



Special Education Policies and Operating Procedures

Local board policies and the Legal Framework for the Child Centered Special Education Process constitute “policies and procedures” for purposes of satisfying 34 CFR 300.201. Uplift Education will follow these policies and procedures to ensure IDEA and its accompanying federal regulations, State statutes and regulations are implemented for each qualifying student with a disability. The special education program at Uplift Education operates under local district board policies and the Legal Framework for the Child Centered Special Education Process.

The Legal Framework for the Child Centered Special Education Process may be found online. <http://framework.esc18.net/display/Webforms/LandingPage.aspx?DT=G&LID=en>

The Texas Transition and Employment Guide may be found online on the Legal Framework or Transition in Texas website: <http://www.transitionintexas.org/Page/143>

Uplift Education utilizes district forms to document compliance with the Legal Framework for the Child Centered Special Education Process.

Training on personnel responsible for each step in the Child Centered Special Education Process is conducted annually.

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Uplift Education complies with all requirements of the system for monitoring Special Education compliance as adopted by the Texas Education Agency. Uplift Education does not discriminate on the basis of race, color, national origin, sex or disability in any of its programs or activities and all programs and activities are accessible to individuals with disabilities as defined by Section 504 and/or IDEA. Uplift Education does not deny admission to a child solely because of that child's need for Section 504 Services, Special Education or related aides and services, regardless of cost.

CHILD FIND

Authority 42 U.S.C; 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89

Uplift Education is responsible for providing a Free and Appropriate Public Education (FAPE) to all individuals with disabilities age birth through 21 who are enrolled at Uplift Education. These eligible students, including students who have been suspended or expelled from the school in accordance with IDEA '04, are served by Uplift Education with the assistance of the Texas Education Agency, the Region 10 Education Service Center and the Early Childhood Intervention program. Regardless of the severity of the disability, Uplift Education will make every effort to locate, identify, and evaluate these individuals. Dissemination of information to the public concerning services offered to all individuals with disabilities includes:

1. participating in a network of public information dissemination which includes the Education Service Center, other agencies, communities, and facilities providing services to students with disabilities;
2. providing information regarding availability of services;
3. determining which individuals are currently receiving needed Special Education and related services and which individuals are not currently receiving needed Special Education and related services;
4. identifying and referring individuals with disabilities who may or may not be in school and who may need Special Education and related services;
5. referring individuals ages 0-3 to a local Early Childhood Intervention (ECI) program for evaluation;
6. reviewing this process on a yearly basis, updating staff about on-going "Child Find" activities implemented in the community; and
7. maintaining confidentiality of all personally identifiable information used and collected in this system in the same manner that Special Education records are maintained.

The Uplift Education Director of Special Education is responsible for implementation and direction of the "Child Find" program, as well as annually identifying general education staff members who will participate in the organization and implementation of this program.

Any students of an age addressed by the school program who are suspected of having a disability and in need of Special Education services under the Individuals with Disabilities Education Act (IDEA '04) are referred for possible Special Education or Early Childhood Intervention services using referral procedures adopted by the school. Students may be referred for evaluation even if they are advancing from grade to grade.

All federal and state regulations governing the confidentiality of records, timelines, and implementation of programs for students eligible for services will be adhered to in this program.

Operating Procedures

Uplift Education 057-803

Legal Framework: CHILD FIND DUTY

Related Resources

Broad Category: CHILD FIND

Procedures:

- **Distribution of Materials-** Child Find materials including but not limited to posters and pamphlets will be available on each campus. Child Find posters will be prominently displayed on all Uplift Education campuses including contact information for appropriate personnel. Parents are notified of the district's Child Find procedures through Uplift Education's webpage and each individual campus webpage.
- **Response to Intervention** – Response to Intervention (RTI) is a component of the Uplift Education Charter School Child Find process. Response to Intervention is a general education initiative prior to referral for Special Education evaluation and the procedures outlined in the Uplift Education's Board Policies shall be followed. Prior to referral for possible Special Education services, a student should be considered for all support services available to all students (tutorials, academic and behavioral supports, etc.)
- **SST** – The Student Support Team (SST) on each campus is responsible for referring students for evaluation for a suspected disability. The campus SST must meet on a regularly scheduled basis to review documentation provided by the school and/or parent to decide if additional individual evaluation is appropriate to determine eligibility and educational need.
- **Parent Request for Evaluation:** Parents may request a referral at any time regardless of whether the student is receiving interventions through an RTI system. If, however, the district does not suspect the child is a child with a disability and denies the request for an initial evaluation, the local campus designee must: 1) provide written notice to parents explaining why the district declines to conduct an initial evaluation and the information that was used as the basis for that decision and 2) provide the parent with a copy of their procedural safeguards. Campus Directors will determine the designee (SST Coordinator) responsible for providing this information to the parent.
- Uplift Education refers parents/guardians in other districts to the appropriate Child Find location.

Staff Responsible:

- District Level: The district Special Education Director and Director of 504 and Evaluation Services are responsible Child Find Efforts at Uplift Education.
- Campus Level: Campus Directors, Campus Deans, General Education Staff and SST Committees are responsible for implementing the Child Find Program at Uplift Education.

Timelines for Child Find Activities:

- Campus and District staff are trained annually Child Find obligations
- Child Find Materials are updated annually to reflect changes in personnel.
- Child Find Practices are reviewed on a yearly basis.

DISTRICT AND CAMPUS IMPROVEMENT PLANS

Authorities: Texas Education Code; Texas Health and Safety Code

It is the policy of Uplift Education open-enrollment charter school to annually conduct a comprehensive needs assessment and to annually conduct campus improvement plans, if required by state and federal funding requirements.

PARENT NOTIFICATION AND PERSONAL GRADUATION PLAN

Authority: Texas Education Code; 19 T.A.C. Chapter 89

Uplift Education adopts the requirements of TEC §28.025 (High School Diploma and Certificate; Academic Achievement Record) pursuant to TEC §12.104(b)(2)(E). Where “school or school district” is used in TEC §28.025, Uplift Education hereby substitutes “open-enrollment charter school” to conform to these requirements.

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.

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 Uplift Education to complete a summary of performance. Additionally, termination of services upon graduation is a change of placement and prior written notice must be provided to the parent. A student who receives a diploma, but took one or more classes with a modified curriculum, may return to school 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 TEKS.

Graduation Requirements under the Foundation High School Program

A student with 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:

- Demonstrates mastery of the required states standards
- Completes the credit requirements under the Foundation High School Program
- 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 if the student the student meets the above requirements and successfully completes the IEP and meets one of the following:

- consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable to the student to maintain employment without direct or ongoing educational support;
- consistent with the IEP, demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support;
- has access to services that are not within the legal responsibility of Uplift Education or educational options for which the student has been prepared for by the academic program; or
- No longer meets eligibility requirements

Endorsements under the Foundation High School Program

A student receiving special education services, may receive an endorsement if the student:

- 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;
- Completes the courses required for the endorsement without modified curriculum; and
- 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.

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 they meet the requirements.

A student who is in 11th or 12th grade in 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.

Substitutions under the Foundation High School Program

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:

- may substitute a combination of two credits from ELA, math, science, or social studies; or
- may substitute two credits of CTE, technology applications, or other academic electives

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;
- 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.

Credits allowed as a substitution for the language and PE requirement may not be used to satisfy other graduation credit requirements.

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:

- Demonstrates mastery of the state standards;
- Completes credit requirements for graduation under the recommended or distinguished program; and
- 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:

- Demonstrates mastery of the state standards
- Completes credit requirements for graduation under the minimum program; and
- Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee

Finally, 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:

- 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;
- Completes credit requirements for graduation under the minimum program;
- Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee; and Successfully completes the IEP and meets one of the following conditions:
 - consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable to the student to maintain employment without direct or ongoing educational support;
 - consistent with the IEP, demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support;
 - has access to services that are not within the legal responsibility of Uplift Education or educational options for which the student has been prepared for by the academic program; or
 - No longer meets eligibility requirements

High School Diploma and Certificate; Academic Achievement Record

Uplift Education shall comply with the graduation standards of TEC §28.025.

Uplift Education does issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education (SBOE) under TEC §28.025(a) but who fails to comply with TEC §39.025 (Secondary-Level Performance Required) relating to exit-level assessment requirements. Uplift Education does allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.

Certificate of Attendance

It is the policy of Uplift Education to 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 individualized education program (IEP). The open-enrollment charter school 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.

Personal Graduation Plan

As a part of the IEP, a Personal Graduation Plan will be developed for any secondary student who:

- does not perform satisfactorily on the state-wide assessment;
- is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by Uplift Education .

This Personal Graduation Plan must:

- identify educational goals for the student;
- include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
- include an intensive program of instruction;
- address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student;
- provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, on-line instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

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 in the 3rd, 4th, 5th, 6th, 7th, or 8th grade, Uplift Education must 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 Uplift Education's special education program and who does not perform satisfactorily on an assessment must determine:

- the manner in which the student will participate in an accelerated instruction program under this section; and
- whether the student will be promoted or retained under this section

Diploma

As used in this section, a diploma refers to a standard high school diploma awarded to a preponderance of students that is fully aligned with the state standard diploma. This does not include a diploma aligned to alternate academic achievement standards or an equivalent of a diploma, such as a general equivalency diploma.

Summary of Performance

A Summary of Performance must be developed for all students whose Special Education terminates and must include but is not limited to a summary of the student's academic achievement, functional performance, recommendations on how to assist the student in meeting post-secondary goals, views of the parent, views of the student and, if appropriate, a written recommendation from adult service agencies.

Circumstances of Graduation

If the ARD/IEP Committee (including the parent) agree to "graduation", the responsibilities of Uplift Education are terminated (TAC 89.1070 and IDEA '04). If the ARD/IEP Committee and the parent agree the student "walks across the stage with their class" but does not "graduate", the student is eligible for services until the year of their 22nd birthday or until the ARD/IEP Committee decides "graduation" is appropriate. Under certain circumstances, a student who has "graduated" can approach Uplift Education to request services be resumed as long as the student meets age eligibility requirements. An ARD/IEP Committee would be convened to determine if resuming services would be appropriate after "graduation" with the understanding that resuming services after "graduation" would be reversing a previous ARD/IEP Committee decision.

CLOSING THE GAP

Authorities: 20 U.S.C. §§ 1400, 6314, 6315; 34 C.F.R. Part 300; Elementary and Secondary Education Act/Every Student Succeeds Act; Texas Education Code; 19 T.A.C. Chapter 89

Early Intervening Service

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.

In implementing coordinated, early intervening services, Uplift Education may carry out activities that include:

- 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
- providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

An early intervening 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 the school agrees that the student may be eligible for special education, the school must evaluate the student. If the school denies the parent's request for evaluation, Uplift Education open-enrollment charter school must provide notice to the parent explaining the basis for the refusal. The parent may challenge the refusal to evaluate through the impartial hearing process.

Student with Disabilities and Limited English Proficiency

It is the policy of Uplift Education to 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 (IDEA) is not refused services in an English as a second language program solely because the student has a disability.

Language Proficiency Assessment Committees

Uplift Education shall establish a Language Proficiency Assessment Committee (LPAC) that complies with TEC §29.063.

Program Content; Method of Instruction

Uplift Education's program content and method of instruction shall comply with TEC §29.055.

Enrollment of Students in Program

Uplift Education shall comply with the Texas Education Agency criteria for identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program.

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 TEC §29.064.

Uplift Education through its language proficiency assessment committee (LPAC) shall evaluate and consider reenrollment of students who have transferred out of a bilingual education or special language program under TEC §29.056(g) as required by TEC §29.0561.

Facilities; Classes

Uplift Education shall require that all special language programs are located in the regular public charter school rather than in separate facilities.

Enrollment of Students Who Do Not Have Limited English Proficiency

Uplift Education ensures that enrollment of students who do not have limited English proficiency may occur only if the requirements of TEC §29.058 are met.

Cooperation among Schools

Uplift Education open-enrollment charter school may cooperate with other schools to provide a bilingual education or special language program.

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 TEC §29.060.

Enrollment of a student in the program is optional with the parent of the student.

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.

Uplift Education 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.

The programs required or authorized by TEC §29.060 may not be a substitute for programs required to be provided during the regular school year.

The legislature may appropriate money from the foundation school fund for support of a program under TEC §29.060(a).

Special Language Program Teachers

Uplift Education shall ensure that special language program teachers are properly certified.

Appeals

A parent of a student enrolled in a special language program may appeal to the Commissioner if the open-enrollment charter school fails to comply with the requirements established by law or by the Texas Education Agency. If the parent disagrees with the placement of the student in the program, the parent may appeal that decision to the open-enrollment charter school governing body. Appeals shall be conducted in accordance with procedures adopted by the Commissioner under Chapter 157 of the Texas Administrative Code.

PEIMS Reporting Requirements

Uplift Education shall meet Public Education Information Management System (PEIMS) Reporting Requirements with respect to its special language program.

DYSLEXIA SERVICES

Authorities: 34 C.F.R. Part 104; Texas Education Code; 19 T.A.C. Chapter 74

Students enrolled in Uplift Education shall be screened or tested, as appropriate for dyslexia and related disorders in accordance with a program approved by the State Board of Education. At a minimum, Uplift Education must screen all students at the end of kindergarten and again at the end of first grade.

It is the policy of Uplift Education to refrain from retesting a dyslexic student for the purposes of reassessing the need for accommodations until the school has reevaluated the information from previous testing.

In accordance with the program approved by the State Board of Education, the board of trustees of each school open-enrollment charter schools shall provide for the treatment of any student determined to have dyslexia or a related disorder.

Uplift Education will report the number of students enrolled in the school who are identified as having dyslexia through the Public Education Information Management System (PEIMS).

Operating Procedures Uplift Education 057-803

Legal Framework: DYSLEXIA SERVICES

Related Resources

Broad Category: CHILD FIND

Procedures:

- In accordance with State Board of Education Rule and the Revised Procedures Concerning Dyslexia (Blue Book), prior to testing a student individually for Dyslexia and/or prior to providing a student with dyslexia services, Uplift Education will follow the Response to Intervention process.
- In determining testing needs and/or appropriate provision of services, the Student Support Team, including parents, should consider the impact a student's reading difficulties have on access to and participation in the general curriculum and the types of interventions and supports necessary to appropriately serve the student. Data-based discussions surrounding how the student's reading difficulty affects learning, the significance of the gap between current and expected performance, additional concerns that may be impeding learning to read, and anticipated rates of improvement will assist the team in making appropriate recommendations.
- Any time it is suspected that a student requires special education or related services to provide appropriate reading supports and interventions, a referral for a full and individual evaluation should be initiated. This evaluation will not only determine eligibility for services under the IDEA but will produce data and recommendations to inform interventions and service delivery. All students who are identified with dyslexia *and* who require special education services because of dyslexia should be served under the IDEA as students with a specific learning disability. The Office of Special Education Programs has clarified that there is nothing in IDEA that would prohibit the use of the term dyslexia in IDEA evaluations, eligibility determinations, or IEP documents. Students with dyslexia who are receiving services under the IDEA must receive access to instructional programs that comply with the SBOE rules and procedures concerning dyslexia as determined by the ARD committee. These students could receive any dyslexia interventions and supports that are available within the general education setting as part of a continuum of services.
- Some students who are identified with dyslexia may receive appropriate intervention supports and services under a Section 504 plan through a district dyslexia program. This is permissible when it is not suspected that the student requires special education services, or when the student with dyslexia is determined to be not eligible for special education through an evaluation under the IDEA. Some students with dyslexia reach a point where direct intervention and explicit skill instruction is no longer warranted, but accommodations to provide curriculum access may be warranted. This is one example when provision of services under Section 504 may be more applicable than services under the IDEA.
- Other students who are struggling with reading or showing early risk factors associated with dyslexia may receive interventions through a tiered intervention model such as Response to Intervention (RtI). Tiered intervention programs play an important role in providing quick access to research-based interventions for struggling students. These systems often serve as an ongoing support for students whose reading difficulties are not the result of a disability under the IDEA or Section 504.
- Multisensory Teaching Approach (MTA) is the district reading program of choice for Dyslexia Intervention.
- MTA instructors will be training annually

Staff Responsible:

- **District Level:** Special Education Director, Director of 504 and Evaluation Services, Network 504/SST Coordinator
- **Campus Level:** Campus Directors and Deans, General Education Teachers, MTA Instructors, SST Coordinators, 504 Coordinators and Special Education Coordinators and Evaluation staff

Timelines for Dyslexia Services Activities:

- The Special Populations Department will train appropriate special education staff and administrators regarding these dyslexia rules. Appropriate special education information and assistance will be provided to the personnel conducting the parent education program
- Parent training for parents and guardians of students with dyslexia will take place on an annual basis.
- Dyslexia Screening- Texas Education Code requires that all kindergarten and first-grade public school students be screened for dyslexia and related disorders. Additionally, the law requires that all students beyond first grade be screened or tested as appropriate.

REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Authority: 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89

A student experiencing difficulties in the general education program may be considered for eligibility for Special Education services. The school maintains specific procedures to identify these students. If these interventions are unsuccessful and the student is suspected of having a disability, a referral may be made for a Full and Individual Evaluation (FIE).

Providing Assistance to Students Who Have Learning Difficulties or Need Special Education Services

If a child is experiencing learning difficulties, the parent may contact the person listed below to learn about the district'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 (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts to meet the needs of all struggling students.

At any time, a parent is entitled to request an evaluation for special education services. Within 15 school days, Uplift Education open-enrollment charter school must respond to the parent's request. If an evaluation is needed, Uplift Education must provide parent with consent forms. Once informed consent is received, Uplift Education must complete the evaluation and the report within 45 school days of the date the school receives the written consent. The district must give a copy of the evaluation report to the parent.

If the district determines that the evaluation is not needed, the district will provide the parent with prior 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 the district. The district is required to give parents the Notice of Procedural Safeguards – Rights of Parents of Students with Disabilities. Additional information regarding the IDEA is available from the school district in a companion document A Guide to the Admission, Review, and Dismissal Process.

The following websites provide information to those who are seeking information and resources specific to students with disabilities and their families:

- Texas Project First
- Partners Resource Network

The designated person to contact regarding options for a child experiencing learning difficulties or a referral for evaluation for special education services is:

Contact Person: School Principal or Special Education Director

Phone Number: (469) 621-8500 Uplift Education Central Office

Pre-Referral – pre-referral activities are general education initiatives to address the problems the student is experiencing in the general education program.

1. Student Support Team (SST) – a team consisting of teachers, administrators, school counselors, and/or the parent(s) may elect to review the performance of a student who is experiencing difficulties in the general education program either with academics or behavior. Student work samples, grades, standardized test results, state competency testing, anecdotal records, and discipline records may be included in this review. As a result of the Student Support Team's review of student progress and records, adaptations within the general education program are documented that may include any methods the SST recommends to resolve the student's academic or behavioral difficulties including but not limited to Response to Intervention strategies, tutorials, remedial services and compensatory services. The team may choose to reconvene to review the student's progress following implementation of the adaptations or the SST Committee may determine that a referral for Special Education evaluation is appropriate.
2. A referral for Special Education evaluation also may be made by an individual and/or the student's parent who has a suspicion that a disability exists and there is an educational need for Special Education services. This referral will

be forwarded to the campus SST Team. If a parent requests an initial evaluation and the SST determines an evaluation is inappropriate at this time, the school must provide a written notice to the parent of refusal to do so.

3. If evaluation is recommended by the SST, the team or the parent may begin the referral for Special Education evaluation. The 45-school-day timeline for evaluation begins when the parent returns the signed permission to evaluate the student for Special Education eligibility.
4. Upon parent signature for consent, the school will conduct a Full and Individual Evaluation (FIE). The parent or legal guardian is given a copy of the *Notice of Procedural Safeguards* and *The ARD Guide for Parents*.

Initial Referral for Special Education Services

1. Referral information – upon receiving a referral to conduct a Full and Individual Evaluation (FIE), school personnel will gather referral information including but not limited to documentation made by the Student Support Team, student progress reports, anecdotal reports, grade reports, behavioral/discipline records, standardized test results, and competency test results. A review of existing evaluation data (REED) will be completed.
2. Language, hearing, vision – students referred for Special Education evaluation/services may be screened for limited English proficiency (including review of the Home Language Survey) to ensure that the lack of progress in the general education program is not due to language difficulties. Additionally, hearing and vision screenings are conducted to ensure that lack of progress in the general education program is not due to vision or hearing problems. This data becomes a part of the Full and Individual Evaluation (FIE).
3. FIE Written Report – Notice of Full and Individual Evaluation (FIE) is given to parents within a reasonable period of time but no less than 5 school days prior to conducting the evaluation. A waiver for the 5 school day notice may be obtained from the parent. A written report of the FIE, for purposes of determining eligibility for Special Education services, shall be completed not later than the 45th school day following the date on which the school district received written consent for the evaluation signed by the student's parent or legal guardian. The evaluation is conducted using procedures that are appropriate for the student's most proficient method of communication or in the student's native language.
4. ARD/IEP Meeting Scheduled – an Admission, Review, or Dismissal (ARD)/IEP meeting is scheduled within 30 days of the completion of the written report by the clinician and no later than 75 days from the receipt of the signed permission from the parent for the FIE. The purpose of this meeting is to establish eligibility (or not), and, if the student is found to be eligible for Special Education services, to develop an Individual Education Program (IEP).

Initial Referral for Pre-School Children (Ages 0-5)– is designed for students referred by parents/guardians or others and who have not previously been served in the Early Childhood Intervention (ECI) program.

1. Birth – 3 years of age – For children with suspected developmental delays birth through 2 years of age, communication logs are maintained that document:
 - a. "Child Find" referrals – are forwarded to an ECI program for students birth through 2 years old, and Uplift Education collaborates with the ECI program and determines appropriate steps based on the student's age and needs, or
 - b. ECI involvement – Uplift Education will follow up with the ECI program to assure evaluation is completed within 45 school days from the date the referral is made, or
 - c. ARD/IEP Committee determines eligibility, educational need, and develops an IEP to determine placement prior to the student's third birthday.
2. Ages 3-5 – for children referred for services, either from "Child Find" or elsewhere, the same referral process stipulated in steps 1-4 (above) will be followed.

Referral for Students with Limited English Proficiency

Eligibility for Bilingual/ESL services does not affirm or deny eligibility for Special Education services.

1. **LPAC report** – students for whom it has been determined through the use of the Home Language Survey or other sources that the student's primary language is not English, Uplift Education will have an LPAC report completed within the past year included in the referral packet.
 - a. **Referral for evaluation** – a Language Proficiency Evaluation is conducted to determine the language of evaluation:
 1. if the student is proficient in English and has a lower proficiency in Spanish, the normal procedures for evaluations are followed;
 2. if the student is proficient in Spanish and has lower proficiency in English, the student may not be eligible for Special Education services. Bilingual or ESL services should be considered;
 3. if the student has a low proficiency in both languages, an additional consultation regarding methods of evaluation must be accomplished prior to testing;
 4. if the student has a high proficiency in both languages, English should be used as the language of evaluation or consideration can be given to a bilingual evaluation.

Operating Procedures Uplift Education 057-803

Legal Framework: REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

[Related Resources](#)

Broad Category: CHILD FIND

Procedures:

- **Response to Intervention and the Student Support Team-** The mission of Response to Intervention in Uplift Education is to assist all scholars in achieving grade-level success. In this quest, Uplift Education will provide relevant, challenging, and diverse educational opportunities for all scholars in a safe environment. Response to Intervention in Uplift Education supports the network's mission of empowering scholars to reach their highest potential in college and the global marketplace.
Response to Intervention, or Rtl, is an approach to general education that is designed to support all scholars who are struggling both academically and behaviorally. Each Tier in the Rtl model represents specific methods of assessment, instructional strategies, and interventions targeted to meet the unique needs of each learner. More recently, Rtl has been propelled onto a national level because of its ability to meet the requirements of federal laws such as "Every Scholar Succeeds Act" (ESSA 2015) and the "Individuals with Disabilities Education Improvement Act" (IDEA 2004).
The goal of Rtl is to improve academic outcomes for all scholars by intervening early. Multiple sources of data are gathered so that instruction is matched to the individual scholar so that research-based interventions can be identified and utilized. With an Rtl approach, general education teachers assume increased responsibility for delivering high-quality instruction to early identified struggling scholars. The diverse needs of these scholars must be addressed through a tiered problem-solving system of timely interventions that increase in intensity and duration. Rtl promotes the unity of general education and special education to create a seamless system.
- **Student Support Team-** Each campus will have a team that implements an Rtl problem-solving approach, according to the process outlined in the model adopted by the network. The purpose of the team is to make data-based decisions regarding scholars who are experiencing difficulties in academic and/or behavioral domains. The SST will develop an intervention plan to promote improvements in the scholar's academic performance and/or classroom behavior and will provide the teacher with support to implement the interventions. Teachers will be provided the support and resources they need to implement the interventions at each of the three Rtl tiers. School personnel who suspect a scholar may have a disability should refer the scholar to the SST. Each campus will convene a Scholar Support Team that will meet regularly at specified dates and times. The team is accountable for most of the Rtl process and is multidisciplinary, and could include an administrator, a counselor, a classroom teacher or teachers, an interventionist, and other staff members as appropriate.
- **Dyslexia Services-** Due to the complexities presented when suspecting a disability related to Dyslexia, Uplift Education will refer the evaluation to be completed as a Full Individual Evaluation thru the Special Education Department. Once the evaluation has been completed, the Admission Review Dismissal (ARD) committee will determine eligibility, level of educational need, and if applicable, make recommendations for placement into Special Education. If the scholar does not meet eligibility criteria for Special Education, the committee will convene, and the scholar should be referred to Section 504. The Section 504 Committee will consider evaluation data and if applicable, develop a Section 504 Plan to include appropriate services and accommodations.
- **Parent Referrals-** A parent has the right to make a written request to a local educational agency's director of special education or to a district administrative employee for an initial evaluation for special education services. If a written request for a special education evaluation is received, Uplift must respond to the parent with a notice of proposal to conduct an evaluation or a notice of refusal to evaluate no later than the 15th school day from the date of the request. At Uplift, all written requests for initial evaluations received from a parent will go through the SST. The SST should review the parents request and collect all required documentation within 5 school days. The SST coordinator should then "hand off" the folder to the Special Education Coordinator for further review. If a parent makes a written request for an evaluation, please alert your special education coordinator as soon as possible.

- **Members of the Special Education Staff being members of the SST Team** – Special Education representatives, including but not limited to teachers and evaluation personnel, may be members of the campus SST team. The role of the Special Education staff would be to interpret existing evaluation data, project possible program needs, suggest intervention strategies prior to a referral for Special Education evaluation and participate in the implementation of intervention strategies.

Referral Packet – A Referral Packet to include the following will be provided to the evaluation personnel.

- SST/RTI Data
 - Parent Information Form
 - Hearing and Vision screening form completed by the school nurse.
 - Home Language Survey
 - All other relevant data needed for the initial evaluation referral
 - The evaluation personnel will complete the Review of Existing Evaluation Data (REED), Notice of Evaluation and Consent for Evaluation. Evaluation personnel will provide the parent a copy of the Parental Receipt of Procedural Safeguards and the ARD Guide.
- **Members of the Special Education Staff being members of the LPAC Committee** – Special Education representatives, including but not limited to teachers and evaluation personnel, may be members of the campus LPAC Committee. The role of the Special Education staff would be to interpret existing evaluation data and suggest intervention strategies prior to a referral for Special Education evaluation as well as determine if language issues were a factor in lack of academic progress that would invalidate Special Education evaluation.
- **Role of the LPAC Representative in the ARD/IEP Committee** – The LPAC Committee member who participates in the ARD/IEP Committee meeting is responsible for verifying the role second language acquisition plays in the educational process. If second language acquisition is a contributing factor to lack of academic progress, the student is not eligible for Special Education services as a student with a Learning Disability.

Staff Responsible:

- District Level: The district Special Education Director and Director of 504 and Evaluation Services are responsible Child Find Efforts at Uplift Education.
- Campus Level: Campus Directors, Campus Deans, General Education Staff and SST Committees are responsible for implementing the Child Find Program at Uplift Education.

Timelines for Referral for Possible Special Education Services Activities:

- General education and special education staff will be trained annually on referrals for possible special education services.
- Information for Families- Information regarding a referral for possible special education services can be found on the Uplift Special Education website.

Operating Procedures

Uplift Education 057-803

Legal Framework: AGES 0-5

Related Resources

Broad Category: CHILD FIND

Procedures:

- Uplift Education and the ECI program will work closely to ensure that the IEP is in place for eligible children on their third birthday when a child is referred for services close to his/her third birthday.
- **Referral from ECI Programs-** (all decisions will occur collaboratively between ECI staff, school staff, and the parents)
 - Uplift Education will complete the child centered process including evaluation and ARD/IEP meeting. Review of existing evaluation data, all timelines and referral requirements will be followed.
 - When invited by the ECI service provider, a school district representative will attend a face to face meeting held up to 9 months prior to the eligible child's third birthday.
 - A referral should be made to Uplift Education approximately 90 days prior to the student's third birthday. To avoid a gap in services and to assure a smooth effective transition to services in the school district,
 - Uplift Education will accept appropriate evaluations from an infant program serving children with disabilities if time does not permit the district to complete a new evaluation.
 - Uplift Education will complete the referral, evaluation, and ARD/IEP process within the required timelines.
 - Eligible preschool children will receive the necessary services as determined by the ARD/IEP committee beginning on their third birthday. The ARD/IEP committee will determine eligibility, educational need and develop an IEP to determine the appropriate placement.
 - Services to children with auditory or visual impairments ages birth through 2 are coordinated with ECI service providers in the development of the Individual Family Service Plan (IFSP) instead of an ARD/IEP.
 - Upon notification from ECI and receipt of information from a physician documenting a vision impairment, the Uplift Education will complete a Vision and Orientation and Mobility evaluation. Notice and consent will be obtained prior to the completion of the evaluation. Based on the results of the evaluation the ECI and school district will develop an appropriate IFSP for the child. If VI and/or OM services are deemed appropriate the Uplift Education will provide these services. Upon notification from ECI and receipt of information from a physician documenting a hearing impairment, the Uplift Education will forward the referral to Dallas Regional Day School to complete the evaluation and provide services if deemed appropriate.
 - Uplift Education contracts with the Dallas Regional Day School for infants with auditory impairments.
- **Referral by Parents/Guardians/Others (children not previously served in ECI)-** For children with suspected developmental delays birth through 2 years of age, Uplift Education maintain logs that document: within 2 working days from the date that a "Child Find" referral is received it is forwarded to an ECI program if the child is not the age of transition, or if the child is going to be 3 within 90 days, Uplift Education will log the referral and send the parent paperwork to complete for their Child Find Meeting.

For children referred prior to age 3, but less than the 90 days prior to their 3rd birthday, Uplift Education will complete the referral and evaluation process in a timely manner following the required referral timelines.

For children referred for services after their 3rd birthday, the normal referral process will be followed. Uplift Education will schedule a Child Find Meeting and use existing evaluation data to help determine the scope of the evaluation **to determine if a disability is present.**
- **For eligible students 3 years of age and older-** Uplift Education will develop an IEP within the required timelines. If a students' 3rd birthday occurs during summer, the IEP team will determine the date services will begin

Staff Responsible:

- **Local ECI Contractor:**
Dallas County: ECI of Metrocare Services
1335 River Bend Drive

Dallas, TX 75247
Referral Number - (214) 331-0109

Tarrant County: MHMR of Tarrant County
ECI of North Central Texas
3840 Hulen Street, Suite 602
Fort Worth, TX 76107
Referral Number - (888) 754-0524

- **District Level:** Special Education Director, Director of 504 and Evaluation Services, Special Education Area Coordinators
- **Campus Level:** Campus Special Education Coordinator and Evaluators

TIMELINES FOR Ages 0-5 ACTIVITIES:

- Uplift Staff is trained annually on ECI Activities

TRANSFER STUDENTS

Authority: 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89

Determination of eligibility for Special Education for a transfer student will be determined by:

- Verification from the parents, in writing or by telephone, that the student was receiving Special Education services in the previous school district OR
- Verification, in writing or by telephone, from the previous school district that the student was receiving Special Education services;
- The receiving school will provide services comparable to those described in the student's IEP from the previous public agency during the first 30 days of enrollment until additional data can be gathered;
- Within 30 school days, the receiving school will either adopt the IEP from the previous district or develop, adopt and implement its own IEP;
- For in-state or out-of-state transfers, the receiving district may conduct additional evaluation if deemed necessary;
- If a student is in the process of being evaluated, the receiving district and the sending district must coordinate efforts to ensure a prompt completion of the evaluation within 60 calendar days after the receiving district receives written consent for the evaluation.

For a student who is new to Uplift Education from a school within the state, the ARD/IEP Committee may meet and accept the current IEP if:

- The previous District is in the same state;
- A copy of the student's current IEP is available;
- The parent indicates, in writing, that they are satisfied with the current IEP;
- Uplift Education determines that the current IEP is appropriate and can be implemented, as written.

For a student who is transferring to another district, Uplift Education will:

- Prepare the student's records in a timely manner
- Send the transferring student's records to the receiving school in a timely manner

Children who are Incarcerated

See Adult Student and Transfer of Rights Policy, page 26

Operating Procedures Uplift Education 057-803

Legal Framework: CHILDREN WHO TRANSFER

[Related Resources](#)

Broad Category: CHILD FIND

Procedures:

- **Students who are transferring from a school within the state-** For students transferring to Uplift Education schools from a school within the state, student records should be obtained using the TREx system including but not limited to the current IEP, the most recent FIE and the most recent state assessment information.
If the information is current and the parent indicates in writing they are satisfied with the IEP AND Uplift Education determines the current IEP is appropriate and can be implemented as written, the ARD/IEP Committee can adopt the IEP and determine services in a single ARD/IEP Committee meeting or via a transfer agreement.
If the current IEP and FIE is not available immediately upon the student's enrollment, the ARD/IEP Committee will conduct a Transfer ARD/IEP Committee meeting, develop an IEP to be used for 30 days while data is being collected and re-convene in 30 days to determine the appropriate least restrictive environment and range of Special Education services.
- **Students who are transferring from a school outside the state-** For students transferring to Uplift Education schools from a school outside the state, student records should be obtained including but not limited to the current IEP, the most recent FIE and the most recent state assessment information. TREx system for records will not be utilized in this case and may require parental consent to obtain special education records from the previous district. A transfer ARD/IEP Committee meeting should be held to develop an IEP to be used for 30 days. "Consent for Initial Placement" documentation, "Consent for Evaluation" and "Notice of Evaluation" should be provided to the parent and a Full and Individual Evaluation should be conducted to determine eligibility for Special Education services in the state of Texas.
Policies and operating procedures for a "Full and Individual Evaluation" should be followed including determination of a disability and educational need for Special Education services.
- For students entering Uplift Education schools with no records from a previous school, the student should be referred to the SST for determination of needed services, evaluation and/or appropriate placement.
- For students transferring within the Uplift network for whom no changes are needed in the IEP, no ARD Committee meeting or transfer agreement is required.

Staff Responsible:

- **District Level:** The district Special Education Director, Director of 504 and Evaluation Services, Special Education Area Coordinators and district PEIMS Coordinators
- **Campus Level:** Campus Directors, Campus Deans, Special Education Campus Coordinators and PEIMS/Registrar

Timelines for Children who Transfer:

- For students who transfer from within the state, the timeline for adopting the IEP from the previous district or developing a new IEP is 30 school days.
- For students who transfer from outside the state, the timeline for adopting the IEP from the previous district or developing a new IEP is 30 school days.
- If a child transfers from another LEA within the state with an initial evaluation pending, the timelines for completing the evaluation apply.

PARENT

Authority: 42 U.S.C.; 34 C.F.R. Parts 99, 300; Texas Education Code;
Texas Family Code; 19 T.A.C. Chapter 89

Determination of a Parent

A parent is:

- A biological or adoptive parent of a child;
- OR, a guardian, but not the State if the child is a ward of the State;
- OR a person acting in the place of a biological or adoptive parent (such as a grandparent or stepparent with whom the child lives);
- OR an individual who is legally responsible for the child's welfare;
- OR, a foster parent who qualifies as a parent;
- OR, a surrogate parent.

If more than one person is qualified to serve as a “parent”, the biological or adoptive parent must be presumed to be the parent as long as they are attempting to act as the parent.

Appointment of a Surrogate Parent

A surrogate parent may represent the child in all matters relating to the identification, evaluation and educational placement of the student and the provision of a free and appropriate public education (FAPE).

Need – A student's need for a surrogate parent is recognized if:

1. no parent can be identified; or
2. Uplift Education, after reasonable efforts, cannot discover the whereabouts of a parent; or
3. the student is a ward of the state.

A foster parent may meet the qualification as a parent or be appointed as a surrogate parent, if the foster parent:

- is appointed by the Department of Protective and Regulatory Services (DPRS) as the temporary or permanent managing conservator of the student;
- has an ongoing, long-term parental relationship with the student (the child has been placed with the foster parent for at least 60 days);
- the foster parent is willing to make the educational decisions;
- has no interest that would conflict with the interests of the child;
- completes a training program within 90 days of the initial assignment as the parent.

Appointment requirements – Once the need is established, the surrogate parent is appointed after:

1. completing an application and
2. completing the Surrogate Parent Training (if the application is approved).

The surrogate parent agrees to:

1. visit the student and the student's school;
2. consult with persons involved in the student's education, including teachers, caseworkers, court-appointed volunteers, guardians ad litem, attorneys ad litem, foster parents, and caretakers;
3. review the child's educational records;
4. attend meetings of the child's ARD/IEP Committee;
5. exercise independent judgment in pursuing the child's interests;
6. exercise the child's due process rights under applicable state and federal law;
7. complete a training program within 90 days of assignment as a surrogate parent in which the individual is provided with an explanation of the provisions of federal and state laws, rules and regulations relating to regulations.

Training topics must include:

- a. the identification of a student with a disability;

- b. the collection of evaluation and re-evaluation data relating to a student with a disability;
- c. the ARD/IEP process;
- d. the development of an Individual Education Program (IEP) and, for a student who is at least 16 years of age, a plan for transition services;
- e. the determination of least restrictive environment;
- f. the implementation of an IEP;
- g. parent rights and responsibilities as outlined in the Procedural Safeguards;
- h. the sources that the surrogate parent may contact to obtain assistance in understanding the provisions of federal and state laws, rules, and regulations relating to students with disabilities.

Uplift Education assures that the surrogate parent is not an employee of the TEA, Uplift Education or any other agency that is involved in the education or care of the student. Uplift Education must also ensure that the surrogate parent has no interest that conflicts with the interest of the student he or she represents and possesses the knowledge and skills that ensure adequate representation of the student.

Surrogate list – A list of trained and approved surrogate parents will be kept in the Special Education office.

Procedures

Surrogate Parent Training will be provided by Uplift Education on an annual basis. If a Surrogate Parent is needed to participate in an ARD/IEP Committee meeting or other meeting, the Director of Special Education should be contacted for a list of qualified Surrogate Parents.

Adult Student and Transfer of Rights

Authority: 34 C.F.R. Part 300.320 and 300.520; Texas Education Code §29.017 ; T.A.C., Chapter 89

When a student with a disability turns 18 years of age or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, the student has the same right to make educational decisions as a student without a disability, except that the open-enrollment charter school shall provide any notice required by this subchapter or 20 U.S.C. §1415 to both the student and the parents. At the age of 18, all other rights accorded to parents under Subchapter A (Special Education), Chapter 29, Texas Education Code, or 20 U.S.C. §1415 transfer to the student.

All rights accorded to parents under this Subchapter A (Special Education), Chapter 29, Texas Education Code, or 20 U.S.C. §1415 transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution.

One year prior to the student turning 18, Uplift Education will inform the student of his/her rights under IDEA that will be transferred to the student upon reaching 18. Written notice will be provided to the student and include information and resources regarding guardianship, alternatives to guardianship, including supported decision-making, and other supports and services that may enable a student to live independently. A statement will be included in the student's IEP indicating that the student has been informed of his/her rights and that written notice was provided.

If a student or the student's parent requests information regarding guardianship or alternatives to guardianship from the school, the school will provide the student or parent information and resources on supported decision-making.

EVALUATION

Authority: 34 C.F.R. Part 300; Texas Education Code; T.A.C., Chapter 89

Determination of Needed Evaluation Data – As part of an initial evaluation (if appropriate) and as part of any re-evaluation, a group that includes the ARD/IEP. Committee members and other qualified professionals, as appropriate, shall:

- a. review existing evaluation data (REED) including but not limited to evaluations provided by the parents of the student, current curriculum-based assessments and observations by the teachers and related services providers;
- b. identify what additional data, if any, is needed to determine:
 - whether the student has a particular category of disability, or, in the case of a re-evaluation of a student, whether the student continues to have such a disability;
 - the present levels of academic achievement and functional performance and educational needs of the student;
 - whether the student needs Special Education and related services, or in the case of a re-evaluation of a student, whether the student continues to need Special Education and related services;
 - 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 curriculum.

If no additional data is needed to determine whether the student continues to qualify, Uplift Education will notify the student's parents of:

- that determination and the reasons for the determination;
- the right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the student's educational needs.

The ARD/IEP Committee members may conduct their review of existing evaluation data without a meeting, under certain circumstances.

If it is determined that no additional data is needed to determine whether the student continues to be a student with a disability, Uplift Education :

- shall notify the student's parent(s) of that determination and the reasons for it;
- shall notify the student's parent(s) of the right of the parents to request an evaluation to determine whether, for purposes of services, the student continues to be a student with a disability;
- is not required to conduct the evaluation unless requested to do so by the student's parent(s).

Operating Procedures

Uplift Education 057-803

Legal Framework: REVIEW OF EXISTING EVALUATION DATA

Related Resources

Broad Category: EVALUATION

Procedures

- **Conducting the Review of Existing Evaluation Data without an ARD/IEP Committee meeting** – Typically, the Review of Existing Evaluation Data is conducted within the context of an ARD/IEP Committee meeting. In specific situations a REED can be conducted outside an ARD/IEP Committee meeting. If the REED is conducted outside an ARD/IEP Committee meeting, the parent, an administrator, an evaluation specialist, a general education teacher and a Special Education teacher must provide input to the review and agree, in writing to the recommendation

Staff Responsible:

- **District Level:** Special Education Director, Director of 504 and Evaluation Services, Area Coordinator of Evaluation
- **Campus Level:** Special Education Campus Coordinators and Evaluators

Timelines for Children who Transfer:

- Uplift Education will follow all evaluation timelines as outlined in the legal framework.
- Reevaluations must occur at least once every three years unless the parent and Uplift Education agree that a reevaluation is unnecessary.
- The REED must be completed by evaluation staff within 15 school days of receiving an initial special education referral.

EVALUATION PROCEDURES

Authority: 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89

In accordance with the policy of the Uplift Education, following a determination of need for an evaluation, a Full and Individual Evaluation (FIE) is conducted for each student being considered for Special Education and related services. The FIE is used to determine each student's eligibility and educational need before initiation of Special Education services. In addition to standardized tests and other evaluation instruments, the school collects information from a variety of sources in determining eligibility for Special Education services.

Timeline for Initial Evaluation – A written report of the Full and Individual Evaluation (FIE) of a student for the purposes of Special Education will be completed no later than the 45th school day following the date on which the school district receives written consent for the evaluation signed by the student's parent or legal guardian.

If the student is absent for 3 or more school days during the period, the timeline is extended by that number of days. The extension for absences does not apply for: children under 5, not enrolled in school, or any student enrolled in a private or home school setting.

If written consent is received 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 provided to the parent by June 30th. The ARD/IEP meeting must be held by the 15th school day of the following year to consider the evaluation.

If the consent is received less than 35 school days before the last instructional day, the timeline would end during the first part of the following school year.

If the consent is received between the 35th and the 45th school day before the last instructional day, the timeline could end during the first part of the following school year if the student is absent too many days.

The ARD/IEP Committee shall convene and make a decision regarding a student referred for an FIE within 30 calendar days from the date of the completion of the written evaluation report. If the 30th day falls during the summer and school is not in session, the ARD/IEP Committee shall have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and the placement, unless the FIE indicates that the student will need ESY services during the summer.

For a specific learning disability, the timelines for evaluation may be extended by mutual written agreement of the child's parents and the ARD Committee.

Re-evaluation – Once a child has received an initial evaluation (FIE), a decision has been rendered that a child is eligible for Special Education under IDEA '04, and the required services have been determined, any subsequent evaluation of a student constitutes a re-evaluation. A re-evaluation is conducted upon an ARD/IEP Committee recommendation, but no less than once every three years unless the parent and the school agree otherwise. Re-evaluations must be conducted on or before the triennial anniversary date (month/day/year) of the previous FIE. A re-evaluation may not be conducted more frequently than once a year, unless the parent and the school agree otherwise.

A re-evaluation may also be conducted if conditions warrant (i.e. ARD request), if the student's parent requests, if the student's teacher requests, and/or before determining that the student is no longer a student with a disability (unless dismissal is due to graduation with a regular high school diploma or exceeding the age eligibility for a free and appropriate public education). However, in some instances, the ARD/IEP Committee may agree that existing data, including the observation of the student by the classroom teachers and related service providers, the student's educational performance records, and standardized and/or competency testing support the continued eligibility of the student without need for additional formal evaluation and is sufficient to complete the FIE.

