ARD Committee has specified in the student's IEP that a student requires specially designed instruction in physical education, physical education may be provided by those authorized under 19 Texas Administrative Code § 231.703 (relating to requirements for Teachers of Adaptive Physical Education) and the following personnel:
 - Special Education Instructional and Related Service Personnel who have the necessary skills and knowledge (which must be documented by the District by in-service records, evidence of attendance at seminars or workshops, or college transcripts);
 - Physical education teachers;
 - Occupational therapists;
 - Physical therapists; or
 - Occupational therapy assistants or physical therapist assistants working under supervision in accordance with the standards of their profession.

- A certified orientation and mobility specialist who is certified by the Academy for Certification of Vision Rehabilitation and Education Professionals must provide orientation and mobility instruction.

(d) Paraprofessional Personnel

All paraprofessional special education personnel employed by International Leadership of Texas must be certified and working under the supervision of special education certified personnel. Paraprofessionals may be assigned to work with eligible students with disabilities, general education and special education teachers, and related service personnel. Paraprofessionals may also be assigned to assist students with special education transportation, serve as a job coach, or serve in support of community-based instruction. If the Paraprofessional Personnel are paid from state administrative funds, they may be assigned to special education clerical or administrative duties such as the Special Education Resource System, the Special Education Management System, or other special education clerical or administrative duties.

(e) Interpreters for the Deaf or Hard of Hearing

Interpreting services for students who are deaf or hard of hearing must be provided by an interpreter who is certified in the appropriate language modes, if certification in such modes is available. If certification is available, the interpreter must be a certified member of (or certified by) the Registry of Interpreters for the Deaf or the Texas Board for Evaluation of Interpreters

Sec. 8. NOTICE TO PARENTS – QUALIFICATIONS

The Superintendent or designee shall provide to the parent or guardian of each student enrolled in International Leadership of Texas written notice of the qualifications of each teacher employed by International Leadership of Texas.

Tex. Educ. Code § 12.130.

In the event International Leadership of Texas receives assistance under Title I, Part A of the Elementary and Secondary Education Act (“ESEA”), International Leadership of Texas shall, at the beginning of each school year, notify the parents of each student attending a school receiving such funds that parents may request, and International Leadership of Texas 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:

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.

20 U.S.C. 6312(e)(1)(A).

Additionally, in the event International Leadership of Texas receives assistance under Title I, Part A of the ESEA, International Leadership of Texas 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.

20 U.S.C. 6312(e)(1)(B)(ii).