Sec. 1. PREKINDERGARTEN PROGRAMS

NOTE: Any references in this policy to prekindergarten programs shall only apply to Raul Yzaguirre Schools for Success ("RYSS") if RYSS's open-enrollment charter contract issued by the State of Texas authorizes RYSS to operate a prekindergarten program.

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, RYSS 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 RYSS agrees that the student may be eligible for special education, RYSS must evaluate the student. If RYSS denies the parent's request for evaluation, RYSS 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

RYSS shall identify emergent bilingual students based on state criteria. RYSS 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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a) ***Student with Disabilities and Emergent Bilingual Students***

RYSS shall ensure that an emergent bilingual student 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.*

b) ***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 Code12.104(b)(2)(G).*

RYSS 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).

c) ***Establishment of Bilingual Education and Special Language Program***

RYSS 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).

d) ***Language Proficiency Assessment Committees***

RYSS 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. *19 TAC 101.1005(a).*

e) ***Program Content; Method of Instruction***

RYSS's bilingual education program's content and instruction shall comply with Education Code Section 29.055.

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f) *Enrollment of Students in Program*

RYSS 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); 19 TAC 89.1226.*

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).*

RYSS, 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.

g) *Facilities; Classes*

RYSS 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.*

h) *Enrollment of Students Who Are Not Emergent Bilingual Students.*

RYSS ensures that enrollment of students who do not have limited English proficiency may occur only if the requirements of Education Code Section29.058 are met. *Education Code 29.058.*

i) *Cooperation among Schools*

RYSS may cooperate with other schools to provide a bilingual education or special language program. *Education Code 29.059.*

j) *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).*

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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).*

RYSS 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).*

k) ***Bilingual Education and Special Language Program Teachers***

RYSS shall ensure that bilingual education and special language program teachers are properly certified. *Education Code 29.061.*

l) ***Appeals***

A parent of a student enrolled in a bilingual education or special language program may appeal to the Commissioner of Education if RYSS 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. 3. PEIMS REPORTING REQUIREMENTS

RYSS shall meet Public Education Information Management System Reporting Requirements with respect to its bilingual education or special language programs. *Education Code 29.066.*

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