Procedures for an Evaluation – the evaluation of a student to determine if he/she has a disability under IDEA '04 must include:

1. Variety of sources – Information is gathered from a variety of evaluation tools and strategies to gain relevant functional and developmental information about the student to determine if the student has a disability and the content of the student's IEP. The sources of data must include:
 - Information provided by the parent;

- Information related to enabling the student to be involved and progress in the general curriculum;
 - For a preschool student, information related to enabling the student to participate in appropriate activities.
2. Areas evaluated - Depending on the area of suspected disability, other sources may include but are not limited to health information, vision and hearing, social or cultural background, adaptive behavior, emotional status, general intelligence, academic performance, communication status, motor ability, classroom evaluation and observations, other school records and/or other competency testing.
 3. Uplift Education will include more than one procedure for determining whether a student is a student with a disability, an appropriate educational program for a student and the educational needs of a student.
 4. Formal evaluation by clinician – all standardized tests and any other evaluation materials are validated for the specific purpose for which they are used including those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. Evaluation procedures and materials will be selected and administered so as not to be racially or culturally discriminatory.
 5. Certifications of clinician –all standardized tests and evaluation instruments are administered by trained and knowledgeable personnel including but not limited to an LSSP, a diagnostician, and/or a licensed or certified professional for a specific eligibility category framework, in accordance with any instructions provided by the producer of the tests.
 6. Language Dominance/Proficiency – the student’s language dominance and most proficient method of communication (expressive and receptive) are identified and evaluation materials used to assess a student are provided and administered in the student’s native language or other mode of communication, unless it is clearly not feasible to do so. The materials and procedures used to evaluate a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs Special Education, rather than measuring the student’s English language skills.
 7. Multidisciplinary Team – a multidisciplinary team or group of persons, including at least one teacher and a specialist with knowledge in the area of suspected disability, conducts the evaluation. For a student suspected of having a learning disability, the multidisciplinary evaluation team includes:
 - a. the student’s general education teacher or a general education teacher qualified to teach a student of his/her grade level;
 - b. for a student of less than school age, a person qualified to teach a student of his/her age;
 - c. at least one person qualified to conduct individual diagnostic evaluations (Licensed Specialist in School Psychology (LSSP), educational diagnostician, or other appropriate certified or licensed practitioner with experience and training in the area of the disability, or a licensed or certified professional for a specific eligibility category as defined in state regulations.
 8. Intelligence testing – any student meeting the eligibility criteria for intellectual disability or specific learning disability is administered an individual intelligence test. However, if appropriate, an informal assessment of intelligence may be used to determine intellectual functioning as a part of eligibility for a visual impairment, orthopedic impairment, or deaf-blindness. Informal evaluation may include achievement test results, teacher observations, adaptive behavior and grades. Alternative methods, as determined appropriate by the qualified professionals, may be used to assess the intellectual functioning of students whose disabilities impede adequate communication or those with severe sensory impairment. *Intra-individual differences in cognitive functions do not contribute to identification and intervention decisions for children suspected of having a Specific Learning Disability.*

Disability Report – A report must be written indicating the student’s disability under the criteria defined in federal law and by the Texas Education Agency guidelines for each disability. Additionally, a disability report for each related service, documentation that the service is necessary to enable the student to benefit from Special Education, and recommendation for the specific service to be offered must be included.

The written report of the team, including agreement by each team member that the report reflects his or her conclusions, includes a statement of:

1. whether the student has a specific disability;
2. the basis for making the determination;
3. the relevant behavior noted during the observation of the student that directly assists persons in determining the educational needs of the student;
4. the relationship of that behavior to academic functioning;
5. the educationally relevant medical findings, if any;
6. whether there is a disability that is not correctable without Special Education and related services, and;
7. the determination of the team concerning the effects of environmental, cultural or economic disadvantage;
8. if an evaluation is not conducted under standard conditions such as the qualifications of the person administering the test or the method of test administration, this information must be included in the evaluation report;
9. for students needing or receiving adapted physical education, an adapted physical education evaluation is conducted.

Related Services – Additionally, the need for related services as identified in the FIE must stipulate learning competencies identifying the need for the related service, documentation that the service is necessary to enable the student to benefit from Special Education, and a recommendation for the specific service to be offered. The recommendation is based on a written evaluation for each related service and must indicate skills and/or behaviors related to the service that the student can and/or cannot perform.

These related services include developmental or corrective services including but are not limited to:

- Audiology services
- Counseling services
- Early identification and assessment
- Medical services
- Occupational therapy
- Orientation/Mobility services
- Parent counseling and training
- Physical therapy
- Psychological services
- Recreational services
- Rehabilitation counseling services
- School health services
- Social work services
- Transportation services
- Functional Vocational Assessment

Independent Educational Evaluation – (IEE) An Independent Educational Evaluation may be requested by the parent. If granted, the IEE is conducted at public expense if the parent disagrees with an evaluation conducted by the school. The evaluation must be conducted by a qualified examiner who is not employed by the school. The school must provide the parent with information about where an IEE may be obtained and the school's criteria for an IEE. The parent is limited to only one IEE at public expense each time the school conducts an evaluation with which the parent disagrees.

If the parent requests an IEE, Uplift Education will, without unnecessary delay, either file a request for a Due Process Hearing to show that its evaluation of the child is appropriate or provide an IEE at public expense. If the school prevails in the Due Process hearing, the parent still has the right to an IEE but not at public expense. If the parent requests an IEE, the school may ask why the parent objects to the evaluation conducted by the school. However, the school may not require an explanation and may not unreasonably delay either providing an IEE or filing a Due Process complaint.

The results of the IEE must be considered by Uplift Education in any decision made with respect to the provision of FAPE if the IEE meets the Uplift Education criteria.

Procedure

IEE- If a parent requests an IEE either in an ARD/IEP meeting or verbally, the parent shall be instructed to submit a written request for an IEE to the Director of Special Education. The Director of Special Education will notify the parent in a reasonable period of time, not to exceed 10 days, of the status of the IEE request.

Criteria for IEE Examiners

- The independent examiner must have the same or higher qualifications as Uplift Education assessment personnel (e.g. Licensed Specialist in School Psychology, or Educational Diagnostician) as required by federal and state law.
- The independent examiner must have a current and valid certificate(s) or license(s) from the appropriate state board(s) to provide the evaluation being sought.
- Upon request and with receipt of written parental consent, while conducting the evaluation, the independent examiner may:
 - Have access to the student's cumulative and special education folder(s); and
 - Meet or talk with school staff to gather information about the student.
- The independent examiner must follow federal and state assessment regulations and rules, reporting requirements, and established eligibility criteria for the diagnosis of students with disabilities.
- The independent examiner must:
 - Be located within a 100-mile radius of Uplift Education main offices located at 1825 Market Center Boulevard, #500, Dallas, Texas 75207; and
 - Meet reasonable cost criteria
- The independent examiner must provide all documentation required for parent reimbursement.

IEE Reasonable Cost Criteria

- Uplift Education will not pay an unreasonably excessive fee. An unreasonable excessive fee is one which is more than 35% above the Medicaid rate for the specific evaluation conducted as of the date the contract was signed with the IEE provider. If no Medicaid rate exists, the rate for the most similar Medicaid evaluation will apply, as determined by Uplift Education.
- If the examiner uses a sliding-scale fee based on parent income, Uplift Education will not pay an amount higher than that charged to the parent.
- If the examiner or parent is reimbursed by insurance, Uplift Education will pay the "out-of-pocket" expenses paid by the parent.

Criteria for IEE Reports

The IEE report provided to Uplift Education must substantially comply with the following criteria:

- The written and typed report must include an original signature and title of all personnel involved in the evaluation.
- The evaluation and resulting report must comply with all federal and state laws governing assessment of students with disabilities.
- The report must address the presence or absence of those symptoms or conditions included in the specific eligibility criteria for the disability for which the student is being assessed; the type and severity of the impairment; and the functional implications for the educational process.
- The report must provide the Admission, Review, and Dismissal ("ARD")/Individualized Education Program ("IEP") committee with sufficient information to determine whether the student has a disability and needs specially designed instruction through special education.

Steps to follow to request an IEE at Public Expense

1. Submit the IEE request in writing to the Director of Special Education as soon as possible after receiving an evaluation from Uplift Education with which the parent disagrees, but no later than one (1) year from the date the parent received the evaluation conducted by Uplift Education.
2. The parent is requested, but not required, to include in the written request for an IEE why the parent disagrees with the evaluation conducted by Uplift Education.
3. Uplift Education will respond to a parental request for an IEE without unnecessary delay by providing the parent with the following information:

- A list of IEE providers in the area where an IEE may be obtained;
 - The criteria applicable to IEE's ;
 - A fee list; and
 - A copy of the Procedural Safeguards.
4. In addition, Uplift Education will respond to a written parental request for an IEE without unnecessary delay by doing one (1) of the following:
 - Ensure the IEE requested is provided at public expense unless the evaluation obtained by the parent does not meet Uplift Education's criteria (See Sections I-III);

or

- Initiate a due process hearing to show that the evaluation conducted by Uplift Education is appropriate. If Uplift Education prevails in the hearing, the parent has the right to an IEE, but not at public expense. With this option, the parent will also be provided a Prior Written Notice.
5. If the parent is notified that Uplift Education will provide an IEE at public expense, the parent should select an examiner that meets Uplift Education criteria. If a parent has any question regarding whether the selected examiner meets Uplift Education's criteria (See Sections I-II) or wants Uplift Education to consider a unique circumstance, the parent should contact the Director of Special Education to seek clarification and/or assistance. If the examiner does not meet Uplift Education's criteria, Uplift Education may choose not to reimburse the parent for all or part of the cost of the IEE.
 6. The parent will contract directly with the IEE provider and schedule the IEE with the independent examiner. If a parent wants Uplift Education to consider a unique circumstance (e.g. the child qualifies for free or reduced lunch) to justify Uplift Education contracting directly with the independent examiner for payment rather than to reimburse the parent for the cost of the IEE, the parent should contact the Director of Special Education.
 7. Upon completion of the IEE, the parent should submit the following to the Director of Special Education within thirty (30) calendar-days from the date of the IEE report:
 - A copy of the IEE report. If a parent has any question regarding whether the evaluation report meets Uplift Education criteria as listed in Section III, the parent should contact the Director of Special Education to seek clarification. If the evaluation report does not substantially comply with all of Uplift Education's criteria, Uplift Education may choose not to reimburse the parent for the cost of the IEE.
 - Copies of the examiner's license(s) or certificate(s) if the independent examiner chosen by the parent was not on the list of providers Uplift Education gave to the parent.
 - If requested, a conflict of interest form provided by Uplift Education indicating whether the examiner has a personal monetary interest in any service or program recommended by the examiner.
 - Copies of all test protocols, or written parental consent for the examiner to release test protocols, to ensure all test protocols are available for review by Uplift Education upon request.
 - An invoice from the IEE provider reflecting the cost of the evaluation, any deduction for sliding scale fees or insurance payment, and the total "out-of-pocket" expense to the parent.
 - Proof of payment of the invoice.
 8. Uplift Education will reimburse the parent for the cost of an IEE that complies with Uplift Education's IEE criteria. If the IEE does not substantially comply with Uplift Education's criteria, Uplift Education will notify the parent in writing of the substantive deficiencies in need of remediation before reimbursement will be authorized.

9. *Uplift Education will consider through an ARD/IEP committee meeting any IEE obtained by a parent, either at public or private expense, which meets Uplift Education's IEE criteria, in any decision made with respect to the provision of a free appropriate public education to the parent's child. Such consideration does not make Uplift Education liable for payment of a private evaluation or require implementation of the recommendations from the evaluation. The IEE must be received at least five (5) school days prior to the ARD/IEP committee meeting scheduled to review the report. An IEE examiner may participate in the ARD/IEP committee meeting, but at parent expense.*

Operating Procedures Uplift Education 057-803

Legal Framework: EVALUATION PROCEDURES

Related Resources

Broad Category: EVALUATION

Procedures

- **Determining no additional formal evaluation is needed** – If the ARD/IEP Committee determines no additional formal evaluation is needed, additional informal evaluation data, including but not limited to work samples, benchmark testing, classroom evaluation, criterion reference testing and semester exams must be reviewed and incorporated in the evaluation summary.
- **Related Services evaluations**-If a Related Services evaluation is recommended and approved in an ARD/IEP Committee meeting, the Related Services provider must be notified. Results of these evaluations must be reported in an ARD/IEP Committee meeting, adhering to the timeline recommended by the ARD/IEP Committee but in no case exceeding the timeline outlined in statute.
- **Psychological Services evaluations**-Psychological Evaluation require a separate “Consent for Evaluation” and “Notice of Evaluation”. The request for a Psychological Evaluation must be made in an ARD/IEP Committee meeting and reported in an ARD/IEP Committee meeting, adhering to the timeline recommended by the ARD/IEP Committee but in no case exceeding the timeline outlined in statute.
- Requests for a Functional Behavioral Assessment (FBA) or Behavioral Intervention Plan (BIP) require separate and additional parental consent.
- **Special Education student returning to Uplift**-If a Special Education student withdraws from an Uplift campus and returns to enroll more than 6 months following withdrawal, Uplift has the right and responsibility to determine if additional evaluation is needed to provide Special Education support for the student.
- **Contracted Personnel**-Contracted personnel who complete evaluations must provide Uplift with the assessment results, recommendations and a written report prior to reviewing and/or sending information to parents.
- **Assessment Protocols**-Assessment protocols will be filed in a separate folder from the student's eligibility folder and will not be filed with the written evaluation report. Parents or adult students have access to the review of test protocols but not a copy of the protocols to preserve the integrity of the testing instrument. The parent or adult student may request a meeting with the Evaluation Personnel, the Director of Evaluation Services or the Director of Special Education to review the protocols but may not have a copy of the completed protocols. Protocols will be destroyed every three years.

Staff Responsible:

- **District Level:** Special Education Director, Director of 504 and Evaluation Services, Area Coordinator of Evaluation
- **Campus Level:** Special Education Campus Coordinators and Evaluators

Timelines for Evaluation Activities:

- Evaluation staff and Special Education Leaders are trained annually in evaluation timelines.
- Special Education Leaders use the internal evaluation tracker to track progress on evaluations.
- Special Education Area Coordinator or Evaluation and the Director of Evaluation Services monitor the compliance and quality of evaluation reports on a quarterly cadence.

Eligibility Criteria

Authority: 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89

A student that is at least 3 years old but not more than 21 years of age may be eligible for special education services. Through an evaluation, if a student is found to have a disability in one of the following categories, and has an educational need, they may be found eligible for special education:

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. Non-Categorical Early Childhood
13. Multiple Disabilities

Additionally, a student is eligible to participate in Uplift Education'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.

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 under 'Eligibility Definitions'.

When interpreting evaluation data for the purpose of determining if a student is a student with a disability under § 300.8, and the educational needs of the student, Uplift Education must:

- 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
- 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, an IEP must be developed for the student.

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.

For children aged three through nine, or any subset of that age range, may be a child with a disability if the student is:

- 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
- needs special education and related services.

Eligibility Definitions

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.

Speech or Language impairment

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 at Uplift Education must include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech/language pathologist.

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.

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.

The multidisciplinary team determining eligibility must include a licensed physician.

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
12. Tourette Syndrome

If the health condition limits alertness in the educational environment and adversely impacts a student's learning, they are eligible for OHI. In determining eligibility, Uplift Education must include a licensed physician on the multidisciplinary team.

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.

Uplift Education must 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.

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 otological examination performed by an otologist or by a licensed medical doctor, with documentation that an otologist is not reasonably available. Uplift Education must 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.

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.

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.

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;
 - 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.

Through evaluation, Uplift Education 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.

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.

In addition to the 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.

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.

In addition to being identified as having a disorder that impacts a basic psychological process, Uplift Education must 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.

Uplift Education'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.

A specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Prior to identifying a student as one with a learning disability, Uplift Education must ensure that the suspected disability is not due to lack of educational opportunity or lack of appropriate instruction. Uplift Education must consider data that shows the student has received appropriate instruction in math and reading in the general education setting. Uplift Education must 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.

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.

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).

The written evaluation determining eligibility under autism must include recommendations for behavior interventions.

Non-Categorical Early Childhood (NCEC)

Non-Categorical Early Childhood: A scholar between the ages of 3-5 who is evaluated as having an intellectual disability, emotional disturbance, a specific learning disability, or autism may be described as non-categorical early childhood.

Multiple Disabilities

A student may qualify as a student with multiple disabilities if they are identified to have a combination of impairments (such as mental retardation-blindness or mental retardation-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.

The impairments must be expected to continue indefinitely and the impairments must severely limit performance in 2 or more of the following:

1. psychomotor skills
2. self-care skills
3. communication
4. social and emotional development, or
5. cognition

A student that 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.

Operating Procedures

Uplift Education 057-803

Legal Framework: EVALUATION

Related Resources:

[Autism](#)

[Deaf-Blindness](#)

[Deaf or Hard of Hearing](#)

[Emotional Disturbance](#)

[Intellectual Disability](#)

[Multiple Disabilities](#)

[Noncategorical Early Childhood](#)

[Orthopedic Impairment](#)

[Other Health Impairment](#)

[Specific Learning Disability](#)

[Speech or Language Impairment](#)

[Traumatic Brain Injury](#)

[Visual Impairment](#)

Broad Category: EVALUATION

Procedures

- Each disability criteria requires addressing how the disability adversely affects a student's educational performance. A student does not have to fail or be retained in a course or grade in order to be considered for special education and related services. However, the student must have one or more of the impairments identified in Federal law and need special education and related services because of that impairment. A range of factors - both academic and nonacademic- can be considered in making this determination for each individual student. Even if a student is advancing from grade to grade or is placed in the regular educational environment for most or all of the school day, the team still could determine the student's impairment or condition adversely affects the student's educational performance because the student could not progress satisfactorily in the absence of specific instructional adaptations or supportive services, including modifications to the general education curriculum.

Autism

- Uplift Education utilizes a team approach in completing all evaluations for the suspicion of autism. The team of professionals that completes the evaluation process for autism will include a Licensed Specialists in School Psychology (LSSP), a speech/language pathologist (SLP), a diagnostician, and any other professionals as appropriate. The parent is also a critical member of the team as is the classroom teacher.
- Uplift Education will follow the guidelines for the condition of autism as indicated in §300.8 (c) (1) (2). If a student obtains an outside evaluation following the diagnostic criteria for autism spectrum disorder and the related diagnosis of social communication disorder, as they appear in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), the school district will review and consider the data from the evaluation. It should be noted that school districts do not utilize the DSM-5 criteria for eligibility for special education services as they are guided by federal and state guidelines
- A Functional Behavioral Assessment is completed when a student's behavior impedes their educational progress or other students in the classroom. Obtain information from a variety of sources including but not limited to: discussions, interviews, records, and direct observation to determine duration, frequency, and intensity of any patterns of behavior. If FBA results indicate a behavior intervention plan (BIP) is necessary, the ARD/IEP committee will develop and consistently implement the BIP.

Deaf Blindness

- Prior to determining the condition of deaf-blindness at Uplift Education, the evaluation staff will consult with the Special Education Area Coordinator over evaluation or designee to determine all criteria are met for this disability condition.

- Parents may obtain, at no cost to them, an ontological examination performed by an otolaryngologist, or by a licensed medical doctor with documentation that an otolaryngologist is not reasonably available. Parents should contact the Campus Special Education Coordinator for facility information.
- Parents may obtain, at no cost to them, an audiological evaluation performed by a licensed audiologist. Parents should contact the Campus Special Education Coordinator for facility information.

Deaf or Hard of Hearing

- When suspecting a student of having an auditory impairment, a professional certified in the education of students with auditory impairments will be assigned to assist with:
 1. determining appropriate areas of evaluation;
 2. developing or determining appropriate evaluation techniques;
 3. conducting evaluations when appropriate; and
 4. interpreting data to ensure consideration and understanding of the educational, psychological, and social implications of the disability.

Emotional Disturbance

- Disability condition and eligibility will be assessed by trained and experienced evaluation professionals on the multidisciplinary team. These professionals use a range of data to distinguish emotional disturbance from other disabilities by close examination of comprehensive assessment information and the student's history and presentation of symptoms.
- Uplift Education does not diagnose schizophrenia but determines the presence or absence of the condition of an emotional disturbance following TEA guidelines in TAC §300.8 (c) (4). If the district receives outside medical information with the diagnosis of schizophrenia, the information is compared with symptoms and behaviors exhibited in the school setting to determine if a condition of emotional disturbance is present. If there is not a medical diagnosis, but behaviors are consistent with schizophrenia, this information will be noted in the evaluation report and considered when developing the IEP services and supports for the student.

Intellectual Disability

- The overall test score of the individually administered IQ test for cognitive ability must be utilized along with the standard error of measurement of the test given.
 - If non-standardized procedures are used to administer a standardized test or a developmental scale is utilized because of a severe sensory impairment (i.e. visual impairment), a severe physical disability, or because of language or communication differences, the adaptations should be noted and the implications for test interpretation should be documented in the written report. Normed scores are based on standardized administration procedures and should not be reported if non-standardized procedures are utilized during the administration of the test. Reporting ranges or categories of scores can be utilized along with multiple sources of data to determine if a condition of an intellectual disability exists.
 - If a student is very young and/or has a severe disability or a severe sensory impairment, a developmental scale may only be administered instead of intelligence tests, if the test administration manual indicates it can be used for an IQ score, otherwise, it will be for informational (data) purposes only. A standardized intelligence test should always be attempted, noted and reported along with the developmental scale, and other sources of data to support the intellectual disability. All sources of data must support the intellectual disability condition prior to moving forward with the disability.
 - An adaptive behavior scale must be administered and documented. Document deficits in at least two of the areas of adaptive behavior listed in §89.1040 (c) (5)(B) above. The adaptive behavior scale includes interviewing a parent, teacher, and/or another individual who is familiar with the student's daily activities. There must be at least 2 sources of data for the adaptive behavior scales.
 - Any evaluation where the intellectual disability is being considered for the first time, must be reviewed by the Area Coordinator of Evaluation or Director of Evaluation Services.

Multiple Disabilities

- Prior to adding the multiple disability condition for a student at Uplift Education, the Special Education Area Coordinator over evaluation or designee must be consulted to determine if all criteria is met. This data must be documented in the written report to support criteria for multiple disabilities as stated in §TAC 89.1040 (c) (6)

Noncategorical Early Childhood

- Uplift Education will utilize the condition of NCEC if all disability criteria has been met. The report must document that the student does have one of the following conditions: autism, (attach written report) emotional disturbance, (attach written report) or intellectual disability. (attach written report)
- Uplift Education does not utilize NCEC for the condition of a specific learning disability. If this is suspected, the evaluation leadership team must be consulted prior to utilizing NCEC: SLD.
- In making a decision to identify a student as being eligible under the NCEC disability category, multidisciplinary teams and ARD/IEP committees should consider the following: the age of the student and/or the student's functioning level and/or all available formal and informal evaluation data.
- Any student who the ARD/IEP committee accepts the NCEC disability condition must be reevaluated prior to their 5th birthday to determine the presence or absence of the suspected disability condition.

Orthopedic Impairment

- Campus Special Education Coordinators or the appropriate Evaluation Team member will obtain Consent for Disclosure to obtain information from the student's physician as part of the evaluation.
 - The physician's information is just one piece of data that must be considered in the determination of a condition of an orthopedic impairment. The condition of an orthopedic impairment cannot be determined solely on physician information, there must be multiple sources of data in all areas to support the condition of an orthopedic impairment.

Other Health Impairment

- Campus Special Education Coordinators or the appropriate Evaluation Team member will obtain Consent for Disclosure to obtain information from the student's physician as part of the evaluation.
- The physician's information is just one piece of data that must be considered in the determination of a condition of an other health impairment. The condition of an other health impairment cannot be determined solely on physician information, there must be multiple sources of data in all areas to support the condition of an other health impairment.
- The evaluation must determine how the student's medical condition is impacting him/her in the educational setting.

Specific Learning Disability

- Uplift Education follows TEA guidelines in reference to the identification of a child with the condition of a specific learning disability as indicated in §TAC 89.1040 (c) (9)
- The team of qualified professionals (including the parent) will meet as an ARD/IEP Committee to review the FIIE/FIE and determine if there is an educational need in order for the student to meet eligibility criteria for special education services.

Speech or Language Impairment

- For students suspected of a speech and language impairment, the evaluation will be performed and documented by a certified speech and language pathologist, or a licensed speech and language pathologist. All of the areas including evaluation of physical, mental, and emotional conditions and learning competencies will be addressed in the evaluation; however, the depth of the evaluation to be performed for each area is identified in the Uplift Education Evaluator Handbook. The written report of evaluation will include the level of severity of the impairment as determined by the eligibility guidelines, along with indicating how the communication disorder affects the student's performance in the educational setting.

Traumatic Brain Injury

- Uplift Education utilizes a multi-disciplinary team encompassing multiple sources of data, which must include physician information. A release of confidential information will be obtained from the parent, so the assessment team may communicate with the student's physician. If the assessment staff is considering utilizing the condition of

a traumatic brain injury for the first time, they must have the Special Education Area Coordinator over evaluation or designee review the information prior to completion of the written report.

Visual Impairment

- When considering students who have or suspected of having visual impairments, a certified teacher of the visually impaired (CTVI) will assist in the completion of the evaluation by:
 1. determining appropriate areas of evaluation;
 2. developing or determining appropriate evaluation techniques/accommodations;
 3. conduct a Functional Vision Evaluation/Learning Media Assessment;
 4. evaluate the Expanded Core Curriculum;
 5. consider the need for an Orientation/Mobility evaluation (see below);
 6. interpret data to ensure consideration and understanding of the educational, psychological, and social implications of the disability; and
 7. collect appropriate medical documentation (Texas State Eye Report) All areas of a FIE must be addressed in evaluating a student with a/or suspected of having a visual impairment. The CTVI will work with the other assessment staff in completion of the evaluation and written report. Any deviation from the standardization of the assessment must be documented in the written report along with any accommodations/modifications utilized during the assessment.
- All initial referrals will include an Orientation & Mobility evaluation.

STAFF RESPONSIBLE:

- **District Level:** Director of Special Education, Director of 504 and Evaluation Services, Special Education Area Coordinator of Evaluation
- **Campus Level:** Special Education Campus Coordinator, Campus Evaluation Team

TIMELINES FOR IDENTIFYING DISABILITY CONDITIONS:

- Uplift Education will follow all evaluation timelines as outlined in the legal framework.
- Reevaluations must occur at least once every three years unless the parent and Uplift Education agree that a reevaluation is unnecessary.

ADMISSION, REVIEW AND DISMISSAL COMMITTEE MEETING

Authority: 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 75, 89, 101

It is the policy of Uplift Education to hold an Admission, Review, and Dismissal (ARD) committee meeting for each student that qualifies for special education and related services in accordance with the Individuals with Disabilities Education Act (IDEA).

Through an ARD committee meeting Uplift Education will create an appropriate individual education program (IEP) in accordance with the IDEA and the IEP policy of Uplift Education.

Admission, Review and Dismissal (ARD) Committee Membership

Before a student is enrolled in a special education program of Uplift Education, Uplift Education shall establish a committee composed of the persons required under 20 U.S.C. §1401(11) to develop the student's IEP, including:

1. Parent or Adult Student following the transfer of rights
2. General education teacher of the student
3. Special education teacher of the student
4. A representative of Uplift Education that is knowledgeable about general education curriculum, knowledgeable about the availability of resources, and qualified to provide or supervise the provision of, the specially designed instruction to meet the needs of the student with a disability;
5. A person who can interpret instructional implications of evaluations. This may be one of the other members.
6. At the discretion of the parent, adult student after the transfer of rights, or Uplift Education, other individuals who have knowledge or expertise regarding the student, including related services providers
7. Student, when appropriate prior to the transfer of rights

A representative of the school's Career and Technology Education (CTE) program is a required member of the ARD committee when considering initial and continuing placement of a student in CTE.

ARD Committee Member Absences and Excusal

All members of a student's ARD committee must be in attendance at a student's ARD meeting, unless the member is not required, or is excused.

Prior to an ARD meeting, a member of the committee may not be required to attend, in whole or in part, if the parent and Uplift Education agree in writing that the attendance of the member is not needed.

During an ARD meeting, it is the policy of the Uplift Education to obtain consent from the parent or adult student before excusing a member from remaining at an ARD committee meeting. If a member is excused, it may be reflected in the deliberation notes. An ARD committee member should not be excused prior to addressing the member's portion of the IEP.

ARD Committee Meeting Notification

Uplift Education will provide a parent or adult student written notice of each scheduled ARD meeting at least 5 days prior to the meeting. The notice must designate who will be in attendance, the purpose of the meeting, location, time and what topics will be discussed.

For a student who is homeless or in substitute care, Uplift Education will notify the child's educational decision-maker and caseworker regarding each ARD meeting, including a manifestation determination review (MDR) meeting.

Annual ARD Committee Meeting

For each student that receives special education and related services, an ARD committee meeting will be held periodically, but no less than annually to review and update the individual education program (IEP).

A parent or Uplift Education may request an ARD committee meeting be held prior to the annual ARD meeting. If parent requests a meeting in writing, Uplift Education will schedule a meeting at a mutually agreed upon time and place, or provide notice within 5 school days explaining the school's denial of the request.

Reaching Closure and Consensus

The ARD committee shall develop the IEP by agreement of the committee members or, if those persons cannot agree, by an alternate method provided by the Texas Education Agency. Majority vote may not be used to determine the IEP.

If the IEP is not developed by agreement, the ARD Committee must comply with the requirements of 19 TAC §1050(h) and ensure that the written statement of the program required under 20 U.S.C. §1401(11) includes the basis of the disagreement.

If the ARD meeting ends in disagreement, it is the policy Uplift Education to provide the parent with a recess. The recess shall not exceed 10 school days unless agreed upon by both parent and Uplift Education. During the recess, the committee members shall and the parent may gather additional information in order to help the committee reach consensus. If after 10 schools days, consensus cannot be reached, Uplift Education shall implement the IEP that was determined to be appropriate for the student.

A parent may waive the 10 days recess.

Through consensus of the ARD committee members, an ARD meeting may be recessed without reaching agreement or disagreement.

Parent's Native Language and Documentation

If the student's parent is unable to speak English, Uplift Education shall communicate with the parent in the parent's native language or other mode of communication the parent uses in accordance with the school's policy on use of parents' native language.

It is the policy of Uplift Education to translate the IEP for a Spanish-speaking parent. A translation may include, a written translation of the IEP or a recording of a reading of the IEP in Spanish. A recording of the ARD meeting is not sufficient, unless all parts of the IEP are discussed and the translation is clearly audible on the recording.

Amendment without a Meeting

After the annual admission, review and dismissal (ARD) meeting, changes to the IEP other than eligibility determinations, changes of placement, and manifestation determination reviews may be made either:

- By the entire ARD committee; or
- By amending the IEP rather than by redrafting the entire IEP.

ARD Committee Meeting without the Parent

It is the policy of Uplift Education to ensure that parents can attend the ARD meeting or have the opportunity to participate. Uplift Education will work with the parent to come to an agreeable time or provide an opportunity to participate via conference call.

If Uplift Education is unable to convince parent to attend the ARD meeting, Uplift Education may proceed with an ARD meeting without parent in attendance only after providing the parent with three written notices of the ARD Meeting. Uplift Education will document written notices sent to parent and phone calls with parent attempting to schedule a mutually agreeable time for the ARD meeting.

Implementation of an IEP

At the beginning of each school year, the school must have in effect an IEP for every Special Education student who is receiving Special Education and related services from the school.

An IEP must:

- be in effect before Special Education and related services are provided to the student; and
- be implemented as soon as possible following the ARD/IEP Committee meeting;
- be accessible to each general education teacher, Special Education teacher or related service provider.

It is expected the IEP of a student eligible for Special Education services will be implemented immediately following the ARD/IEP Committee meeting. An exception to this would be when the meeting occurs during the summer or a vacation period, or where there are circumstances that require a short delay (e.g., arranging for transportation). However, there must

be no undue delay in providing Special Education and related services to the student.

Each teacher and service provider must be informed of his/her specific responsibilities related to implementing the student's IEP and the specific supports that are available.

An IEP may be amended outside an ARD/IEP Committee meeting, under specific circumstances, with the agreement of Uplift Education and the parent.

1. The school must obtain written consent by parent/guardian or adult student before initial provision of Special Education and related services.

Elements of an ARD/IEP Committee Meeting

1. The purpose of each ARD/IEP Committee meeting is to develop the student's Individual Education Program (IEP), a written document based on the evaluation and parent input, which includes:
 - a) a statement of the student's present levels of educational performance including academic achievement and functional performance and:
 - strengths of the student;
 - concerns of the parents for enhancing the education of their student;
 - initial or most recent evaluation results;
 - results of the student's performance on any general state or district-wide assessment, as appropriate;
 - communication needs of the student;
 - for a LEP student, the language needs of the student as they relate to the IEP;
 - current student behavior that impedes his or her learning including behavior strategies interventions and supports.
 - b) consideration of Assistive Technology devices and services must be available to a student with a disability if required as a part of Special Education, related services or supplementary aids and services;
 - c) in the case of a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the ARD/IEP Committee determines, after an evaluation of the student's reading and writing skills, that instruction in Braille or the use of Braille is not appropriate for the student;
 - d) consideration of the communication needs of the student and, in the case of a student who is deaf or hard of hearing, considers the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct communication mode. The parent will also be provided with the state adopted form that contains written information about programs offered by state institutions;
 - e) a statement of the extent to which the student will be able to participate in the general curriculum. For preschool students, as appropriate, a statement will be included regarding how the disability affects the student's participation in appropriate activities;
 - f) a statement of specific measurable annual goals, including academic and functional goals, which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedule for their attainment;
 - g) a statement of how the student's parents will be regularly informed of their student's progress toward the annual goal including the extent to which the progress is sufficient to enable the student to achieve the goals by the end of the year. Parents will be informed at least as often as parents are informed of their non-disabled student's progress;
 - h) a statement regarding the student's participation in the state-wide assessment program including individual allowable accommodations in the administration of any state or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment;
 - i) if the student will not participate in the standard state or district-wide assessment (or part of an assessment), a statement of why that assessment is not appropriate for the student AND how the student will be assessed. Students who are not being instructed in the state curriculum at any grade level in an area tested by the state-wide assessment, will be evaluated by an alternative assessment. For a student taking an alternative assessment, the ARD/IEP Committee must include in the IEP a description of benchmarks or short-term objectives;
 - j) if the student did not perform satisfactorily on the state-wide assessment, a statement regarding the intensive program of instruction that shall be implemented to attain a standard of annual growth on the basis of the student's

IEP and, if applicable, determine the manner in which the student will participate in an accelerated instruction program and whether the student will be promoted or retained. The ARD/IEP Committee must determine the anticipated location of these services;

- k) if the ARD/IEP Committee determines the child is unable to participate in physical activity due to a disability or illness, the child will be allowed to substitute one credit in English language arts, mathematics, science, social studies or one academic elective (which is not used to satisfy another graduation requirement) for one physical education credit.
- l) a statement of the specific Special Education and related services, supplementary aids and services in the classroom, in other education-related settings and in extracurricular and nonacademic settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate, interventions, accommodations and modifications to be provided to the student based upon the individual needs of the student, as well as supports for the school personnel;
- m) the projected dates for the initiation of services and accommodations/modifications, the anticipated frequency and duration of the services, including the number of school days, the number of hours per day, and the length of the school year over which such services are provided and the location of the services;
- n) consideration of the following information for students with autism/pervasive developmental disorders (justifying why, if not provided):
 - 1. Extended day and Extended School Year (ESY) education programming;
 - 2. daily schedules reflecting minimal unstructured time;
 - 3. in-home training or viable alternatives;
 - 4. prioritized behavioral objectives;
 - 5. prevocational and vocational needs of students ages 12 or older;
 - 6. parent training;
 - 7. suitable staff-to-student ratio;
 - 8. communication interventions;
 - 9. social skills supports and strategies;
 - 10. professional educator/staff support;
 - 11. teaching strategies based on peer reviewed, research-based practice.

If the ARD/IEP Committee determines that services are not needed in one or more of the areas specified in state regulations, the IEP must include a statement to that effect and the basis upon which the determination was made;

- o) for a student with Visual Impairment being placed in a classroom setting, the ARD/IEP Committee must consider providing training in compensatory skills, communicative skills, orientation and mobility, social adjustment and vocational or career counseling. The ARD/IEP Committee must also assure that the student has been provided a detailed explanation of various service resources available in the community and throughout the state and provide a detailed description of the arrangements made to provide the student with orientation and mobility training, instruction in Braille or use of large print, training to compensate for serious visual loss, access to special media and special tools, appliances, aids and/or devices commonly used by individual with serious visual impairments. For a VI student, the ARD/IEP Committee must also set forth 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 training required. The ARD/IEP Committee must also provide each parent with the state-adopted form that contains written information about programs offered by state institutions;
- p) the determination of need for Extended School Year (ESY), as appropriate, for the student when the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable time period, (8 weeks) therefore being unable to maintain one or more acquired critical skills because of the absence of an extended school program. Documentation for ESY will be gained through formal and/or informal evaluations provided by the School or the parents. For students enrolling in Uplift Education during the school year, information obtained from the prior school district as well as information collected during the current year will be used to determine the need for ESY services. If ESY is determined to be appropriate, goals and objectives for ESY will be addressed in the student's IEP. ESY will not be limited to a particular category of disability or unilaterally limit the type, amount, or duration of ESY services;
- q) a statement of the needed transition services that promotes movement from school to post-school activities including post-secondary goals that include education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community

participation taking into account the student's preferences and interests. The ARD/IEP Committee must determine transition services, including courses of study, needed to assist the student in reaching the postsecondary goals.

- Beginning not later than the first IEP in effect when the child is 14, and updated annually, the following issues will be considered in the development of the IEP including instruction and related services:

- The student's and parent's involvement in the transition to life outside the public school system. If the student is younger than 18 years of age, the appropriate parental involvement in the student's transition and, if the student is at least 18 years of age, if the parent is invited to participate by the student or the school district in which the student is enrolled. If the student does not attend the ARD/IEP Committee meeting, Uplift Education shall take other steps to ensure that the student's preferences and interests are considered;
- Post-secondary education options;
- Functional vocational evaluation;
- Employment goals and objectives;
- Continuing and adult education;
- Independent living (post-school adult living) goals and objectives;
- Community experiences;
- If appropriate, acquisition of daily living skills;
- If appropriate, referral to a governmental agency for services;
- A statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study.

- Beginning at age 14 (or younger if determined appropriate by the ARD/IEP Committee) a statement of the interagency responsibilities or any needed linkages. If a participating public agency fails to provide agreed upon services, Uplift Education shall identify alternative strategies to meet transition objectives set out in the IEP;

r) beginning at least one year before a student reaches 18 years of age, the IEP will include a statement that the student has been informed of his or her rights that will transfer to the student upon reaching age 18;

s) if the student is at least 18 years of age, the ARD/IEP Committee shall consider the availability of age appropriate instructional environments in the development of the IEP, and, if appropriate, integrate into the IEP;

t) for a student graduating and being awarded a high school diploma, graduation terminates a student's eligibility for Special Education services and a student's entitlement to the benefits of the public school. "Graduation" indicates that the student has a) completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education, including satisfactory performance on the exit-level assessment instrument OR b) completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education and has been exempted from the exit-level assessment instrument because the assessment instrument would not provide an appropriate measure of the student's achievement as determined by the student's ARD/IEP Committee. When determining graduation, the ARD/IEP Committee shall consider the Full and Individual Evaluation and the views of the parent and/or student, as appropriate, recommendations from adult service agencies, completion of the IEP, and the student's successful completion of the state or District minimum credit requirement.

The ARD/IEP Committee must also determine that the student is either:

- Ready for full-time employment and possesses sufficient self-help skills to maintain employment without the educational support of Uplift Education OR
- Demonstrating mastery of specific employability skills and self-help skills which do not require direct on-going education support of Uplift Education OR
- Has access to outside services, or employment, or educational options for which the student has been prepared by the academic program OR
- The student no longer meets age eligibility requirements OR
- The student has completed the requirements specified in the IEP.

- If none of these criteria have been met and the student has completed four years of High School, the school shall allow a student to receive a certificate to participate in a graduation ceremony with students receiving a diploma.

u) the development of a Behavior Intervention Plan (BIP), if a student's behavior impedes his or her learning or the learning of others;

v) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the annual goals are being met;

w) the documentation of the ARD/IEP Committee meeting will include the date, names, positions, and signatures of the members participating in each meeting, as well as agreement or disagreement of each member with the ARD/IEP Committee's recommendations.

2. Uplift Education provides:

- the parent (or the adult student) a copy of the IEP;
- assurances Special Education and related services are provided to a student with a disability at no cost to the adult student or parent;
- an opportunity for all tras of the student (general education and Special Education)to provide input in the IEP process;
- an opportunity for general education teachers with Special Education students to request support in meeting the goals and objectives outlined in the student's IEP.

3. If the ARD/IEP Committee determines, as a result of the Full and Individual Evaluation (FIE), the student is not eligible for Special Education services, a *"Notice of Proposal or Refusal to Provide Services in Regard to Identification, Evaluation, Placement or Free Appropriate Public Education"* form will be completed, *"Explanation of Rights and Procedural Safeguards"* will be given to the parent, and the student will be referred to the SST Committee for consideration for further accommodations.

Least Restrictive Environment

In determining the Least Restrictive Environment, Uplift Education will describe previous efforts, if any, to educate the student in a general education classroom (including a description of supplementary aids and services), a description of why the efforts failed, the educational benefit the student will receive from general education (including non-academic benefit), the effects the student's presence has on the general education classroom, and the student's needs that can and cannot be met in the general education classroom. The ARD/IEP Committee will provide an explanation of the extent, if any, to which the student will not participate with non-disabled students in the general education class. Consideration will also be given to any potential harmful effects on the student with disabilities or on the quality of services that he or she needs.

Consideration of Instructional Setting

The ARD/IEP Committee ensures that each Special Education student shall be offered an instructional arrangement that is:

1. in the general education environment with students without disabilities to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school that the nature or severity of the student's disability is such that his or her education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily, and
2. in the school in which he or she would attend if not disabled unless implementation of the IEP requires a different instructional arrangement. If another instructional arrangement is required, the student is placed in the appropriate educational program that is as close to the student's home as is reasonably possible. These placement provisions also apply to Special Education students in public or private institutions or other care facilities.

Continuum of Instructional Settings – The ARD/IEP Committee will consider and determine the appropriate instructional arrangement/setting based on the individual needs and Individual Education Program (IEP)

of eligible students receiving Special Education services. Instructional arrangements shall include the following:

1. Mainstream - an instructional arrangement/setting for providing Special Education and related services to a student in the general classroom in accordance with the student's IEP. Qualified Special Education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student, and/or the student's general classroom teacher(s) necessary to enrich the general education classroom and enable the student to progress.
2. Resource – an instructional arrangement/setting for providing Special Education and related services to a student in a setting other than general education for less than 50% of the school day.
3. Self-Contained (mild, moderate or severe) – an instructional arrangement/setting for providing Special Education and related services to a student who is in the self-contained program for 50% or more of the school day on a regular school campus.
4. Homebound - an instructional arrangement/setting for providing Special Education and related services to student who are served at home or hospital bedside.
5. Hospital Class – an instructional arrangement/setting for providing Special Education instruction in a classroom, in a hospital facility, or a residential care and treatment facility not operated by the school district.
6. Speech/Language Therapy - an instructional arrangement/setting for providing speech/language therapy services whether in a general education classroom or in a setting other than a general education classroom.
7. Off Home Campus – an instructional arrangement/setting for providing Special Education and related services to the following:
 - a campus serving more than one school district;
 - a campus where instruction is provided by District personnel in a facility not operated by Uplift Education ;
 - a self-contained program on a separate campus operated by the school district.
8. Non-public day school - an instructional arrangement/setting for providing Special Education and related services to students through a contractual agreement with a non-public school for Special Education;
9. Residential care and treatment facility – an instructional arrangement/setting for providing Special Education instruction and related services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the school district providing education services to the students.

If the student is placed in a residential facility, Uplift Education will list the services the school is unable to provide and which the facility will provide, the criteria and estimated timelines for the student's return to Uplift Education and the appropriateness of the facility for the student. Uplift Education also will verify the facility meets minimum standards for health and safety. Uplift Education also will verify the residential placement is needed and is documented in the IEP and the residential facility is appropriate and the least restrictive environment for the student.

Transportation safety of the student must be considered by the ARD/IEP Committee including transporting the student at the beginning and end of the term and for regularly scheduled school holidays.

A Reintegration Plan including criteria and estimated timelines for returning the student from the residential or treatment facility to the local school district must also be considered by the ARD/IEP Committee.

10. Vocational adjustment class/program – an instructional arrangement/setting for providing Special Education and related services 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.

The Admission, Review, and Dismissal (ARD) Committee may identify other program options as approved by the Texas Education Agency. "Instructional Programs" and "Service Delivery" is outlined in the Uplift Education Special Education Policies and Procedures.

Non-academic and Extracurricular Services

1. Each student with disabilities shall be provided non-academic and extracurricular services and activities conducted by the school (e.g. meals and recess) with students without disabilities to the maximum extent appropriate to meet the needs of the student.
2. Nonacademic and extracurricular services and activities may also include:
 - counseling services
 - athletics
 - transportation
 - health services
 - recreational activities
 - special interest groups or clubs sponsored by the school
 - referrals to agencies that provide assistance to individuals with disabilities
 - employment of students including both employment by Uplift Education and assistance in making outside employment available.

Daily Schedule – Each student will have available the same length of instructional school day provided to all other students unless otherwise determined by the Admission, Review, and Dismissal (ARD)/IEP Committee. The ARD/IEP Committee may shorten a student's instructional day based on the Individual Education Program (IEP).

Assurances

Uplift Education assures removal of students with disabilities from the general education environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Uplift Education assures each student with a disability participates in non-academic and extracurricular services and activities, including meals and recess periods, with non-disabled students to the maximum extent appropriate to the needs of that student.

Uplift Education assures, to the maximum extent appropriate, students with disabilities are educated with students who are non-disabled.

Complaint Procedures – If there is a dispute relating to the identification, evaluation, or educational placement of or the provision of a Free and Appropriate Public Education (FAPE), to a student with a disability, it is the intent of the TEA and Uplift Education to encourage and support the resolution of any dispute at the lowest level possible and in a prompt, efficient, and effective manner.

Resolution Session – A resolution session provides parents and Uplift Education an opportunity to resolve a complaint prior to initiation of a Due Process Hearing. Uplift Education, within 15 days of receiving notice of a parent's Due Process complaint, must convene a meeting with the parent and the relevant members of the ARD/IEP Committee to discuss the facts underlying the parent's complaint and to give Uplift Education an opportunity to resolve the complaints. Uplift Education may not bring an attorney to this resolution session unless the parent also is accompanied by an attorney. This pre-hearing resolution session is mandatory unless the parent and Uplift Education agree in writing to waive the requirement, or agree to use the mediation process to try to resolve the complaint.

Mediation – The mediation process is:

- a voluntary process on the part of both Uplift Education and the parent(s);
- not used to deny or delay a parent's right to a Due Process Hearing or to deny any other rights afforded under IDEA '04-Part B, and;
- conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

Due Process Hearing initiated – A hearing may be initiated by the parent, adult student, or Uplift Education to challenge a proposal or refusal relating to identification, evaluation or educational placement of a child with a disability or the provision of FAPE to the child.

Request for a Due Process Hearing – A written request will be filed with the TEA and the school representative or the parent, if the request for hearing is filed by Uplift Education. If a request for hearing is filed by the parent, all procedures as set forth by TEA for requests for hearing will be followed. Uplift Education is available to assist the parent or adult student by providing necessary information if the parent requests assistance in filing a Due Process Hearing. Parties to a due process hearing may be accompanied and advised by counsel and by individuals, such as non-attorney advocates, who have special knowledge or training regarding the problems of children with disabilities.

Operating Procedures Uplift Education 057-803

Legal Framework: ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP

Related Resources

Broad Category: FREE APPROPRIATE PUBLIC EDUCATION

PROCEDURES:

- The Campus Special Education Coordinator must ensure that the ARD committee includes:
 - The parent of the student
 - At least one regular education teacher of the student
 - At least one special education teacher of the student
 - An LEA Representative
 - An Individual who can interpret the instructional implications of evaluation results
 - Other individuals who have the knowledge or expertise regarding the student including related service personnel
- **LEA Representative**-At Uplift Education, the Campus Academic Director or Dean or designee approved by the Special Education Director will serve as the LEA Representative. The Campus Academic Director is the most appropriate representative because of the authority and responsibility to commit district resources and to ensure implementation of the student's IEP. If the Campus Director or Dean assigns a designee, the designee will have the same authority to commit resources, however, the Campus Director remains responsible for ensuring the IEP is implemented. The principal assists the Campus Special Education Coordinator with guiding the discussion, ensuring parent participation and involvement in the ARD meeting.
- **Interpreting Instructional Implications**-The Special Education Campus Coordinator could relay evaluation or state assessment results unless it is an initial ARD or the ARD committee is determining necessary 3-year evaluation needs or results. If a visual impairment is being discussed the CVI teacher must be present. If an auditory impairment is being discussed the AI teacher must be present at the ARD/IEP meeting.
- **Transition Services Participation**- The Campus Special Education Coordinator and the Case Manager will work together to invite officials from other agencies to the ARD meeting, if appropriate. The Special Education Campus Coordinator will obtain parent/student consent/release of information for the agencies to be in attendance. Uplift Education attempts to have representatives from other agencies meet with students and parents prior to the IEP meeting to ensure more quality time to discuss post-secondary services and options.
- **Member Excusals**- During an ARD meeting, it is the policy of the Uplift Education to obtain consent from the parent or adult student before excusing a member from remaining at an ARD committee meeting. If a member is excused, it may be reflected in the deliberation notes. An ARD committee member should not be excused prior to addressing the member's portion of the IEP.
- **Conducting an ARD/IEP Committee Meeting without the parent in attendance**-An ARD/IEP Committee meeting can be held without the parent in attendance IF:
 - At least 3 notices have been given to the parent indicating the place, time, purpose and those in attendance.
 - At least one of these must be a written notice that was received by the parent at least 5 school days prior to the ARD/IEP Committee meeting
 - Documentation is available regarding the 3 or more attempts by the school personnel to include the parent and the parent's response to these attempts
 - There is no indication from the parent (or adult student), either written or verbal, that they wish to reschedule the ARD/IEP Committee meeting.
- **Student Participation**-The case manager of the student will ensure the student is aware of the ARD meeting and is able to attend. If the student is unable to participate in the meeting, the case manager will meet with the student to ensure the student's preferences and interests are documented ahead of time to discuss in the IEP meeting
- **Training**- Annual ARD Committee Membership training is provided annually and when appropriate throughout the school year.

STAFF RESPONSIBLE:

District Level: Director of Special Education, Special Education Area Coordinator

Campus Level: Special Education Campus Coordinator, Case Managers, Campus Academic Directors and Deans

TIMELINES FOR ARD COMMITTEE MEMBERSHIP ACTIVITIES:

- Notice of meetings
- Training of ARD committee members

Operating Procedures Uplift Education 057-803

Legal Framework: PARENT PARTICIPATION

Related Resources

Broad Category: FREE APPROPRIATE PUBLIC EDUCATION

PROCEDURES:

- **Scheduling an ARD Committee Meeting-** Special Education staff should call the parent to discuss the proposed ARD date prior to scheduling an ARD committee meeting and providing the parent with a Notice of ARD Committee Meeting. The campus staff will make every effort to accommodate the parents schedule, however, there is no requirement that an ARD/IEP meeting must be held outside of regular business hours for the school
- **Ensuring parent attendance at the ARD meeting-**At least 3 notices have been given to the parent indicating the place, time, purpose and those in attendance. At least one of these must be a written notice that was received by the parent at least 5 school days prior to the ARD/IEP Committee meeting. Documentation is available regarding the 3 or more attempts by the school personnel to include the parent and the parent's response to these attempts. There is no indication from the parent (or adult student), either written or verbal, that they wish to reschedule the ARD/IEP Committee meeting.
- **ARD/IEP Documents-** Special Education Campus Coordinators and Case Managers should prepare a draft IEP and provide the draft copy to the parent 10 school days prior to the scheduled ARD meeting.
- **Interpreters in an ARD Meeting-** Parents are provided an interpreter for ARD committee meetings if necessary. Campus Special Education Coordinators work directly with campus trained interpreters to schedule the ARD Committee meeting and provide interpretation services within the ARD meeting.
- **Advocates/Attorney's at ARD Committee Meetings-**If a parent brings an outside guest to an ARD Committee meeting, the Campus Special Education Coordinator or designee will ensure the parent has signed a Consent for Disclosure form prior to the ARD meeting. If the parent brings an attorney to the ARD without prior notice, the Special Education Campus Coordinator will inform the committee the ARD must be rescheduled until the district's attorney is available to attend the meeting.

STAFF RESPONSIBLE:

District Level: Special Education Director, Special Education Area Coordinator

Campus Level: Special Education Campus Coordinator

TIMELINES FOR PARENT PARTICIPATION ACTIVITIES:

- **Notice of ARD Committee Meeting-**The first attempt to establish an ARD Committee meeting must be in written form, however, the staff may call and discuss the proposed date with the parent in order to pick a mutually agreeable date and time. The second Notice may be in written form and the third Notice may be a follow-up phone call. All dates of scheduling attempts must be documented on the district Notice form and filed in the student eligibility folder. If three documented attempts to include the parent have been made, the ARD/IEP Committee meeting may be held and the parent will be sent a copy of the IEP and ARD deliberations as well as an offer to hold another ARD/IEP meeting to discuss recommendations. Parents must be provided 5 school day notice for an ARD committee meeting.

Operating Procedures

Uplift Education 057-803

Legal Framework: ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING

Related Resources

Broad Category: FREE APPROPRIATE PUBLIC EDUCATION

Procedures

- **Notice of ARD Committee Meeting**-The first attempt to establish an ARD Committee meeting must be in written form, however, the staff may call and discuss the proposed date with the parent in order to pick a mutually agreeable date and time. The second Notice may be in written form and the third Notice may be a follow-up phone call. All dates of scheduling attempts must be documented on the district Notice form and filed in the student eligibility folder. If three documented attempts to include the parent have been made, the ARD/IEP Committee meeting may be held and the parent will be sent a copy of the IEP and ARD deliberations as well as an offer to hold another ARD/IEP meeting to discuss recommendations.
- **Conducting an ARD/IEP Committee Meeting without the parent in attendance**-An ARD/IEP Committee meeting can be held without the parent in attendance IF:
 - At least 3 notices have been given to the parent indicating the place, time, purpose and those in attendance.
 - At least one of these must be a written notice that was received by the parent at least 5 school days prior to the ARD/IEP Committee meeting
 - Documentation is available regarding the 3 or more attempts by the school personnel to include the parent and the parent's response to these attempts
 - There is no indication from the parent (or adult student), either written or verbal, that they wish to reschedule the ARD/IEP Committee meeting.

If it is an initial placement ARD/IEP Committee meeting, the parent(s), legal guardian and/or adult student must be in attendance. If timeline is a factor, the ARD/IEP Committee may be held but Special Education services will not be initiated without the parent being present at a subsequent ARD/IEP meeting.

- **Prior to an ARD/IEP Committee Meeting**-Incorporating federal and state statute as well as "best practices" as defined in professional research the following activities should take place prior to every ARD/IEP Committee meeting:
 - The evaluation team member(s) contact the parent(s) and review the findings of the evaluation
 - The evaluation review in the ARD/IEP Committee meeting should be a brief summary of the findings
 - The student's individual Goals and Objectives are presented to the parent(s) at least 2 weeks prior to the ARD/IEP Committee meeting
 - Determine, if possible, any concerns the parent may want to address in the ARD/IEP Committee meeting
 - Conduct a Pre-ARD Staffing to briefly outline the findings and recommendations that will be presented in the ARD/IEP Committee meeting
 - Ensure all ARD/IEP Committee members understand their role and responsibilities in the ARD/IEP Committee meeting. A specific person must be designated to monitor and complete the ARD paperwork. Ideally, this person should not be the minute taker or the chairman of the ARD/IEP Committee
 - Design an Agenda for each ARD/IEP Committee meeting
 - Complete only basic demographic information and "draft" IEPs prior to the ARD/IEP Committee meeting
- **During an ARD/IEP Committee Meeting**

- All required members of the ARD/IEP Committee are present for the entire meeting and provide input into the discussion and decisions
 - All ARD paperwork is completed within the ARD/IEP Committee meeting including all necessary supplements
 - ARD/IEP paperwork must reflect the agenda and the “Key Elements” outlined by Uplift Education Charter Schools, issue by issue
 - A copy of the entire IEP and supplements should be given to the parent at the conclusion of the ARD/IEP Committee meeting. NO changes may be made to the ARD/IEP document after signatures have been obtained.
 - The contents of the ARD/IEP paperwork must be summarized at the conclusion of the ARD/IEP Committee meeting, including Uplift Education Charter School’s proposal and recommended placement. Distinguish between services discussed and services proposed.
 - Strive for understanding and consensus among the members of the ARD/IEP Committee.
- **Follow-up to an ARD/IEP Committee Meeting**
 - The Lead Teacher or Case Manager should ensure all services/program designed by the ARD/IEP Committee are provided to the student and the parent
 - The Evaluation Team Member or the Case Manager will be responsible for entering data and verifying accuracy of the data within 48 hours following the conclusion of the ARD/IEP Committee meeting.
- **Strategies to reach Consensus in an ARD/IEP Committee Meeting-** Every effort should be made by the chairman of the ARD/IEP Committee meeting to reach consensus/agreement with all ARD/IEP Committee members including the parent. In the event consensus cannot be reached, the options available are:
 - Take a brief recess to consult with other stakeholders to determine if additional options are available
 - Offer the parent a 10-day recess in which the school staff and the parent can prepare additional evidence or seek further input from outside sources
 - Inform the parent of alternative resolutions found in the Procedural Safeguards manual
 - If extenuating circumstances exist and time expires without completing the ARD/IEP Committee meeting, signatures may be obtained of all members in attendance and a continuation of the ARD Committee meeting may be held within 48 hours. Notation of “agree” or “disagree” would be gained at the conclusion of the ARD/IEP Committee meeting.
- **Notification of Director/Coordinator when an ARD/IEP Committee meeting ends in non-consensus-**When an ARD/IEP Committee meeting ends in non-consensus, the Director of Special Education should be notified immediately to allow time for review of the issues and possible strategies for resolution. **The date of the 10-day reconvene ARD meeting must be determined prior to the end of the meeting.**
- **Reintegration-** When a student is returning from a more restrictive environment to a less restrictive environment, including but not limited to residential treatment facility or homebound services, criteria must be developed for the student’s return. Estimated timelines for returning the student from the more restrictive environment also must be included in the Reintegration Plan as part of the IEP.
- **Field Trips-**As part of the least restrictive environment, all students in Special Education must be considered for all appropriate and grade-level field trips. Input from the parent must be considered in determining the appropriateness and any necessary accommodations to ensure participation in appropriate field trips.
- **Reverse Inclusion- Reverse Inclusion** is defined as bringing students from the general education classroom into the special education classroom to interact with students with disabilities. Parent permission must be obtained in

writing from the parent of the general education and the Special Education students before the students can participate in Reverse Inclusion.

- **Amending an IEP outside an ARD/IEP Committee Meeting**-An IEP should be amended in an ARD/IEP Committee Meeting except in unusual circumstances.
- **Audio/ Video recording of ARD/IEP Committee Meetings**- Video recording of ARD/IEP Committee meetings is not allowed at Uplift Education in order to protect confidentiality and the rights of all participants. Audio recording is allowed for all ARD/IEP Committee meetings. If the parent, guardian or adult student chooses to record an ARD/IEP Committee meeting, Uplift Education also will record the meeting. If Uplift Education records an ARD/IEP Committee meeting (i.e. for a bilingual parent), the parent is offered a copy of the recording at no cost.

Least Restrictive Environment

- **Pre-School LRE Initiative (SPP 6)**-In promoting an increase of preschool services in the least restrictive environment, a continuum of services and placement options will be offered to parents of students ages 3-5. Additional staff development will be offered to insure pre-school students are receiving services in the least restrictive environment.
- **FAPE in the Least Restrictive Environment for Pre-School Children (SPP 7)**- Programs will be put in place to ensure students ages 3-5 have an opportunity to improve positive social-emotional skills, acquire and use early language, communication and early literacy skills and use appropriate behaviors to meet their needs.

The process:

Determine the need and appropriate level of inclusion-Review the current program in place, IEP goals and objectives, expressed concerns of parents. Consider the following factors about the child: child's awareness of others in his/her environment, awareness of basic social conventions (eye contact, responding to name, tolerance for being physically near others, appropriate use of play materials, interest in age appropriate toys). If the child demonstrates significant delays or deficiencies in at least four of these areas, he/she may be a good candidate for Reverse Inclusion.

- **Steps to implement Reverse Inclusion:**
 - Contact the child's parent to discuss Reverse Inclusion
 - Determine the appropriate general education students to participate in Reverse Inclusion
 - Generate permission slips for both general education and Special Education students who would participate in Reverse Inclusion
 - Determine appropriate times and settings for Reverse Inclusion
 - Conduct sensitivity training with typically developing peers.
 - Plan the Inclusion activities. They will be brief –not more than 15 minutes possibly as brief as 5 minutes.
 - Build on the children's interest and strengths.
 - Provide visuals of what will happen. (sequence of activities)
 - Provide interesting materials and positive reinforcement for use by the general education student
 - Gather baseline data regarding basic skills like responding to peer conversational attempts and engaging in shared activity.
 - Determine frequency of data collection.
 - Provide positive feedback for peers who are making reverse inclusion possible.
 - Once the special needs child shows progress on targeted social skills, and peers are interacting with the child with minimal adult assistance, consider times to begin inclusion in the general education setting.
- **Transition Services (SPP 13)**- Transition Services will be targeted to ensure coordinated and measurable IEP goals and transition services that will enable students to meet post-secondary goals including but not limited to:

- Student involvement in determining IEP goals, transition planning and self-determination
- Parent training and participation in the IEP process
- Additional staff development to insure a continuum of services for transition and post-secondary students.
- **Post-Secondary Outcomes (SPP 14)-** Post-Secondary outcomes of Uplift Education students will be tracked and recorded using various documentation including but not limited to:
 - Survey of students and parents
 - Phone contacts.

Staff Responsible:

- **District Level:** Special Education Director, Director of 504 and Evaluation Services, Area Coordinator of Evaluation
- **Campus Level:** Special Education Campus Coordinators and Evaluators

Timelines for ARD Committee Meeting Activities:

- Initial ARD meetings should occur 30 calendar days from the date of the initial evaluation report.
- Annual Review ARD meetings should occur prior to the last annual review.
- Transfer ARD/transfer agreement meetings should occur 30 school days from the date the child is verified as being a child eligible for special education services

Operating Procedures Uplift Education 057-803

Related Resources:

[DETERMINATION OF ELIGIBILITY](#)

[PRESENT LEVELS](#)

[ANNUAL GOALS](#)

[SPECIAL FACTORS:](#)

[Assistive Technology](#)

[Autism](#)

[Behavior](#)

[Blind or Visually Impaired](#)

[Deaf or Hard of Hearing](#)

[Limited English Proficiency](#)

[STATE AND DISTRICTWIDE ASSESSMENTS](#)

[SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, AND RELATED SERVICES](#)

[EXTENDED SCHOOL YEAR SERVICES](#)

Broad Category: FREE APPROPRIATE PUBLIC EDUCATION

PROCEDURES:

- **Documentation for Provision of Services-** Services described in the IEP will be through a variety of information and sources based on the most appropriate means for the individual service and environment. Special education instructional and related services will be documented by progress on the IEP, student attendance and lesson plans. In addition, portfolios may be maintained as well as provider logs. Provider logs will be maintained by each service provider and reviewed at the IEP meeting as appropriate. Any service interruption resulting from special education staff absence will be reported to the appropriate administration following local district procedures.
- **Requirements for Documenting the Provision of Services Frequency** – how often the child will the service be provided? If a service is delivered less than daily, it should be defined using a weekly reference (1 hour a week; 30 minutes every two weeks, etc). Duration - how long will the services be provided? The beginning and ending dates must be specified. How long will each session be (15 minutes, 30 minutes)? If a term (1 class period) is used in the IEP to define duration of service, the term must be defined in the IEP (example: 1 class period = 50 minutes). Location - where services will be provided? (in the general education setting or another setting such as a special education) Frequency, location and duration must be clearly explained to the parents at the ARD/IEP meeting along with being delineated out in schedule of services page of the IEP document so all participants are clear on the services the student will be receiving.
- **Determination of Eligibility-**When a scholar is suspected of having a disability by a school staff member or parent, and following the review of the SST committee, the scholar may be considered for a referral for Special Education identification. There are 13 areas of disability that the Special Education department is responsible for identifying (please see below). Each campus is assigned a Speech-Language Pathologist, Educational Diagnostician and/or a Licensed Specialist in School Psychology that is responsible for reviewing and evaluating scholars after the campus has gathered scholar referral information and obtained written parental consent. Formal assessment must be completed within 45 school days from date of parent consent and presented to the Admission Review and Dismissal Committee (ARDC) within 30 calendar days of completed evaluation. If the scholar evaluation supports an educational need and the scholar meets at least 1 of the 13 areas of identification, the campus ARDC will determine need for program services based on the scholar's present levels of performance and recommended accommodations and/or modifications.
- **Present Levels of Academic Achievement and Functional Performance and Annual Goals**

- When constructing a PLAAFP, the Case Manager is responsible for addressing the following information when developing a scholar's IEP: Reading, Written Expression, Math, Behavior, and any other issue affecting the scholar's academic or behavioral performance.
 - Case Managers should use numerous data sources to determine the academic and functioning levels of the scholar. These data sources may include, but are not limited to: the FIE, STAAR Results, Report Cards, Teacher Evaluations, Report Card Grades, end of unit assessments.
 - The Case Manager should address each of the scholar's deficit areas (as described in the PLAAFP) with draft Goals and Objectives.
 - Goals and Objectives will be written for deficit area in which the scholar receives services.
 - Annual Training and writing Present Levels of Academic Achievement and Functional Performance is provided to campus Special Education staff on an annual basis.
- **Documentation of Services in the IEP**
 - The scholar's schedule of special education and related services should be accurately documented in the ARD/IEP to reflect what supports and services the scholar requires for FAPE whether attending school face-to-face or virtually.
 - Scholars with disabilities must have available an instructional day commensurate with that of scholars without disabilities.
 - A contingency plan for services should be documented within the deliberations of every ARD/IEP outlining how services will be implemented during remote learning.
 - Data should be collected weekly, at minimum, on IEP goals/objectives.
- **Lack of Progress Guidance**
 - Whether face-to-face or virtual, special education teachers should review the progress of each student on their caseload weekly (i.e., grade books, data collection, etc.) and determine what, if any, additional supports may be needed for each student to continue to progress in the general education curriculum and on their IEP goals/objectives.
 - Special education teachers should consider alternate strategies/supports to ensure continued progress (i.e., more synchronous instruction; more small group support, etc.).
 - Special education teachers should, after other interventions have been unsuccessful, request to convene an ARD meeting to address lack of progress.
 - When face-to-face instruction resumes fully, annual ARD committees should address student-specific needs resulting from closure. On a case-by-case basis, this might include discussions of COVID-related compensatory services or a need for extended school year (ESY) services.
- **Special Factors**
 - Behavior-The ARD committee is required to 'consider the use of positive behavioral interventions and supports, and other strategies to address that behavior' if the child's behavior impedes his or her learning or that of others. The final decision on interventions, strategies and supports is left to the ARD committee. Additional resources include the Texas Behavior Support Initiative (TBSI) and the TEA statewide project Texas Collaborative for Emotional Development in Schools (TxCEDS)
 - Limited English Proficiency-English Language Learners served by special education have needs related to a disability as well as needs related to language. The ARD committee along with the LPAC will collaborate to ensure that the appropriate accommodations and/or modifications are addressed to meet both the student's language and special education needs. The ARD/IEP committee and the LPAC will collaborate based on these needs to make appropriate assessment decisions for these students in accordance with the procedures outlined in the ARD guidelines and the LPAC manual.
 - Blind or Visually Impaired-In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child.

- **Deaf or Hard of Hearing-** For student who are deaf or hard of hearing, describe the procedure followed for including a teacher certified to teach students who are deaf or hard of hearing to an ARD committee meeting. When suspecting a student of having an auditory impairment, a professional certified in the education of students with auditory impairments will be assigned to assist with:
 - determining appropriate areas of evaluation;
 - developing or determining appropriate evaluation techniques;
 - conducting evaluations when appropriate; and
 - interpreting data to ensure consideration and understanding of the educational, psychological, and social implications of the disability.
- **Assistive Technology-** Assistive Technology is a related service which is needed for the student to benefit from special education. Referral for any additional, specific assistive technology evaluations are made by the ARD Committee after an FIE has been completed and reviewed. The ARD/IEP Committee will review the recommendations from the most recent FIE (Full and Individual Evaluation). Assistive technology needs will be discussed and considered given based on the competencies, strengths/weaknesses, and recommendations from the evaluation report. The ARD/IEP Committee may recommend additional evaluation after data has been collected to address the campus concern. An assistive technology evaluation must be addressed through the REED process and notice and consent obtained. Upon obtaining a consent for an assistive technology evaluation, the Director of Evaluation will be notified and provided the designated documents. The assistive technology evaluation team may include any of the following professionals: Occupational Therapist, Physical Therapist, Speech Pathologist, Diagnostician, Vision Teacher, and others as needed. Upon the completion of an assistive technology evaluation, the team member(s) will make written recommendations in a written report for assistive technology services and/or devices including specific modifications which are needed to implement the student's individual education plan. The ARD/IEP Committee will then consider the recommendations and services. Recommendations for assistive technology devices for all students from the ARD Committee meetings will be logged and tracked by the district designee to assure follow up occurs in ordering of material or any required training.
- **Autism-** Special Education Campus Coordinators and Area Coordinators are provided annual autism supplement training including: extended educational programming, daily schedules reflecting minimal unstructured time and active engagement in learning activities, in-home and community based training or viable alternatives, positive behavior support strategies, futures planning, parent/family training and support, suitable staff-to-child ratio to identified activities, communication interventions, social skills and strategies, professional educator and staff support, and teaching strategies based on peer-reviewed, research-based practices for children with autism spectrum disorder.
- **State and Districtwide Assessments-** The Uplift Education Special Education Leadership team will work closely with the district testing coordinator to ensure special education staff is provided continuous training with local campus staff. Uplift Education will follow the TEA recommendations found online. Training of special education staff will be held annually. Uplift Education follows the most current Assessment Guidance available through the TEA Student Assessment Division for ARD Resource and Special Education Assessment information. It is important to emphasize that the instructional decisions made by the admission, review, and dismissal (ARD) committee and documented in the individualized education program (IEP) must always guide assessment decisions for students receiving special education services.
- **Supplementary Aids and Services, Special Education, Related Services-** Special education, related services and supplementary aids and services based on peer reviewed research to the extent practicable means to the extent that research is possible and available. Services with the greatest body of research are not necessarily the service required for a child to receive FAPE. An IEP is not required to include specific instructional methodologies unless the ARD/IEP committee agrees it is necessary for the child to receive FAPE. The final decision must be made by the child's ARD/IEP team based on the individual needs of the child. If the ARD/IEP committee determines a qualified student with a disability requires related aids and services to participate in a regular education class or program (including accelerated classes) then the student must receive those related aids and services.

- **ESY Services-** The following guidelines will be used by Uplift Education staff to assist in identifying students who may need ESY services. At the beginning of each school year, teachers will identify students who have experienced regression on specific IEP objectives by comparing the IEP reviews of the last 9 weeks of the previous school year with the student's mastery of those IEP objectives at the beginning of the school year, reteaching as necessary to recoup skills.
 - After the IEP review at the end of the first benchmark of the schoolyear, teachers will document students who have not, even after reteaching during this period, recouped those objectives. This regression will be reviewed by the teacher to determine whether the regression is severe and/or substantial. Throughout the school year, after holiday breaks, etc., teachers will keep documentation (student work, anecdotal records, charting, etc.) on any student experiencing regression on critical IEP skills that you will be recommending ESY services.
 - The ARD/IEP committee will consider the need for ESY services for: 1. Students who appear to have experienced severe and/or substantial regression- recoupment problems during this data gathering, 2. other students referred by school personnel on an individual basis for consideration for ESY services, and 3. Students referred by parents or guardians for ESY services consideration.
 - The ARD/IEP committee will determine the appropriate IEP goals and objectives from the current IEP and amount of services needed to prevent severe/substantial regression.

STAFF RESPONSIBLE:

- **District Level:** Special Education Director, Director of 504 and Evaluation Services, Area Coordinator of Evaluation
- **Campus Level:** Special Education Campus Coordinators and Evaluators, Case Managers

TIMELINES FOR ACTIVITIES:

- Special Education and General Education Staff and Leadership are trained annually on FAPE procedures.

Operating Procedures

Uplift Education 057-803

Legal Framework: TRANSITION SERVICES and GRADUATION

Related Resources for GRADUATION

Related Resources for TRANSITION SERVICES

Broad Category: FREE APPROPRIATE PUBLIC EDUCATION

PROCEDURES:

Transition Services

- A designated Area Special Education Coordinator will serve as the Transition/Employment Services Designee for Uplift Education. The Director of Special Education will input the designees name and contact information on the Legal Framework.
- The special education case manager and/or Special Education Campus Coordinator will meet with the student at least annually to complete the following activities prior to the ARD/IEP meeting. Assist student to determine strengths, interests, preferences for future career goals, discuss with student coordinated set of activities necessary to further goals including the minimum, recommended, distinguished graduation/career plan, CTE electives, etc. Determine if Transition Assessments are completed or additional needed, Transition Assessments may be formal or informal. Formal assessments may include those purchased by the district such as Career Cruising. Informal assessments used include but are not limited to situational or observational assessments, structured interviews, questionnaires, environmental analysis, work sample task analysis, portfolios, inventories and personal planning with student and family. Assist student to articulate his/her post-secondary goals based on identifying strengths, interest, career research, etc. Assist student to prepare for sharing his/her postsecondary goals in the ARD/IEP meeting. (not later than the first IEP to be in effect when the child turns 14, or younger if determined appropriate by the IEP Team)

Graduation of Special Education Students-Special Education students may graduate by three methods:

- Foundation High School Program – 22 credits and pass all required EOC or, in the case of Special Education students, have attempted STAAR/EOC and met ARD standards
- Foundation High School Program with endorsements – 24 credits and pass all required EOC or, in the case of Special Education students, have attempted STAAR/EOC and met ARD standards
- IEP Graduation with approval of an ARD Committee and approval from the Director of Special Education.

The appropriate method of graduation for Special Education students will be determined by the ARD/IEP Committee. Uplift Education will discuss graduation ceremonies and certificate of attendance during the Annual ARD/IEP meeting for students not completing their IEP; but, wishing to participate in the graduation ceremony with their classmates.

At the annual ARD/IEP meeting beginning the 8th grade year, the following information will be provided to parents (this information can be found in the Graduation Supplement): A student who has completed 4 years of high school but has not completed the IEP may elect to participate in a graduation ceremony with his class. The student shall receive a certificate of attendance. The student shall receive a diploma upon completion of the IEP. By law, a student may participate in only one graduation ceremony.

Uplift Education encourages student involvement in the ARD/IEP meeting starting in middle school to ensure not only the parent but also the student understands the differences in the Minimum and Recommended High School Programs.

The Summary of Performance (SOP) will be completed prior to graduation using the district approved form. Agency input will be requested upon parent/adult student consent. The Summary of Performance is based on information and data which is included in the student's IEP/transition supplement and current FIE.

STAFF POSITIONS RESPONSIBLE:

- **District Level:** Special Education Director, Director of 504 and Evaluation Services, Special Education Area Coordinator

- **Campus Level:** Special Education Campus Coordinators and Evaluators, Case Managers

TIMELINES FOR TRANSITION SERVICES/GRADUATION:

- **Providing Transfer of Rights documents-** There are 2 steps in the process of parental rights transferring to a student. The first step is that the IEP must have a statement indicating that the rights will transfer to the student at age 18. The Transfer of Parental Rights at Age of Majority must be filled out at least one-year prior to the student turning 18. The second step is that the LEA must notify the adult student and parents of the transfer of rights on their 18th birthday. These are two different notifications which the district will complete. Both notices will be filed in the student eligibility folder
- **Distribution of Transition and Employment Guide-** The Transition and Employment Guide will be provided to scholars and families via the Uplift Education webpage and

Operating Procedures Uplift Education 057-803

Related Resources:

[Least Restrictive Environment](#)

[Placement in a Residential Facility](#)

Broad Category: FREE APPROPRIATE PUBLIC EDUCATION

PROCEDURES:

Least Restrictive Environment

- Uplift Education will consider the general education classroom first when determining the least restrictive environment for a student receiving special education services. Whenever a student is removed from the general education setting, the ARD/IEP committee will discuss why the removal is in the best interest of the student.
- **Placement Determinations-** Determinations regarding Special Education instructional settings may not be based on administrative convenience, staff shortages, and /or financial constraints. Any placement decision regarding a scholar must be made on an individual basis and cannot be determined without an ARD being held.
 - Special Education is not a “place”; rather it is a specialized set of services designed by the ARD Committee to provide programs based upon the individual needs of the scholars.
 - Special Education services should be individually tailored to provide the appropriate educational/behavioral/social modifications that assist the scholar’s learning.
 - While the first consideration in placing a scholar with a disability is placement in the general educational environment, the major goal of placement in the least restrictive environment is to provide an appropriate educational setting for the individual scholar.When making placement decisions the ARD committee must answer the questions below:
 - Is the setting appropriate for the scholar?
 - What classroom setting is the scholar going to thrive in?
 - Are the goals appropriately challenging or too challenging?
 - How is the classroom setting going to prepare the scholar for the transitions from elementary school to middle school to high school to career or college?

Virtual Learning Days

- Scholars with disabilities will follow the same guidelines and protocols with special consideration given to meet their individual needs.
- Special education instructional and related services will be provided in accordance with the ARD/IEP either virtually or face-to-face.
- In an effort to minimize potential exposure to our most vulnerable scholars, Uplift Education will:
 - Focus on social distancing, handwashing with warm water or hand sanitizer for 20 seconds every hour and wearing masks.
 - Require masks when social distancing is not possible.
 - Post visual supports throughout building to remind and support understanding of expectations.
 - Keep each scholar’s belongings separated using scholar designated containers or areas.
 - Minimize sharing of high-touch materials (e.g., assign each scholar their own device/materials for the day when possible).
 - Sanitize all used materials daily.
 - Utilize protective barriers as appropriate.
 - Utilize grouping and scheduling strategies to reduce exposure.

Virtual Admission, Review and Dismissal (ARD) Meetings

- Requirements related to the legal timelines for initial and annual ARD meetings still apply. ARD meetings will continue to meet virtually until further notice; however, all required members must be in attendance.

Procedure for Attending a Virtual ARD during Remote Learning

- Campus Coordinators will be contacting parents to communicate that the meeting will be held remotely rather than in person.
- Required ARD meetings will be scheduled between 8:00-4:00.
- All required members must be in attendance; therefore, staff should ensure they are available during scheduled meetings.
- Requirements related to the legal timelines for initial and annual ARD meetings still apply. The ARD committee may meet by video or teleconference; however, all required members must be in attendance.
- If the school remains open on a virtual basis (e.g., Remote Learning), the legal timeline requirements for evaluations apply (Texas Education Code sec. 29.004).

Important NOTE:

Members attending remotely must ensure FERPA is applied so that confidentiality is maintained. Participation expectations when attending virtually include:

- Use headphones or find a private place for the ARD meeting.
- Do not email, use your device(s) for purposes unrelated to the ARD during the meeting, or tape the meeting unless specifically requested to do so by a supervisor.
- Members must be present and engaged for the entire ARD meeting.

Procedures for Attending Virtually

- Once the ARD has been scheduled and Notice of Meeting has been sent following district procedures, the Campus Coordinator should create a Zoom Meeting by inviting all required ARD members who will participate including the parent and interpreter.
- Members will choose to participate by video or teleconference through this system. A parent that does not have internet access may continue to participate by phone.
- Staff utilizing the video conference system are not required to have their cameras on but is suggested that they do to build rapport with the parent.
- All documents to be reviewed and discussed during the ARD should be provided electronically to the parent prior to the meeting.
- When it is time for the ARD to begin the Campus Coordinator will ensure a draft of the proposed IEP is prepared in the system, so that staff can view items as they are discussed.
- Once the ARD is complete, the Campus Coordinator will note agreement status of committee members on the hard copy of the ARD document.
- A copy of the final IEP along with a copy of the Prior Written Notice will be emailed to parent and team within 24 hours of the completion of the meeting.
- If ARD ends in disagreement or parent requests time to review the final document before responding, follow district procedure for disagreement ARD's and ask parent to respond to email indicating their participation and, if they'd like, a reason for not accepting IEP at this time.

Provision of Special Education and Related Services in a Virtual Setting-The provision of special education and related services during an emergency closure may occur via video conferences, telephone calls, homework packets, internet-based lessons or other distance-based learning approaches.

Meeting IEP Service Recommendations in a Virtual Setting- Uplift Education will review all health plans and IEPs prior to reentry into brick and mortar settings and revise them through an ARD with appropriate safety protocols as needed. Uplift Education is committed to meeting the unique needs of scholars with disabilities by ensuring that ARD/IEP Committees convene as needed to discuss needs, review progress, and make individualized recommendations for our scholars.

Documentation of Services in the IEP in a Virtual Setting

- The scholar's schedule of special education and related services should be accurately documented in the ARD/IEP to reflect what supports and services the scholar requires for FAPE whether attending school face-to-face or virtually.
- Scholars with disabilities must have available an instructional day commensurate with that of scholars without disabilities.

- A contingency plan for services should be documented within the deliberations of every ARD/IEP outlining how services will be implemented during remote learning.
- Data should be collected weekly, at minimum, on IEP goals/objectives.

Lack of Progress Guidance for a Virtual Setting

- Whether face-to-face or virtual, special education teachers should review the progress of each student on their caseload weekly (i.e., grade books, data collection, etc.) and determine what, if any, additional supports may be needed for each student to continue to progress in the general education curriculum and on their IEP goals/objectives.
- Special education teachers should consider alternate strategies/supports to ensure continued progress (i.e., more synchronous instruction; more small group support, etc.).
- Special education teachers should, after other interventions have been unsuccessful, request to convene an ARD meeting to address lack of progress.
- When face-to-face instruction resumes fully, annual ARD committees should address student-specific needs resulting from closure. On a case-by-case basis, this might include discussions of COVID-related compensatory services or a need for extended school year (ESY) services.

STAFF RESPONSIBLE:

- **District Level:** Special Education Director, Director of 504 and Evaluation Services, Special Education Area Coordinator
- **Campus Level:** Special Education Campus Coordinators and Evaluators, Case Managers

TIMELINES FOR ACTIVITIES:

- The Special Education Director or designee visit Residential Facilities once quarterly.
- Staff is trained annually on virtual learning and virtual ARD meetings.

Operating Procedures

Uplift Education 057-803

Legal Framework: AMENDMENT WITHOUT A MEETING

Related Resources

Broad Category: FREE APPROPRIATE PUBLIC EDUCATION

PROCEDURES:

ARD Amendments- The agreement in must be documented in writing on the approved Uplift Education forms.

The following must occur when amending a student's IEP:

- The campus administrator or district designee must approve the decision to complete a proposed amendment to the IEP;
- Discuss and document the proposed amendment with appropriate IEP team members including the parents in person or by phone;
- Complete the approved district forms and obtain parent signature of agreement to amend the IEP;
- Ensure all implementers are aware of the agreed amendment;
- Provide the parent with a copy of the amendment; and
- File the original amendment with the parent signature in the student's eligibility folder with the Annual IEP being amended.

STAFF RESPONSIBLE:

- **District Level:** Special Education Director, Special Education Area Coordinator
- **Campus Level:** Special Education Campus Coordinators and Evaluators, Case Managers

TIMELINES FOR AMENDMENT WITHOUT A MEETING:

- Special Education Leadership is trained annually on Amendment procedures.

PLACEMENT IN A RESIDENTIAL FACILITY

Authority: Texas Education Code; 19 T.A.C. Chapter 89

It is the policy of Uplift Education to serve students attending a residential facility when the educational services at the residential facility are operated by Uplift Education or if a student's admission review and dismissal (ARD) committee places a student in a residential facility.

Exchange of Records

When a student is placed in a residential facility, Uplift Education will request the student records. The records requested will include:

1. Special education eligibility and services;
2. Behavioral intervention plans;
3. School related disciplinary actions;
4. Other documents related to the student's educational needs;
5. Behavioral history information about the child that is not confidential;
6. Records of conviction, probation, community supervision, or parole status as provided to the facility by a law enforcement agency, local juvenile probation, or juvenile parole office, if the information is needed to provide educational services to the child.

Uplift Education is required to share with the residential facility all appropriate records and relevant information relating to the child with a disability within a reasonable amount of time, and as permitted by applicable state and federal laws and regulations.

Information that will be shared, includes:

- Identifying documents of the students age;
- Medical history and medical records;
- Social history;
- Evaluation reports;
- Treatment plan of care or service;
- Educational placement history
- Relevant court orders
- Placement in community;
- Contact information for the school.

Placement and Staffing

Students placed in an RTC or serviced by Uplift Education will be served in the least restrictive placement. The ARD committee will determine the appropriate educational placement for a student residing in a residential treatment facility. The ARD committee will consider:

1. All available information;
2. The non-educational needs of the student that may restrict the ability of the school to serve the student on a public school campus;
3. Other non-educational needs, including the student's health and safety, and/or the child's placement in a residential treatment program.

All determinations by the ARD committee will be individualized based on the student's needs. Placement determinations will not be based on the student's disability or residence in a residential facility. The student's placement decision may not be based on what is most convenient for the school or the residential facility.

Coordination of IEP and Treatment

If a student is in need of educational services at the residential facility, the ARD committee will consider appropriate educational space as follows:

1. Whether space available at the residential facility is appropriate for the provision of FAPE based on the student's individual needs and the space available at the residential facility; or
2. If the ARD committee or residential facility determines that the residential facility does not have space, the ARD committee will identify an alternative location to provide educational services.

Operating Procedures: See Least Restrictive Environment Operating Procedure

STATE AND DISTRICTWIDE ASSESSMENTS
Authorities: 34 C.F.R. Parts 200, 300; TEC; 19 T.A.C. Chapters 89, 101

It is the policy of the Uplift Education to administer assessment instruments adopted under Subchapter B, Chapter 39 Texas Education Code in accordance with the requirements of that subchapter and rules adopted thereunder.

It is the policy of the Uplift Education to comply with all procedures published by the Texas Education Agency (TEA) in its annual test administration manuals with regard to test security and confidentiality. Procedures can be found in the Test Security Supplement at the following link: <http://tea.texas.gov/student.assessment/security/>

The Superintendent of Schools shall be responsible for ensuring that:

- Procedures are developed to ensure the security and confidentiality of state assessments in compliance with all requirements established by TEA.
- District and campus testing personnel are trained in test security and confidentiality, as well as test administration procedures, in accordance with TEA's published requirements.
- Any violation of the state's security or confidentiality procedures is reported to TEA in accordance with established procedures.

TEA's Test Security Supplement shall serve as the "best practices" document to guide the school in the implementation of this policy.

Schoolwide Assessments

The ARD committee for each student who receives special education and related services must determine what accommodations are needed on school assessments. A statement of accommodations must be included in the IEP.

For students that cannot participate in a regular assessment, even with accommodations, TEA will develop alternate assessments and guidelines for students with disabilities who participate in statewide alternate assessments.

If the ARD committee determines that the student will take an alternative schoolwide assessment, the ARD committee must note in the IEP:

1. Why the child cannot participate in the regular assessment; and
2. Why the alternate assessment is appropriate for the student

State Assessments

End of Course Assessment

All secondary-level campuses must administer End of Course Assessments in Algebra I, biology, English I, English II, and United States history. The Algebra I end-of-course assessment instrument must be administered with the aid of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and writing in the same assessment instrument and must provide a single score.

If a student fails to receive a satisfactory score on the end of course assessment, the student may retake the assessment. The student does not have to retake a course in order to retake an end-of-course assessment. Uplift Education must provide each student who fails to perform satisfactorily on an end-of-course assessment with accelerated instruction in the subject area assessed.

For students with a disability that qualify for special education and related services, the student's admission, review, and dismissal (ARD) committee must determine whether any allowable accommodation is necessary in administering to the student an end of course assessment. Additionally, the ARD committee of a student in a special education program must determine whether the student is required to achieve satisfactory performance on end of course assessment instruments to receive a high school diploma.

Beginning with the 2011-2012 school year, all Grades 9-12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of end-of-course (EOC) assessments as listed in §101.3011(b)(2) of the Texas Administrative Code.

For the 2011-2012 through 2013-2014 school years, a student who is receiving special education services and who is first enrolled in Grade 9 or below in the 2011-2012 school year shall be administered an alternative version of an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP. Beginning with the 2014-2015 school year, a student who is receiving special education services whose IEP does not specify the administration of an alternate assessment and who is first enrolled in Grade 9 or below in the 2011-2012 school year shall be administered an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP. (19 TAC §101.3023)

Assessments for Third – Eighth Grade

All students must be assessed in:

- mathematics, in grades three and five without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;
- reading, in grades three, five, and eight;
- writing, including spelling and grammar, in grades four and seven;
- social studies, in grade eight; and
- science, in grades five and eight.

Except as required by federal law, a student is not required to be assessed in a subject otherwise assessed if the student:

1. is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment adopted or developed under Subsection 39.023(a) of the Texas Education Code that aligns with the curriculum for the course in which the student is enrolled; or
2. is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection 39.023(c) of the Texas Education Code for the course.

A student with dyslexia may have accommodations, if appropriate, including oral examinations, additional time, the materials or technology necessary for the student to demonstrate the student's mastery of the competencies the assessments are designed to measure.

For students receiving special education and related services, the ARD committee must provide a statement of any accommodations necessary for the student to measure the academic achievement of the student on a state assessment.

Reading Assessments

In kindergarten, first, and second grade, Uplift Education will administer a reading assessment. If a student does not perform satisfactorily on the 6th grade reading assessment administered under section 39.023 of the Texas Education Code, Uplift Education will administer a reading assessment adopted by the commissioner to that student in 7th grade.

Uplift Education must notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties.

The ARD committee of a student who receives special education and related services and who did not perform satisfactorily on a reading instrument under this section shall determine the manner in which the student will participate in an accelerated reading instruction program under this subsection.

Alternative Assessment

If a student is unable to take a regular assessment, and must take an alternative assessment, as determined by the student's ARD committee, the ARD committee must note in the IEP:

1. Why the child cannot participate in the regular assessment; and
2. Why the alternate assessment is appropriate for the student

Uplift Education must inform the student's parent if a student will be taking the alternate state assessment.

Accelerated and Intensive Instruction

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument in the third, fourth, fifth, sixth, seventh, or eighth grade, Uplift Education must provide accelerated instruction to the student 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.

In addition to providing accelerated instruction, Uplift Education must notify the parent or guardian that the student failed to perform satisfactorily on the assessment, the accelerated instruction program to which the student is assigned; and the possibility that the student might be retained at the same grade level for the next school year.

The ARD committee of a student who receives special education and related services and who did not perform satisfactorily on an assessment must meet prior to administering the assessment for a second time. The ARD committee must determine the manner in which the student will participate in an accelerated instruction program under this section; and whether the student will be promoted or retained under this section. The ARD committee may promote a student to the next grade if the committee determines the student has made sufficient progress towards the student's IEP goals. If the school promotes the student, the student is not required to retake the assessment.

Intensive Instruction

Uplift Education must offer an intensive program of instruction to students who do not perform satisfactorily on an assessment or is not likely to receive a high school diploma before the fifth school year following a student's enrollment in ninth grade.

For students receiving special education and related services that do not perform satisfactorily on an assessment, the ARD committee must design a program that enables the student to attain a standard of annual growth on the basis of the student's IEP and carry out the purpose of Section 28.0211 of the Texas Education Code. (TEC §28.0213)

Annual Assessment of English Language Proficiency

In kindergarten through 12th grade, an English language learner (ELL), as defined by the Texas Education Code (TEC), Chapter 29, Subchapter B, as a student of limited English proficiency, must take the state-identified English language proficiency assessments annually in listening, speaking, reading, and writing.

For students that receive special education and related services, the ARD committee along with the language proficiency assessment committee (LPAC) must determine what accommodations are needed.

Rarely, the ARD committee and LPAC may determine that is not appropriate for an ELL student who receives special education to participate in an English language proficiency assessment. If the ARD committee and LPAC make this determination, the decision and justification must be documented in the IEP and the student's permanent record. These decisions will be made on an individual basis.

In order to exit from a bilingual education or English as a second language program, the ARD committee and LPAC must determine an appropriate assessment instrument and performance standard requirement for students for whom those tests would be inappropriate as part of the IEP. The decision to exit a student who receives both special education and special language services from the bilingual education or English as a second language program is determined by the ARD committee in conjunction with the LPAC.

Students Dismissed from Special Education

If a student dismissed from a special education program previously achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program, that student is not required to retake and achieve a satisfactory performance on the general EOC assessment to graduate.

If the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate, the student is not required to retake and achieve satisfactory performance on the EOC assessment.

A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take.

If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review..

Operating Procedure: See FAPE Operating Procedure

PRIOR WRITTEN NOTICE

Authority: 34 C.F.R. Part 300; 19 T.A.C. Chapter 89

Procedural Safeguards will be offered to the parent, guardian or adult student in their primary language or other mode of communication unless it is clearly not feasible to do so, one time per year and upon initial referral, request for evaluation, the first occurrence of the filing of a Due Process Hearing complaint and upon parent request.

Prior Written Notice is sent to the parent(s), guardian or adult student in the language understandable to the general public (or in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (at least 5 school days) before proposing or refusing to initiate or change the identification, evaluation, or educational placement of a student or the provision of a Free and Appropriate Public Education (FAPE) to a student.

The Prior Written Notice should include:

- a description of the action proposed or refused;
- an explanation of why the action is proposed or refused;
- a list of all other options considered and why they were rejected;
- description of each evaluation procedure, assessment, record, or report used as a basis for proposal or refusal;
- a description of any other factors relevant to proposal or refusal;
- contact information for any further explanation needed;

- the statement of protection under the Procedural Safeguards and
- the means by which a copy of the Procedural Safeguards may be obtained.

If the native language or other mode of communication of the parent is not a written language, Uplift Education will provide evidence that the Prior Written Notice was translated orally or by other means to the parent in his or her native language or other mode of communication and the parent understands the content of the Prior Written Notice.

Timeline and Manner

If a prior written notice is in response to a parent's revocation of consent for special education services, Uplift Education must provide prior written notice before ceasing the provision of special education and related services to the child.

If a parent submits a written request to the LEA's director of special education services or to an administrative employee for an initial evaluation, the LEA must, not later than the 15th school day after the date of receipt provide the parent with:

1. prior written notice of its proposal to conduct an evaluation, a copy of the Notice of Procedural Safeguards, and an opportunity to give written consent for initial evaluation; or
2. prior written notice of the school's refusal to conduct an evaluation and a copy of the Notice of Procedural Safeguards.

Notice of Evaluation is sent to the parent(s), guardian or adult student in the language understandable to the general public (or in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (at least 5 school days) before proposing or refusing to initiate or change the identification, evaluation, or educational placement of a student or the provision of a Free and Appropriate Public Education (FAPE) to a student.

The Notice of Evaluation includes:

- a description of the proposed evaluation;
- an explanation of why the evaluation is proposed;
- a list of all other options considered and why they were rejected;
- a description of all evaluation procedures, tests, records, or reports used as a basis for proposal;
- a description of any other factors relevant to Uplift Education 's proposal to evaluate;
- contact information for any further explanation needed;
- the statement of protection under the Procedural Safeguards and
- the means by which a copy of the Procedural Safeguards may be obtained;
- written evidence that if the native language or other mode of communication of the parent is not a written language that the Notice of Evaluation was translated orally or by other means to the parent and the parent understands the

content of the Notice of Evaluation.

Notice of Proposal or Refusal is sent to the parent(s), guardian or adult student in the language understandable to the general public (or in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (at least 5 school days) before proposing or refusing to initiate or change the identification, evaluation, or educational placement of a student or the provision of a Free and Appropriate Public Education (FAPE) to a student.

The Notice of Proposal or Refusal includes:

- a description of the action proposed or refused including but not limited to identification, evaluation, placement or other elements of a Free and Appropriate Public Education (FAPE);
- an explanation of why the action is proposed or refused;
- a list of all other options considered and why they were rejected;
- a description of all evaluation procedures, tests, records, or reports used as a basis for proposal or refusal;
- a description of any other factors relevant to proposal or refusal;
- contact information for any further explanation needed;
- the statement of protection under the Procedural Safeguards and
- the means by which a copy of the Procedural Safeguards may be obtained; written evidence that if the native language or other mode of communication of the parent is not a written language that the Notice of Proposal or Refusal was translated orally or by other means to the parent and the parent understands the content of the Notice of Proposal or Refusal.

Notice of Transfer of Parental Rights

Beginning at least one year before a student reaches 18 years of age, the student's Individual Education Program (IEP) will include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship, all rights granted to the parent under the Individuals with Disabilities Education Act (IDEA '04), Part B, other than the right to receive any notice required under IDEA '04, Part B, will transfer to the student upon reaching age 18. After the student reaches the age of 18, any Notice required under IDEA '04 will be provided to both the adult student and the parent, unless the student is incarcerated in an adult or juvenile, state or local correctional institution.

At the time the student reaches the age of 18, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship, the parent(s) and the adult student will be informed that parental rights have been transferred to the student, the student has the same right to make educational decisions as a student without a disability. Any notice required under IDEA '04 will be provided to both the parent and adult student unless the student is incarcerated in an adult or juvenile, state or local correctional institution and information will be given to both parties regarding obtaining additional information.

A Notice under IDEA '04, Part B that is required to be given to an adult student and parent does not create a right for the parent to consent to or participate in the proposal or refusal to which the Notice relates. For example, a Notice of an ARD/IEP Committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, the adult student or the school district may invite individuals who have knowledge or special expertise regarding the student, including the parent.

Nothing prohibits a valid power of attorney from being executed by an individual who holds rights under IDEA '04, Part B.

Parental Rights Regarding Adult Students

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 education decisions as a student without a disability, except that the school district shall provide any notice required by IDEA '04, Part B to both the student and the parent. A Notice of an Admission, Review and Dismissal (ARD) Committee meeting does not constitute invitation to, or create a right for the parent to attend the meeting. All other rights accorded to parents under IDEA '04, Part B transfer to the student. All rights accorded to parents under IDEA '04, Part B transfer to students who are incarcerated in an adult or juvenile, state or local correctional institution.

Procedures

Parent or Adult Student Refusal of Special Education and Related Services (Ready, Willing and Able letter)

If the parent/guardian or adult student declines Special Education services, a "Ready, Willing, and Able" letter documenting the parent's decision will be generated and added to the student's eligibility folder. The purpose of this letter is to document that Uplift Education has offered to provide services for students when the parent has declines these services. It is to be used in either of the following cases:

1. The parent declines services, including evaluation
2. The parent withdraws the student from an Uplift Education school to a private or home school setting

The "Ready, Willing and Able" letter is generated by the campus Special Education Coordinator. A copy of the "Ready, Willing and Able" letter is sent to the parent/guardian and a copy of the letter is placed in the student's eligibility folder.

Written documentation of the parent's revocation/refusal of services must be in the student's Special Education folder. When a Special Education student withdraws, Uplift Education's withdrawal/transfer procedures will be followed.

Prior Written Notice of Refusal

A Prior Written Notice of Refusal shall be given to the parent(s)/adult student each time Uplift Education refuses to identify, evaluate, place or provide a Free and Appropriate Public Education to a student. A copy of this form shall be included with documentation of the ARD/IEP Committee meeting at which the refusal of services was discussed or it should be sent to the parent/adult student following the ARD/IEP Committee meeting.

Refusal to provide a specific Special Education or Related Service (i.e. counseling, adaptive P.E., etc.) to a student with a disability shall be documented in the Prior Written Notice of Refusal and in the deliberations of the ARD/IEP meeting at which the refusal for the specific services were discussed and maintained in the student's eligibility folder.

Specifically, the Prior Written Notice of Refusal should be used:

- By the ARD/IEP Committee when a student is evaluated and does not qualify for services, this form should be included in the ARD/IEP document
- By the SST Committee as the result of a parent request for an evaluation is received and after the SST determines an evaluation is not appropriate at this time
- By the Special Education Evaluation Personnel when a preschool student is screened and no further evaluation is indicated

PARENTAL CONSENT

Authority: 34 C.F.R. Part 300; Texas Education Code

Fully informed Consent is obtained in writing from parent(s), guardian or adult student (in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (at least 5 school days) before the following instances:

1. a Full and Individual Evaluation (FIE), reevaluation or additional evaluation;
2. the disclosure of confidential information (as defined in FERPA);
3. initial provision of Special Education services and related services;
4. access to private insurance or Medicaid;
5. consent for transfer of assistive technology devices;
6. release of confidential information from the registration of students with visual impairments or information from the deaf/blind census (All students who are eligible for Special Education as Visually Impaired or as Deaf/Blind must be registered by Uplift Education on the TEA annual Registration of Students with Visual Impairments and, if appropriate, must be registered on the TEA Deaf/Blind Census).

The Consent for Evaluation:

1. fully informs the parent of all information relevant to the evaluation for which consent is being sought in the native language of the parent or other mode of communication used by the parent;
2. describes the proposed evaluation and the purpose of the evaluation;
3. the consent lists the records, if any, that will be released and to whom;
4. verifies (in writing) that the parent(s), guardian or adult student understands and agrees to the activity, understands that the granting of consent is voluntary on the part of the parent or adult student;
5. states that, even if signed, consent may be revoked, in writing, at any time but the revocation is not retroactive. (If consent is revoked, it does not negate an action that has occurred after the consent was given and before it was revoked).

Upon request of a student's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the student that is included as part of the evaluation of the student's need for Special Education, Uplift Education will provide to the student'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 Uplift Education determines that an additional examination or test is required for the evaluation of a student's need for Special Education after obtaining consent from the student's parent, Uplift Education shall provide the information described above to the student's parent regarding the additional examination or test and shall obtain additional consent for the examination or test.

The time required for Uplift Education to provide information and seek consent may not be counted toward the 45 school days for completion of an evaluation. If a parent does not consent to the additional examination or test within 20 calendar days after the date Uplift Education provided to the parent the information required by that subsection, the parent's consent is considered denied.

- If the parent of a child with a disability refuses consent for these activities, Uplift Education will document the parents refusal to allow the Uplift Education to pursue these activities. If the parent refuses consent for evaluation for Special Education, Uplift Education is free from the responsibility to provide FAPE.
- If the parent of a child who is home schooled or placed in a private school at parental expense does not provide consent for an initial evaluation or fails to respond to the school's request for consent for evaluation, the school may not pursue the initial evaluation of the child.
- Informed parental consent need not be obtained for re-evaluation if Uplift Education can demonstrate that it has taken reasonable measures to obtain that consent and the student's parent has failed to respond.

Special Rules for Initial Evaluation of Wards of the State

If a student is a ward of the State and is not living with his or her parent, the open-enrollment charter school does not need consent from the parent for an initial evaluation to determine if the student is a student with a disability if:

1. despite reasonable efforts to do so, the open-enrollment charter school cannot find the student's parent;
2. the rights of the parents have been terminated in accordance with State law; or
3. a judge has assigned the right to make educational decisions to an individual other than the parent and that individual has provided consent for an initial evaluation.

Ward of the State, as used in IDEA, means a child who, as determined by the State where the child lives, is:

- a foster child;
- considered a ward of the State under State law; or
- in the custody of a public child welfare agency.

Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent as used in IDEA.

Consent for Disclosure of Confidential Information

Consent for Disclosure of Confidential Information describes the proposed disclosure, the purpose of the disclosure, a list of the records that will be released or disclosed and the person/agency to which the information will be disclosed. The parent will verify, in writing, that he/she understands and agrees to the disclosure, understands that the consent is voluntary and may be revoked at any time and understands that any revocation is not retroactive.

Consent for Services

The school must obtain informed consent from the parent before initially providing Special Education and related services to a child.

The informed consent:

- fully informs the parent of all information relevant to the initial provision of Special Education and related services in his or her native language or other mode of communication;
- describes the initial provision of Special Education and related services;
- the consent lists the records, if any, that will be released and to whom;
- verifies (in writing) that the parent(s), guardian or adult student understands and agrees to the activity, understands that the granting of consent is voluntary on the part of the parent or adult student;
- states that, even if signed, consent may be revoked, in writing, at any time but the revocation is not retroactive. (If consent is revoked, it does not negate an action that has occurred after the consent was given and before it was revoked)
- states that if the parent revokes consent in writing after initial provision, the school is not required to amend the child's education records to remove any reference to Special Education and related services.

Parental Consent to Access Public Benefits

It is the policy of Uplift Education to obtain 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. Additionally, the school will inform the parent that a refusal to permit the LEA from accessing the parent's private insurance does not relieve the school from its responsibility to ensure that all required services are provided to the parent at no cost to the parent.

In order to receive proper consent the school will:

1. Fully inform the parent of all information relevant to the school accessing the parent's private insurance and must be informed in the parent's native language;
2. Describe the activity of accessing the private insurance; and
3. Provide a list of records that will be released and to whom;

In order give proper consent, the parent must:

1. Understand and agree in writing the carrying out of accessing the parent's private insurance;
2. Understand that the granting of access to the parent's insurance is voluntary and may be revoked at any time; and

3. Understand that if consent is revoked, the revocation is not retroactive.

School Health and Related Services Reimbursement (SHARS) Policy can be found in Appendix A

ARD Committee Member Absences and Excusal

All members of a student's ARD committee must be in attendance at a student's ARD meeting, unless the member is not required, or is excused.

Prior to an ARD meeting, a member of the committee may not be required to attend, in whole or in part, if the parent and Uplift Education agree in writing that the attendance of the member is not needed.

During an ARD meeting, it is the policy of the Uplift Education to obtain consent from the parent or adult student before excusing a member from remaining at an ARD committee meeting. If a member is excused, it may be reflected in the deliberation notes. An ARD committee member should not be excused prior to addressing the member's portion of the IEP.

Parental Rights Regarding Revocation of Consent

Parents have the right to revoke consent for continued provision of Special Education and related services. This request for revocation of Special Education services must be in writing and upon revocation of consent, the school district must provide the parent with prior written notice of the services that will no longer be provided to the student. If the parent revokes Special Education services, Uplift Education is not considered to be in violation of the requirement to make FAPE available to the student.

Other Consent Requirements

Parental consent is not required before the open-enrollment charter school 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.

Procedures

Release of Confidential Information from a School or Agency – When confidential information is released to another school, school district or agency, the "Release of Confidential Information from a School or Agency" form may be used.

Release of Confidential Information within an ARD/IEP Committee Meeting - When confidential information is revealed to anyone other than a biological parent, guardian or school employee during an ARD/IEP Committee meeting the "Release of Confidential Information during an ARD/IEP Committee Meeting" form must be used.

Consent for a Psychological Evaluation – Requirements for consent for a psychological evaluation exceed the requirements for a standard FIE and additional documentation is required. The "Consent for a Psychological Evaluation" and "Notice for a Psychological Evaluation" forms must be used.

Visiting Classrooms/Confidentiality

The need to protect student confidentiality and the need to maintain the educational integrity of the classroom are of paramount importance when considering visitation in classrooms. The following guidelines regarding classroom visitation must be followed to maintain an educational environment as free as possible from outside distractions and interruptions.

- the Campus Administrator where the prospective visitors are wanting to observe is ultimately the person who decides if the visit is approved and if the visit is approved, the principal of the school where the visitor is going to observe will designate the date, time and length of the observation. Visitations should be no more than 45 minutes or a class period.
- all visitors must check in at the office
- all visitors must be accompanied by an Uplift Education Charter School employee at all times
- prospective visitors in the classroom must sign a "Confidentiality Form" indicating they will not discuss other students or circumstances that occurred within the classroom that did not involve their student
- the visitor may not interrupt instruction during the classroom observation nor seek any individual time from the teacher. If a conference with the teacher is appropriate, that needs to be scheduled at a time convenient for both the teacher and the visitor.

Revocation of Special Education Services

If a parent indicates they want to revoke services after a student has been admitted to Special Education, an ARD/IEP Committee meeting should be convened to discuss the issue. At the ARD/IEP Committee meeting, the Special Education staff should explain, in detail, the services and protections the student receives as a result of eligibility for Special Education, including but not limited to academic accommodations and modifications, STAAR/EOC alternatives and discipline options. The Special Education staff should provide an explanation to the parent that if services are revoked, the student can be considered for Special Education or Section 504 services in the future however, the process would begin with a referral to the SST and the student would progress through the referral system.

If after careful explanation, the parent chooses to revoke Special Education services, the parent will be given an additional copy of the Procedural Safeguards. Following the ARD/IEP Committee meeting, the school will send the parent a “Ready, Willing and Able” letter to indicate the school’s willingness to consider the student for support services in the future following consideration by the SST team. The letter also will indicate the services no longer available to the student due to the parent’s or adult student’s decision to revoke Special Education services including but not limited to academic accommodations and modifications, STAAR/EOC alternatives and discipline options. Written documentation of the parent’s desire to revoke Special Education services must be maintained in the student’s eligibility folder.

If the parent revokes consent for services and later requests to re-enroll the student, Uplift Education must treat this as a request for an initial evaluation. In conducting the REED, Uplift may take into consideration previous evaluations conducted by Uplift or another agency and shall determine the appropriate additional evaluation to be conducted in order to determine current eligibility for Special Education services.

DISCIPLINE

Authority: 34 C.F.R. Part 300, Texas Education Code (TEC); 12, 19,37 T.A.C. Chapter 89

Applicability of Texas Education Code Relating to Discipline Management Practices or Behavior Management Techniques

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 discipline management practices or behavior management techniques under TEC §37.0021 (Use of Confinement, Restraint Seclusion, and Time-Out). (TEC §12.104(b)(2)(J))

Uplift Education adopts the requirements of TEC §37.0021 (Use of Confinement, Restraint Seclusion, and Time-Out) pursuant to TEC §12.104(b)(2)(J). Where "school" or "school district" is used in TEC §37.0021 (Use of Confinement, Restraint Seclusion, and Time-Out), Uplift Education hereby substitutes "open-enrollment charter school" to conform to these requirements.

Use of Confinement, Restraint, Seclusion, and Time-Out

It is the policy of the State and of Uplift Education to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A (Special Education Program), Chapter 29, Texas Education Code. A student with a disability who receives special education services under Subchapter A (Special Education Program), Chapter 29, Texas Education Code, 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.

It is the policy of Uplift Education to comply with the procedures adopted in 19 TAC §89.1053 for the use of restraint and time-out by an open-enrollment charter school employee or volunteer or an independent contractor of an open-enrollment charter school in the case of a student with a disability receiving special education services under Subchapter A (Special Education Program), Chapter 29, Texas Education Code.

It is the policy of Uplift Education open-enrollment charter school to ensure that children with disabilities (including a child not yet eligible if the school had knowledge prior to the disciplinary conduct that the child was a child with a disability under the IDEA and meets the standards for receiving protection under the IDEA) are disciplined for a violation of the student code of conduct in accordance with the IDEA, including with respect to any disciplinary removal from the current educational placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion.

Under TEC §37.0021:

1. "Emergency" means a situation in which a student's behavior poses a threat of:
 - a. Imminent, serious physical harm to the student or others; or
 - b. Imminent, serious property destruction
2. "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.
3. "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:
 - a. is designed solely to seclude a person; and
 - b. contains less than 50 square feet of space.
4. "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:
 - a. that is not locked; and
 - b. from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

Use of Restraint

An employee, volunteer, or independent contractor of Uplift Education may use restraint only in an emergency as defined above and in the following situations:

1. Restraint must 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 must be implemented in such a way to protect the health and safety of the student and others.
4. Restraint must not deprive the student of basic human necessity.

Restraint does not include physical force or mechanical device which does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction (as described above) does not include:

- Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
- Limited physical contact with a student to promote safety (e.g. holding hand of student), prevent a potentially harmful action (e.g. running in the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
- Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the IEP as required by 34 CFR §300.324(a)(2)(i) and (c) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
- Seat belts and other safety equipment used to secure students during transportation.

Use of Seclusion

An open-enrollment charter school employee or volunteer or an independent contractor of an open-enrollment charter school may not place a student in seclusion. TEC §37.0021(c) does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of an open-enrollment charter school, or in a placement or facility to which the following law, rules, or regulations apply:

- the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;
- 40 T.A.C. Sections 720.1001-720.1013; or
- 25 T.A.C. Section 412.308(e)

Nothing in this policy prevents a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

- the student possesses a weapon; and
- the confinement is necessary to prevent the student from causing bodily harm to the student or another person

Use of Time Out

An employee, volunteer, or independent contractor of Uplift Education may use time-out in accordance with subsection (b)(3) of this section with the following limitations.

- Physical force or threat of physical force shall not be used to place a student in time-out.
- Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior.
- 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.

Data collection for use of time-out must be addressed in the IEP or BIP.

Documenting Restraint

If Uplift Education uses restraint, Uplift Education must document and report the use of restraint to the Texas Education Agency, including:

1. On the day restraint is used, the campus administrator or designee must be notified verbally or in writing about the use of restraint
2. Uplift Education must make a good faith effort to verbally notify the parent on the same day the restraint was used.

3. Written notification of the restraint must be mailed or otherwise provided to the parent within one school day of the use of restraint.
4. For homeless students, the school must notify the student's educational decision maker and caseworker regarding use of restraint. (TEC 25.007)
5. A copy of the written notification must be placed in the student's special education folder in a timely manner and made available to the ARD committee so the ARD committee can consider the impact of the student's behavior on the student's learning and/or creation or revision of a behavior intervention plan (BIP).
6. Written notice must include:
 - a. Name of student
 - b. Name of staff member(s) administering the restraint
 - c. Date of the restraint
 - d. Time the restraint began and ended
 - e. Location of the restraint
 - f. Nature of the restraint
 - g. Description of the activity in which the student was engaged in immediately preceding the use of restraint
 - h. The behavior that prompted the restraint
 - i. The efforts made to deescalate the situation and alternatives to restraint that were attempted; and
 - j. Information documenting parent contact and notification

Student Code of Conduct

The governing body of Uplift Education shall adopt a code of conduct for its school or for each campus. In addition to establishing standards for behavior, the code of conduct shall outline generally the types of prohibited behaviors and their possible consequences. The code of conduct shall also outline the school's due process procedures with respect to expulsion. Notwithstanding any other provision of law, a final decision of the governing body of an open-enrollment charter school with respect to actions taken under the code of conduct may not be appealed.

A copy of Uplift Education's student code of conduct can be found at www.uplifteducation.org

Uplift Education may not elect to expel a student for a reason that is not authorized by TEC §37.007 (Expulsion for Serious Offenses) or specified in the school's code of conduct as conduct that may result in expulsion.

In accordance with 20 U.S.C. §7151, a local educational agency, including an open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school.

The student must be expelled from the student's regular campus for a period of at least one year, except that:

1. the superintendent or other chief administrative officer of the local educational agency, as defined by 20 U. S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;
2. the local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and
3. the local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in TEC §37.008 (Disciplinary Alternative Education Programs).

Subject to TEC §37.007(e), notwithstanding any other provision of TEC §37.007, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by TEC §37.007.

Notwithstanding any other provision, TEC §37.002 (Removal by Teacher) and its provisions, wherever referenced, are not applicable to an open-enrollment charter school unless the governing body of the school so determines.

Authority of School Personnel to Remove Students with Disabilities

Removal of a student with a disability will be determined on a case-by-case basis. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of the IDEA, is appropriate for a student with a disability who violates the student code of conduct.

The placement of a student with a disability who receives special education services may only be made by an ARD committee. Any disciplinary action that would result in a change of placement can only be enforced after the student's ARD committee conducts a manifestation determination review (MDR). Any removals must be in accordance with the IDEA and its regulations requiring:

1. functional behavior assessments
2. positive behavior interventions, strategies, and supports
3. behavior intervention plans; and
4. manifestation determination review

A student with a disability who receives special education services may not be removed or placed in an alternative setting solely for education purposes.

Removal for Fewer than 10 days

School personnel may remove the student with a disability who violates the code of conduct from his or her current placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than 10 consecutive school days to the extent those alternatives are applied to students without disabilities.

School personnel may remove the student with a disability who violates the code of conduct from his or her current placement for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement.

Removal for More than 10 days

School personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures that would be applied to students without disabilities, if:

- In the manifestation determination review (MDR), the behavior that gave rise to the violation of the code of conduct is determined not to be a manifestation of the student's disability;
- Services during periods of removal are provided to the student; and
- Notification of a change of placement is given to the student's parents.

School personnel must provide the parents of the student removed to a disciplinary alternative education program with written notice of the school's obligation to provide the student with an opportunity to complete coursework required for graduation that:

- Includes information regarding all methods available for completing the coursework; and
- States that the methods available for completing the coursework are available at no cost to the student;

Change in placement for removal

When a student with a disability is removed from the current education placement, it is considered a change in placement if:

1. The removal is more than 10 consecutive school days; or
2. The child has been subjected to a series of removals that constitute a pattern:
 - Because the series of removals total more than 10 school days in a school year;
 - Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

Uplift Education will determine on a case-by-case basis whether a pattern of removals constitutes a change of placement.

Manifestation Determination Review (MDR)

If a student with a disability is removed and the removal results in a change of placement, within 10 school days of any decision to change the placement of a student with a disability because of a violation of the student code of conduct, Uplift Education must hold an ARD committee meeting to 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—

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or

2. If the conduct in question was the direct result of the LEA's failure to implement the IEP.

The conduct must be determined to be a manifestation of the student's disability if the ARD Committee determines that either condition (1) or (2) is met.

If the ARD Committee determines that the behavior was a manifestation of the student's disability, the ARD Committee must:

1. Conduct a functional behavioral assessment, unless the ARD Committee had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implemented a behavioral intervention plan for the student; or
2. If a behavioral intervention plan was already developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

The student must then be returned to the last agreed upon placement, unless the ARD Committee agrees on a change of placement as part of a modification to the IEP or behavior intervention plan.

If the ARD Committee determines that condition (2) is met and the IEP was not implemented, Uplift Education must take immediate steps to remedy those deficiencies.

If the ARD committee determines that the conduct was not a manifestation of the student's disability and the conduct was not a direct result of Uplift Education's failure to implement the IEP the student may be subjected to disciplinary measures as applied to students without disabilities

Services during Removal

If a student is removed from the student's current placement for more than 10 days, but it is not a manifestation of the student's disability or a special circumstance, or if the removal constitutes a change of placement Uplift Education must:

1. provide educational services, as provided in § 300.101(a), 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 IEP; and
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.

Services can be provided at an interim alternative educational setting.

Uplift Education is only required to provide services during periods of removal to a student with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

After a student with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under § 300.536, school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed, as provided in § 300.101(a), so as to enable the child 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 IEP.

Special Circumstances

Uplift Education 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—

- Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;
- 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 an SEA or an LEA; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA

Notice Requirements

All notices required to be provided to a student's parent or legal guardian, must all be provided to a student's educational decision-maker and caseworker when a student is found to be homeless.

Removal of students not determined to have a disability

A student who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated the student code of conduct, may assert any of the protections provided for in this part if the Uplift Education had knowledge the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

Uplift Education will be considered to have knowledge if before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the Uplift Education, or a teacher of the child, that the child is in need of special education and related services;
2. The parent of the student requested an evaluation of the student pursuant to §§ 300.300 through 300.311; or
3. The teacher of the student, or other personnel of Uplift Education, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of Uplift Education or to other supervisory personnel of the open-enrollment charter school.

Uplift Education will not be deemed to have knowledge if:

1. The parent of the student did not allow an evaluation of the student pursuant to §§ 300.300 through 300.311; or refused services; or
2. The student was evaluated in accordance with §§ 300.300 through 300.311 and determined not to be a student with a disability.

If it is determined that Uplift Education did not have knowledge, the student may be subjected to disciplinary measures as applied to students without disabilities. If a request for evaluation is made during the time period that the student is subjected to a disciplinary measure, then the evaluation must be expedited. While the evaluation is being completed, the student remains in the educational placement determined by the school administration.

Placement during an Appeal

The parent of a student with a disability who disagrees with an ARD committee's decision to change placement or removal as defined under §§ 300.530 and 300.531, or disagrees with the manifestation determination under § 300.530(e), or Uplift Education believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by requesting a hearing pursuant to §§ 300.507 and 300.508(a) and (b). (34 CFR §300.532)

During an appeal, a student must remain in the interim alternative education placement pending the decision or until the end of the 45 days for a special circumstance, unless the parent and Uplift Education agree otherwise.

Limitation on General Authority

A student with a disability may not be disciplined for bullying, harassment, or making hit lists until an admission, review, and dismissal committee meeting has been held to review the conduct.

Notice of Disciplinary Action

A charter holder shall notify the school or district in which the student resides within three business days of any action expelling or withdrawing a student from the charter school.

For purposes of TEC §37.022:

1. "Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student by a school or school. (TEC §37.022(a)(1))
2. "District or school" includes an independent school, a home-rule school, a campus or campus program charter holder, or an open-enrollment charter school. (TEC §37.022(a)(2))

If a district or school takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the governing body of the district or school taking the disciplinary action shall provide to the district or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.

Subject to TEC §37.007(e), the district or school in which the student enrolls may continue the disciplinary action under the terms of the order or may allow the student to attend regular classes without completing the period of disciplinary action. (TEC §37.022(c))

Referral to Law Enforcement

Nothing in this section prohibits Uplift Education from reporting a crime committed by a student with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

If Uplift Education reports a crime committed by a student with a disability, Uplift Education must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to who Uplift Education reports the crime.

Uplift Education may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

Procedures

Restraint Training will be offered annually. Special Education staff members and core team members will be trained on de-escalation and restraint techniques on a semi-annual basis. In addition, a core team on each campus will be trained on standards regarding behavior management.

The investigation of the violation of the Code of Conduct is conducted by General Education prior to the determination of Manifestation Determination Procedures.

Manifestation Determination Procedures include:

- Conducting an ARD/IEP Committee meeting within 10 school days of any decision to change the placement of a child with a disability because of a violation of the Code of Conduct
- Reviewing all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:
 - If the conduct in question was caused by or had a direct and substantial relationship to the child's disability; **OR**
 - If the conduct in question was the direct result of Uplift Education's failure to implement the IEP.
 - If Uplift Education, the parent, and relevant members of the ARD/IEP Committee determine the following conditions were met:
 - The conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; **OR** The conduct in question **was** the direct result of Uplift Education's failure to implement the IEP; the conduct shall be determined to be a manifestation of the child's disability.
 - If Uplift Education, the parent, and relevant members of the ARD/IEP Committee determine:
 - The conduct in question was not caused by, or had a direct and substantial relationship to, the child's disability; **AND**
 - The conduct in question **was not** the direct result of Uplift Education's failure to implement the IEP **THEN** the conduct shall be determined to not be a manifestation of the child's disability.

If a student is removed from placement for more than 10 cumulative days in a school year, Special Education services must be provided to the student as outlined in the IEP regardless of the interim placement.

If a student withdraws from school before completing assigned in-school suspension, out-of-school suspension or expulsion,

the school shall send documentation of the discipline to the next school that enrolls the student. If a student withdraws from the school before the expulsion process is completed, the school may choose to complete the expulsion process and send documentation of the expulsion decision to the next school that enrolls the student. If the student returns to enroll in the school at a later date and has not been required to complete the disciplinary consequences previously required, the school may require the student to complete the discipline upon return.

ADMINISTRATION

Authorities: 20 U.S.C. §§ 1418, 6398, 7801; 34 C.F.R. Part 300; Texas Education Code

Assurance

Uplift Education must submit a plan to the Texas Education Agency that provide 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.

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 Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with Subchapter D (Open-Enrollment Charter School), Chapter 12, Texas Education Code.

Contracts for Services; Residential Placement

Uplift Education 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 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.

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.

If Uplift Education contracts for the provision of education services rather than providing the services, Uplift Education shall oversee the implementation of the student's individualized education program (IEP) and shall annually reevaluate appropriateness of the arrangement. An approved facility, institution, or agency with whom the open-enrollment charter school contracts shall periodically report to the open enrollment charter school on the services the student has received or will receive in accordance with the contract as well as diagnostic or other evaluative information that the open-enrollment charter school requires in order to fulfill its obligations under Subchapter A (Special Education), Chapter 29, Texas Education Code.

Facilities

Any construction of new facilities or alteration of existing facilities with authorized 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)

SPECIAL EDUCATION AND RELATED SERVICE PERSONNEL
Authority: 34 C.F.R. Part 300; 19 T.A.C. 149.21

Uplift Education will ensure that professional standards for all individuals serving children with disabilities are met in accordance with IDEA '04, No Child Left Behind and the Texas Education Code. Uplift Education ensures all personnel necessary to carry out the requirements of IDEA '04 are appropriately and adequately certified and/or licensed and prepared.

Uplift Education will establish a comprehensive system of Professional Development addressing the training needs of personnel serving students with disabilities. The training is completed during school in-service programs throughout the year, and the administrative designee assures that each individual serving the needs of students with disabilities completes all necessary training. The specific areas of in-service training may include but are not limited to:

- Philosophy of Child/Family Centered Process
- Parent/Student Rights
- Special Education Process/Timelines for Child-Centered Educational Process
- Response-to-Intervention (RTI) Strategies
- Referral Process
- Evaluation
- IEP Development and Implementation
- Related Services
- Free and Appropriate Public Education (FAPE)
- Assistive Technology
- State-wide Assessments
- Positive Behavior Intervention Strategies
- Personnel Credentials including definition of "Highly Qualified" personnel
- Forms/Documentation/Records Maintenance
- Corrective Action Plan (CAP)
- Least Restrictive Environment (LRE)
- Initial Evaluation/Re-evaluation Timelines
- Confidentiality/FERPA
- Identification of Eligible Students
- ARD/IEP Process
- Disciplinary Action
- State Performance Plan (SPP) Objectives

Documentation of the presentations and a roster of staff members receiving the Professional Development will be accessible in the office of the Director of Special Education.

Procedures

Tutoring Uplift Education Charter School students- In accordance with Board Policy, Uplift Education staff may tutor Uplift Education students IF they are not the students the staff member is assigned to teach, teachers do not recruit students in the course of their job and teachers do not use Uplift Education time or facilities to tutor students. The tutoring may not take place in the course of the school day. Uplift Education teachers may tutor students during the summer.

NONDISCRIMINATION

Authority: 38 C.F.R. §18.444; 28 CFB Part 35

Service Animal

A parent/adult student requesting the use of a service animal must make a written request through the campus administrator, who will direct the request to the Senior Director of Special Populations or Director of Special Education. The school has established procedures for evaluating a request to bring a service animal on school property a case-by-case basis.

Use of Service Animal Standards:

1. The animal must be a dog or, in specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, will be permitted in schools as a "service animal."
2. The service dog must be an "individually trained service dog". The work or tasks performed by a service dog must be directly related to the handler's disability. The service dog must be trained by a certified service animal program and authorization of training must be presented to the school.
3. The service dog must have a health certificate that evidences the dog is currently in good health, free from parasites. Owners of a service dog must provide "annual" proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordetella, and Rabies.
4. Owners of a service miniature horse must provide "annual" proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephelomyelitis, Rhinoneumonitis, Influenza, and Strangles.
5. Guide dogs for totally or partially blind persons and hearing dogs for deaf or hearing impaired or otherwise disabled persons must wear a harness, backpack, or vest identifying the dog as a trained service dog.
6. The service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
7. Special Provisions/Miniature Horses: Requests to permit a miniature horse to accompany a student or adult with a disability in school buildings, in classroom, or at school functions, will be handled on a case-by-case basis, considering:
 - The type, size, and weight of the miniature horse and whether the facility and accommodate these features.
 - Whether the handler has sufficient control of the miniature horse.
 - Whether the miniature horse is housebroken.
 - Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operations.
8. A service animal will be denied access to school property if at any time "Minimum Standards for Assistance Animals in Public" are not maintained:
 - Animal is clean, well-groomed and does not have an offensive odor
 - Animal does not urinate or defecate in inappropriate locations. Animal must be housebroken.
 - Animal does not solicit attention, visit or annoy any member of the student body or school personnel.
 - Animal does not vocalize unnecessarily (i.e. barking, growling or whining).
 - Animal does not solicit aggression towards people or other animals.
 - Animal does not solicit or steal food or other items from the student body or school personnel
 - Animal is out of control and the animal's handler does not take effective action to control it.
9. The service animal must not in any other way interfere with the educational process of any student.
10. The service animal must not pose a health or safety threat to any student, personnel or other persons.
11. The owner of a service animal is liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.

12. The school district is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself.

13. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.

- Students with service animals are expected to care and supervise their animal. In the case of a student with a disability who is unable to care for or supervise his/her service animal, the parent is responsible for providing care and supervision of the animal.
- Issues related to the care and supervision of service animals will be addressed on a case-by-case basis by the building administrator.

14. The campus administrator will be the individual responsible for determining if the service animal meets Uplift Education standards.

15. Appealing a denial of a request for the use of a service animal must be directed to the campus administrator, who will direct the appeal to the appropriate district personnel.

Non-Service Animals/Support Animals

A parent/student requesting the use of a non-service/support animal will be considered on a case-by-case basis following a written request submitted to the Director of Special Education. If a support animal is approved for use in the school, the animal must meet all criteria outlined for a "service animal" including vaccinations, training, etc.

Career and Technical Education Programs

Students with disabilities are not excluded from any career or academic programs, courses, services or activities due to equipment barriers or because necessary related aids and services or auxiliary aids are not available. Uplift provides appropriate aids and services for students with disabilities that do not limit their participation. Access to and use of tape/digital recorders, guide dogs/service animals and note-takers are available as appropriate.

RECORDS AND CONFIDENTIALITY

Authority: 2 C.F.R., Part 200, 34 C.F.R., Parts 75, 99, 300; Texas Government Code, Texas Local Government Code, 19 T. A. C. Texas Education Code, FERPA, IDEA '04

Uplift Education maintains the confidentiality of all Special Education records and has developed procedures to implement confidentiality requirements consistent with federal regulations. Parents or adult students are advised of their rights pertaining to student records at least once annually. Uplift Education will comply with all requirements of the Family Education Rights and Privacy Act (FERPA).

Student records will be maintained in accordance with the standards of the Public Education Information Management System (PEIMS) for the purpose of statistical review, federal reporting, legislative requests and audit purposes. Data will include but not be limited to student demographic and academic performance, student attendance, personnel information, financial data and organizational information.

Parent access –The parent (or adult student) may inspect and review educational records during school business hours. The requesting parent may inspect, review, or be informed of only the specific information about his or her child's records.

Availability – Records will be made available to the parent (or adult student) without any unnecessary delay and before any meeting regarding an Individual Education Program (IEP), or any hearing related to the placement of the student, or the provision of FAPE and in no case more than 45 days after a request has been made.

Copies – Parent(s) (or adult students) may request copies of any documents in the student's record but the school is generally required to give copies only if failure to do so would effectively deny access.

Cost of copies – Uplift Education maintains the right to charge a fee for copies of records but not if a fee will prevent parent access to the copies. No fee will be charged to search or retrieve any information to which the parent (or adult student) has a right.

Consent – Except for specific exceptions, a parent shall provide a signed and dated written consent before a school may disclose education records. The consent must specify records that may be disclosed, purpose of disclosure and parties to whom disclosure may be made. Exceptions to prior consent as outlined in FERPA, include:

- to school officials with legitimate educational interests;
- to schools in which a student seeks or intends to enroll;
- to Federal, State, and local authorities conducting an audit, evaluation, or enforcement of education programs;
- in connection with financial aid, such as a college loan;
- to organizations conducting studies on behalf of educational institutions;
- to parents of a dependent student;
- to comply with a judicial order or subpoena;
- in a health or safety emergency;
- directory information;
- to state and local officials in connection with serving the student under the juvenile justice system.

Directory Information under FERPA

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Directory information includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time), dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.

Directory information does not include a student's:

1. social security number; or
2. student identification (ID) number, except as provided below.

Uplift Education directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier 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 (PIN), password, or other factor known or possessed only by the authorized user.

Uplift Education may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the open enrollment charter school of:

1. the types of personally identifiable information that the open-enrollment charter school has designated as directory information;
2. a parent's or eligible student's right to refuse to let the open-enrollment charter school designate any or all of those types of information about the student as directory information; and
3. the period of time within which a parent or eligible student has to notify the open-enrollment charter school in writing that he or she does not want any or all of those types of information about the student designated as directory information.

Uplift Education may disclose directory information about former students without complying with the notice and opt out conditions in 34 CFR § 99.37(a). However, Uplift Education 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.

A parent or eligible student may not use the right under 34 CFR § 99.37(a)(2) to opt out of directory information disclosures to prevent an educational agency or institution 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.

Uplift Education 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.

Personally Identifiable Information

Personally Identifiable Information includes, but is not limited to:

- the student's name;
- the name of the student's parent or other family members;
- the address of the student or student's family;
- a personal identifier, such as the student's social security number, student identification number, or biometric record;
- other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- 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
- information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

ELIGIBILITY FOLDER

Uplift Education's Special Education department will maintain an eligibility folder for each individual with a disability receiving Special Education services in addition to the individual cumulative records. The eligibility folder includes, but is not limited to:

1. Copies of referral data
2. Documentation of Notices and Consents
3. Evaluation reports and supporting data including eligibility and disability reports
4. Admission, Review, and Dismissal (ARD)/IEP Committee reports
5. Individual Education Program (IEP)

Additionally, the eligibility folder may contain reports of progress to parents/legal guardians of students with disabilities who receive Special Education, which are developed and recorded with at least the same frequency as those provided to any student in general education.

The eligibility folders are maintained according to the policies and procedures regarding confidentiality and are located in a locked file cabinet. A list of persons who have access to the files is attached to the file cabinet in public view and access logs are maintained in each student's eligibility folder as to the date, the person accessing the file and their position, and the reason for access.

The classroom teacher(s) who provide services to the student with disabilities will have the opportunity to provide input and request assistance regarding the implementation of the student's IEP. Each teacher receives a copy of relevant sections of the Individual Education Program (IEP) in relation to the responsibilities of that teacher in the implementation of the IEP in the classroom. The classroom teacher will also be provided any instructions, suggestions and/or support for teaching adaptations or strategies that enable the student to progress in the general curriculum and attain goals and objectives as indicated in the IEP.

Record of Access - Uplift Education will maintain a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

Uplift Education will maintain a record of each request for access and each disclosure of educational records including redisclosure of educational records in connection with an audit or evaluation of federal or state education programs or compliance with those programs.

Uplift Education will comply with federal and state statute regarding when consent is not required for disclosure or redisclosure of information.

Annual Notification of Rights under FERPA

Uplift Education must annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under FERPA and its implementing regulations.

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 FERPA and 34 CFR §99.31 authorize disclosure without consent; and
4. file with the Department a complaint under 34 CFR §§99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of FERPA and its implementing regulations.

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; and
3. if the educational agency or institution 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.

Uplift Education may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights, including:

1. the open-enrollment charter school must effectively notify parents or eligible students who are disabled; and
2. the open-enrollment charter school must effectively notify parents who have a primary or home language other than English.

Amendment –The parent (or adult student) may request an amendment to any information in the education record. Uplift Education will reply in a reasonable time period with a refusal or amendment. If the parent (or adult student) still disagrees,

a hearing may be requested and will be carried out in accordance with all state and federal regulations.

Destruction of records – Uplift Education will prescribe retention periods for all records but must adhere to the prescribed retention period as outlined in federal or state law, rule of court of regulations for records. Schools may not destroy records if the record is known by the custodian to be in litigation, a request for access is pending, the record is pending an audit by a federal or state agency or there is a pending claim, administrative review or other action involving the record.

Records Retention Schedule

In accordance with the Texas Local Government and Texas Government Code, Uplift Education maintains school records in accordance with 500.060 Records Management Policy.

Redisclosure of Information

Uplift education may disclose personally identifiable information only on the condition that the person receiving this information will not disclose this information without prior consent of the parent or adult student. The information disclosed may only be used for purposes for which the disclosure was made.

Redisclosure is permissible, without parent or adult student consent if:

1. The adult student is a dependent of the parent requesting
2. To comply with a court order or subpoena
3. Information is directory information
4. Parent of a student that is not an adult
5. Disclosure is related to elements of a disciplinary proceedings at a postsecondary institution
6. Disclosure is to the parent of student at a postsecondary institution for violating any law related to possession of alcohol or controlled substance; and
7. Disclosure concerns sex offenders and others required to register

Procedures

Confidentiality Training will be offered on an annual basis to administrators, general education staff, Special Education staff, paraprofessionals and substitute teachers.

Folder Organization – Eligibility folders should be organized using the Uplift Education system including the use of standard binders and section dividers. The section dividers will be:

| | |
|-----------|---|
| Section 1 | ARD/IEP |
| Section 2 | Full and Individual Evaluation/Disability Reports |
| Section 3 | Rights Receipts/Consents/Parent Contacts |
| Section 4 | Miscellaneous/Medical |
| Section 5 | Referral Data/SST Information |

Checking out Folders – Eligibility folders shall be maintained in a locked file cabinet in the campus Special Education office. If a folder is removed for purposes of preparing for or attending an ARD/IEP Committee meeting, the folder should be signed out. Folders should not be removed from Uplift Education campuses without permission from the Director of Special Education or their designee.

Protocols – Test protocols should be destroyed every 3 years or when new evaluation is conducted. All Full and Individual Evaluation reports should remain in the eligibility folder.

Notes in Eligibility Folders – No personal notes should remain in the eligibility folder. Personal notes including but not limited to sticky notes, personal observations and reminders should be maintained in another location.

Working Folders – Working folders are only for the use of the Special Education teacher and are NOT the official Special Education folder. Therefore, working folders should only include duplicate information including the current IEP and work samples.

Retention of Records – Evaluation records and ARD Committee documents will be maintained for 7 years following the student's dismissal from Special Education and/or graduation. Evaluation protocols will be maintained until the 3-year re-evaluation and new protocols are used.

The retention period for a record applies to the record regardless of the medium in which it is maintained.

Records may not be destroyed if the subject matter of the record is known to be in litigation, there is a pending request for records, the record is in a pending audit by a state or federal agency, or there is a pending claim, administrative review or other action involving the record.

USE OF SPECIAL EDUCATION FUNDS

Authority: 2 C.F.R. Part 200; Texas Education Code; 19 T.A.C. Chapter 89

Compliance with Federal Funding Requirements: IDEA B

It is the policy of Uplift Education to use 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.

Reducing Level of Expenditures

Funds provided to Uplift Education will not be used to reduce the level of expenditures for the education of students with disabilities made by Uplift Education below the level of those funds for the preceding year.

Uplift Education 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 Uplift Education to provide a special education program to a particular student with a disability that is an exceptionally costly program because the child left Uplift Education, aged out of services, or no longer needs special education
4. The termination of costly expenditures for long-term purchases
5. The assumption of cost by the high cost fund operated by TEA

Excess Expenditures

It is the policy of Uplift Education that 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 a child with a disability in accordance with the IEP of the student, even if nondisabled students benefit from such services;
2. to develop and implement coordinated, early intervening educational services in compliance with student find and general administration requirements, including:
3. early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who are not currently identified as needing special education or related services but who need additional behavioral and academic support to succeed in a general education environment;
4. the school will not use more than 15 percent of the amount received under IDEA Part B for any fiscal year, less any adjustments by the school 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;
5. to establish and implement cost or risk-sharing funds, consortia, or cooperatives for the school itself, or for LEAs working in a consortium of which the school is a part, to pay for high-cost special education and related services consistent with distribution of high-cost risk pool funds;
6. the school 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.

Early Intervening Services

Funds made available for early intervening services, must supplement not supplant funds available under the ESEA.

Use of IDEA Part B funds for Title 1 Programs

Notwithstanding any other provisions related to commingling of funds, Uplift Education may use IDEA Part B funds received for any fiscal year to carry out a Title 1, Part A school wide program under the 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.

IDEA Grant

When requesting grant funds under IDEA, Uplift Education will budget for all costs in the grant application. The budget submitted will provide the following:

1. The amount requested is expected to have an impact on the stated needs, and the expected outcomes are sufficient to justify the requested amount;
2. The special education programs identifies other sources of funds; and
3. All expenditures are pertinent to and appropriate for the objectives and activities stated.

Federal Grant Records

In addition to the Records Management Policy, when Uplift Education receives a federal grant, the school will maintain records that show:

1. The amount of grant funds
2. How the funds were used
3. Total cost of the grant project
4. Any costs provide by other fund sources
5. Records to facilitate an effective audit
6. Compliance with the program requirements; and
7. Records of significant project experiences and results

All records related to federal grants or funds will be maintained for three years after the date of submission of the single or last expenditure report by the TEA. If the following circumstances, the retention period will be extended to five years:

1. Any litigation, claim, or audit started before the 5-year retention period. These records will be maintained until all litigation, claims, or audit findings involving the records have been resolved;
2. If Uplift Education is notified in writing by an entity awarding, auditing, or overseeing funds to extend the retention period;
3. Records for real property and equipment acquired by federal funds must be maintained for 3 years after final disposition;
4. When Uplift Education must report program income after the period of performance, the retention period for the records pertaining to the earning of the program income starts from the end of Uplift Education's fiscal year in which the program income is earned.
5. Indirect cost rate proposals and cost allocations plans including indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates):

6. If the proposal, plan, or other computation is required to be submitted to the Federal government (or to the pass-through entity) to form the basis for negotiation of the rate, then the retention period for its supporting records starts from the date of such submission.
7. If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal government (or to the pass-through entity) for negotiation purposes, then the retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

State Funding Special Education Allotment

It is the policy of Uplift Education open-enrollment charter school to maintain record of students participating in special programs in accordance with the Commissioner 's rules.

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 42.151, Texas Education Code.

Funds allocated under this section, other than an indirect cost allotment established under State Board of Education rule, must be used in the special education program under Subchapter A, Chapter 29.

High Cost Risk Pool Funds

Uplift Education may apply to the High Cost Fund (HCF) maintained by the Texas Education Agency for an award of funds to assist the school in addressing the needs of high-need children with disabilities when the cost of serving such a child is greater than four time the average per pupil expenditure in the state.

The High Cost Fund must not be used to:

1. limit or condition the right of a student with a disability who is assisted under Part B of the Act to receive a free appropriate public education (FAPE) in the least restrictive environment pursuant to section 612(a)(5) of the Act; or
2. Support legal fees, court costs, or other costs associated with a cause of action brought on behalf of a student with a disability to ensure FAPE for such student.

Compensatory Education Allotment

Uplift Education must use funds allocated under TEC §42.152(a) for a purpose authorized in TEC §42.152(c) but is not otherwise subject to Subchapter C (Compensatory Education Programs), Chapter 29, Texas Education Code governing compensatory educational programs. (TEC §42.152(c))

In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under TEC §29.081, Uplift Education'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.

Compliance with Federal Funding Requirements: Title 1

To the extent required under Title 1 of the Elementary and Secondary Education Act, Uplift Education 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.

Coordination of Funds to Purchase Instructional Materials

Instructional materials adopted by Uplift Education must be provided to students at no cost.

Uplift Education is entitled to the instructional materials allotment under Chapter 31 and subject to Chapter 31 as if the school were a school district.

Contract for Services- Residential Placements

If needed, Uplift Education 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.

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.

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

Funding for Noneducational Services

Students with disabilities and their families may be eligible to receive noneducational community-based support services paid for by public funds, also known as "non-ed funds".

The Texas Education Agency (TEA) is responsible for establishing procedures and criteria for the allocation of non-ed 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.

It is the policy of Uplift Education to ensure funds allocated under TEC §29.013 are used 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.

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.

The provision of services under TEC §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 TEC §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.

For more information about allowable and unallowable expenditures, you can access a copy of the TEA approved list at the Educational Service Center for Region 13 website

http://www4.esc13.net/uploads/noned/docs/1415%20NonEd/3. Allowables_and_Unallowables.pdf

The Uplift Education Special Education Director will work with a student's family to fill out an application for noneducational funds. A copy of the application can be found at the Educational Service Center for Region 13 website <http://www4.esc13.net/noned/> . Each school year funds are made available for services received between September 1 and August 31.

Shared Service Arrangements

Uplift Education may enter into a written contract to jointly operate the Special Education program. The contract must be approved by the Commissioner. Funds to which the cooperating schools are entitled may be allocated to the schools jointly as a shared services arrangement units or shared services arrangement funds in accordance with the shared services arrangement agreement.

APPENDIX A

SHARS Process and Procedures

1. Introduction
2. Parental Acknowledgement
3. Prescriptions
 - a. Occupational and Physical Therapy
 - b. Speech Therapy
4. Electronic Signature Compliance
5. Psychological Services
6. Counseling
7. Audiology Services
8. Visually impaired, Orientation and Mobility and Adapted PE
9. Nursing Services
10. Occupational Therapy
11. Physical Therapy
12. Speech and Language Services
13. Personal Care Services
14. Specialized Transportation services
15. Documentation requirements
16. Resources
 - a. Written Initial Notification to Access Public Benefits or Insurance
 - b. Medicaid Consent Form
 - c. Written Annual Notification to Access Public Benefits or Insurance (e.g., Medicaid)
 - d. Electronic Signature explanation
 - e. Occupational Therapy and Physical Therapy prescription request form

Introduction

Uplift Education's process and procedures includes historical practices as well as practices that have evolved as necessary to comply with TEA guidelines for SHARS.

In each category, TEA guidelines are provided directly from the SHARS FAQs if they directly reflect practices in Uplift Education. Each category then includes additional specific information to provide insight into the process and procedures for Uplift Education.

Parental Acknowledgement

Throughout this process and procedures section, the term SHARS Program is used to represent the Medicaid to school's program of Texas.

TEA Guidelines

According to federal rule 42 CFR §300, schools should obtain informed parental consent to bill Medicaid for the specific services and the frequency as outlined in the child's current ARD/IEP.

School Health and Related Services (SHARS) Interim Claims Texas Medicaid instituted TPL policy requirements using the "pay and recover later" method for SHARS providers on October 1, 2017. Using the pay and recover TPL process for SHARS means that Medicaid pays the school district for services before third party reimbursement is sought. The state is permitted a three year look back period to seek recovery claims after the effective date of this policy. If the third-party insurance denies a claim for an acceptable reason, no further action is taken.

Parents of students enrolled in Medicaid should be reminded that this notice does not change current Medicaid policy regarding TPL. Parents or guardians will not incur out-of-pocket costs as a result of this notice, because Texas Medicaid pays copayments and deductibles associated with private insurance. Lifetime benefits of private insurance could be affected depending on the policy or agreement parents or guardians have with the insurance company.

Because the Individuals with Disabilities Education Act (IDEA) entitles children to a free and appropriate public education, parents or guardians should consult with their school districts if they anticipate a financial impact due to this notice.

Uplift Education process and procedures

Parents are notified of Uplift Education's involvement in the SHARS program through the use of a Parental Acknowledgement form provided by Uplift Education's Special Education Student Data Management System (IEP Software), currently by the Frontline program known as eSTAR (See Appendix A). Uplift Education will pursue informed parental consent to bill Medicaid for the specific services and the frequency as outlined in the child's current ARD/IEP by utilizing the Medicaid Consent Form (Appendix B) provided by Frontline. Uplift Education does not authorize any billing for students who do not have a parental acknowledgement on file per TEA's requirements.

Texas SHARS Billing Service (TSBS) records which students have parental acknowledgments on file in the student's "Medicaid information" section of ESPED – blocking billing for any student whose parent has declined to sign the parental acknowledgement.

Each subsequent year, all Uplift Education parents are notified about Uplift Education's participation in the SHARS program through an annual Parental Acknowledgement letter.

Uplift Education currently uses eSTAR to document each time a parent is notified of Uplift Education's involvement in the SHARS program. This documentation is recorded at each annual ARD meeting to ensure an active parental acknowledgement is on file for each new IEP.

In light of the recent updates to Third Party Liability, Uplift Education has updated the Annual Notification of participation in the SHARS program located in Appendix C to remind parents or guardians that they will not incur out-of-pocket costs as a result of this notice. If a parent or guardian anticipates a financial impact due to this notice, they should consult with Uplift Education.

Prescriptions

Physical Therapy and Occupational Therapy

TEA Guidelines

A prescription is required after the initial assessment and must be renewed at least every three years. If the prescription or referral has an end date, the prescription must be renewed prior to the end date. For example, some physicians will only write a prescription that is valid for one year. In addition, when there is a change in the plan of care, a new referral/prescription is needed.

Medical doctors (MDs), doctors of osteopathy (DOs), advanced practice nurses (APNs) with prescriptive authority and physician's assistants are authorized to prescribe physical therapy (PT) and occupational therapy (OT) services in the SHARS program. PT and OT evaluations are not acceptable as a prescription/referral for SHARS PT or OT services.

Uplift Education processes and procedures

Uplift Education requests prescriptions for all students requiring physical therapy and occupational therapy. Many practitioners include OT and PT services on their prescriptions for students who qualify for both services.

These prescriptions are housed in the student's permanent folders. This information is also tracked in ESPED under the student Medicaid details section by SHARS/Special Education Program Specialist.

Physical therapists as per their license, obtain prescriptions before providing direct medical services for students requiring physical therapy. Physical Therapists only submit billing on students who have active physical therapy prescriptions. If a physical therapy prescription expires, the physical therapist does not provide direct medical services until the renewed prescription is obtained.

Occupational therapists do not require a prescription to maintain licensure or provide direct medical services for students requiring occupational therapy. It is common practice for a physical therapist to ask doctors for both an OT and a PT prescription using the form outlined in the appendix of this process and procedures document.

Speech Therapy

TEA Guidelines

Effective 9/1/2003, SHARS requirements allow for either a medical or a licensed practitioner of the healing arts to provide the referral for speech therapy. Licensed speech-language pathologists (SLPs) are considered licensed practitioners of the healing arts. The evaluation and recommendation by the SLP may be considered the referral for services.

Whether or not the authorized medical professional sees the student while reviewing records for writing a prescription is left up to the individual's professional judgment. The medical practitioner is ultimately responsible for the services he/she prescribes; and therefore, the decision for the level of review

Uplift Education process and procedures

Speech therapist follow the TEA guidelines for ordering special education services for students.

Electronic Signature Procedure

TEA Guidelines

For Medicaid purposes, a school district's use of electronic records and signatures for SHARS is permissible. As long

as the records are accessible to an investigator or auditor and can be reviewed as needed, maintaining the records in electronic format is acceptable from the perspective of documentation adequacy or other audit issues related to Medicaid. Each school district should determine at its own risk what standards are consistent with state and federal electronic requirements.

Electronic Signatures

- SHARS providers must recognize the potential for misuse or abuse
- SHARS providers must apply relevant administrative procedures, standards, and law
- SHARS providers must ensure system and software products are protected
- The individual whose name is on the alternate signature method and the provider bears the responsibility for the authenticity of the information attested to in the record
- SHARS providers must check with their respective legal counsel regarding alternative signature methods and associated legal concerns

The Texas Education Agency (TEA) advises that it has no additional requirements regarding the submission of electronic data or the use of electronic signatures. The requirement that records are accessible and can be made available to an auditor or a reviewer as needed is, per TEA, sufficient for its purposes.

Uplift Education Process and procedures

In Uplift Education, all SHARS providers are notified about TEA's electronic signature policy. Any provider documenting services electronically acknowledges the electronic signature procedure before submitting his or her first session for billing. All providers submitting electronic documentation through the Medicaid billing tool is required to agree to the terms and conditions for electronic signature as per TEA requirements. A TSBS program specialist is required to train all providers on the requirements of electronic data submission and electronic signatures during their annual provider training.

Psychological Services

TEA Guidelines

Assessments are activities performed for the purpose of determining eligibility for special education including:

- An initial assessment that leads to the creation of an Individualized Education Program (IEP)
- An assessment for a student that has an existing IEP and is referred for assessment for a different disability, whether or not that assessment leads to a revised IEP
- An assessment that leads to a dismissal from special education

Billable time includes direct testing time with the student, interpreting results when the student is not present, and report writing time when the student is not present. Parent consultation (student present) required during the assessment due to a student's inability to communicate or perform certain required testing activities is also billable as direct testing time. Assessments are billable under procedure code 96101.

Psychological assessments billed under the SHARS program cannot be performed by an educational diagnostician. Assessments must be performed by a Licensed Specialist in School Psychology (LSSP), a licensed psychologist or a psychiatrist.

An initial (psychological) assessment is billable if it leads to the creation of an IEP for a student with disabilities who is eligible for Medicaid and who is 20 years of age or younger, whether or not the IEP includes SHARS. However, if an initial assessment does not lead to the creation of an IEP, that assessment is not billable under the SHARS program.

Psychological testing, interpretation, and report writing are billable under assessments as long as the initial (psychological) assessment resulted in the creation of an IEP. Procedure code 96101 is the only code that is billable for times when the client is not present (e.g., interpretation time and report writing time).

Writing the report may occur on a different day than the direct testing. Each activity should be billed on the day it occurred. Documentation must include date, start time, stop time, and a notation as to which activity (i.e., direct testing, interpretation, or report writing) was done.

Referrals are generally good for 3 years. This is based on the 3-year reevaluation time required by school districts under IDEA. According to IDEA, the re-evaluation can occur more frequently than the 3-year evaluation timeline, see below:

- A reevaluation conducted under 34 CFR 300.303(a):
 - o May occur not more than once a year, unless the parent and the public agency agree otherwise; and
 - o Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

Uplift Education process and procedures

Special Education psychological providers hold an LSSP licensure. bills for Medicaid services provided by LSSP providers, including evaluations and counseling. LSSP providers document for services using various methods and

track therapies as indicated on a special education student's IEP.

Uplift Education's LSSP bills SHARS for student evaluations once the student qualifies for special education services.

LSSP providers ensure all therapies are age appropriate and specific to the student's IEP. Special education students only receive counseling in groups when LSSP providers assist with conflict resolution between general education and special education students. Uplift Education will submit for psychological services when documentation supports verbal or written parental consent (ie: written email, written response to therapy invite, verbal consent noted in file, etc.) Uplift Education will not submit for billing when services/therapy session is delivered only thru telephone.

Counseling Services

TEA Guidelines

Counseling provided by a licensed professional counselor (LPC); licensed clinical social worker (LCSW, formerly LMSW-ACP); or a licensed marriage and family therapist (LMFT) should be billed under the procedure codes for counseling. Counseling or testing services provided by a licensed specialist in school psychology (LSSP); licensed psychologist; or licensed psychiatrist should be billed under the procedure codes for psychological services.

Billable time includes direct counseling time with student present, 1 hour (4 units) per day for nonemergency situations [Emergency situations require a behavior improvement plan (BIP)]. Maintain documentation as to the reasons for the additional time if more than the recommended maximum time is billed.

School districts may receive reimbursement for emergency counseling services as long as the student's IEP includes a behavior improvement plan that documents the need for emergency services.

Uplift Education process and procedures

Counseling services are provided by professionals who are approved licensed providers in the Texas Medicaid State Plan for SHARS. Uplift Education bills for direct counseling time spent with the students as indicated on a special education student's IEP. Uplift Education will submit for counseling teletherapy services when documentation supports verbal or written parental consent (ie: written email, written response to therapy invite, verbal consent noted in file, etc.) Uplift Education will not submit for billing when services/therapy session is delivered only thru telephone.

Audiology Services

TEA Guidelines

Audiological Management is a billable service under SHARS audiology services if services are ordered in the student's IEP.

Audiology services are provided by professionals who hold a valid state license as an audiologist or by an audiology assistant who is licensed by the state when the assistant is acting under the supervision or direction of a qualified audiologist. State licensure requirements are equal to American Speech Language Hearing Association (ASHA) certification requirements.

Audiology evaluation is billable on an individual (1-92506) basis only. Audiology therapy is billable on an individual (1-92507) and group (1-92508) basis. Only the time spent with the student present is billable; time spent without the student present is not billable. Session notes for evaluations are not required; however, documentation must include the billable start time, billable stop time, and total billable minutes with a notation of the activity performed (e.g., audiology evaluation). Session notes are required for therapy. Session notes must include the billable start time, billable stop time, total billable minutes, activity performed during the session, student observation, and the related IEP objective.

Uplift Education Process and Procedures

Uplift Education audiology services are provided by state licensed Audiologists. Uplift Education bills for evaluations and therapy time spent with the students as indicated on a special education student's IEP. Uplift Education will submit for audiology teletherapy services when documentation supports verbal or written parental consent (ie: written email, written response to therapy invite, verbal consent noted in file, etc.) Uplift Education will not submit for billing when services/therapy session is delivered only thru telephone.

Visual impairment, Orientation and Mobility, Auditory Impairment and Adapted Physical Education Services

TEA Guidelines

The Vision Impairment provider can review the visually-impaired student's classroom documents and/or the PCS provider's notation of specific type of PCS provided to be sure that she agrees that the VI specialist is providing PCS in that she is assisting the student with the performance of Activities of Daily Living (ADLs) and Instrumental Activities of Daily Living (IADLs) because the student is not able to perform the age appropriate tasks due to his/her disabilities. Services provided by Orientation & Mobility Specialists often meet the definition of PCS for visually-impaired students.

Uplift Education Process and Procedures

Uplift Education contracts visual impairment teachers, orientation and mobility specialists, auditory impairment teachers as well as adapted physical education service providers. These providers bill for any personal care services indicated in the student's IEP.

Uplift Education will not submit for billing when providing VI, O&M and/or APE via teletherapy and/or telephone.

Nursing Services

TEA Guidelines

Nursing services can be provided by a registered nurse (RN or APN), a licensed vocational nurse (LVN), or a licensed practical nurse (LPN). Services delegated by an RN or APN and provided by individuals who have been trained are also billable. Examples of individuals to whom an RN or APN might delegate nursing services include special education teachers and school health aides.

Effective 09-01-06, school health services are now referred to as nursing services. Nursing services are skilled nursing tasks as defined by the Board of Nursing (BON). A district can receive Medicaid reimbursement for any nursing service that is determined by the ARD/IEP committee to be needed in order for a Medicaid-eligible student to fully participate in school.

Due to the wide variation in individual needs, it is impossible to develop an all-inclusive list of nursing services. Examples of reimbursable nursing services include, but are not limited to inhalation therapy, ventilator monitoring, non-routine medication administration, tracheostomy care, gastrostomy care, ileostomy care, catheterization, tube feeding, suctioning, client training, and assessment of a student's nursing and personal care service's needs. The ARD minutes should include recommendations derived from the RN/APN or physician's evaluation of the student's nursing service's needs. Nursing services need to be stated with the same level of detail as is provided for the other related services, but, due to the type of services, it may be appropriate to add language such as "as needed". Remember that the actual format of the IEP is a local policy decision. In order to receive reimbursement, the specific nursing services need to be included in the IEP; but there is no prescribed wording.

The way administration of a medication should be billed depends upon whether the medication is considered "routine

oral medication” or regular nursing service. That determination should be made by a RN/APN. If the medication is not a routine oral medication, the time spent administering that medication should be accumulated with all the other nursing services for the calendar day and then converted to 15-minute units and billed accordingly. If the medication is a routine oral medication, please maintain the required service logs billable under the appropriate procedure code (medication administration).

Uplift Education process and procedures

Uplift Education follows TEA and SHARS guidelines for nursing.

Licensed nursing providers at Uplift Education hold Medical Assistant Licenses and are considered clinical assistants. Clinical assistants administer medication to special education students as prescribed by a physician and indicated in the student’s IEP.

Uplift Education will not submit for billing when nursing supports are delivered thru teletherapy and/or telephone

Occupational Therapy

TEA Guidelines

Districts can bill SHARS for OT evaluation, therapy, training and fitting associated with such devices. The licensed OT can perform the evaluation. The licensed OT or the OT assistant can provide the treatment services. There are two procedure codes for SHARS OT services, one is the procedure code for the evaluation and one set of procedure codes is for the treatment services. There are more OT procedure codes available in the non-school setting. All those OT services are billable for SHARS under the appropriate procedure codes.

Uplift Education Processes and Procedures

Occupational therapists, per their licensure, are not required to obtain a prescription before providing services to a student as long as that student has Occupational therapy needs ordered in their IEP. Oftentimes, therapists obtain a combination of PT/OT prescriptions from a doctor before providing services to students. Currently, occupational therapists in Uplift Education are not permitted to bill for students who do not have a prescription for set services. Occupational therapists document for the services provided to all special education services but take a conservative approach to billing and ensure only students with prescriptions have sessions submitted for billing. Uplift Education relies on the guidance of their SHARS Medicaid billing vendor, TSBS to place billing blocks on their electronic system to ensure billing does not happen for students without OT prescriptions.

Certified occupational therapy assistants are supervised by licensed occupational therapists and submit session data to their supervisors through the electronic documentation system X Logs. Occupational Therapists are required to sign off on any and all sessions submitted by an occupational therapy assistant before set sessions are submitted for billing. Uplift Education will submit billing for occupational teletherapy services when documentation supports verbal or written parental consent (ie: written email, written response to therapy invite, etc.) Uplift Education will not submit for billing when services/therapy session is delivered only thru telephone.

Physical Therapy

TEA Guidelines

A prescription is required after the initial assessment and must be renewed at least every three years. If the prescription or

referral has an end date, the prescription must be renewed prior to the end date. For example, some physicians will only write a prescription that is valid for one year. In addition, when there is a change in the plan of care, a new referral/prescription is needed.

Uplift Education processes and procedures

Physical Therapists at Uplift Education rely on a variety of assessments when evaluating students for PT services. All physical therapists obtain a doctor's prescription (Appendix E) before providing direct medical services to students as per their licensure. Uplift Education's physical therapists use an Occupational therapy/ Physical therapy combination form to request both prescriptions from a physician.

After obtaining prescriptions and a student's IEP, physical therapists provide direct medical services as per the IEP's orders.

Uplift Education's physical therapists keep permanent student folders with daily session log notes and previous 9- week progress reports. The physical therapist also keeps yearly medical forms, IEP schedule of service pages for each student and parent forms on file. Uplift Education will submit billing for physical teletherapy services when documentation supports written parental consent (ie: written email, written response to therapy invite, etc.) Uplift Education will not submit for billing when services/therapy session is delivered only thru telephone.

Speech and Language Services

TEA Guidelines

Effective September 1, 2006, under the new SHARS State Plan language, speech therapy services under the SHARS program can be provided by speech/language pathologist (SLP), American Speech-Language-Hearing Association (ASHA) certified SLP with Texas license, ASHA-equivalent SLP, a TEA certified SLP, a SLP assistant licensed by the state or a grandfathered SLP when the assistant is acting under the supervision or direction of a qualified SLP.

Individuals without a master's degree who were "grandfathered" to meet state requirements as licensed speech language pathologist receive reimbursement for their services as long as they are supervised by an ASHA or ASHA-equivalent SLP.

Individuals with a master's degree in speech pathology who were "grandfathered" to meet state requirements as licensed speech language pathologist can supervise other speech therapy providers that are not ASHA or ASHA-equivalent SLPs.

Uplift Education process and procedures

Speech Therapists at Uplift Education use a variety of assessments to evaluate students to qualify for services. Even if the student has a doctor's note requiring speech services, therapists perform their own assessment that aligns with instructional speech therapy services.

Speech Therapists at Uplift Education range from ASHA certified, TEA certified and Grandfathered SLPs. Historically, any SLP with a license was able to supervise an SLP assistant. Currently, all grandfathered SLPs and assistants are supervised by an ASHA certified SLP or a TEA certified SLP.

SLPs at Uplift Education document using the electronic documentation tool to submit claims for billing. Grandfathered SLPs and SLP assistants submit their session information to a supervising SLP who then approves their sessions before submitting them for billing. Uplift Education will submit for speech and language teletherapy services when documentation supports verbal or written parental consent (ie: written email, written response to therapy invite, verbal consent noted in file, etc.) Uplift Education will not submit for billing when services/therapy session is delivered only thru telephone.

13. Personal Care Services TEA Guidelines

Personal Care Services (PCS) is a benefit of the Medicaid Children's Services - Comprehensive Care Program (Medicaid Children's Services CCP) for Texas Medicaid clients under the age of 21 years, who are not an inpatient or a resident of a hospital, in a nursing facility or intermediate care facility for the intellectually disabled, or in an institution for mental disease. PCS are support services provided to clients who meet the definition of medical necessity and require assistance with activities of daily living (ADLs), instrumental activities of daily living (IADLs), and health related functions because of a physical, cognitive, or behavioral limitation related to a client's disability or chronic health condition. PCS are provided by someone other than the minor client's legal or foster parent/guardian or the client's spouse.

PCS include a range of human assistance provided to persons with disabilities and chronic conditions which enables them to accomplish age-appropriate tasks that they would normally do for themselves if they did not have a disability or chronic condition. An individual may be physically capable of performing activities of daily living (ADLs) and instrumental activities of daily living (IADLs) but may have limitations in performing these activities because of a functional, cognitive and/or behavioral impairment. Assistance may be in the form of "hands-on assistance" (actually performing a personal care task for a person) or "cueing" the person so that the person performs the task by him/herself. Such assistance most often relates to performance of ADLs and IADLs. ADLs include eating, bathing, dressing, toileting (including diapering), transferring, and maintaining continence. ADLs may also include assistance with mobility services (i.e., the ability to move between locations in the individual's environment).

IADLs capture more complex life activities and include personal hygiene, light housework, essential household chores, laundry, meal planning and preparation, transportation, grocery shopping, communication by telephone or other media, medication management, managing finances, getting around and participating in the community, and limited exercises to increase range of motion and flexibility. These are not an all-inclusive list of ADLs and IADLs. Skilled nursing services that may only be performed or delegated by a registered nurse (RN) or advanced practice nurse (APN) are not considered personal care services. Delegated nursing services are services that are delegated to an individual whom the RN or APN has trained to perform the delegated nursing task. These delegated services must be billed under Nursing Services.

Personal care services are supports that may be provided through:

- Total or partial physical assistance
- Prompting or cueing the student to complete the task
- Redirection, monitoring, and observation that are medically necessary and an integral part of completing a personal care service.

Note: Monitoring and observation means watching for outward visible signs that are likely to occur and for which there is an appropriate personal care intervention. This could include such activities as monitoring a child for seizures or potentially dangerous behaviors.

PCS may be required because a cognitive impairment prevents an individual from knowing when or how to carry out the task. For example, an individual may not be able to dress without instruction on how to do so or reminders of what to do and when. In such cases, PCS may include "cueing" or monitoring to ensure that the individual performs the task properly.

PCS may include observation/monitoring and redirection/intervention for:

- behavior that interferes with completion of ADL or IADL, such as withdrawal or unusual and repetitive habits;
- behavior that is socially offensive;
- behavior that will, or has the potential to, cause injury to the student and/or others

PCS documentation must:

1. Capture the minutes of the service with start and stop times

2. Have notation of specific type of PCS required
3. Identify type of PCS (one-on-one or group)
4. If PCS is provided throughout the day, the accumulation of all the PCS minutes for the day must be totaled and converted to units of service
5. Include the signature of the individual that provided the PCS. (In group settings, each caregiver does not have to provide documentation for each child. Rather one caregiver can document for 2 or 3 students while another caregiver documents on the other 2 or 3 students)

The state plan for EPSDT services outlines the requirements for a qualified provider in §42 CFR 440.167. PCS must be provided by a qualified provider who is 18 years or older and has been trained to provide the personal care services required by the client, e.g., bus monitor/aide on the bus, special education teacher and special education teacher's aide.

Uplift Education Process and Procedures

Personal Care providers advocate for personal care services for specific students and therefore assume the responsibility for providing and documenting for set services. Special Education Coordinators and Personal care providers work diligently to amend IEP's to accurately reflect the needs of students in the classroom. Providers document services on students who have personal care ordered in their IEP.

Personal Care providers rely on student observations, a variety of assessments and data from curriculum resources to create the student's comprehensive IEP. Providers re-evaluate data to ensure the continuity of care is achieving the least restrictive environment for the students in the classroom.

Personal Care providers who submit claims for billing document their services using the electronic documentation system. The frequency of their documentation ranges from daily to weekly.

Uplift Education will not submit for billing when providing personal care support via teletherapy and/or telephone.

Specialized Transportation

TEA Guidelines

Specialized transportation service may be Medicaid reimbursable if:

- it is being provided to and from a Medicaid covered (SHARS) service(s) for the day the claim is made;
- the Medicaid covered service(s) is included in the student's IEP
- the specialized transportation needs are included in the IEP (must include the type of adaptation that is required on the vehicle and why the student needs/requires that adaptation)
- the child requires transportation in a school bus adapted to serve the needs of a student with a disability

On a day when the student receives a related Medicaid-covered SHARS service, specialized transportation services may be provided and can include coverage of transportation in the following instances from:

- The student's residence to school
- The school to the student's residence
- The student's residence to a provider's office that is contracted with the district
- A provider's office that is contracted with the district to the student's residence
- School to a provider's office that is contracted with the district
- A provider's office that is contracted with the district to the student's school
- School to another campus to receive a billable SHARS service
- The campus where the student received the SHARS service back to the student's school

Specialized transportation services from a child's residence to school and return will not be Medicaid reimbursable if, on the day the child is transported, the child does not receive a Medicaid-covered SHARS service other than transportation to the school location.

Documentation of each specialized transportation service provided must be maintained. This documentation may take the form of a trip log. This service must not be billed by default.

The school district may bill for specialized transportation for eligible students whose IEP includes transportation on a specially adapted vehicle and who receive a related SHARS service on the same day. The IEP must include the type of adaptation that is required on the vehicle and why the student needs/requires that adaptation. A specially adapted vehicle is one that has been physically modified (e.g. addition of a wheelchair lift, addition of harnesses or protective restraint devices, addition of child protective seating, or addition of air conditioning).

At a minimum, the transportation log should include:

- The SHARS provider name (i.e., school district name)
- First Name and Last Name of each student for each trip, along with each student's ID
- One log per vehicle, indicating the route name/number (with documentation maintained somewhere that describes each route/trip as to the start and stop locations)
- Method for identifying the number of one-way trips per day (e.g., AM and PM trips) [with documentation maintained somewhere that describes the times for each trip] -- Remember that the number of one-way specialized transportation trips must be counted for calculating the one-way trip ratio for allocating specialized transportation costs to the Medicaid program
- Method for personal care services (PCS) provider, transportation aide, bus monitor, or assistant to verify own attendance for each trip and include a place for this person to sign and date the form
- Method for driver to verify own attendance for each trip and include a place for this person to sign and date the form
- Method for nurse to verify own attendance for each trip and include a place for this person to sign and date the form
- The log can be maintained per day and for several days, with applicable dates noted on the log
- Mileage needs to be maintained somewhere; but, not on the log

Uplift Education Process and Procedures

During the initial ARD meeting, a group of licensed professionals determines whether a student requires specialized transportation services from the data in the student's Full and Individual Evaluation. After confirming a student requires specialized transportation, the ARD committee then confirms whether a student needs monitoring for a bus aide. All decisions made by the ARD committee are recorded in the student's most current IEP.

Uplift Education utilizes a paper trip log to document trips. Bus drivers record on this paper trip log their daily trips for specialized transportation services. Bus drivers and bus monitors or aides are required to sign a monthly trip log indicating they were present for the services provided. On the occasion a bus driver is absent, the substitute for the day records the Trip Log information and indicates that they substituted for the original bus driver.

The logs are collected by the SHARS/Special Education Program Specialist and then submitted once a month to TSBS for Medicaid billing.

Documentation Requirements

TEA Guidelines

SHARS records need to be retained for at least seven years because they are both Medicaid and educational records. Medicaid records must meet federal retention guidelines and, as such, must be maintained for a minimum period of five years from the date of service or until all audit questions, appeal hearings,

investigations, or court cases are resolved. The federal guidelines governing public education require records to be stored for seven years. SHARS providers must maintain records as outlined in the TMPPM in the Provider Enrollment and Responsibilities Section and the SHARS Section, which meet the federal retention guidelines.

Records must be stored in a readily accessible and secure location and format. If a SHARS audit is conducted, a school district will usually be allowed up to ten business days to provide the requested documentation. SHARS records must be maintained until all audit questions, appeal hearings, investigations, or court cases are resolved. School districts should maintain written procedures regarding the minimum documentation requirements and where those documents are stored.

At a minimum, the following is a suggested checklist of documents related to the SHARS direct services that were provided which should be collected and maintained for SHARS documentation, this is not an all-inclusive list:

- Signed consent to bill Medicaid by parent or guardian
- ARD/IEP documents (medical necessity; examples of SHARS services)
- Attendance records
- Assessment/evaluations
- Current provider qualifications (current licenses and certifications)
- Attendance records
- Written agreements (contract) for contracted service providers
- Required prescriptions or referrals for services
- Medical necessity documentation (e.g., diagnoses and history of chronic conditions or disability) • Supervision logs
- Session notes or service logs, including provider signatures
- Transportation documentation (daily trip logs; maintenance logs/records; bus documentation; documentation for cost report)
- Claims Submittal and Payment Histories (R&S Reports and General Ledger)
- Copies of signed/notarized quarterly Certification of Funds (COF) letters and supporting documentation, including quarterly COF Reports.

In addition, the SHARS Cost Report and all supporting documentation should be collected and maintained for SHARS records.

NOTE: The child's name and Medicaid number should appear on every page of the medical records (see the Provider Enrollment and Responsibilities Section of the current TMPPM). This would include each page of the ARD/IEP document, session notes and service logs, and evaluations.

As the SHARS billing provider, the school district is responsible for maintaining the appropriate SHARS documentation. It is up to the school district where the documents are stored; but the documents must be readily accessible to submit to the state or to federal auditors upon request.

The same documentation is required to be maintained by the school district for contracted services as is required if the services were delivered by school employees which would include a copy of the signed contract, copy of current licensure/certification of the contracted provider, and accounting records documenting payment to the contractor. The school district must also maintain all documentation required to bill for SHARS services, including all documentation requirements for services provided by contracted employees. Although the district is ultimately responsible for maintaining the appropriate SHARS, all contracted providers must also follow the guidelines outlined in the TMPPM and maintain records and documentation in accordance with the records retention guidelines provided.

Uplift Education Process and Procedures

Uplift Education's SHARS documents are housed electronically at each respective campus. Student ARD/IEP documents, progress notes and evaluations are located in student permanent folders. Student folders are maintained at Uplift Education's individual campuses.

SHARS Financial Information

SHARS financial documentation for Uplift Education is maintained by Uplift Education's Finance department. SHARS financial information is also retained by Uplift Education's SHARS billing vendor TSBS for seven years or until Uplift Education is no longer an active client.

The Uplift Education Finance department stores certification statement. The process and procedure is as follows:

1. Obtain quarterly statements from TMHP through postal service
2. Confirm TMHP amounts with each district
3. Obtain signature from Superintendent at Uplift Education
4. Finance department notarizes quarterly statements and returns the document to the state.

Licensure/certification maintenance

Current provider credentials are stored in Uplift Education's Human Resources system. The district ensures that teacher certificates are current and active. Related service providers are responsible for maintaining their licenses.

Upon the request of an audit or cost report submission, Uplift Education follows TEA guidelines for document review as stated in the SHARS FAQs below:

The child's name and Medicaid number should appear on every page of the medical records (see the Provider Enrollment and Responsibilities Section of the current TMPPM). This would include each page of the ARD/IEP document, session notes and service logs, and evaluations.

As the SHARS billing provider, the school district is responsible for maintaining the appropriate SHARS documentation. It is up to the school district where the documents are stored; but the documents must be readily accessible to submit to the state or to federal auditors upon request.

Written Initial Notification to Access Public Benefits or Insurance (e.g., Medicaid)

Medicaid services provided by school districts in Texas to Medicaid-eligible students are known as School Health and Related Services (SHARS). SHARS allows local school districts, including public charter schools, to obtain Medicaid reimbursement for certain designated health-related services documented in a student's Individualized Education Program (IEP). The following is a complete list of services covered by SHARS:

- Audiology & Hearing, including evaluations and therapy sessions
- Counseling Services
- Nursing Services, including routine medication administration services
- Occupational Therapy, including evaluations and therapy sessions
- Personal Care Services
- Physical Therapy
- Physician Services
- Psychological Services, including evaluations and therapy sessions
- Speech & Language Services, including evaluations and therapy sessions
- Transportation in a school setting

The main objective of the SHARS program is to reduce the cost of delivering health-care services in the school setting. Services received at school do not affect or compromise the type or amount of Medicaid services received outside of school. Further, Uplift Education:

- A. Will not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive a free and appropriate education (FAPE);
- B. Will not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided;

I also understand that TX Medicaid Instituted TPL (Third Party Liability) policy requirement using the "pay and recover" method. Using the pay and recover TPL (Third Party Liability) process for SHARS means that Medicaid pays the school district for services before third party reimbursement is sought. If the third party insurance denies a claim for an acceptable reason, no further action is taken. Lifetime benefits of private insurance could be affected depending on the policy or agreement parents or guardians have with the Insurance Company.

Personal identifiable information will be provided to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) for reimbursement under the SHARS program. This information includes but is not limited to name, date of birth, Social Security number, Medicaid number, date of service, service type and service duration.

You can choose not to provide your consent, or later decide to withdraw your consent anytime.

(Consistent with 34 CFR §300.154(d)(2)(v); 34 CFR §300.503(c); 34 CFR §300.154(d)(2)(i)(ii); §300.154(d)(2)(iv)(A)-(B); §300.154(d)(2)(iv); 34 CFR part 99 & 300)

Medicaid Consent Form

This form is requesting permission to release student information so the District may apply for Medicaid reimbursement under the School Health and Related Services (SHARS) program for designated services listed in the student's Individual Education Program (IEP). Schools are required by the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA) to obtain parental consent before disclosing information about a student. This includes providing information to the public agency including but not limited to name, date of birth, Social Security number, Medicaid number, date of service, service type and service duration.

*****Services received at school do not affect or compromise the type or amount of Medicaid services received outside of school.*****

1. I understand that the use of Medicaid insurance for special education services provided at school
 - A. will not result in my family paying for other services required for my student outside of school that would otherwise be covered by the Medicaid program or otherwise diminish my family's insured benefits under the Medicaid program;
 - B. will not result in an out-of-pocket expense such as payment of a deductible or co-pay amount.
1. I also understand that my student's entitlement to a Free and Appropriate Public Education (FAPE) is in no way dependent on my granting consent and that, regardless of my decision to provide this consent, all the required services on my student's IEP will be provided to my student at no cost to me.
2. I also understand that TX Medicaid Instituted TPL (Third Party Liability) policy requirement using the "pay and recover" method. Using the pay and recover TPL (Third Party Liability) process for SHARS means that Medicaid pays the school district for services before third party reimbursement is sought. If the third-party insurance denies a claim for an acceptable reason, no further action is taken. Lifetime benefits of private insurance could be affected depending on the policy or agreement parents or guardians have with the Insurance Company.
3. I also give my consent voluntarily and understand that I may withdraw my consent at any time.

(Consistent with 34 CFR §300.154(d)(2)(v); 34 CFR §300.503(c); 34 CFR §300.154(d)(2)(I)(iii); §300.154(d)(2)(iv)(A)-(B); §300.154(d)(2)(iv); 34 CFR part 99 & 300)

- ☐ Yes ☐ No I have been provided this information in my native language.
- ☐ Yes ☐ No I give my consent for the district to apply for reimbursement of special education related services provided.

Parent/Guardian Signature Date

Signature of Interpreter (if used) Date

Written Annual Notification to Access Public Benefits or Insurance (e.g., Medicaid)

Medicaid services provided by school districts in Texas to Medicaid-eligible students are known as School Health and Related Services (SHARS). SHARS allows local school districts, including public charter schools, to obtain Medicaid reimbursement for certain designated health-related services documented in a student's Individualized Education Program (IEP).

The main objective of the SHARS program is to reduce the cost of delivering health-care services in the school setting. Services received at school do not affect or compromise the type or amount of Medicaid services received outside of school. Further, Uplift Education :

- Will not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive a free and appropriate education (FAPE);
- Will not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided;
- Will not use a child's benefits under a public benefits or insurance program if that use would:
- Decrease available lifetime coverage or any other insured benefit;
- Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;
- Increase premiums or lead to the discontinuation of benefits or insurance;
- Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures;

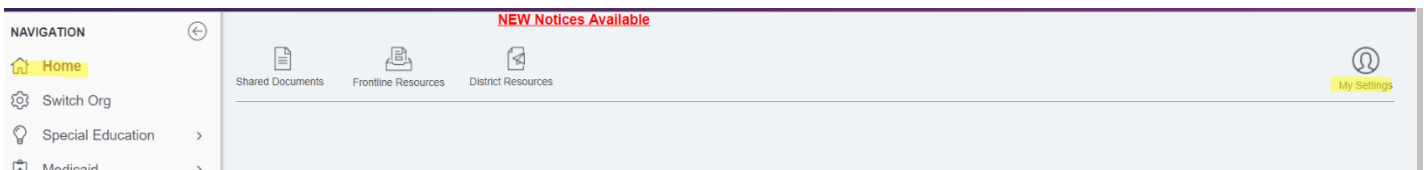
Uplift Education has previously notified and received parental consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) for reimbursement under the SHARS program. This information includes but is not limited to name, date of birth, Social Security number, Medicaid number, date of service, service type and service duration. Consent may be withdrawn at any time. A parent's withdrawal of consent or refusal to allow consent does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parent(s).

(Consistent with 34 §300.154(d)(2)(i)-(v); and §300.503(c))

Electronic Signatures

Under recommendations from TEA/SHARS all tickets are required to have signatures, date and time stamp applied. **(this must be done prior to entering tickets)**

- Go to Home and click on My Settings, located on your homepage at the top right corner. **If you change the spelling of your name at any point you will need to change your signature as well.**
- Enter your signature in the box and click save
- Click Save THEN click Close.

A screenshot of the electronic signature capture interface. At the top, there are 'Save' and 'Cancel' buttons, with 'Save' highlighted in yellow. Below these is a text input field for 'Print your name:'. Underneath is a dropdown menu for 'Select Design:' currently set to 'Vibur-Regular'. The instruction 'Please Sign Here' is displayed. Below this are two buttons: 'Type It' (highlighted in pink) and 'Draw It' (highlighted in purple). To the right of these is a 'Clear' link. A large white box contains a blue ink signature that reads 'Shelton Womack'. At the bottom, a disclaimer states: 'By clicking the 'Save' button, you acknowledge and understand that your electronic signature on this document is legally binding to the same extent as a hand written ink signature on a paper document.'

Save

User Type: __ State: __ School Code: __

Email: shelton@medicaid.com

Password: *****

[Change Password](#)

Full Name: Shelton Womack

First Name: Shelton

Last Name: Womack

Alias:

Alternate Email:

Timeout: ▾

Navigation Style: Dropdown ▾

Page Size: 30 ▾

Mailing List: ▾

My Signature: ⓘ

Shelton Womack

[Click to Sign](#)

Application Options:

- ☒ Enable Auto Suggest for Search
- ☒ Enable Tool Tips
- ☒ Enable Predictive Text
- ☐ Enable Hover on Student Select screen
- ☐ Enable Auto Refresh on Print
- ☐ Suppress District Logo on Screens
- ☐ Enable conformance with JAWS screen reading software
(Only applies to Internet Explorer 9 or greater Firefox 16 or

MEDICAL REFERRAL INFORMATION

Dear Physician:
Uplift Education

*Last medical dated _____

☐ has received a new request for evaluation ☐ has provided therapy services
for _____ (Student's Name) (____/____/____) (Date of Birth) at _____ (District/SSA)

by an occupational and/or physical therapist. Evaluation and/or services specifically address the student's educational versus medical needs. Following evaluation, if Occupational and/or Physical Therapy Related Service is recommended, an individualized education program is developed collaboratively with the teacher to benefit the student's ability to function within the school, home, and community.

The therapist will be available to assist with facilitation of functional skills in the school environment:

- Fine and gross motor development
- Oral motor development
- Mobility
- Positioning
- Self-help skills
- Environmental adaptations

Please complete the requested information below:

Diagnosis _____

Recent Surgeries _____

Medical Precautions (i.e., seizures, asthma, other respiratory problems, allergies, heart condition, atlanto-axial instability, aspiration)

Explain _____

Oral feeding: ___Regular diet ___Tube feedings ___Other: List specific recommendations _____

Weightbearing contraindications _____

Check Diagnostic Workup Completed Within Past 12 Months

___GI series ___Swallow study (**attach recommendations re: texture, consistencies, positioning, etc.**)

___Neuromuscular Testing (EMG) ___Neurological Testing (MRI, CAT Scan, EEG) ___Orthopedic (x-ray, gait analysis, bracing)

Davies Series? ___Yes ___No Results: _____

Medications _____

Other pertinent medical information _____

SIGNATURE OF PHYSICIAN OR OTHER APPROPRIATELY CERTIFIED/LICENSED MEDICAL PROFESSIONAL INDICATES RECOMMENDATION FOR OCCUPATIONAL/PHYSICAL THERAPY RELATED SERVICE IN THE SCHOOL SETTING.

Signature _____

Date _____

Name (**PLEASE PRINT**) _____

UPIN # _____

Address _____

Phone _____



Special Education Policies and Procedures

Local board policies and the Legal Framework for the Child Centered Special Education Process constitute “policies and procedures” for purposes of satisfying 34 CFR 300.201. Uplift Education will follow these policies and procedures to ensure IDEA and its accompanying federal regulations, State statutes and regulations are implemented for each qualifying student with a disability. The special education program at Uplift Education operate under local district board policies and the Legal Framework for the Child Centered Special Education Process.

The Legal Framework for the Child Centered Special Education Process may be found online.
<http://framework.esc18.net/display/Webforms/LandingPage.aspx?DT=G&LID=en>

The Texas Transition and Employment Guide may be found online on the Legal Framework or Transition in Texas website:
<http://www.transitionintexas.org/Page/143>

Uplift Education utilizes district forms to document compliance with the Legal Framework for the Child Centered Special Education Process.

Training on personnel responsible for each step in the Child Centered Special Education Process is conducted annually.

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Uplift Education complies with all requirements of the system for monitoring Special Education compliance as adopted by the Texas Education Agency. Uplift Education does not discriminate on the basis of race, color, national origin, sex or disability in any of its programs or activities and all programs and activities are accessible to individuals with disabilities as defined by Section 504 and/or IDEA. Uplift Education does not deny admission to a child solely because of that child's need for Section 504 Services, Special Education or related aides and services, regardless of cost.

CHILD FIND

Authority 42 U.S.C; 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89

Uplift Education is responsible for providing a Free and Appropriate Public Education (FAPE) to all individuals with disabilities age birth through 21 who are enrolled at Uplift Education. These eligible students, including students who have been suspended or expelled from the school in accordance with IDEA '04, are served by Uplift Education with the assistance of the Texas Education Agency, the Region 10 Education Service Center and the Early Childhood Intervention program. Regardless of the severity of the disability, Uplift Education will make every effort to locate, identify, and evaluate these individuals. Dissemination of information to the public concerning services offered to all individuals with disabilities includes:

1. participating in a network of public information dissemination which includes the Education Service Center, other agencies, communities, and facilities providing services to students with disabilities;
2. providing information regarding availability of services;
3. determining which individuals are currently receiving needed Special Education and related services and which individuals are not currently receiving needed Special Education and related services;
4. identifying and referring individuals with disabilities who may or may not be in school and who may need Special Education and related services;
5. referring individuals ages 0-3 to a local Early Childhood Intervention (ECI) program for evaluation;
6. reviewing this process on a yearly basis, updating staff about on-going "Child Find" activities implemented in the community; and
7. maintaining confidentiality of all personally identifiable information used and collected in this system in the same manner that Special Education records are maintained.

The Uplift Education Director of Special Education is responsible for implementation and direction of the "Child Find" program, as well as annually identifying general education staff members who will participate in the organization and implementation of this program.

Any students of an age addressed by the school program who are suspected of having a disability and in need of Special Education services under the Individuals with Disabilities Education Act (IDEA '04) are referred for possible Special Education or Early Childhood Intervention services using referral procedures adopted by the school. Students may be referred for evaluation even if they are advancing from grade to grade.

All federal and state regulations governing the confidentiality of records, timelines, and implementation of programs for students eligible for services will be adhered to in this program.

Procedures

Distribution of Child Find Information – Child Find materials including but not limited to posters will be available on each campus. Child Find posters will be prominently displayed on all Uplift Education campuses including contact information for appropriate personnel.

Response to Intervention – Response to Intervention (RTI) is a component of the Uplift Education Charter School Child Find process. Response to Intervention is a general education initiative prior to referral for Special Education evaluation and the procedures outlined in the Uplift Education's Board Policies shall be followed. Prior to referral for possible Special Education services, a student should be considered for all support services available to all students (tutorials, academic and behavioral supports, etc.)

SST – The Student Support Team (SST) on each campus is responsible for referring students for evaluation for a suspected disability. The campus SST must meet on a regularly scheduled basis to review documentation provided by the school and/or parent to decide if additional individual evaluation is appropriate to determine eligibility and educational need.

DISTRICT AND CAMPUS IMPROVEMENT PLANS

Authorities: Texas Education Code; Texas Health and Safety Code

It is the policy of Uplift Education open-enrollment charter school to annually conduct a comprehensive needs assessment and to annually conduct campus improvement plans, if required by state and federal funding requirements.

PARENT NOTIFICATION AND PERSONAL GRADUATION PLAN

Authority: Texas Education Code; 19 T.A.C. Chapter 89

Uplift Education adopts the requirements of TEC §28.025 (High School Diploma and Certificate; Academic Achievement Record) pursuant to TEC §12.104(b)(2)(E). Where “school or school district” is used in TEC §28.025, Uplift Education hereby substitutes “open-enrollment charter school” to conform to these requirements.

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.

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 Uplift Education to complete a summary of performance. Additionally, termination of services upon graduation is a change of placement and prior written notice must be provided to the parent. A student who receives a diploma, but took one or more classes with a modified curriculum, may return to school 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 TEKS.

Graduation Requirements under the Foundation High School Program

A student with 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:

- Demonstrates mastery of the required states standards
- Completes the credit requirements under the Foundation High School Program
- 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 if the student the student meets the above requirements and successfully completes the IEP and meets one of the following:

- consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable to the student to maintain employment without direct or ongoing educational support;
- consistent with the IEP, demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support;
- has access to services that are not within the legal responsibility of Uplift Education or educational options for which the student has been prepared for by the academic program; or
- No longer meets eligibility requirements

Endorsements under the Foundation High School Program

A student receiving special education services, may receive an endorsement if the student:

- 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;
- Completes the courses required for the endorsement without modified curriculum; and
- 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.

Transitioning to the Foundation High School Program

Uplift Education 057-803

'19-20 Pending Board Approval

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 they meet the requirements.

A student who is in 11th or 12th grade in 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.

Substitutions under the Foundation High School Program

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:

- may substitute a combination of two credits from ELA, math, science, or social studies; or
- may substitute two credits of CTE, technology applications, or other academic electives

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;
- 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.

Credits allowed as a substitution for the language and PE requirement may not be used to satisfy other graduation credit requirements.

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:

- Demonstrates mastery of the state standards;
- Completes credit requirements for graduation under the recommended or distinguished program; and
- 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:

- Demonstrates mastery of the state standards
- Completes credit requirements for graduation under the minimum program; and
- Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee

Finally, 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:

- 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;
- Completes credit requirements for graduation under the minimum program;
- Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee;

and Successfully completes the IEP and meets one of the following conditions:

- 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;
- consistent with the IEP, demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support;
- has access to services that are not within the legal responsibility of Uplift Education or educational options for which the student has been prepared for by the academic program; or
- No longer meets eligibility requirements

High School Diploma and Certificate; Academic Achievement Record

Uplift Education shall comply with the graduation standards of TEC §28.025.

Uplift Education does issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education (SBOE) under TEC §28.025(a) but who fails to comply with TEC §39.025 (Secondary-Level Performance Required) relating to exit-level assessment requirements. Uplift Education does allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.

Certificate of Attendance

It is the policy of Uplift Education to 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 individualized education program (IEP). The open-enrollment charter school 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.

Personal Graduation Plan

As a part of the IEP, a Personal Graduation Plan will be developed for any secondary student who:

- does not perform satisfactorily on the state-wide assessment;
- is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by Uplift Education .

This Personal Graduation Plan must:

- identify educational goals for the student;
- include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
- include an intensive program of instruction;
- address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student;
- provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, on-line instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

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 in the 3rd, 4th, 5th, 6th, 7th, or 8th grade, Uplift Education must 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 Uplift Education's special education program and who does not perform satisfactorily on an assessment must determine:

- the manner in which the student will participate in an accelerated instruction program under this section; and
- whether the student will be promoted or retained under this section

Diploma

As used in this section, a diploma refers to a standard high school diploma awarded to a preponderance of students that is fully aligned with the state standard diploma. This does not include a diploma aligned to alternate academic achievement standards or an equivalent of a diploma, such as a general equivalency diploma.

Summary of Performance

A Summary of Performance must be developed for all students whose Special Education terminates and must include but is not limited to a summary of the student's academic achievement, functional performance, recommendations on how to assist the student in meeting post-secondary goals, views of the parent, views of the student and, if appropriate, a written recommendation from adult service agencies.

Procedures

Graduation of Special Education students

Special Education students may graduate by three methods:

- Foundation High School Program – 22 credits and pass all required EOC or, in the case of Special Education students, have attempted STAAR/EOC and met ARD standards
- Foundation High School Program with endorsements – 24 credits and pass all required EOC or, in the case of Special Education students, have attempted STAAR/EOC and met ARD standards
- IEP Graduation with approval of an ARD Committee and approval from the Director of Special Education.

The appropriate method of graduation for Special Education students will be determined by the ARD/IEP Committee.

Circumstances of Graduation

If the ARD/IEP Committee (including the parent) agree to "graduation", the responsibilities of Uplift Education are terminated (TAC 89.1070 and IDEA '04). If the ARD/IEP Committee and the parent agree the student "walks across the stage with their class" but does not "graduate", the student is eligible for services until the year of their 22nd birthday or until the ARD/IEP Committee decides "graduation" is appropriate. Under certain circumstances, a student who has "graduated" can approach Uplift Education to request services be resumed as long as the student meets age eligibility requirements. An ARD/IEP Committee would be convened to determine if resuming services would be appropriate after "graduation" with the understanding that resuming services after "graduation" would be reversing a previous ARD/IEP Committee decision.

CLOSING THE GAP

Authorities: 20 U.S.C. §§ 1400, 6314, 6315; 34 C.F.R. Part 300; Elementary and Secondary Education Act/Every Student Succeeds Act; Texas Education Code; 19 T.A.C. Chapter 89

Early Intervening Service

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.

In implementing coordinated, early intervening services, Uplift Education may carry out activities that include:

- 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
- providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

An early intervening 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 the school agrees that the student may be eligible for special education, the school must evaluate the student. If the school denies the parent's request for evaluation, Uplift Education open-enrollment charter school must provide notice to the parent explaining the basis for the refusal. The parent may challenge the refusal to evaluate through the impartial hearing process.

Student with Disabilities and Limited English Proficiency

It is the policy of Uplift Education to 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 (IDEA) is not refused services in an English as a second language program solely because the student has a disability.

Language Proficiency Assessment Committees

Uplift Education shall establish a Language Proficiency Assessment Committee (LPAC) that complies with TEC §29.063.

Program Content; Method of Instruction

Uplift Education's program content and method of instruction shall comply with TEC §29.055.

Enrollment of Students in Program

Uplift Education shall comply with the Texas Education Agency criteria for identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program.

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 TEC §29.064.

Uplift Education through its language proficiency assessment committee (LPAC) shall evaluate and consider reenrollment of students who have transferred out of a bilingual education or special language program under TEC §29.056(g) as required by TEC §29.0561.

Facilities; Classes

Uplift Education shall require that all special language programs are located in the regular public charter school rather than in separate facilities.

Enrollment of Students Who Do Not Have Limited English Proficiency

Uplift Education ensures that enrollment of students who do not have limited English proficiency may occur only if the requirements of TEC §29.058 are met.

Cooperation among Schools

Uplift Education open-enrollment charter school may cooperate with other schools to provide a bilingual education or special language program.

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 TEC §29.060.

Enrollment of a student in the program is optional with the parent of the student.

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.

Uplift Education 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.

The programs required or authorized by TEC §29.060 may not be a substitute for programs required to be provided during the regular school year.

The legislature may appropriate money from the foundation school fund for support of a program under TEC §29.060(a).

Special Language Program Teachers

Uplift Education shall ensure that special language program teachers are properly certified.

Appeals

A parent of a student enrolled in a special language program may appeal to the Commissioner if the open-enrollment charter school fails to comply with the requirements established by law or by the Texas Education Agency. If the parent disagrees with the placement of the student in the program, the parent may appeal that decision to the open-enrollment charter school governing body. Appeals shall be conducted in accordance with procedures adopted by the Commissioner under Chapter 157 of the Texas Administrative Code.

PEIMS Reporting Requirements

Uplift Education shall meet Public Education Information Management System (PEIMS) Reporting Requirements with respect to its special language program.

DYSLEXIA SERVICES

Authorities: 34 C.F.R. Part 104; Texas Education Code; 19 T.A.C. Chapter 74

Students enrolled in Uplift Education shall be screened or tested, as appropriate for dyslexia and related disorders in accordance with a program approved by the State Board of Education. At a minimum, Uplift Education must screen all students at the end of kindergarten and again at the end of first grade.

It is the policy of Uplift Education to refrain from retesting a dyslexic student for the purposes of reassessing the need for accommodations until the school has reevaluated the information from previous testing.

In accordance with the program approved by the State Board of Education, the board of trustees of each school open-enrollment charter schools shall provide for the treatment of any student determined to have dyslexia or a related disorder.

Uplift Education will report the number of students enrolled in the school who are identified as having dyslexia through the Public Education Information Management System (PEIMS).

Procedures

In accordance with State Board of Education Rule and the Revised Procedures Concerning Dyslexia (Blue Book), prior to testing a student individually for Dyslexia and/or prior to providing a student with dyslexia services, Uplift Education will follow the Response to Intervention process.

In determining testing needs and/or appropriate provision of services, the Student Support Team, including parents, should consider the impact a student's reading difficulties have on access to and participation in the general curriculum and the types of interventions and supports necessary to appropriately serve the student. Data-based discussions surrounding how the student's reading difficulty affects learning, the significance of the gap between current and expected performance, additional concerns that may be impeding learning to read, and anticipated rates of improvement will assist the team in making appropriate recommendations.

Any time it is suspected that a student requires special education or related services to provide appropriate reading supports and interventions, a referral for a full and individual evaluation should be initiated. This evaluation will not only determine eligibility for services under the IDEA but will produce data and recommendations to inform interventions and service delivery. All students who are identified with dyslexia *and* who require special education services because of dyslexia should be served under the IDEA as students with a specific learning disability. The Office of Special Education Programs has clarified that there is nothing in IDEA that would prohibit the use of the term dyslexia in IDEA evaluations, eligibility determinations, or IEP documents. Students with dyslexia who are receiving services under the IDEA must receive access to instructional programs that comply with the SBOE rules and procedures concerning dyslexia as determined by the ARD committee. These students could receive any dyslexia interventions and supports that are available within the general education setting as part of a continuum of services.

Some students who are identified with dyslexia may receive appropriate intervention supports and services under a Section 504 plan through a district dyslexia program. This is permissible when it is not suspected that the student requires special education services, or when the student with dyslexia is determined to be not eligible for special education through an evaluation under the IDEA. Some students with dyslexia reach a point where direct intervention and explicit skill instruction is no longer warranted, but accommodations to provide curriculum access may be warranted. This is one example when provision of services under Section 504 may be more applicable than services under the IDEA.

Other students who are struggling with reading or showing early risk factors associated with dyslexia may receive interventions through a tiered intervention model such as Response to Intervention (RtI). Tiered intervention programs play an important role in providing quick access to research-based interventions for struggling students. These systems often serve as an ongoing support for students whose reading difficulties are not the result of a disability under the IDEA or Section 504.

REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Authority: 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89

A student experiencing difficulties in the general education program may be considered for eligibility for Special Education services. The school maintains specific procedures to identify these students. If these interventions are unsuccessful and the student is suspected of having a disability, a referral may be made for a Full and Individual Evaluation (FIE).

Providing Assistance to Students Who Have Learning Difficulties or Need Special Education Services

If a child is experiencing learning difficulties, the parent may contact the person listed below to learn about the district'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 (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts to meet the needs of all struggling students.

At any time, a parent is entitled to request an evaluation for special education services. Within 15 school days, Uplift Education open-enrollment charter school must respond to the parent's request. If an evaluation is needed, Uplift Education must provide parent with consent forms. Once informed consent is received, Uplift Education must complete the evaluation and the report within 45 school days of the date the school receives the written consent. The district must give a copy of the evaluation report to the parent.

If the district determines that the evaluation is not needed, the district will provide the parent with prior 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 the district. The district is required to give parents the Notice of Procedural Safeguards – Rights of Parents of Students with Disabilities. Additional information regarding the IDEA is available from the school district in a companion document A Guide to the Admission, Review, and Dismissal Process.

The following websites provide information to those who are seeking information and resources specific to students with disabilities and their families:

- *Texas Project First*
- *Partners Resource Network*

The designated person to contact regarding options for a child experiencing learning difficulties or a referral for evaluation for special education services is:

Contact Person: School Principal or Special Education Director

Phone Number: (469) 621-8500 Uplift Education Central Office

Pre-Referral – pre-referral activities are general education initiatives to address the problems the student is experiencing in the general education program.

1. Student Support Team (SST) – a team consisting of teachers, administrators, school counselors, and/or the parent(s) may elect to review the performance of a student who is experiencing difficulties in the general education program either with academics or behavior. Student work samples, grades, standardized test results, state competency testing, anecdotal records, and discipline records may be included in this review. As a result of the Student Support Team's review of student progress and records, adaptations within the general education program are documented that may include any methods the SST recommends to resolve the student's academic or behavioral difficulties including but not limited to Response to Intervention strategies, tutorials, remedial services and compensatory services. The team may choose to reconvene to review the student's progress following implementation of the adaptations or the SST Committee may determine that a referral for Special Education evaluation is appropriate.
2. A referral for Special Education evaluation also may be made by an individual and/or the student's parent who has a suspicion that a disability exists and there is an educational need for Special Education services. This referral will be forwarded to the campus SST Team. If a parent requests an initial evaluation and the SST determines an evaluation is inappropriate at this time, the school must provide a written notice to the parent of refusal to do so.

3. If evaluation is recommended by the SST, the team or the parent may begin the referral for Special Education evaluation. The 45-school-day timeline for evaluation begins when the parent returns the signed permission to evaluate the student for Special Education eligibility.
4. Upon parent signature for consent, the school will conduct a Full and Individual Evaluation (FIE). The parent or legal guardian is given a copy of the *Notice of Procedural Safeguards* and *The ARD Guide for Parents*.

Initial Referral for Special Education Services

1. *Referral information – upon receiving a referral to conduct a Full and Individual Evaluation (FIE), school personnel will gather referral information including but not limited to documentation made by the Student Support Team, student progress reports, anecdotal reports, grade reports, behavioral/discipline records, standardized test results, and competency test results. A review of existing evaluation data (REED) will be completed.*
2. *Language, hearing, vision – students referred for Special Education evaluation/services may be screened for limited English proficiency (including review of the Home Language Survey) to ensure that the lack of progress in the general education program is not due to language difficulties. Additionally, hearing and vision screenings are conducted to ensure that lack of progress in the general education program is not due to vision or hearing problems. This data becomes a part of the Full and Individual Evaluation (FIE).*
3. FIE Written Report – Notice of Full and Individual Evaluation (FIE) is given to parents within a reasonable period of time but no less than 5 school days prior to conducting the evaluation. A waiver for the 5 school day notice may be obtained from the parent. A written report of the FIE, for purposes of determining eligibility for Special Education services, shall be completed not later than the 45th school day following the date on which the school district received written consent for the evaluation signed by the student's parent or legal guardian. The evaluation is conducted using procedures that are appropriate for the student's most proficient method of communication or in the student's native language.
4. ARD/IEP Meeting Scheduled – an Admission, Review, or Dismissal (ARD)/IEP meeting is scheduled within 30 days of the completion of the written report by the clinician and no later than 75 days from the receipt of the signed permission from the parent for the FIE. The purpose of this meeting is to establish eligibility (or not), and, if the student is found to be eligible for Special Education services, to develop an Individual Education Program (IEP).

Initial Referral for Pre-School Children – is designed for students referred by parents/guardians or others and who have not previously been served in the Early Childhood Intervention (ECI) program.

1. Birth – 3 years of age – For children with suspected developmental delays birth through 2 years of age, communication logs are maintained that document:
 - a. "Child Find" referrals – are forwarded to an ECI program for students birth through 2 years old, and Uplift Education collaborates with the ECI program and determines appropriate steps based on the student's age and needs, or
 - b. ECI involvement – Uplift Education will follow up with the ECI program to assure evaluation is completed within 45 school days from the date the referral is made, or
 - c. ARD/IEP Committee determines eligibility, educational need, and develops an IEP to determine placement prior to the student's third birthday.
2. Ages 3-5 – for children referred for services, either from "Child Find" or elsewhere, the same referral process stipulated in steps 1-4 (above) will be followed.

Referral for Students with Limited English Proficiency

Eligibility for Bilingual/ESL services does not affirm or deny eligibility for Special Education services.

1. **LPAC report** – students for whom it has been determined through the use of the Home Language Survey or other sources that the student's primary language is not English, Uplift Education will have an LPAC report

completed within the past year included in the referral packet.

- a. Referral for evaluation** – a Language Proficiency Evaluation is conducted to determine the language of evaluation:
1. if the student is proficient in English and has a lower proficiency in Spanish, the normal procedures for evaluations are followed;
 2. if the student is proficient in Spanish and has lower proficiency in English, the student may not be eligible for Special Education services. Bilingual or ESL services should be considered;
 3. if the student has a low proficiency in both languages, an additional consultation regarding methods of evaluation must be accomplished prior to testing;
 4. if the student has a high proficiency in both languages, English should be used as the language of evaluation or consideration can be given to a bilingual evaluation.

Procedures

ECI Procedures – For students in an ECI program, a meeting with the ECI team, the parent and a representative from the Uplift Education's Special Education staff will meet 120 days prior to the student's 3rd birthday.

Members of the Special Education Staff being members of the SST Team – Special Education representatives, including but not limited to teachers and evaluation personnel, may be members of the campus SST team. The role of the Special Education staff would be to interpret existing evaluation data, project possible program needs, suggest intervention strategies prior to a referral for Special Education evaluation and participate in the implementation of intervention strategies.

Referral Packet – A Referral Packet to include the following will be provided to the evaluation personnel.

- SST/RTI Data
- Parent Information Form
- Hearing and Vision screening form completed by the school nurse.
- Home Language Survey
- All other relevant data needed for the initial evaluation referral

The evaluation personnel will complete the Review of Existing Evaluation Data (REED), Notice of Evaluation and Consent for Evaluation. Evaluation personnel will provide the parent a copy of the Parental Receipt of Procedural Safeguards and the ARD Guide.

Members of the Special Education Staff being members of the LPAC Committee – Special Education representatives, including but not limited to teachers and evaluation personnel, may be members of the campus LPAC Committee. The role of the Special Education staff would be to interpret existing evaluation data and suggest intervention strategies prior to a referral for Special Education evaluation as well as determine if language issues were a factor in lack of academic progress that would invalidate Special Education evaluation.

Role of the LPAC Representative in the ARD/IEP Committee – The LPAC Committee member who participates in the ARD/IEP Committee meeting is responsible for verifying the role second language acquisition plays in the educational process. If second language acquisition is a contributing factor to lack of academic progress, the student is not eligible for Special Education services as a student with a Learning Disability.

TRANSFER STUDENTS

Authority: 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89

Determination of eligibility for Special Education for a transfer student will be determined by:

- Verification from the parents, in writing or by telephone, that the student was receiving Special Education services in the previous school district OR
- Verification, in writing or by telephone, from the previous school district that the student was receiving Special Education services;
- The receiving school will provide services comparable to those described in the student's IEP from the previous public agency during the first 30 days of enrollment until additional data can be gathered;
- Within 30 school days, the receiving school will either adopt the IEP from the previous district or develop, adopt and implement its own IEP;
- For in-state or out-of-state transfers, the receiving district may conduct additional evaluation if deemed necessary;
- If a student is in the process of being evaluated, the receiving district and the sending district must coordinate efforts to ensure a prompt completion of the evaluation within 60 calendar days after the receiving district receives written consent for the evaluation.

For a student who is new to Uplift Education from a school within the state, the ARD/IEP Committee may meet and accept the current IEP if:

- The previous District is in the same state;
- A copy of the student's current IEP is available;
- The parent indicates, in writing, that they are satisfied with the current IEP;
- Uplift Education determines that the current IEP is appropriate and can be implemented, as written.

For a student who is transferring to another district, Uplift Education will:

- Prepare the student's records in a timely manner
- Send the transferring student's records to the receiving school in a timely manner

Children who are Incarcerated

See Adult Student and Transfer of Rights Policy, page 22

Procedures

Students who are transferring from a school within the state

For students transferring to Uplift Education schools from a school within the state, student records should be obtained including but not limited to the current IEP, the most recent FIE and the most recent state assessment information. IF the information is current and the parent indicates in writing they are satisfied with the IEP AND Uplift Education determines the current IEP is appropriate and can be implemented as written, the ARD/IEP Committee can adopt the IEP and determine services in a single ARD/IEP Committee meeting or via a transfer agreement.

If the current IEP and FIE is not available immediately upon the student's enrollment, the ARD/IEP Committee will conduct a Transfer ARD/IEP Committee meeting, develop an IEP to be used for 30 days while data is being collected and re-convene in 30 days to determine the appropriate least restrictive environment and range of Special Education services.

Students who are transferring from a school outside the state

For students transferring to Uplift Education schools from a school outside the state, student records should be obtained including but not limited to the current IEP, the most recent FIE and the most recent state assessment information.

A transfer ARD/IEP Committee meeting should be held to develop an IEP to be used for 30 days. "Consent for Initial Placement" documentation, "Consent for Evaluation" and "Notice of Evaluation" should be provided to the parent and a Full and Individual Evaluation should be conducted to determine eligibility for Special Education services in the state of Texas.

Policies and practices for a “Full and Individual Evaluation” should be followed including determination of a disability and educational need for Special Education services.

For students entering Uplift Education schools with no records from a previous school, the student should be referred to the SST for determination of needed services, evaluation and/or appropriate placement.

For students transferring within the Uplift network for whom no changes are needed in the IEP, no ARD Committee meeting is required.

PARENT

Authority: 42 U.S.C.; 34 C.F.R. Parts 99, 300; Texas Education Code;
Texas Family Code; 19 T.A.C. Chapter 89

Determination of a Parent

A parent is:

- A biological or adoptive parent of a child;
- OR, a guardian, but not the State if the child is a ward of the State;
- OR a person acting in the place of a biological or adoptive parent (such as a grandparent or stepparent with whom the child lives);
- OR an individual who is legally responsible for the child's welfare;
- OR, a foster parent who qualifies as a parent;
- OR, a surrogate parent.

If more than one person is qualified to serve as a “parent”, the biological or adoptive parent must be presumed to be the parent as long as they are attempting to act as the parent.

Appointment of a Surrogate Parent

A surrogate parent may represent the child in all matters relating to the identification, evaluation and educational placement of the student and the provision of a free and appropriate public education (FAPE).

Need – A student's need for a surrogate parent is recognized if:

1. no parent can be identified; or
2. Uplift Education, after reasonable efforts, cannot discover the whereabouts of a parent; or
3. the student is a ward of the state.

A foster parent may meet the qualification as a parent or be appointed as a surrogate parent, if the foster parent:

- is appointed by the Department of Protective and Regulatory Services (DPRS) as the temporary or permanent managing conservator of the student;
- has an ongoing, long-term parental relationship with the student (the child has been placed with the foster parent for at least 60 days);
- the foster parent is willing to make the educational decisions;
- has no interest that would conflict with the interests of the child;
- completes a training program within 90 days of the initial assignment as the parent.

Appointment requirements – Once the need is established, the surrogate parent is appointed after:

1. completing an application and
2. completing the Surrogate Parent Training (if the application is approved).

The surrogate parent agrees to:

1. visit the student and the student's school;
2. consult with persons involved in the student's education, including teachers, caseworkers, court-appointed volunteers, guardians ad litem, attorneys ad litem, foster parents, and caretakers;
3. review the child's educational records;
4. attend meetings of the child's ARD/IEP Committee;
5. exercise independent judgment in pursuing the child's interests;
6. exercise the child's due process rights under applicable state and federal law;
7. complete a training program within 90 days of assignment as a surrogate parent in which the individual is provided with an explanation of the provisions of federal and state laws, rules and regulations relating to regulations.

Training topics must include:

- a. the identification of a student with a disability;
- b. the collection of evaluation and re-evaluation data relating to a student with a disability;

- c. the ARD/IEP process;
- d. the development of an Individual Education Program (IEP) and, for a student who is at least 16 years of age, a plan for transition services;
- e. the determination of least restrictive environment;
- f. the implementation of an IEP;
- g. parent rights and responsibilities as outlined in the Procedural Safeguards;
- h. the sources that the surrogate parent may contact to obtain assistance in understanding the provisions of federal and state laws, rules, and regulations relating to students with disabilities.

Uplift Education assures that the surrogate parent is not an employee of the TEA, Uplift Education or any other agency that is involved in the education or care of the student. Uplift Education must also ensure that the surrogate parent has no interest that conflicts with the interest of the student he or she represents and possesses the knowledge and skills that ensure adequate representation of the student.

Surrogate list – A list of trained and approved surrogate parents will be kept in the Special Education office.

Procedures

Surrogate Parent Training will be provided by Uplift Education on an annual basis. If a Surrogate Parent is needed to participate in an ARD/IEP Committee meeting or other meeting, the Director of Special Education should be contacted for a list of qualified Surrogate Parents.

Adult Student and Transfer of Rights

Authority: 34 C.F.R. Part 300.320 and 300.520; Texas Education Code §29.017 ; T.A.C., Chapter 89

When a student with a disability turns 18 years of age or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, the student has the same right to make educational decisions as a student without a disability, except that the open-enrollment charter school shall provide any notice required by this subchapter or 20 U.S.C. §1415 to both the student and the parents. At the age of 18, all other rights accorded to parents under Subchapter A (Special Education), Chapter 29, Texas Education Code, or 20 U.S.C. §1415 transfer to the student.

All rights accorded to parents under this Subchapter A (Special Education), Chapter 29, Texas Education Code, or 20 U.S.C. §1415 transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution.

One year prior to the student turning 18, Uplift Education will inform the student of his/her rights under IDEA that will be transferred to the student upon reaching 18. Written notice will be provided to the student and include information and resources regarding guardianship, alternatives to guardianship, including supported decision-making, and other supports and services that may enable a student to live independently. A statement will be included in the student's IEP indicating that the student has been informed of his/her rights and that written notice was provided.

If a student or the student's parent requests information regarding guardianship or alternatives to guardianship from the school, the school will provide the student or parent information and resources on supported decision-making.

EVALUATION

Authority: 34 C.F.R. Part 300; Texas Education Code; T.A.C., Chapter 89

Determination of Needed Evaluation Data – As part of an initial evaluation (if appropriate) and as part of any re-evaluation, a group that includes the ARD/IEP. Committee members and other qualified professionals, as appropriate, shall:

- a. review existing evaluation data (REED) including but not limited to evaluations provided by the parents of the student, current curriculum-based assessments and observations by the teachers and related services providers;
- b. identify what additional data, if any, is needed to determine:
 - whether the student has a particular category of disability, or, in the case of a re-evaluation of a student, whether the student continues to have such a disability;
 - the present levels of academic achievement and functional performance and educational needs of the student;
 - whether the student needs Special Education and related services, or in the case of a re-evaluation of a student, whether the student continues to need Special Education and related services;
 - 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 curriculum.

If no additional data is needed to determine whether the student continues to qualify, Uplift Education will notify the student's parents of:

- that determination and the reasons for the determination;
- the right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the student's educational needs.

The ARD/IEP Committee members may conduct their review of existing evaluation data without a meeting, under certain circumstances.

If it is determined that no additional data is needed to determine whether the student continues to be a student with a disability, Uplift Education :

- shall notify the student's parent(s) of that determination and the reasons for it;
- shall notify the student's parent(s) of the right of the parents to request an evaluation to determine whether, for purposes of services, the student continues to be a student with a disability;
- is not required to conduct the evaluation unless requested to do so by the student's parent(s).

Procedures

Conducting the Review of Existing Evaluation Data without an ARD/IEP Committee meeting – Typically, the Review of Existing Evaluation Data is conducted within the context of an ARD/IEP Committee meeting. In specific situations a REED can be conducted outside an ARD/IEP Committee meeting. If the REED is conducted outside an ARD/IEP Committee meeting, the parent, an administrator, an evaluation specialist, a general education teacher and a Special Education teacher must provide input to the review and agree, in writing to the recommendation.

EVALUATION PROCEDURES

Authority: 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89

In accordance with the policy of the Uplift Education, following a determination of need for an evaluation, a Full and Individual Evaluation (FIE) is conducted for each student being considered for Special Education and related services. The FIE is used to determine each student's eligibility and educational need before initiation of Special Education services. In addition to standardized tests and other evaluation instruments, the school collects information from a variety of sources in determining eligibility for Special Education services.

Timeline for Initial Evaluation – A written report of the Full and Individual Evaluation (FIE) of a student for the purposes of Special Education will be completed no later than the 45th school day following the date on which the school district receives written consent for the evaluation signed by the student's parent or legal guardian.

If the student is absent for 3 or more school days during the period, the timeline is extended by that number of days. The extension for absences does not apply for: children under 5, not enrolled in school, or any student enrolled in a private or home school setting.

If written consent is received 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 provided to the parent by June 30th. The ARD/IEP meeting must be held by the 15th school day of the following year to consider the evaluation.

If the consent is received less than 35 school days before the last instructional day, the timeline would end during the first part of the following school year.

If the consent is received between the 35th and the 45th school day before the last instructional day, the timeline could end during the first part of the following school year if the student is absent too many days.

The ARD/IEP Committee shall convene and make a decision regarding a student referred for an FIE within 30 calendar days from the date of the completion of the written evaluation report. If the 30th day falls during the summer and school is not in session, the ARD/IEP Committee shall have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and the placement, unless the FIE indicates that the student will need ESY services during the summer.

For a specific learning disability, the timelines for evaluation may be extended by mutual written agreement of the child's parents and the ARD Committee.

Re-evaluation – Once a child has received an initial evaluation (FIE), a decision has been rendered that a child is eligible for Special Education under IDEA '04, and the required services have been determined, any subsequent evaluation of a student constitutes a re-evaluation. A re-evaluation is conducted upon an ARD/IEP Committee recommendation, but no less than once every three years unless the parent and the school agree otherwise. Re-evaluations must be conducted on or before the triennial anniversary date (month/day/year) of the previous FIE. A re-evaluation may not be conducted more frequently than once a year, unless the parent and the school agree otherwise.

A re-evaluation may also be conducted if conditions warrant (i.e. ARD request), if the student's parent requests, if the student's teacher requests, and/or before determining that the student is no longer a student with a disability (unless dismissal is due to graduation with a regular high school diploma or exceeding the age eligibility for a free and appropriate public education). However, in some instances, the ARD/IEP Committee may agree that existing data, including the observation of the student by the classroom teachers and related service providers, the student's educational performance records, and standardized and/or competency testing support the continued eligibility of the student without need for additional formal evaluation and is sufficient to complete the FIE.

Procedures for an Evaluation – the evaluation of a student to determine if he/she has a disability under IDEA '04 must include:

1. Variety of sources – Information is gathered from a variety of evaluation tools and strategies to gain relevant functional and developmental information about the student to determine if the student has a disability and the content of the student's IEP. The sources of data must include:
 - Information provided by the parent;
 - Information related to enabling the student to be involved and progress in the general curriculum;
 - For a preschool student, information related to enabling the student to participate in

appropriate activities.

2. Areas evaluated - Depending on the area of suspected disability, other sources may include but are not limited to health information, vision and hearing, social or cultural background, adaptive behavior, emotional status, general intelligence, academic performance, communication status, motor ability, classroom evaluation and observations, other school records and/or other competency testing.
3. Uplift Education will include more than one procedure for determining whether a student is a student with a disability, an appropriate educational program for a student and the educational needs of a student.
4. Formal evaluation by clinician – all standardized tests and any other evaluation materials are validated for the specific purpose for which they are used including those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. Evaluation procedures and materials will be selected and administered so as not to be racially or culturally discriminatory.
5. Certifications of clinician –all standardized tests and evaluation instruments are administered by trained and knowledgeable personnel including but not limited to an LSSP, a diagnostician, and/or a licensed or certified professional for a specific eligibility category framework, in accordance with any instructions provided by the producer of the tests.
6. Language Dominance/Proficiency – the student's language dominance and most proficient method of communication (expressive and receptive) are identified and evaluation materials used to assess a student are provided and administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so. The materials and procedures used to evaluate a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs Special Education, rather than measuring the student's English language skills.
7. Multidisciplinary Team – a multidisciplinary team or group of persons, including at least one teacher and a specialist with knowledge in the area of suspected disability, conducts the evaluation. For a student suspected of having a learning disability, the multidisciplinary evaluation team includes:
 - a. the student's general education teacher or a general education teacher qualified to teach a student of his/her grade level;
 - b. for a student of less than school age, a person qualified to teach a student of his/her age;
 - c. at least one person qualified to conduct individual diagnostic evaluations (Licensed Specialist in School Psychology (LSSP), educational diagnostician, or other appropriate certified or licensed practitioner with experience and training in the area of the disability, or a licensed or certified professional for a specific eligibility category as defined in state regulations.
8. Intelligence testing – any student meeting the eligibility criteria for intellectual disability or specific learning disability is administered an individual intelligence test. However, if appropriate, an informal assessment of intelligence may be used to determine intellectual functioning as a part of eligibility for a visual impairment, orthopedic impairment, or deaf-blindness. Informal evaluation may include achievement test results, teacher observations, adaptive behavior and grades. Alternative methods, as determined appropriate by the qualified professionals, may be used to assess the intellectual functioning of students whose disabilities impede adequate communication or those with severe sensory impairment. *Intra-individual differences in cognitive functions do not contribute to identification and intervention decisions for children suspected of having a Specific Learning Disability.*

Disability Report – A report must be written indicating the student's disability under the criteria defined in federal law and by the Texas Education Agency guidelines for each disability. Additionally, a disability report for each related service, documentation that the service is necessary to enable the student to benefit from Special Education, and recommendation for the specific service to be offered must be included.

The written report of the team, including agreement by each team member that the report reflects his or her conclusions, includes a statement of:

1. whether the student has a specific disability;
2. the basis for making the determination;

3. the relevant behavior noted during the observation of the student that directly assists persons in determining the educational needs of the student;
4. the relationship of that behavior to academic functioning;
5. the educationally relevant medical findings, if any;
6. whether there is a disability that is not correctable without Special Education and related services, and;
7. the determination of the team concerning the effects of environmental, cultural or economic disadvantage;
8. if an evaluation is not conducted under standard conditions such as the qualifications of the person administering the test or the method of test administration, this information must be included in the evaluation report;
9. for students needing or receiving adapted physical education, an adapted physical education evaluation is conducted.

Related Services – Additionally, the need for related services as identified in the FIE must stipulate learning competencies identifying the need for the related service, documentation that the service is necessary to enable the student to benefit from Special Education, and a recommendation for the specific service to be offered. The recommendation is based on a written evaluation for each related service and must indicate skills and/or behaviors related to the service that the student can and/or cannot perform.

These related services include developmental or corrective services including but are not limited to:

- Audiology services
- Counseling services
- Early identification and assessment
- Medical services
- Occupational therapy
- Orientation/Mobility services
- Parent counseling and training
- Physical therapy
- Psychological services
- Recreational services
- Rehabilitation counseling services
- School health services
- Social work services
- Transportation services
- Functional Vocational Assessment

Independent Educational Evaluation – (IEE) An Independent Educational Evaluation may be requested by the parent. If granted, the IEE is conducted at public expense if the parent disagrees with an evaluation conducted by the school. The evaluation must be conducted by a qualified examiner who is not employed by the school. The school must provide the parent with information about where an IEE may be obtained and the school's criteria for an IEE. The parent is limited to only one IEE at public expense each time the school conducts an evaluation with which the parent disagrees.

If the parent requests an IEE, Uplift Education will, without unnecessary delay, either file a request for a Due Process Hearing to show that its evaluation of the child is appropriate or provide an IEE at public expense. If the school prevails in the Due Process hearing, the parent still has the right to an IEE but not at public expense. If the parent requests an IEE, the school may ask why the parent objects to the evaluation conducted by the school. However, the school may not require an explanation and may not unreasonably delay either providing an IEE or filing a Due Process complaint.

The results of the IEE must be considered by Uplift Education in any decision made with respect to the provision of FAPE if the IEE meets the Uplift Education criteria.

***IEE-** If a parent requests an IEE either in an ARD/IEP meeting or verbally, the parent shall be instructed to submit a written request for an IEE to the Director of Special Education. The Director of Special Education will notify the parent in a reasonable period of time, not to exceed 10 days, of the status of the IEE request.*

Criteria for IEE Examiners

- *The independent examiner must have the same or higher qualifications as Uplift Education assessment personnel (e.g. Licensed Specialist in School Psychology, or Educational Diagnostician) as required by federal and state law.*

- The independent examiner must have a current and valid certificate(s) or license(s) from the appropriate state board(s) to provide the evaluation being sought.
- Upon request and with receipt of written parental consent, while conducting the evaluation, the independent examiner may:
- Have access to the student's cumulative and special education folder(s); and
- Meet or talk with school staff to gather information about the student.
- The independent examiner must follow federal and state assessment regulations and rules, reporting requirements, and established eligibility criteria for the diagnosis of students with disabilities.
- The independent examiner must:
- Be located within a 100-mile radius of Uplift Education main offices located at 1825 Market Center Boulevard, #500, Dallas, Texas 75207; and
- Meet reasonable cost criteria
- The independent examiner must provide all documentation required for parent reimbursement.

IEE Reasonable Cost Criteria

- Uplift Education will not pay an unreasonably excessive fee. An unreasonable excessive fee is one which is more than 35% above the Medicaid rate for the specific evaluation conducted as of the date the contract was signed with the IEE provider. If no Medicaid rate exists, the rate for the most similar Medicaid evaluation will apply, as determined by Uplift Education.
- If the examiner uses a sliding-scale fee based on parent income, Uplift Education will not pay an amount higher than that charged to the parent.
- If the examiner or parent is reimbursed by insurance, Uplift Education will pay the "out-of-pocket" expenses paid by the parent.

Criteria for IEE Reports

The IEE report provided to Uplift Education must substantially comply with the following criteria:

- The written and typed report must include an original signature and title of all personnel involved in the evaluation.
- The evaluation and resulting report must comply with all federal and state laws governing assessment of students with disabilities.
- The report must address the presence or absence of those symptoms or conditions included in the specific eligibility criteria for the disability for which the student is being assessed; the type and severity of the impairment; and the functional implications for the educational process.
- The report must provide the Admission, Review, and Dismissal ("ARD")/Individualized Education Program ("IEP") committee with sufficient information to determine whether the student has a disability and needs specially designed instruction through special education.

Steps to follow to request an IEE at Public Expense

1. Submit the IEE request in writing to the Director of Special Education as soon as possible after receiving an evaluation from Uplift Education with which the parent disagrees, but no later than one (1) year from the date the parent received the evaluation conducted by Uplift Education.
2. The parent is requested, but not required, to include in the written request for an IEE why the parent disagrees with the evaluation conducted by Uplift Education.
3. Uplift Education will respond to a parental request for an IEE without unnecessary delay by providing the parent with the following information:
 - A list of IEE providers in the area where an IEE may be obtained;
 - The criteria applicable to IEE's ;
 - A fee list; and
 - A copy of the Procedural Safeguards.
4. In addition, Uplift Education will respond to a written parental request for an IEE without unnecessary delay by doing one (1) of the following:
 - Ensure the IEE requested is provided at public expense unless the evaluation obtained by the parent does not meet Uplift Education's criteria (See Sections I-III);

or

- *Initiate a due process hearing to show that the evaluation conducted by Uplift Education is appropriate. If Uplift Education prevails in the hearing, the parent has the right to an IEE, but not at public expense. With this option, the parent will also be provided a Prior Written Notice.*
5. *If the parent is notified that Uplift Education will provide an IEE at public expense, the parent should select an examiner that meets Uplift Education criteria. If a parent has any question regarding whether the selected examiner meets Uplift Education's criteria (See Sections I-II) or wants Uplift Education to consider a unique circumstance, the parent should contact the Director of Special Education to seek clarification and/or assistance. If the examiner does not meet Uplift Education's criteria, Uplift Education may choose not to reimburse the parent for all or part of the cost of the IEE.*
 6. *The parent will contract directly with the IEE provider and schedule the IEE with the independent examiner. If a parent wants Uplift Education to consider a unique circumstance (e.g. the child qualifies for free or reduced lunch) to justify Uplift Education contracting directly with the independent examiner for payment rather than to reimburse the parent for the cost of the IEE, the parent should contact the Director of Special Education.*
 7. *Upon completion of the IEE, the parent should submit the following to the Director of Special Education within thirty (30) calendar-days from the date of the IEE report:*
 - *A copy of the IEE report. If a parent has any question regarding whether the evaluation report meets Uplift Education criteria as listed in Section III, the parent should contact the Director of Special Education to seek clarification. If the evaluation report does not substantially comply with all of Uplift Education's criteria, Uplift Education may choose not to reimburse the parent for the cost of the IEE.*
 - *Copies of the examiner's license(s) or certificate(s) if the independent examiner chosen by the parent was not on the list of providers Uplift Education gave to the parent.*
 - *If requested, a conflict of interest form provided by Uplift Education indicating whether the examiner has a personal monetary interest in any service or program recommended by the examiner.*
 - *Copies of all test protocols, or written parental consent for the examiner to release test protocols, to ensure all test protocols are available for review by Uplift Education upon request.*
 - *An invoice from the IEE provider reflecting the cost of the evaluation, any deduction for sliding scale fees or insurance payment, and the total "out-of-pocket" expense to the parent.*
 - *Proof of payment of the invoice.*
 8. *Uplift Education will reimburse the parent for the cost of an IEE that complies with Uplift Education's IEE criteria. If the IEE does not substantially comply with Uplift Education's criteria, Uplift Education will notify the parent in writing of the substantive deficiencies in need of remediation before reimbursement will be authorized.*
 9. *Uplift Education will consider through an ARD/IEP committee meeting any IEE obtained by a parent, either at public or private expense, which meets Uplift Education's IEE criteria, in any decision made with respect to the provision of a free appropriate public education to the parent's child. Such consideration does not make Uplift Education liable for payment of a private evaluation or require implementation of the recommendations from the evaluation. The IEE must be received at least five (5) school days prior to the ARD/IEP committee meeting scheduled to review the report. An IEE examiner may participate in the ARD/IEP committee meeting, but at parent expense.*

Procedures

Determining no additional formal evaluation is needed – If the ARD/IEP Committee determines no additional formal evaluation is needed, additional informal evaluation data, including but not limited to work samples, benchmark testing, classroom evaluation, criterion reference testing and semester exams must be reviewed and incorporated in the evaluation summary.

Related Services evaluations – If a Related Services evaluation is recommended and approved in an ARD/IEP Committee

meeting, the Related Services provider must be notified. Results of these evaluations must be reported in an ARD/IEP Committee meeting, adhering to the timeline recommended by the ARD/IEP Committee but in no case exceeding the timeline outlined in statute.

Psychological Services evaluations – Psychological Evaluation require a separate “Consent for Evaluation” and “Notice of Evaluation”. The request for a Psychological Evaluation must be made in an ARD/IEP Committee meeting and reported in an ARD/IEP Committee meeting, adhering to the timeline recommended by the ARD/IEP Committee but in no case exceeding the timeline outlined in statute.

Requests for a Functional Behavioral Assessment (FBA) or Behavioral Intervention Plan (BIP) require separate and additional parental consent.

Special Education student returning to Uplift

If a Special Education student withdraws from an Uplift campus and returns to enroll more than 6 months following withdrawal, Uplift has the right and responsibility to determine if additional evaluation is needed to provide Special Education support for the student.

Contracted Personnel

Contracted personnel who complete evaluations must provide Uplift with the assessment results, recommendations and a written report prior to reviewing and/or sending information to parents.

Assessment Protocols

Assessment protocols will be filed in a separate folder from the student's eligibility folder and will not be filed with the written evaluation report. Parents or adult students have access to the review of test protocols but not a copy of the protocols to preserve the integrity of the testing instrument. The parent or adult student may request a meeting with the Evaluation Personnel, the Director of Evaluation Services or the Director of Special Education to review the protocols but may not have a copy of the completed protocols. Protocols will be destroyed every three years.

Eligibility Criteria

Authority: 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89

A student that is at least 3 years old but not more than 21 years of age may be eligible for special education services. Through an evaluation, if a student is found to have a disability in one of the following categories, and has an educational need, they may be found eligible for special education:

- 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. Non-Categorical Early Childhood*
- 13. Multiple Disabilities*

Additionally, a student is eligible to participate in Uplift Education'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.

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 under 'Eligibility Definitions'.

When interpreting evaluation data for the purpose of determining if a student is a student with a disability under § 300.8, and the educational needs of the student, Uplift Education must:

- 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*
- 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, an IEP must be developed for the student.

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.

For children aged three through nine, or any subset of that age range, may be a child with a disability if the student is:

- 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*
- needs special education and related services.*

Eligibility Definitions

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.

Speech or Language impairment

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 at Uplift Education must include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech/language pathologist.

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.

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.

The multidisciplinary team determining eligibility must include a licensed physician.

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
12. Tourette Syndrome

If the health condition limits alertness in the educational environment and adversely impacts a student's learning, they are eligible for OHI. In determining eligibility, Uplift Education must include a licensed physician on the multidisciplinary team.

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.

Uplift Education must 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.

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 otological examination performed by an otologist or by a licensed medical doctor, with documentation that an otologist is not reasonably available. Uplift Education must 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.

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.

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.

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;*
 - 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.*

Through evaluation, Uplift Education 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.

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.

In addition to the 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.

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.

In addition to being identified as having a disorder that impacts a basic psychological process, Uplift Education must 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.

Uplift Education'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.*

A specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Prior to identifying a student as one with a learning disability, Uplift Education must ensure that the suspected disability is not due to lack of educational opportunity or lack of appropriate instruction. Uplift Education must consider data that shows the student has received appropriate instruction in math and reading in the general education setting. Uplift Education must 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.

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.

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).

The written evaluation determining eligibility under autism must include recommendations for behavior interventions.

Multiple Disabilities

A student may qualify as a student with multiple disabilities if they are identified to have a combination of impairments (such as mental retardation-blindness or mental retardation-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.

The impairments must be expected to continue indefinitely and the impairments must severely limit performance in 2 or more of the following:

- 1. psychomotor skills*
- 2. self-care skills*
- 3. communication*
- 4. social and emotional development, or*
- 5. cognition*

A student that 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.

ADMISSION, REVIEW AND DISMISSAL COMMITTEE MEETING

Authority: 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 75, 89, 101

It is the policy of Uplift Education to hold an Admission, Review, and Dismissal (ARD) committee meeting for each student that qualifies for special education and related services in accordance with the Individuals with Disabilities Education Act (IDEA).

Through an ARD committee meeting Uplift Education will create an appropriate individual education program (IEP) in accordance with the IDEA and the IEP policy of Uplift Education.

Admission, Review and Dismissal (ARD) Committee Membership

Before a student is enrolled in a special education program of Uplift Education, Uplift Education shall establish a committee composed of the persons required under 20 U.S.C. §1401(11) to develop the student's IEP, including:

- 1. Parent or Adult Student following the transfer of rights*
- 2. General education teacher of the student*
- 3. Special education teacher of the student*
- 4. A representative of Uplift Education that is knowledgeable about general education curriculum, knowledgeable about the availability of resources, and qualified to provide or supervise the provision of, the specially designed instruction to meet the needs of the student with a disability;*
- 5. A person who can interpret instructional implications of evaluations. This may be one of the other members.*
- 6. At the discretion of the parent, adult student after the transfer of rights, or Uplift Education, other individuals who have knowledge or expertise regarding the student, including related services providers*
- 7. Student, when appropriate prior to the transfer of rights*

A representative of the school's Career and Technology Education (CTE) program is a required member of the ARD committee when considering initial and continuing placement of a student in CTE.

ARD Committee Member Absences and Excusal

All members of a student's ARD committee must be in attendance at a student's ARD meeting, unless the member is not required, or is excused.

Prior to an ARD meeting, a member of the committee may not be required to attend, in whole or in part, if the parent and Uplift Education agree in writing that the attendance of the member is not needed.

During an ARD meeting, it is the policy of the Uplift Education to obtain consent from the parent or adult student before excusing a member from remaining at an ARD committee meeting. If a member is excused, it may be reflected in the deliberation notes. An ARD committee member should not be excused prior to addressing the member's portion of the IEP.

ARD Committee Meeting Notification

Uplift Education will provide a parent or adult student written notice of each scheduled ARD meeting at least 5 days prior to the meeting. The notice must designate who will be in attendance, the purpose of the meeting, location, time and what topics will be discussed.

For a student who is homeless or in substitute care, Uplift Education will notify the child's educational decision-maker and caseworker regarding each ARD meeting, including a manifestation determination review (MDR) meeting.

Annual ARD Committee Meeting

For each student that receives special education and related services, an ARD committee meeting will be held periodically, but no less than annually to review and update the individual education program (IEP).

A parent or Uplift Education may request an ARD committee meeting be held prior to the annual ARD meeting. If parent requests a meeting in writing, Uplift Education will schedule a meeting at a mutually agreed upon time and place, or provide notice within 5 school days explaining the school's denial of the request.

Reaching Closure and Consensus

The ARD committee shall develop the IEP by agreement of the committee members or, if those persons cannot agree, by an alternate method provided by the Texas Education Agency. Majority vote may not be used to determine the IEP.

If the IEP is not developed by agreement, the ARD Committee must comply with the requirements of 19 TAC §1050(h) and ensure that the written statement of the program required under 20 U.S.C. §1401(11) includes the basis of the disagreement.

If the ARD meeting ends in disagreement, it is the policy Uplift Education to provide the parent with a recess. The recess shall not exceed 10 school days unless agreed upon by both parent and Uplift Education. During the recess, the committee members shall and the parent may gather additional information in order to help the committee reach consensus. If after 10 schools days, consensus cannot be reached, Uplift Education shall implement the IEP that was determined to be appropriate for the student.

A parent may waive the 10 days recess.

Through consensus of the ARD committee members, an ARD meeting may be recessed without reaching agreement or disagreement.

Parent's Native Language and Documentation

If the student's parent is unable to speak English, Uplift Education shall communicate with the parent in the parent's native language or other mode of communication the parent uses in accordance with the school's policy on use of parents' native language.

It is the policy of Uplift Education to translate the IEP for a Spanish-speaking parent. A translation may include, a written translation of the IEP or a recording of a reading of the IEP in Spanish. A recording of the ARD meeting is not sufficient, unless all parts of the IEP are discussed and the translation is clearly audible on the recording.

Amendment without a Meeting

After the annual admission, review and dismissal (ARD) meeting, changes to the IEP other than eligibility determinations, changes of placement, and manifestation determination reviews may be made either:

- *By the entire ARD committee; or*
- *By amending the IEP rather than by redrafting the entire IEP.*

ARD Committee Meeting without the Parent

It is the policy of Uplift Education to ensure that parents can attend the ARD meeting or have the opportunity to participate. Uplift Education will work with the parent to come to an agreeable time or provide an opportunity to participate via conference call.

If Uplift Education is unable to convince parent to attend the ARD meeting, Uplift Education may proceed with an ARD meeting without parent in attendance only after providing the parent with three written notices of the ARD Meeting. Uplift Education will document written notices sent to parent and phone calls with parent attempting to schedule a mutually agreeable time for the ARD meeting.

Implementation of an IEP

At the beginning of each school year, the school must have in effect an IEP for every Special Education student who is receiving Special Education and related services from the school.

An IEP must:

- be in effect before Special Education and related services are provided to the student; and
- be implemented as soon as possible following the ARD/IEP Committee meeting;
- be accessible to each general education teacher, Special Education teacher or related service provider.

It is expected the IEP of a student eligible for Special Education services will be implemented immediately following the ARD/IEP Committee meeting. An exception to this would be when the meeting occurs during the summer or a vacation period, or where there are circumstances that require a short delay (e.g., arranging for transportation). However, there must be no undue delay in providing Special Education and related services to the student.

Each teacher and service provider must be informed of his/her specific responsibilities related to implementing the student's IEP and the specific supports that are available.

An IEP may be amended outside an ARD/IEP Committee meeting, under specific circumstances, with the agreement of Uplift Education and the parent.

1. The school must obtain written consent by parent/guardian or adult student before initial provision of Special Education and related services.

Elements of an ARD/IEP Committee Meeting

1. The purpose of each ARD/IEP Committee meeting is to develop the student's Individual Education Program (IEP), a written document based on the evaluation and parent input, which includes:
 - a) a statement of the student's present levels of educational performance including academic achievement and functional performance and:
 - strengths of the student;
 - concerns of the parents for enhancing the education of their student;
 - initial or most recent evaluation results;
 - results of the student's performance on any general state or district-wide assessment, as appropriate;
 - communication needs of the student;
 - for a LEP student, the language needs of the student as they relate to the IEP;
 - current student behavior that impedes his or her learning including behavior strategies interventions and supports.
 - b) consideration of Assistive Technology devices and services must be available to a student with a disability if required as a part of Special Education, related services or supplementary aids and services;
 - c) in the case of a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the ARD/IEP Committee determines, after an evaluation of the student's reading and writing skills, that instruction in Braille or the use of Braille is not appropriate for the student;
 - d) consideration of the communication needs of the student and, in the case of a student who is deaf or hard of hearing, considers the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct communication mode. The parent will also be provided with the state adopted form that contains written information about programs offered by state institutions;
 - e) a statement of the extent to which the student will be able to participate in the general curriculum. For preschool students, as appropriate, a statement will be included regarding how the disability affects the student's participation in appropriate activities;
 - f) a statement of specific measurable annual goals, including academic and functional goals, which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedule for their attainment;
 - g) a statement of how the student's parents will be regularly informed of their student's progress toward the annual goal including the extent to which the progress is sufficient to enable the student to achieve the goals by the end of the year. Parents will be informed at least as often as parents are informed of their non-disabled student's progress;
 - h) a statement regarding the student's participation in the state-wide assessment program including individual allowable accommodations in the administration of any state or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment;
 - i) if the student will not participate in the standard state or district-wide assessment (or part of an assessment), a statement of why that assessment is not appropriate for the student AND how the student will be assessed. Students who are not being instructed in the state curriculum at any grade level in an area tested by the state-wide assessment, will be evaluated by an alternative assessment. For a student taking an alternative assessment, the ARD/IEP Committee must include in the IEP a description of benchmarks or short-term objectives;
 - j) if the student did not perform satisfactorily on the state-wide assessment, a statement regarding the intensive program of instruction that shall be implemented to attain a standard of annual growth on the basis of the student's IEP and, if applicable, determine the manner in which the student will participate in an accelerated instruction program and whether the student will be promoted or retained. The ARD/IEP Committee must determine the anticipated location of these services;
 - k) if the ARD/IEP Committee determines the child is unable to participate in physical activity due to a disability or illness, the child will be allowed to substitute one credit in English language arts, mathematics, science, social studies or one academic elective (which is not used to satisfy another graduation requirement) for one physical

education credit.

- l) a statement of the specific Special Education and related services, supplementary aids and services in the classroom, in other education-related settings and in extracurricular and nonacademic settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate, interventions, accommodations and modifications to be provided to the student based upon the individual needs of the student, as well as supports for the school personnel;
- m) the projected dates for the initiation of services and accommodations/modifications, the anticipated frequency and duration of the services, including the number of school days, the number of hours per day, and the length of the school year over which such services are provided and the location of the services;
- n) consideration of the following information for students with autism/pervasive developmental disorders (justifying why, if not provided):
 - 1. Extended day and Extended School Year (ESY) education programming;
 - 2. daily schedules reflecting minimal unstructured time;
 - 3. in-home training or viable alternatives;
 - 4. prioritized behavioral objectives;
 - 5. prevocational and vocational needs of students ages 12 or older;
 - 6. parent training;
 - 7. suitable staff-to-student ratio;
 - 8. communication interventions;
 - 9. social skills supports and strategies;
 - 10. professional educator/staff support;
 - 11. teaching strategies based on peer reviewed, research-based practice.

If the ARD/IEP Committee determines that services are not needed in one or more of the areas specified in state regulations, the IEP must include a statement to that effect and the basis upon which the determination was made;

- o) for a student with Visual Impairment being placed in a classroom setting, the ARD/IEP Committee must consider providing training in compensatory skills, communicative skills, orientation and mobility, social adjustment and vocational or career counseling. The ARD/IEP Committee must also assure that the student has been provided a detailed explanation of various service resources available in the community and throughout the state and provide a detailed description of the arrangements made to provide the student with orientation and mobility training, instruction in Braille or use of large print, training to compensate for serious visual loss, access to special media and special tools, appliances, aids and/or devices commonly used by individual with serious visual impairments. For a VI student, the ARD/IEP Committee must also set forth 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 training required. The ARD/IEP Committee must also provide each parent with the state-adopted form that contains written information about programs offered by state institutions;
- p) the determination of need for Extended School Year (ESY), as appropriate, for the student when the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable time period, (8 weeks) therefore being unable to maintain one or more acquired critical skills because of the absence of an extended school program. Documentation for ESY will be gained through formal and/or informal evaluations provided by the School or the parents. For students enrolling in Uplift Education during the school year, information obtained from the prior school district as well as information collected during the current year will be used to determine the need for ESY services. If ESY is determined to be appropriate, goals and objectives for ESY will be addressed in the student's IEP. ESY will not be limited to a particular category of disability or unilaterally limit the type, amount, or duration of ESY services;
- q) a statement of the needed transition services that promotes movement from school to post-school activities including post-secondary goals that include education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation taking into account the student's preferences and interests. The ARD/IEP Committee must determine transition services, including courses of study, needed to assist the student in reaching the postsecondary goals.

- Beginning not later than the first IEP in effect when the child is 14, and updated annually, the following issues will be considered in the development of the IEP including instruction and related services:

- The student's and parent's involvement in the transition to life outside the public school system. If the

student is younger than 18 years of age, the appropriate parental involvement in the student's transition and, if the student is at least 18 years of age, if the parent is invited to participate by the student or the school district in which the student is enrolled. If the student does not attend the ARD/IEP Committee meeting, Uplift Education shall take other steps to ensure that the student's preferences and interests are considered;

- Post-secondary education options;
 - Functional vocational evaluation;
 - Employment goals and objectives;
 - Continuing and adult education;
 - Independent living (post-school adult living) goals and objectives;
 - Community experiences;
 - If appropriate, acquisition of daily living skills;
 - If appropriate, referral to a governmental agency for services;
 - A statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study.
- Beginning at age 14 (or younger if determined appropriate by the ARD/IEP Committee) a statement of the interagency responsibilities or any needed linkages. If a participating public agency fails to provide agreed upon services, Uplift Education shall identify alternative strategies to meet transition objectives set out in the IEP;
- r) beginning at least one year before a student reaches 18 years of age, the IEP will include a statement that the student has been informed of his or her rights that will transfer to the student upon reaching age 18;
- s) if the student is at least 18 years of age, the ARD/IEP Committee shall consider the availability of age appropriate instructional environments in the development of the IEP, and, if appropriate, integrate into the IEP;
- t) for a student graduating and being awarded a high school diploma, graduation terminates a student's eligibility for Special Education services and a student's entitlement to the benefits of the public school. "Graduation" indicates that the student has a) completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education, including satisfactory performance on the exit-level assessment instrument OR b) completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education and has been exempted from the exit-level assessment instrument because the assessment instrument would not provide an appropriate measure of the student's achievement as determined by the student's ARD/IEP Committee. When determining graduation, the ARD/IEP Committee shall consider the Full and Individual Evaluation and the views of the parent and/or student, as appropriate, recommendations from adult service agencies, completion of the IEP, and the student's successful completion of the state or District minimum credit requirement. The ARD/IEP Committee must also determine that the student is either:
- Ready for full-time employment and possesses sufficient self-help skills to maintain employment without the educational support of Uplift Education OR
 - Demonstrating mastery of specific employability skills and self-help skills which do not require direct on-going education support of Uplift Education OR
 - Has access to outside services, or employment, or educational options for which the student has been prepared by the academic program OR
 - The student no longer meets age eligibility requirements OR
 - The student has completed the requirements specified in the IEP.
 - If none of these criteria have been met and the student has completed four years of High School, the school shall allow a student to receive a certificate to participate in a graduation ceremony with students receiving a diploma.
- u) the development of a Behavior Intervention Plan (BIP), if a student's behavior impedes his or her learning or the learning of others;
- v) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the annual goals are being met;
- w) the documentation of the ARD/IEP Committee meeting will include the date, names, positions, and signatures of

the members participating in each meeting, as well as agreement or disagreement of each member with the ARD/IEP Committee's recommendations.

2. Uplift Education provides:

- the parent (or the adult student) a copy of the IEP;
- assurances Special Education and related services are provided to a student with a disability at no cost to the adult student or parent;
- an opportunity for all tras of the student (general education and Special Education)to provide input in the IEP process;
- an opportunity for general education teachers with Special Education students to request support in meeting the goals and objectives outlined in the student's IEP.

3. If the ARD/IEP Committee determines, as a result of the Full and Individual Evaluation (FIE), the student is not eligible for Special Education services, a *"Notice of Proposal or Refusal to Provide Services in Regard to Identification, Evaluation, Placement or Free Appropriate Public Education"* form will be completed, *"Explanation of Rights and Procedural Safeguards"* will be given to the parent, and the student will be referred to the SST Committee for consideration for further accommodations.

Least Restrictive Environment

In determining the Least Restrictive Environment, Uplift Education will describe previous efforts, if any, to educate the student in a general education classroom (including a description of supplementary aids and services), a description of why the efforts failed, the educational benefit the student will receive from general education (including non-academic benefit), the effects the student's presence has on the general education classroom, and the student's needs that can and cannot be met in the general education classroom. The ARD/IEP Committee will provide an explanation of the extent, if any, to which the student will not participate with non-disabled students in the general education class. Consideration will also be given to any potential harmful effects on the student with disabilities or on the quality of services that he or she needs.

Consideration of Instructional Setting

The ARD/IEP Committee ensures that each Special Education student shall be offered an instructional arrangement that is:

1. in the general education environment with students without disabilities to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school that the nature or severity of the student's disability is such that his or her education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily, and
2. in the school in which he or she would attend if not disabled unless implementation of the IEP requires a different instructional arrangement. If another instructional arrangement is required, the student is placed in the appropriate educational program that is as close to the student's home as is reasonably possible. These placement provisions also apply to Special Education students in public or private institutions or other care facilities.

Continuum of Instructional Settings – The ARD/IEP Committee will consider and determine the appropriate instructional arrangement/setting based on the individual needs and Individual Education Program (IEP) of eligible students receiving Special Education services. Instructional arrangements shall include the following:

1. Mainstream - an instructional arrangement/setting for providing Special Education and related services to a student in the general classroom in accordance with the student's IEP. Qualified Special Education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student, and/or the student's general classroom teacher(s) necessary to enrich the general education classroom and enable the student to progress.
2. Resource – an instructional arrangement/setting for providing Special Education and related services to a student in a setting other than general education for less than 50% of the school day.
3. Self-Contained (mild, moderate or severe) – an instructional arrangement/setting for providing Special Education and related services to a student who is in the self-contained program for 50% or more of the school day on a regular school campus.

4. Homebound - an instructional arrangement/setting for providing Special Education and related services to student who are served at home or hospital bedside.
5. Hospital Class – an instructional arrangement/setting for providing Special Education instruction in a classroom, in a hospital facility, or a residential care and treatment facility not operated by the school district.
6. Speech/Language Therapy - an instructional arrangement/setting for providing speech/language therapy services whether in a general education classroom or in a setting other than a general education classroom.
7. Off Home Campus – an instructional arrangement/setting for providing Special Education and related services to the following:
 - a campus serving more than one school district;
 - a campus where instruction is provided by District personnel in a facility not operated by Uplift Education ;
 - a self-contained program on a separate campus operated by the school district.
8. Non-public day school - an instructional arrangement/setting for providing Special Education and related services to students through a contractual agreement with a non-public school for Special Education;
9. Residential care and treatment facility – an instructional arrangement/setting for providing Special Education instruction and related services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the school district providing education services to the students.

If the student is placed in a residential facility, Uplift Education will list the services the school is unable to provide and which the facility will provide, the criteria and estimated timelines for the student's return to Uplift Education and the appropriateness of the facility for the student. Uplift Education also will verify the facility meets minimum standards for health and safety. Uplift Education also will verify the residential placement is needed and is documented in the IEP and the residential facility is appropriate and the least restrictive environment for the student.

Transportation safety of the student must be considered by the ARD/IEP Committee including transporting the student at the beginning and end of the term and for regularly scheduled school holidays.

A Reintegration Plan including criteria and estimated timelines for returning the student from the residential or treatment facility to the local school district must also be considered by the ARD/IEP Committee.

10. Vocational adjustment class/program – an instructional arrangement/setting for providing Special Education and related services 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.

The Admission, Review, and Dismissal (ARD) Committee may identify other program options as approved by the Texas Education Agency. "Instructional Programs" and "Service Delivery" is outlined in the Uplift Education Special Education Policies and Procedures.

Non-academic and Extracurricular Services

1. Each student with disabilities shall be provided non-academic and extracurricular services and activities conducted by the school (e.g. meals and recess) with students without disabilities to the maximum extent appropriate to meet the needs of the student.
2. Nonacademic and extracurricular services and activities may also include:
 - counseling services
 - athletics
 - transportation
 - health services
 - recreational activities
 - special interest groups or clubs sponsored by the school
 - referrals to agencies that provide assistance to individuals with disabilities
 - employment of students including both employment by Uplift Education and assistance in making

outside employment available.

Daily Schedule – Each student will have available the same length of instructional school day provided to all other students unless otherwise determined by the Admission, Review, and Dismissal (ARD)/IEP Committee. The ARD/IEP Committee may shorten a student's instructional day based on the Individual Education Program (IEP).

Assurances

Uplift Education assures removal of students with disabilities from the general education environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Uplift Education assures each student with a disability participates in non-academic and extracurricular services and activities, including meals and recess periods, with non-disabled students to the maximum extent appropriate to the needs of that student.

Uplift Education assures, to the maximum extent appropriate, students with disabilities are educated with students who are non-disabled.

Complaint Procedures – If there is a dispute relating to the identification, evaluation, or educational placement of or the provision of a Free and Appropriate Public Education (FAPE), to a student with a disability, it is the intent of the TEA and Uplift Education to encourage and support the resolution of any dispute at the lowest level possible and in a prompt, efficient, and effective manner.

Resolution Session – A resolution session provides parents and Uplift Education an opportunity to resolve a complaint prior to initiation of a Due Process Hearing. Uplift Education, within 15 days of receiving notice of a parent's Due Process complaint, must convene a meeting with the parent and the relevant members of the ARD/IEP Committee to discuss the facts underlying the parent's complaint and to give Uplift Education an opportunity to resolve the complaints. Uplift Education may not bring an attorney to this resolution session unless the parent also is accompanied by an attorney. This pre-hearing resolution session is mandatory unless the parent and Uplift Education agree in writing to waive the requirement, or agree to use the mediation process to try to resolve the complaint.

Mediation – The mediation process is:

- a voluntary process on the part of both Uplift Education and the parent(s);
- not used to deny or delay a parent's right to a Due Process Hearing or to deny any other rights afforded under IDEA '04-Part B, and;
- conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

Due Process Hearing initiated – A hearing may be initiated by the parent, adult student, or Uplift Education to challenge a proposal or refusal relating to identification, evaluation or educational placement of a child with a disability or the provision of FAPE to the child.

Request for a Due Process Hearing – A written request will be filed with the TEA and the school representative or the parent, if the request for hearing is filed by Uplift Education. If a request for hearing is filed by the parent, all procedures as set forth by TEA for requests for hearing will be followed. Uplift Education is available to assist the parent or adult student by providing necessary information if the parent requests assistance in filing a Due Process Hearing. Parties to a due process hearing may be accompanied and advised by counsel and by individuals, such as non-attorney advocates, who have special knowledge or training regarding the problems of children with disabilities.

Procedures

Notice of ARD Committee Meeting – The first attempt to establish an ARD Committee meeting must be in written form, however, the staff may call and discuss the proposed date with the parent in order to pick a mutually agreeable date and time. The second Notice may be in written form and the third Notice may be a follow-up phone call. All dates of scheduling attempts must be documented on the district Notice form and filed in the student eligibility folder. If three documented attempts to include the parent have been made, the ARD/IEP Committee meeting may be held and the parent will be sent a copy of the IEP and ARD deliberations as well as an offer to hold another ARD/IEP meeting to discuss recommendations.

Conducting an ARD/IEP Committee Meeting without the parent in attendance

An ARD/IEP Committee meeting can be held without the parent in attendance IF:

1. At least 3 notices have been given to the parent indicating the place, time,
2. purpose and those in attendance. At least one of these must be a written notice that was received by the parent at least 5 school days prior to the ARD/IEP Committee meeting
3. Documentation is available regarding the 3 or more attempts by the school personnel to include the parent and the parent's response to these attempts
4. There is no indication from the parent (or adult student), either written or verbal, that they wish to reschedule the ARD/IEP Committee meeting.

If it is an initial placement ARD/IEP Committee meeting, the parent(s), legal guardian and/or adult student must be in attendance. If timeline is a factor, the ARD/IEP Committee may be held but Special Education services will not be initiated without the parent being present at a subsequent ARD/IEP meeting.

Prior to an ARD/IEP Committee Meeting

Incorporating federal and state statute as well as "best practices" as defined in professional research the following activities should take place prior to every ARD/IEP Committee meeting:

- The evaluation team member(s) contact the parent(s) and review the findings of the evaluation
- The evaluation review in the ARD/IEP Committee meeting should be a brief summary of the findings
- The student's individual Goals and Objectives are presented to the parent(s) at least 2 weeks prior to the ARD/IEP Committee meeting
- Determine, if possible, any concerns the parent may want to address in the ARD/IEP Committee meeting
- Conduct a Pre-ARD Staffing to briefly outline the findings and recommendations that will be presented in the ARD/IEP Committee meeting
- Ensure all ARD/IEP Committee members understand their role and responsibilities in the ARD/IEP Committee meeting. A specific person must be designated to monitor and complete the ARD paperwork. Ideally, this person should not be the minute taker or the chairman of the ARD/IEP Committee
- Design an Agenda for each ARD/IEP Committee meeting
- Complete only basic demographic information and "draft" IEPs prior to the ARD/IEP Committee meeting

During an ARD/IEP Committee Meeting

- All required members of the ARD/IEP Committee are present for the entire meeting and provide input into the discussion and decisions
- All ARD paperwork is completed within the ARD/IEP Committee meeting including all necessary supplements
- ARD/IEP paperwork must reflect the agenda and the "Key Elements" outlined by Uplift Education Charter Schools, issue by issue
- A copy of the entire IEP and supplements should be given to the parent at the conclusion of the ARD/IEP Committee meeting. NO changes may be made to the ARD/IEP document after signatures have been obtained.
- The contents of the ARD/IEP paperwork must be summarized at the conclusion of the ARD/IEP Committee meeting, including Uplift Education Charter School's proposal and recommended placement. Distinguish between services discussed and services proposed.
- Strive for understanding and consensus among the members of the ARD/IEP Committee.

Follow-up to an ARD/IEP Committee Meeting

- The Lead Teacher or Case Manager should ensure all services/programs designed by the ARD/IEP Committee are provided to the student and the parent
- The Evaluation Team Member or the Case Manager will be responsible for entering data and verifying accuracy of the data within 48 hours following the conclusion of the ARD/IEP Committee meeting.

Strategies to reach Consensus in an ARD/IEP Committee Meeting

Every effort should be made by the chairman of the ARD/IEP Committee meeting to reach consensus/agreement with all ARD/IEP Committee members including the parent. In the event consensus cannot be reached, the options available are:

- Take a brief recess to consult with other stakeholders to determine if additional options are available
- Offer the parent a 10-day recess in which the school staff and the parent can prepare additional evidence or seek further input from outside sources
- Inform the parent of alternative resolutions found in the Procedural Safeguards manual
- If extenuating circumstances exist and time expires without completing the ARD/IEP Committee meeting, signatures may be obtained of all members in attendance and a continuation of the ARD Committee meeting may be held within 48 hours. Notation of “agree” or “disagree” would be gained at the conclusion of the ARD/IEP Committee meeting.

Notification of Director/Coordinator when an ARD/IEP Committee meeting ends in non-consensus

When an ARD/IEP Committee meeting ends in non-consensus, the Director of Special Education should be notified immediately to allow time for review of the issues and possible strategies for resolution. **The date of the 10-day reconvene ARD meeting must be determined prior to the end of the meeting.**

Reintegration

When a student is returning from a more restrictive environment to a less restrictive environment, including but not limited to residential treatment facility or homebound services, criteria must be developed for the student's return. Estimated timelines for returning the student from the more restrictive environment also must be included in the Reintegration Plan as part of the IEP.

Field Trips

As part of the least restrictive environment, all students in Special Education must be considered for all appropriate and grade-level field trips. Input from the parent must be considered in determining the appropriateness and any necessary accommodations to ensure participation in appropriate field trips.

Reverse Inclusion

Reverse Inclusion is defined as bringing students from the general education classroom into the special education classroom to interact with students with disabilities. Parent permission must be obtained in writing from the parent of the general education and the Special Education students before the students can participate in Reverse Inclusion.

Amending an IEP outside an ARD/IEP Committee Meeting

An IEP should be amended in an ARD/IEP Committee Meeting except in unusual circumstances.

Audio/ Video recording of ARD/IEP Committee Meetings

Video recording of ARD/IEP Committee meetings is not allowed at Uplift Education in order to protect confidentiality and the rights of all participants. Audio recording is allowed for all ARD/IEP Committee meetings. If the parent, guardian or adult student chooses to record an ARD/IEP Committee meeting, Uplift Education also will record the meeting. If Uplift Education records an ARD/IEP Committee meeting (i.e. for a bilingual parent), the parent is offered a copy of the recording at no cost.

Least Restrictive Environment

Pre-School LRE Initiative (SPP 6)

In promoting an increase of preschool services in the least restrictive environment, a continuum of services and placement options will be offered to parents of students ages 3-5. Additional staff development will be offered to insure pre-school students are receiving services in the least restrictive environment.

FAPE in the Least Restrictive Environment for Pre-School Children (SPP 7)

Programs will be put in place to ensure students ages 3-5 have an opportunity to improve positive social-emotional skills, acquire and use early language, communication and early literacy skills and use appropriate behaviors to meet their needs.

The process:

1. Determine the need and appropriate level of inclusion.

Review the current program in place, IEP goals and objectives, expressed concerns of parents. Consider the following factors about the child: child's awareness of others in his/her environment, awareness of basic social conventions (eye contact, responding to name, tolerance for being physically near others, appropriate use of play materials, interest in age appropriate toys). If the child demonstrates significant delays or deficiencies in at least four of these areas, he/she may be a good candidate for Reverse Inclusion.

2. Steps to implement Reverse Inclusion:

- Contact the child's parent to discuss Reverse Inclusion
- Determine the appropriate general education students to participate in Reverse Inclusion
- Generate permission slips for both general education and Special Education students who would participate in Reverse Inclusion
- Determine appropriate times and settings for Reverse Inclusion
- Conduct sensitivity training with typically developing peers.
- Plan the Inclusion activities. They will be brief –not more than 15 minutes,
- possibly as brief as 5 minutes. Build on the children's interest and strengths.
- Provide visuals of what will happen. (sequence of activities)
- Provide interesting materials and positive reinforcement for use by the general education student
- Gather baseline data regarding basic skills like responding to peer conversational attempts and engaging in shared activity. Determine frequency of data collection.
- Provide positive feedback for peers who are making reverse inclusion possible.
- Once the special needs child shows progress on targeted social skills, and peers are interacting with the child with minimal adult assistance, consider times to begin inclusion in the general education setting.

Transition Services (SPP 13)

Transition Services will be targeted to ensure coordinated and measurable IEP goals and transition services that will enable students to meet post-secondary goals including but not limited to:

- Student involvement in determining IEP goals, transition planning and self-determination
- Parent training and participation in the IEP process
- Additional staff development to insure a continuum of services for transition and post-secondary students.

Post-Secondary Outcomes (SPP 14)

Post-Secondary outcomes of Uplift Education students will be tracked and recorded using various documentation including but not limited to:

- Survey of students and parents
- Phone contacts.

PLACEMENT IN A RESIDENTIAL FACILITY

Authority: Texas Education Code; 19 T.A.C. Chapter 89

It is the policy of Uplift Education to serve students attending a residential facility when the educational services at the residential facility are operated by Uplift Education or if a student's admission review and dismissal (ARD) committee places a student in a residential facility.

Exchange of Records

When a student is placed in a residential facility, Uplift Education will request the student records. The records requested will include:

- 1. Special education eligibility and services;*
- 2. Behavioral intervention plans;*
- 3. School related disciplinary actions;*
- 4. Other documents related to the student's educational needs;*
- 5. Behavioral history information about the child that is not confidential;*
- 6. Records of conviction, probation, community supervision, or parole status as provided to the facility by a law enforcement agency, local juvenile probation, or juvenile parole office, if the information is needed to provide educational services to the child.*

Uplift Education is required to share with the residential facility all appropriate records and relevant information relating to the child with a disability within a reasonable amount of time, and as permitted by applicable state and federal laws and regulations.

Information that will be shared, includes:

- Identifying documents of the students age;*
- Medical history and medical records;*
- Social history;*
- Evaluation reports;*
- Treatment plan of care or service;*
- Educational placement history*
- Relevant court orders*
- Placement in community;*
- Contact information for the school.*

Placement and Staffing

Students placed in an RTC or serviced by Uplift Education will be served in the least restrictive placement. The ARD committee will determine the appropriate educational placement for a student residing in a residential treatment facility. The ARD committee will consider:

- 1. All available information;*
- 2. The non-educational needs of the student that may restrict the ability of the school to serve the student on a public school campus;*
- 3. Other non-educational needs, including the student's health and safety, and/or the child's placement in a residential treatment program.*

All determinations by the ARD committee will be individualized based on the student's needs. Placement determinations will not be based on the student's disability or residence in a residential facility. The student's placement decision may not be based on what is most convenient for the school or the residential facility.

Coordination of IEP and Treatment

If a student is in need of educational services at the residential facility, the ARD committee will consider appropriate educational space as follows:

- 1. Whether space available at the residential facility is appropriate for the provision of FAPE based on the student's individual needs and the space available at the residential facility; or*
- 2. If the ARD committee or residential facility determines that the residential facility does not have space, the ARD committee will identify an alternative location to provide educational services.*

STATE AND DISTRICTWIDE ASSESSMENTS
Authorities: 34 C.F.R. Parts 200, 300; TEC; 19 T.A.C. Chapters 89, 101

It is the policy of the Uplift Education to administer assessment instruments adopted under Subchapter B, Chapter 39 Texas Education Code in accordance with the requirements of that subchapter and rules adopted thereunder.

It is the policy of the Uplift Education to comply with all procedures published by the Texas Education Agency (TEA) in its annual test administration manuals with regard to test security and confidentiality. Procedures can be found in the Test Security Supplement at the following link: <http://tea.texas.gov/student.assessment/security/>

The Superintendent of Schools shall be responsible for ensuring that:

- Procedures are developed to ensure the security and confidentiality of state assessments in compliance with all requirements established by TEA.*
- District and campus testing personnel are trained in test security and confidentiality, as well as test administration procedures, in accordance with TEA's published requirements.*
- Any violation of the state's security or confidentiality procedures is reported to TEA in accordance with established procedures.*

TEA's Test Security Supplement shall serve as the "best practices" document to guide the school in the implementation of this policy.

Schoolwide Assessments

The ARD committee for each student who receives special education and related services must determine what accommodations are needed on school assessments. A statement of accommodations must be included in the IEP.

For students that cannot participate in a regular assessment, even with accommodations, TEA will develop alternate assessments and guidelines for students with disabilities who participate in statewide alternate assessments.

If the ARD committee determines that the student will take an alternative schoolwide assessment, the ARD committee must note in the IEP:

- 1. Why the child cannot participate in the regular assessment; and*
- 2. Why the alternate assessment is appropriate for the student*

State Assessments

End of Course Assessment

All secondary-level campuses must administer End of Course Assessments in Algebra I, biology, English I, English II, and United States history. The Algebra I end-of-course assessment instrument must be administered with the aid of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and writing in the same assessment instrument and must provide a single score.

If a student fails to receive a satisfactory score on the end of course assessment, the student may retake the assessment. The student does not have to retake a course in order to retake an end-of-course assessment. Uplift Education must provide each student who fails to perform satisfactorily on an end-of-course assessment with accelerated instruction in the subject area assessed.

For students with a disability that qualify for special education and related services, the student's admission, review, and dismissal (ARD) committee must determine whether any allowable accommodation is necessary in administering to the student an end of course assessment. Additionally, the ARD committee of a student in a special education program must determine whether the student is required to achieve satisfactory performance on end of course assessment instruments to receive a high school diploma.

Beginning with the 2011-2012 school year, all Grades 9-12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of end-of-course (EOC) assessments as listed in §101.3011(b)(2) of the Texas Administrative Code.

For the 2011-2012 through 2013-2014 school years, a student who is receiving special education services and who is first enrolled in Grade 9 or below in the 2011-2012 school year shall be administered an alternative version of an EOC assessment

instrument upon completion of the corresponding course as required by the student's IEP. Beginning with the 2014-2015 school year, a student who is receiving special education services whose IEP does not specify the administration of an alternate assessment and who is first enrolled in Grade 9 or below in the 2011-2012 school year shall be administered an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP. (19 TAC §101.3023)

Assessments for Third – Eighth Grade

All students must be assessed in:

- mathematics, in grades three and five without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;
- reading, in grades three, five, and eight;
- writing, including spelling and grammar, in grades four and seven;
- social studies, in grade eight; and
- science, in grades five and eight.

Except as required by federal law, a student is not required to be assessed in a subject otherwise assessed if the student:

1. is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment adopted or developed under Subsection 39.023(a) of the Texas Education Code that aligns with the curriculum for the course in which the student is enrolled; or
2. is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection 39.023(c) of the Texas Education Code for the course.

A student with dyslexia may have accommodations, if appropriate, including oral examinations, additional time, the materials or technology necessary for the student to demonstrate the student's mastery of the competencies the assessments are designed to measure.

For students receiving special education and related services, the ARD committee must provide a statement of any accommodations necessary for the student to measure the academic achievement of the student on a state assessment.

Reading Assessments

In kindergarten, first, and second grade, Uplift Education will administer a reading assessment. If a student does not perform satisfactorily on the 6th grade reading assessment administered under section 39.023 of the Texas Education Code, Uplift Education will administer a reading assessment adopted by the commissioner to that student in 7th grade.

Uplift Education must notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties.

The ARD committee of a student who receives special education and related services and who did not perform satisfactorily on a reading instrument under this section shall determine the manner in which the student will participate in an accelerated reading instruction program under this subsection.

Alternative Assessment

If a student is unable to take a regular assessment, and must take an alternative assessment, as determined by the student's ARD committee, the ARD committee must note in the IEP:

1. Why the child cannot participate in the regular assessment; and
2. Why the alternate assessment is appropriate for the student

Uplift Education must inform the student's parent if a student will be taking the alternate state assessment.

Accelerated and Intensive Instruction

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument in the third, fourth, fifth, sixth, seventh, or eighth grade, Uplift Education must provide accelerated instruction to the student 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.

In addition to providing accelerated instruction, Uplift Education must notify the parent or guardian that the student failed to perform satisfactorily on the assessment, the accelerated instruction program to which the student is assigned; and the possibility

that the student might be retained at the same grade level for the next school year.

The ARD committee of a student who receives special education and related services and who did not perform satisfactorily on an assessment must meet prior to administering the assessment for a second time. The ARD committee must determine the manner in which the student will participate in an accelerated instruction program under this section; and whether the student will be promoted or retained under this section. The ARD committee may promote a student to the next grade if the committee determines the student has made sufficient progress towards the student's IEP goals. If the school promotes the student, the student is not required to retake the assessment.

Intensive Instruction

Uplift Education must offer an intensive program of instruction to students who do not perform satisfactorily on an assessment or is not likely to receive a high school diploma before the fifth school year following a student's enrollment in ninth grade.

For students receiving special education and related services that do not perform satisfactorily on an assessment, the ARD committee must design a program that enables the student to attain a standard of annual growth on the basis of the student's IEP and carry out the purpose of Section 28.0211 of the Texas Education Code. (TEC §28.0213)

Annual Assessment of English Language Proficiency

In kindergarten through 12th grade, an English language learner (ELL), as defined by the Texas Education Code (TEC), Chapter 29, Subchapter B, as a student of limited English proficiency, must take the state-identified English language proficiency assessments annually in listening, speaking, reading, and writing.

For students that receive special education and related services, the ARD committee along with the language proficiency assessment committee (LPAC) must determine what accommodations are needed.

Rarely, the ARD committee and LPAC may determine that is not appropriate for an ELL student who receives special education to participate in an English language proficiency assessment. If the ARD committee and LPAC make this determination, the decision and justification must be documented in the IEP and the student's permanent record. These decisions will be made on an individual basis.

In order to exit from a bilingual education or English as a second language program, the ARD committee and LPAC must determine an appropriate assessment instrument and performance standard requirement for students for whom those tests would be inappropriate as part of the IEP. The decision to exit a student who receives both special education and special language services from the bilingual education or English as a second language program is determined by the ARD committee in conjunction with the LPAC.

Students Dismissed from Special Education

If a student dismissed from a special education program previously achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program, that student is not required to retake and achieve a satisfactory performance on the general EOC assessment to graduate.

If the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate, the student is not required to retake and achieve satisfactory performance on the EOC assessment.

A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take.

If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review..

PRIOR WRITTEN NOTICE

Authority: 34 C.F.R. Part 300; 19 T.A.C. Chapter 89

Procedural Safeguards will be offered to the parent, guardian or adult student in their primary language or other mode of communication unless it is clearly not feasible to do so, one time per year and upon initial referral, request for evaluation, the first occurrence of the filing of a Due Process Hearing complaint and upon parent request.

Prior Written Notice is sent to the parent(s), guardian or adult student in the language understandable to the general public (or in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (at least 5 school days) before proposing or refusing to initiate or change the identification, evaluation, or educational placement of a student or the provision of a Free and Appropriate Public Education (FAPE) to a student.

The Prior Written Notice should include:

- a description of the action proposed or refused;
- an explanation of why the action is proposed or refused;
- a list of all other options considered and why they were rejected;
- description of each evaluation procedure, assessment, record, or report used as a basis for proposal or refusal;
- a description of any other factors relevant to proposal or refusal;
- contact information for any further explanation needed;

- the statement of protection under the Procedural Safeguards and
- the means by which a copy of the Procedural Safeguards may be obtained.

If the native language or other mode of communication of the parent is not a written language, Uplift Education will provide evidence that the Prior Written Notice was translated orally or by other means to the parent in his or her native language or other mode of communication and the parent understands the content of the Prior Written Notice.

Timeline and Manner

If a prior written notice is in response to a parent's revocation of consent for special education services, Uplift Education must provide prior written notice before ceasing the provision of special education and related services to the child.

If a parent submits a written request to the LEA's director of special education services or to an administrative employee for an initial evaluation, the LEA must, not later than the 15th school day after the date of receipt provide the parent with:

- 1. prior written notice of its proposal to conduct an evaluation, a copy of the Notice of Procedural Safeguards, and an opportunity to give written consent for initial evaluation; or*
- 2. prior written notice of the school's refusal to conduct an evaluation and a copy of the Notice of Procedural Safeguards.*

Notice of Evaluation is sent to the parent(s), guardian or adult student in the language understandable to the general public (or in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (at least 5 school days) before proposing or refusing to initiate or change the identification, evaluation, or educational placement of a student or the provision of a Free and Appropriate Public Education (FAPE) to a student.

The Notice of Evaluation includes:

- a description of the proposed evaluation;
- an explanation of why the evaluation is proposed;
- a list of all other options considered and why they were rejected;
- a description of all evaluation procedures, tests, records, or reports used as a basis for proposal;
- a description of any other factors relevant to Uplift Education 's proposal to evaluate;
- contact information for any further explanation needed;
- the statement of protection under the Procedural Safeguards and
- the means by which a copy of the Procedural Safeguards may be obtained;
- written evidence that if the native language or other mode of communication of the parent is not a written language that the Notice of Evaluation was translated orally or by other means to the parent and the parent understands the content of the Notice of Evaluation.

Notice of Proposal or Refusal is sent to the parent(s), guardian or adult student in the language understandable to the general public (or in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (at least 5 school days) before proposing or refusing to initiate or change the identification, evaluation, or educational placement of a student or the provision of a Free and Appropriate Public Education (FAPE) to a student.

The Notice of Proposal or Refusal includes:

- a description of the action proposed or refused including but not limited to identification, evaluation, placement or other elements of a Free and Appropriate Public Education (FAPE);
- an explanation of why the action is proposed or refused;
- a list of all other options considered and why they were rejected;
- a description of all evaluation procedures, tests, records, or reports used as a basis for proposal or refusal;
- a description of any other factors relevant to proposal or refusal;
- contact information for any further explanation needed;
- the statement of protection under the Procedural Safeguards and
- the means by which a copy of the Procedural Safeguards may be obtained; written evidence that if the native language or other mode of communication of the parent is not a written language that the Notice of Proposal or Refusal was translated orally or by other means to the parent and the parent understands the content of the Notice of Proposal or Refusal.

Notice of Transfer of Parental Rights

Beginning at least one year before a student reaches 18 years of age, the student's Individual Education Program (IEP) will include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship, all rights granted to the parent under the Individuals with Disabilities Education Act (IDEA '04), Part B, other than the right to receive any notice required under IDEA '04, Part B, will transfer to the student upon reaching age 18. After the student reaches the age of 18, any Notice required under IDEA '04 will be provided to both the adult student and the parent, unless the student is incarcerated in an adult or juvenile, state or local correctional institution.

At the time the student reaches the age of 18, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship, the parent(s) and the adult student will be informed that parental rights have been transferred to the student, the student has the same right to make educational decisions as a student without a disability. Any notice required under IDEA '04 will be provided to both the parent and adult student unless the student is incarcerated in an adult or juvenile, state or local correctional institution and information will be given to both parties regarding obtaining additional information.

A Notice under IDEA '04, Part B that is required to be given to an adult student and parent does not create a right for the parent to consent to or participate in the proposal or refusal to which the Notice relates. For example, a Notice of an ARD/IEP Committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, the adult student or the school district may invite individuals who have knowledge or special expertise regarding the student, including the parent.

Nothing prohibits a valid power of attorney from being executed by an individual who holds rights under IDEA '04, Part B.

Parental Rights Regarding Adult Students

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 education decisions as a student without a disability, except that the school district shall provide any notice required by IDEA '04, Part B to both the student and the parent. A Notice of an Admission, Review and Dismissal (ARD) Committee meeting does not constitute invitation to, or create a right for the parent to attend the meeting. All other rights accorded to parents under IDEA '04, Part B transfer to the student. All rights accorded to parents under IDEA '04, Part B transfer to students who are incarcerated in an adult or juvenile, state or local correctional institution.

Procedures

Parent or Adult Student Refusal of Special Education and Related Services (Ready, Willing and Able letter)

If the parent/guardian or adult student declines Special Education services, a "Ready, Willing, and Able" letter documenting the parent's decision will be generated and added to the student's eligibility folder. The purpose of this letter is to document that Uplift Education has offered to provide services for students when the parent has declines these services. It is to be

used in either of the following cases:

1. The parent declines services, including evaluation
2. The parent withdraws the student from an Uplift Education school to a private or home school setting

The “Ready, Willing and Able” letter is generated by the campus Special Education Coordinator. A copy of the “Ready, Willing and Able” letter is sent to the parent/guardian and a copy of the letter is placed in the student’s eligibility folder.

Written documentation of the parent’s revocation/refusal of services must be in the student’s Special Education folder. When a Special Education student withdraws, Uplift Education’s withdrawal/transfer procedures will be followed.

Prior Written Notice of Refusal

A Prior Written Notice of Refusal shall be given to the parent(s)/adult student each time Uplift Education refuses to identify, evaluate, place or provide a Free and Appropriate Public Education to a student. A copy of this form shall be included with documentation of the ARD/IEP Committee meeting at which the refusal of services was discussed or it should be sent to the parent/adult student following the ARD/IEP Committee meeting.

Refusal to provide a specific Special Education or Related Service (i.e. counseling, adaptive P.E., etc.) to a student with a disability shall be documented in the Prior Written Notice of Refusal and in the deliberations of the ARD/IEP meeting at which the refusal for the specific services were discussed and maintained in the student’s eligibility folder.

Specifically, the Prior Written Notice of Refusal should be used:

- By the ARD/IEP Committee when a student is evaluated and does not qualify for services, this form should be included in the ARD/IEP document
- By the SST Committee as the result of a parent request for an evaluation is received and after the SST determines an evaluation is not appropriate at this time
- By the Special Education Evaluation Personnel when a preschool student is screened and no further evaluation is indicated

PARENTAL CONSENT

Authority: 34 C.F.R. Part 300; Texas Education Code

Fully informed Consent is obtained in writing from parent(s), guardian or adult student (in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (at least 5 school days) before the following instances:

1. a Full and Individual Evaluation (FIE), reevaluation or additional evaluation;
2. the disclosure of confidential information (as defined in FERPA);
3. initial provision of Special Education services and related services;
4. access to private insurance or Medicaid;
5. consent for transfer of assistive technology devices;
6. release of confidential information from the registration of students with visual impairments or information from the deaf/blind census (All students who are eligible for Special Education as Visually Impaired or as Deaf/Blind must be registered by Uplift Education on the TEA annual Registration of Students with Visual Impairments and, if appropriate, must be registered on the TEA Deaf/Blind Census).

The Consent for Evaluation:

1. fully informs the parent of all information relevant to the evaluation for which consent is being sought in the native language of the parent or other mode of communication used by the parent;
2. describes the proposed evaluation and the purpose of the evaluation;
3. the consent lists the records, if any, that will be released and to whom;
4. verifies (in writing) that the parent(s), guardian or adult student understands and agrees to the activity, understands that the granting of consent is voluntary on the part of the parent or adult student;
5. states that, even if signed, consent may be revoked, in writing, at any time but the revocation is not retroactive. (If consent is revoked, it does not negate an action that has occurred after the consent was given and before it was revoked).

Upon request of a student's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the student that is included as part of the evaluation of the student's need for Special Education, Uplift Education will provide to the student'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 Uplift Education determines that an additional examination or test is required for the evaluation of a student's need for Special Education after obtaining consent from the student's parent, Uplift Education shall provide the information described above to the student's parent regarding the additional examination or test and shall obtain additional consent for the examination or test.

The time required for Uplift Education to provide information and seek consent may not be counted toward the 45 school days for completion of an evaluation. If a parent does not consent to the additional examination or test within 20 calendar days after the date Uplift Education provided to the parent the information required by that subsection, the parent's consent is considered denied.

- If the parent of a child with a disability refuses consent for these activities, Uplift Education will document the parents refusal to allow the Uplift Education to pursue these activities. If the parent refuses consent for evaluation for Special Education, Uplift Education is free from the responsibility to provide FAPE.
- If the parent of a child who is home schooled or placed in a private school at parental expense does not provide consent for an initial evaluation or fails to respond to the school's request for consent for evaluation, the school may not pursue the initial evaluation of the child.
- Informed parental consent need not be obtained for re-evaluation if Uplift Education can demonstrate that it has taken reasonable measures to obtain that consent and the student's parent has failed to respond.

Special Rules for Initial Evaluation of Wards of the State

If a student is a ward of the State and is not living with his or her parent, the open-enrollment charter school does not need consent from the parent for an initial evaluation to determine if the student is a student with a disability if:

- 1. despite reasonable efforts to do so, the open-enrollment charter school cannot find the student's parent;*
- 2. the rights of the parents have been terminated in accordance with State law; or*
- 3. a judge has assigned the right to make educational decisions to an individual other than the parent and that individual has provided consent for an initial evaluation.*

Ward of the State, as used in IDEA, means a child who, as determined by the State where the child lives, is:

- a foster child;*
- considered a ward of the State under State law; or*
- in the custody of a public child welfare agency.*

Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent as used in IDEA.

Consent for Disclosure of Confidential Information

Consent for Disclosure of Confidential Information describes the proposed disclosure, the purpose of the disclosure, a list of the records that will be released or disclosed and the person/agency to which the information will be disclosed. The parent will verify, in writing, that he/she understands and agrees to the disclosure, understands that the consent is voluntary and may be revoked at any time and understands that any revocation is not retroactive.

Consent for Services

The school must obtain informed consent from the parent before initially providing Special Education and related services to a child.

The informed consent:

- fully informs the parent of all information relevant to the initial provision of Special Education and related services in his or her native language or other mode of communication;
- describes the initial provision of Special Education and related services;
- the consent lists the records, if any, that will be released and to whom;
- verifies (in writing) that the parent(s), guardian or adult student understands and agrees to the activity, understands that the granting of consent is voluntary on the part of the parent or adult student;
- states that, even if signed, consent may be revoked, in writing, at any time but the revocation is not retroactive. (If consent is revoked, it does not negate an action that has occurred after the consent was given and before it was revoked)
- states that if the parent revokes consent in writing after initial provision, the school is not required to amend the child's education records to remove any reference to Special Education and related services.

Parental Consent to Access Public Benefits

It is the policy of Uplift Education to obtain 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. Additionally, the school will inform the parent that a refusal to permit the LEA from accessing the parent's private insurance does not relieve the school from its responsibility to ensure that all required services are provided to the parent at no cost to the parent.

In order to receive proper consent the school will:

1. Fully inform the parent of all information relevant to the school accessing the parent's private insurance and must be informed in the parent's native language;
2. Describe the activity of accessing the private insurance; and
3. Provide a list of records that will be released and to whom;

In order give proper consent, the parent must:

1. Understand and agree in writing the carrying out of accessing the parent's private insurance;
2. Understand that the granting of access to the parent's insurance is voluntary and may be revoked at any time; and
3. Understand that if consent is revoked, the revocation is not retroactive.

School Health and Related Services Reimbursement (SHARS) Policy can be found in Appendix A

ARD Committee Member Absences and Excusal

All members of a student's ARD committee must be in attendance at a student's ARD meeting, unless the member is not required, or is excused.

Prior to an ARD meeting, a member of the committee may not be required to attend, in whole or in part, if the parent and Uplift Education agree in writing that the attendance of the member is not needed.

During an ARD meeting, it is the policy of the Uplift Education to obtain consent from the parent or adult student before excusing a member from remaining at an ARD committee meeting. If a member is excused, it may be reflected in the deliberation notes. An ARD committee member should not be excused prior to addressing the member's portion of the IEP.

Parental Rights Regarding Revocation of Consent

Parents have the right to revoke consent for continued provision of Special Education and related services. This request for revocation of Special Education services must be in writing and upon revocation of consent, the school district must provide the parent with prior written notice of the services that will no longer be provided to the student. If the parent revokes Special Education services, Uplift Education is not considered to be in violation of the requirement to make FAPE available to the student.

Other Consent Requirements

Parental consent is not required before the open-enrollment charter school 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.*

Procedures

Release of Confidential Information from a School or Agency – When confidential information is released to another school, school district or agency, the "Release of Confidential Information from a School or Agency" form may be used.

Release of Confidential Information within an ARD/IEP Committee Meeting - When confidential information is revealed to anyone other than a biological parent, guardian or school employee during an ARD/IEP Committee meeting the "Release of Confidential Information during an ARD/IEP Committee Meeting" form must be used.

Consent for a Psychological Evaluation – Requirements for consent for a psychological evaluation exceed the requirements for a standard FIE and additional documentation is required. The "Consent for a Psychological Evaluation" and "Notice for a Psychological Evaluation" forms must be used.

Visiting Classrooms/Confidentiality

The need to protect student confidentiality and the need to maintain the educational integrity of the classroom are of paramount importance when considering visitation in classrooms. The following guidelines regarding classroom visitation must be followed to maintain an educational environment as free as possible from outside distractions and interruptions.

- the Campus Administrator where the prospective visitors are wanting to observe is ultimately the person who decides if the visit is approved and if the visit is approved, the principal of the school where the visitor is going to observe will designate the date, time and length of the observation. Visitations should be no more than 45 minutes or a class period.
- all visitors must check in at the office
- all visitors must be accompanied by an Uplift Education Charter School employee at all times
- prospective visitors in the classroom must sign a "Confidentiality Form" indicating they will not discuss other students or circumstances that occurred within the classroom that did not involve their student
- the visitor may not interrupt instruction during the classroom observation nor seek any individual time from the teacher. If a conference with the teacher is appropriate, that needs to be scheduled at a time convenient for both the teacher and the visitor.

Revocation of Special Education Services

If a parent indicates they want to revoke services after a student has been admitted to Special Education, an ARD/IEP Committee meeting should be convened to discuss the issue. At the ARD/IEP Committee meeting, the Special Education staff should explain, in detail, the services and protections the student receives as a result of eligibility for Special Education,

including but not limited to academic accommodations and modifications, STAAR/EOC alternatives and discipline options. The Special Education staff should provide an explanation to the parent that if services are revoked, the student can be considered for Special Education or Section 504 services in the future however, the process would begin with a referral to the SST and the student would progress through the referral system.

If after careful explanation, the parent chooses to revoke Special Education services, the parent will be given an additional copy of the Procedural Safeguards. Following the ARD/IEP Committee meeting, the school will send the parent a "Ready, Willing and Able" letter to indicate the school's willingness to consider the student for support services in the future following consideration by the SST team. The letter also will indicate the services no longer available to the student due to the parent's or adult student's decision to revoke Special Education services including but not limited to academic accommodations and modifications, STAAR/EOC alternatives and discipline options. Written documentation of the parent's desire to revoke Special Education services must be maintained in the student's eligibility folder.

If the parent revokes consent for services and later requests to re-enroll the student, Uplift Education must treat this as a request for an initial evaluation. In conducting the REED, Uplift may take into consideration previous evaluations conducted by Uplift or another agency and shall determine the appropriate additional evaluation to be conducted in order to determine current eligibility for Special Education services.

DISCIPLINE

Authority: 34 C.F.R. Part 300, Texas Education Code (TEC); 12, 19,37 T.A.C. Chapter 89

Applicability of Texas Education Code Relating to Discipline Management Practices or Behavior Management Techniques

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 discipline management practices or behavior management techniques under TEC §37.0021 (Use of Confinement, Restraint Seclusion, and Time-Out). (TEC §12.104(b)(2)(J))

Uplift Education adopts the requirements of TEC §37.0021 (Use of Confinement, Restraint Seclusion, and Time-Out) pursuant to TEC §12.104(b)(2)(J). Where "school" or "school district" is used in TEC §37.0021 (Use of Confinement, Restraint Seclusion, and Time-Out), Uplift Education hereby substitutes "open-enrollment charter school" to conform to these requirements.

Use of Confinement, Restraint, Seclusion, and Time-Out

It is the policy of the State and of Uplift Education to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A (Special Education Program), Chapter 29, Texas Education Code. A student with a disability who receives special education services under Subchapter A (Special Education Program), Chapter 29, Texas Education Code, 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.

It is the policy of Uplift Education to comply with the procedures adopted in 19 TAC §89.1053 for the use of restraint and time-out by an open-enrollment charter school employee or volunteer or an independent contractor of an open-enrollment charter school in the case of a student with a disability receiving special education services under Subchapter A (Special Education Program), Chapter 29, Texas Education Code.

It is the policy of Uplift Education open-enrollment charter school to ensure that children with disabilities (including a child not yet eligible if the school had knowledge prior to the disciplinary conduct that the child was a child with a disability under the IDEA and meets the standards for receiving protection under the IDEA) are disciplined for a violation of the student code of conduct in accordance with the IDEA, including with respect to any disciplinary removal from the current educational placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion.

Under TEC §37.0021:

- 1. "Emergency" means a situation in which a student's behavior poses a threat of:
 - a. Imminent, serious physical harm to the student or others; or*
 - b. Imminent, serious property destruction**
- 2. "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.*
- 3. "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:
 - a. is designed solely to seclude a person; and*
 - b. contains less than 50 square feet of space.**
- 4. "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:
 - a. that is not locked; and*
 - b. from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.**

Use of Restraint

An employee, volunteer, or independent contractor of Uplift Education may use restraint only in an emergency as defined above and in the following situations:

- 1. Restraint must 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 must be implemented in such a way to protect the health and safety of the student and others.*

4. *Restraint must not deprive the student of basic human necessity.*

Restraint does not include physical force or mechanical device which does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction (as described above) does not include:

- Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;*
- Limited physical contact with a student to promote safety (e.g. holding hand of student), prevent a potentially harmful action (e.g. running in the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;*
- Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the IEP as required by 34 CFR §300.324(a)(2)(i) and (c) to promote student learning and reduce and/or prevent the need for ongoing intervention; or*
- Seat belts and other safety equipment used to secure students during transportation.*

Use of Seclusion

An open-enrollment charter school employee or volunteer or an independent contractor of an open-enrollment charter school may not place a student in seclusion. TEC §37.0021(c) does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of an open-enrollment charter school, or in a placement or facility to which the following law, rules, or regulations apply:

- the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;*
- 40 T.A.C. Sections 720.1001-720.1013; or*
- 25 T.A.C. Section 412.308(e)*

Nothing in this policy prevents a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

- the student possesses a weapon; and*
- the confinement is necessary to prevent the student from causing bodily harm to the student or another person*

Use of Time Out

An employee, volunteer, or independent contractor of Uplift Education may use time-out in accordance with subsection (b)(3) of this section with the following limitations.

- Physical force or threat of physical force shall not be used to place a student in time-out.*
- Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior.*
- 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.*

Data collection for use of time-out must be addressed in the IEP or BIP.

Documenting Restraint

If Uplift Education uses restraint, Uplift Education must document and report the use of restraint to the Texas Education Agency, including:

- 1. On the day restraint is used, the campus administrator or designee must be notified verbally or in writing about the use of restraint*
- 2. Uplift Education must make a good faith effort to verbally notify the parent on the same day the restraint was used.*
- 3. Written notification of the restraint must be mailed or otherwise provided to the parent within one school day of the use of restraint.*

4. For homeless students, the school must notify the student's educational decision maker and caseworker regarding use of restraint. (TEC 25.007)
5. A copy of the written notification must be placed in the student's special education folder in a timely manner and made available to the ARD committee so the ARD committee can consider the impact of the student's behavior on the student's learning and/or creation or revision of a behavior intervention plan (BIP).
6. Written notice must include:
 - a. Name of student
 - b. Name of staff member(s) administering the restraint
 - c. Date of the restraint
 - d. Time the restraint began and ended
 - e. Location of the restraint
 - f. Nature of the restraint
 - g. Description of the activity in which the student was engaged in immediately preceding the use of restraint
 - h. The behavior that prompted the restraint
 - i. The efforts made to deescalate the situation and alternatives to restraint that were attempted; and
 - j. Information documenting parent contact and notification

Student Code of Conduct

The governing body of Uplift Education shall adopt a code of conduct for its school or for each campus. In addition to establishing standards for behavior, the code of conduct shall outline generally the types of prohibited behaviors and their possible consequences. The code of conduct shall also outline the school's due process procedures with respect to expulsion. Notwithstanding any other provision of law, a final decision of the governing body of an open-enrollment charter school with respect to actions taken under the code of conduct may not be appealed.

A copy of Uplift Education's student code of conduct can be found at www.uplifteducation.org

Uplift Education may not elect to expel a student for a reason that is not authorized by TEC §37.007 (Expulsion for Serious Offenses) or specified in the school's code of conduct as conduct that may result in expulsion.

In accordance with 20 U.S.C. §7151, a local educational agency, including an open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school.

The student must be expelled from the student's regular campus for a period of at least one year, except that:

1. the superintendent or other chief administrative officer of the local educational agency, as defined by 20 U. S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;
2. the local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and
3. the local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in TEC §37.008 (Disciplinary Alternative Education Programs).

Subject to TEC §37.007(e), notwithstanding any other provision of TEC §37.007, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by TEC §37.007.

Notwithstanding any other provision, TEC §37.002 (Removal by Teacher) and its provisions, wherever referenced, are not applicable to an open-enrollment charter school unless the governing body of the school so determines.

Authority of School Personnel to Remove Students with Disabilities

Removal of a student with a disability will be determined on a case-by-case basis. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of the IDEA, is appropriate for a student with a disability who violates the student code of conduct.

The placement of a student with a disability who receives special education services may only be made by an ARD committee. Any disciplinary action that would result in a change of placement can only be enforced after the student's ARD committee conducts a manifestation determination review (MDR). Any removals must be in accordance with the IDEA and

its regulations requiring:

1. *functional behavior assessments*
2. *positive behavior interventions, strategies, and supports*
3. *behavior intervention plans; and*
4. *manifestation determination review*

A student with a disability who receives special education services may not be removed or placed in an alternative setting solely for education purposes.

Removal for Fewer than 10 days

School personnel may remove the student with a disability who violates the code of conduct from his or her current placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than 10 consecutive school days to the extent those alternatives are applied to students without disabilities.

School personnel may remove the student with a disability who violates the code of conduct from his or her current placement for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement.

Removal for More than 10 days

School personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures that would be applied to students without disabilities, if:

- *In the manifestation determination review (MDR), the behavior that gave rise to the violation of the code of conduct is determined not to be a manifestation of the student's disability;*
- *Services during periods of removal are provided to the student; and*
- *Notification of a change of placement is given to the student's parents.*

School personnel must provide the parents of the student removed to a disciplinary alternative education program with written notice of the school's obligation to provide the student with an opportunity to complete coursework required for graduation that:

- *Includes information regarding all methods available for completing the coursework; and*
- *States that the methods available for completing the coursework are available at no cost to the student;*

Change in placement for removal

When a student with a disability is removed from the current education placement, it is considered a change in placement if:

1. *The removal is more than 10 consecutive school days; or*
2. *The child has been subjected to a series of removals that constitute a pattern:*
 - *Because the series of removals total more than 10 school days in a school year;*
 - *Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and*
 - *Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.*

Uplift Education will determine on a case-by-case basis whether a pattern of removals constitutes a change of placement.

Manifestation Determination Review (MDR)

If a student with a disability is removed and the removal results in a change of placement, within 10 school days of any decision to change the placement of a student with a disability because of a violation of the student code of conduct, Uplift Education must hold an ARD committee meeting to 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—

1. *If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or*
2. *If the conduct in question was the direct result of the LEA's failure to implement the IEP.*

The conduct must be determined to be a manifestation of the student's disability if the ARD Committee determines that either condition (1) or (2) is met.

If the ARD Committee determines that the behavior was a manifestation of the student's disability, the ARD Committee must:

1. Conduct a functional behavioral assessment, unless the ARD Committee had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implemented a behavioral intervention plan for the student; or
2. If a behavioral intervention plan was already developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

The student must then be returned to the last agreed upon placement, unless the ARD Committee agrees on a change of placement as part of a modification to the IEP or behavior intervention plan.

If the ARD Committee determines that condition (2) is met and the IEP was not implemented, Uplift Education must take immediate steps to remedy those deficiencies.

If the ARD committee determines that the conduct was not a manifestation of the student's disability and the conduct was not a direct result of Uplift Education's failure to implement the IEP the student may be subjected to disciplinary measures as applied to students without disabilities

Services during Removal

If a student is removed from the student's current placement for more than 10 days, but it is not a manifestation of the student's disability or a special circumstance, or if the removal constitutes a change of placement Uplift Education must:

1. provide educational services, as provided in § 300.101(a), 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 IEP; and
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.

Services can be provided at an interim alternative educational setting.

Uplift Education is only required to provide services during periods of removal to a student with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

After a student with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under § 300.536, school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed, as provided in § 300.101(a), so as to enable the child 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 IEP.

Special Circumstances

Uplift Education 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—

- Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;
- 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 an SEA or an LEA; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA

Notice Requirements

All notices required to be provided to a student's parent or legal guardian, must all be provided to a student's educational decision-maker and caseworker when a student is found to be homeless.

Removal of students not determined to have a disability

A student who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated the student code of conduct, may assert any of the protections provided for in this part if the Uplift Education had knowledge the student was a student with a disability before the behavior that precipitated

the disciplinary action occurred.

Uplift Education will be considered to have knowledge if before the behavior that precipitated the disciplinary action occurred:

- 1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the Uplift Education, or a teacher of the child, that the child is in need of special education and related services;*
- 2. The parent of the student requested an evaluation of the student pursuant to §§ 300.300 through 300.311; or*
- 3. The teacher of the student, or other personnel of Uplift Education, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of Uplift Education or to other supervisory personnel of the open-enrollment charter school.*

Uplift Education will not be deemed to have knowledge if:

- 1. The parent of the student did not allow an evaluation of the student pursuant to §§ 300.300 through 300.311; or refused services; or*
- 2. The student was evaluated in accordance with §§ 300.300 through 300.311 and determined not to be a student with a disability.*

If it is determined that Uplift Education did not have knowledge, the student may be subjected to disciplinary measures as applied to students without disabilities. If a request for evaluation is made during the time period that the student is subjected to a disciplinary measure, then the evaluation must be expedited. While the evaluation is being completed, the student remains in the educational placement determined by the school administration.

Placement during an Appeal

The parent of a student with a disability who disagrees with an ARD committee's decision to change placement or removal as defined under §§ 300.530 and 300.531, or disagrees with the manifestation determination under § 300.530(e), or Uplift Education believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by requesting a hearing pursuant to §§ 300.507 and 300.508(a) and (b). (34 CFR §300.532)

During an appeal, a student must remain in the interim alternative education placement pending the decision or until the end of the 45 days for a special circumstance, unless the parent and Uplift Education agree otherwise.

Limitation on General Authority

A student with a disability may not be disciplined for bullying, harassment, or making hit lists until an admission, review, and dismissal committee meeting has been held to review the conduct.

Notice of Disciplinary Action

A charter holder shall notify the school or district in which the student resides within three business days of any action expelling or withdrawing a student from the charter school.

For purposes of TEC §37.022:

- 1. "Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student by a school or school. (TEC §37.022(a)(1))*
- 2. "District or school" includes an independent school, a home-rule school, a campus or campus program charter holder, or an open-enrollment charter school. (TEC §37.022(a)(2))*

If a district or school takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the governing body of the district or school taking the disciplinary action shall provide to the district or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.

Subject to TEC §37.007(e), the district or school in which the student enrolls may continue the disciplinary action under the terms of the order or may allow the student to attend regular classes without completing the period of disciplinary action. (TEC §37.022(c))

Referral to Law Enforcement

Nothing in this section prohibits Uplift Education from reporting a crime committed by a student with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

If Uplift Education reports a crime committed by a student with a disability, Uplift Education must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to who Uplift Education reports the crime.

Uplift Education may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

Procedures

Restraint Training will be offered annually. Special Education staff members and core team members will be trained on de escalation and restraint techniques on a semi-annual basis. In addition, a core team on each campus will be trained on standards regarding behavior management.

The investigation of the violation of the Code of Conduct is conducted by General Education prior to the determination of Manifestation Determination Procedures.

Manifestation Determination Procedures include:

- Conducting an ARD/IEP Committee meeting within 10 school days of any decision to change the placement of a child with a disability because of a violation of the Code of Conduct
- Reviewing all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:
 - If the conduct in question was caused by or had a direct and substantial relationship to the child's disability;
OR
 - If the conduct in question was the direct result of Uplift Education's failure to implement the IEP.
 - If Uplift Education, the parent, and relevant members of the ARD/IEP Committee determine the following conditions were met:
 - The conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; OR The conduct in question **was** the direct result of Uplift Education's failure to implement the IEP; the conduct shall be determined to be a manifestation of the child's disability.
 - If Uplift Education, the parent, and relevant members of the ARD/IEP Committee determine::
 - The conduct in question was not caused by, or had a direct and substantial relationship to, the child's disability; AND
 - The conduct in question **was not** the direct result of Uplift Education's failure to implement the IEP THEN the conduct shall be determined to not be a manifestation of the child's disability.

If a student is removed from placement for more than 10 cumulative days in a school year, Special Education services must be provided to the student as outlined in the IEP regardless of the interim placement.

If a scholar withdraws from school before completing assigned in-school suspension, out-of-school suspension or expulsion, the school shall send documentation of the discipline to the next school that enrolls the scholar. If a scholar withdraws from the school before the expulsion process is completed, the school may choose to complete the expulsion process and send documentation of the expulsion decision to the next school that enrolls the scholar. If the scholar returns to enroll in the school at a later date and has not been required to complete the disciplinary consequences previously required, the school may require the scholar to complete the discipline upon return.

ADMINISTRATION

Authorities: 20 U.S.C. §§ 1418, 6398, 7801; 34 C.F.R. Part 300; Texas Education Code

Assurance

Uplift Education must submit a plan to the Texas Education Agency that provide 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.

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 Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with Subchapter D (Open-Enrollment Charter School), Chapter 12, Texas Education Code.

Contracts for Services; Residential Placement

Uplift Education 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 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.

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.

If Uplift Education contracts for the provision of education services rather than providing the services, Uplift Education shall oversee the implementation of the student's individualized education program (IEP) and shall annually reevaluate appropriateness of the arrangement. An approved facility, institution, or agency with whom the open-enrollment charter school contracts shall periodically report to the open enrollment charter school on the services the student has received or will receive in accordance with the contract as well as diagnostic or other evaluative information that the open-enrollment charter school requires in order to fulfill its obligations under Subchapter A (Special Education), Chapter 29, Texas Education Code.

Facilities

Any construction of new facilities or alteration of existing facilities with authorized 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)

SPECIAL EDUCATION AND RELATED SERVICE PERSONNEL
Authority: 34 C.F.R. Part 300; 19 T.A.C. 149.21

Uplift Education will ensure that professional standards for all individuals serving children with disabilities are met in accordance with IDEA '04, No Child Left Behind and the Texas Education Code. Uplift Education ensures all personnel necessary to carry out the requirements of IDEA '04 are appropriately and adequately certified and/or licensed and prepared.

Uplift Education will establish a comprehensive system of Professional Development addressing the training needs of personnel serving students with disabilities. The training is completed during school in-service programs throughout the year, and the administrative designee assures that each individual serving the needs of students with disabilities completes all necessary training. The specific areas of in-service training may include but are not limited to:

- Philosophy of Child/Family Centered Process
- Parent/Student Rights
- Special Education Process/Timelines for Child-Centered Educational Process
- Response-to-Intervention (RTI) Strategies
- Referral Process
- Evaluation
- IEP Development and Implementation
- Related Services
- Free and Appropriate Public Education (FAPE)
- Assistive Technology
- State-wide Assessments
- Positive Behavior Intervention Strategies
- Personnel Credentials including definition of "Highly Qualified" personnel
- Forms/Documentation/Records Maintenance
- Corrective Action Plan (CAP)
- Least Restrictive Environment (LRE)
- Initial Evaluation/Re-evaluation Timelines
- Confidentiality/FERPA
- Identification of Eligible Students
- ARD/IEP Process
- Disciplinary Action
- State Performance Plan (SPP) Objectives

Documentation of the presentations and a roster of staff members receiving the Professional Development will be accessible in the office of the Director of Special Education.

Procedures

Tutoring Uplift Education Charter Schools students – In accordance with Board Policy, Uplift Education staff may tutor Uplift Education students IF they are not the students the staff member is assigned to teach, teachers do not recruit students in the course of their job and teachers do not use Uplift Education time or facilities to tutor students. The tutoring may not take place in the course of the school day. Uplift Education teachers may tutor students during the summer.

NONDISCRIMINATION

Authority: 38 C.F.R. §18.444; 28 CFB Part 35

Service Animal

A parent/adult student requesting the use of a service animal must make a written request through the campus administrator, who will direct the request to the Senior Director of Special Populations or Director of Special Education. The school has established procedures for evaluating a request to bring a service animal on school property a case-by-case basis.

Use of Service Animal Standards:

1. The animal must be a dog or, in specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, will be permitted in schools as a "service animal."
2. The service dog must be an "individually trained service dog". The work or tasks performed by a service dog must be directly related to the handler's disability. The service dog must be trained by a certified service animal program and authorization of training must be presented to the school.
3. The service dog must have a health certificate that evidences the dog is currently in good health, free from parasites. Owners of a service dog must provide "annual" proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordetella, and Rabies.
4. Owners of a service miniature horse must provide "annual" proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephelomyelitis, Rhinoneumonitis, Influenza, and Strangles.
5. Guide dogs for totally or partially blind persons and hearing dogs for deaf or hearing impaired or otherwise disabled persons must wear a harness, backpack, or vest identifying the dog as a trained service dog.
6. The service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
7. Special Provisions/Miniature Horses: Requests to permit a miniature horse to accompany a student or adult with a disability in school buildings, in classroom, or at school functions, will be handled on a case-by-case basis, considering:
 - The type, size, and weight of the miniature horse and whether the facility and accommodate these features.
 - Whether the handler has sufficient control of the miniature horse.
 - Whether the miniature horse is housebroken.
 - Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operations.
8. A service animal will be denied access to school property if at any time "Minimum Standards for Assistance Animals in Public" are not maintained:
 - Animal is clean, well-groomed and does not have an offensive odor
 - Animal does not urinate or defecate in inappropriate locations. Animal must be housebroken.
 - Animal does not solicit attention, visit or annoy any member of the student body or school personnel.
 - Animal does not vocalize unnecessarily (i.e. barking, growling or whining).
 - Animal does not solicit aggression towards people or other animals.
 - Animal does not solicit or steal food or other items from the student body or school personnel
 - Animal is out of control and the animal's handler does not take effective action to control it.
9. The service animal must not in any other way interfere with the educational process of any student.
10. The service animal must not pose a health or safety threat to any student, personnel or other persons.
11. The owner of a service animal is liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.
12. The school district is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself.

13. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.

- Students with service animals are expected to care and supervise their animal. In the case of a student with a disability who is unable to care for or supervise his/her service animal, the parent is responsible for providing care and supervision of the animal.
- Issues related to the care and supervision of service animals will be addressed on a case-by-case basis by the building administrator.

14. The campus administrator will be the individual responsible for determining if the service animal meets Uplift Education standards.

15. Appealing a denial of a request for the use of a service animal must be directed to the campus administrator, who will direct the appeal to the appropriate district personnel.

Non-Service Animals/Support Animals

A parent/student requesting the use of a non-service/support animal will be considered on a case-by-case basis following a written request submitted to the Director of Special Education. If a support animal is approved for use in the school, the animal must meet all criteria outlined for a "service animal" including vaccinations, training, etc.

Career and Technical Education Programs

Students with disabilities are not excluded from any career or academic programs, courses, services or activities due to equipment barriers or because necessary related aids and services or auxiliary aids are not available. Uplift provides appropriate aids and services for students with disabilities that do not limit their participation. Access to and use of tape/digital recorders, guide dogs/service animals and note-takers are available as appropriate.

RECORDS AND CONFIDENTIALITY

Authority: 2 C.F.R., Part 200, 34 C.F.R., Parts 75, 99, 300; Texas Government Code, Texas Local Government Code, 19 T. A. C. Texas Education Code, FERPA, IDEA '04

Uplift Education maintains the confidentiality of all Special Education records and has developed procedures to implement confidentiality requirements consistent with federal regulations. Parents or adult students are advised of their rights pertaining to student records at least once annually. Uplift Education will comply with all requirements of the Family Education Rights and Privacy Act (FERPA).

Student records will be maintained in accordance with the standards of the Public Education Information Management System (PEIMS) for the purpose of statistical review, federal reporting, legislative requests and audit purposes. Data will include but not be limited to student demographic and academic performance, student attendance, personnel information, financial data and organizational information.

Parent access –The parent (or adult student) may inspect and review educational records during school business hours. The requesting parent may inspect, review, or be informed of only the specific information about his or her child's records.

Availability – Records will be made available to the parent (or adult student) without any unnecessary delay and before any meeting regarding an Individual Education Program (IEP), or any hearing related to the placement of the student, or the provision of FAPE and in no case more than 45 days after a request has been made.

Copies – Parent(s) (or adult students) may request copies of any documents in the student's record but the school is generally required to give copies only if failure to do so would effectively deny access.

Cost of copies – Uplift Education maintains the right to charge a fee for copies of records but not if a fee will prevent parent access to the copies. No fee will be charged to search or retrieve any information to which the parent (or adult student) has a right.

Consent – Except for specific exceptions, a parent shall provide a signed and dated written consent before a school may disclose education records. The consent must specify records that may be disclosed, purpose of disclosure and parties to whom disclosure may be made. Exceptions to prior consent as outlined in FERPA, include:

- to school officials with legitimate educational interests;
- to schools in which a student seeks or intends to enroll;
- to Federal, State, and local authorities conducting an audit, evaluation, or enforcement of education programs;
- in connection with financial aid, such as a college loan;
- to organizations conducting studies on behalf of educational institutions;
- to parents of a dependent student;
- to comply with a judicial order or subpoena;
- in a health or safety emergency;
- directory information;
- to state and local officials in connection with serving the student under the juvenile justice system.

Directory Information under FERPA

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Directory information includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time), dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.

Directory information does not include a student's:

1. *social security number; or*
2. *student identification (ID) number, except as provided below.*

Uplift Education directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier 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 (PIN), password, or other factor known or possessed only by the authorized user.

Uplift Education may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the open enrollment charter school of:

- 1. the types of personally identifiable information that the open-enrollment charter school has designated as directory information;*
- 2. a parent's or eligible student's right to refuse to let the open-enrollment charter school designate any or all of those types of information about the student as directory information; and*
- 3. the period of time within which a parent or eligible student has to notify the open-enrollment charter school in writing that he or she does not want any or all of those types of information about the student designated as directory information.*

Uplift Education may disclose directory information about former students without complying with the notice and opt out conditions in 34 CFR § 99.37(a). However, Uplift Education 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.

A parent or eligible student may not use the right under 34 CFR § 99.37(a)(2) to opt out of directory information disclosures to prevent an educational agency or institution 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.

Uplift Education 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.

Personally Identifiable Information

Personally Identifiable Information includes, but is not limited to:

- the student's name;*
- the name of the student's parent or other family members;*
- the address of the student or student's family;*
- a personal identifier, such as the student's social security number, student identification number, or biometric record;*
- other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;*
- 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*
- information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.*

ELIGIBILITY FOLDER

Uplift Education's Special Education department will maintain an eligibility folder for each individual with a disability receiving Special Education services in addition to the individual cumulative records. The eligibility folder includes, but is not limited to:

- 1. Copies of referral data*
- 2. Documentation of Notices and Consents*
- 3. Evaluation reports and supporting data including eligibility and disability reports*
- 4. Admission, Review, and Dismissal (ARD)/IEP Committee reports*
- 5. Individual Education Program (IEP)*

Additionally, the eligibility folder may contain reports of progress to parents/legal guardians of students with disabilities who receive Special Education, which are developed and recorded with at least the same frequency as those provided to any student in general education.

The eligibility folders are maintained according to the policies and procedures regarding confidentiality and are located in a locked file cabinet. A list of persons who have access to the files is attached to the file cabinet in public view and access logs are maintained in each student's eligibility folder as to the date, the person accessing the file and their position, and the reason for access.

The classroom teacher(s) who provide services to the student with disabilities will have the opportunity to provide input and request assistance regarding the implementation of the student's IEP. Each teacher receives a copy of relevant sections of the Individual Education Program (IEP) in relation to the responsibilities of that teacher in the implementation of the IEP in the classroom. The classroom teacher will also be provided any instructions, suggestions and/or support for teaching adaptations or strategies that enable the student to progress in the general curriculum and attain goals and objectives as indicated in the IEP.

Record of Access - Uplift Education will maintain a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

Uplift Education will maintain a record of each request for access and each disclosure of educational records including redisclosure of educational records in connection with an audit or evaluation of federal or state education programs or compliance with those programs.

Uplift Education will comply with federal and state statute regarding when consent is not required for disclosure or redisclosure of information.

Annual Notification of Rights under FERPA

Uplift Education must annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under FERPA and its implementing regulations.

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 FERPA and 34 CFR §99.31 authorize disclosure without consent; and*
- 4. file with the Department a complaint under 34 CFR §§99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of FERPA and its implementing regulations.*

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; and*
- 3. if the educational agency or institution 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.*

Uplift Education may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights, including:

- 1. the open-enrollment charter school must effectively notify parents or eligible students who are disabled; and*
- 2. the open-enrollment charter school must effectively notify parents who have a primary or home language other than English.*

Amendment –The parent (or adult student) may request an amendment to any information in the education record. Uplift Education will reply in a reasonable time period with a refusal or amendment. If the parent (or adult student) still disagrees, a hearing may be requested and will be carried out in accordance with all state and federal regulations.

Destruction of records – Uplift Education will prescribe retention periods for all records but must adhere to the prescribed retention period as outlined in federal or state law, rule of court or regulations for records. Schools may not destroy records if the record is known by the custodian to be in litigation, a request for access is pending, the record is pending an audit by a federal or state agency or there is a pending claim, administrative review or other action involving the record.

Records Retention Schedule

In accordance with the Texas Local Government and Texas Government Code, Uplift Education maintains school records in accordance with 500.060 Records Management Policy.

Redisclosure of Information

Uplift education may disclose personally identifiable information only on the condition that the person receiving this information will not disclose this information without prior consent of the parent or adult student. The information disclosed may only be used for purposes for which the disclosure was made.

Redisclosure is permissible, without parent or adult student consent if:

- 1. The adult student is a dependent of the parent requesting*
- 2. To comply with a court order or subpoena*
- 3. Information is directory information*
- 4. Parent of a student that is not an adult*
- 5. Disclosure is related to elements of a disciplinary proceedings at a postsecondary institution*
- 6. Disclosure is to the parent of student at a postsecondary institution for violating any law related to possession of alcohol or controlled substance; and*
- 7. Disclosure concerns sex offenders and others required to register*

Procedures

Confidentiality Training will be offered on an annual basis to administrators, general education staff, Special Education staff, paraprofessionals and substitute teachers.

Folder Organization – Eligibility folders should be organized using the Uplift Education system including the use of standard binders and section dividers. The section dividers will be:

| | |
|-----------|---|
| Section 1 | ARD/IEP |
| Section 2 | Full and Individual Evaluation/Disability Reports |
| Section 3 | Rights Receipts/Consents/Parent Contacts |
| Section 4 | Miscellaneous/Medical |
| Section 5 | Referral Data/SST Information |

Checking out Folders – Eligibility folders shall be maintained in a locked file cabinet in the campus Special Education office. If a folder is removed for purposes of preparing for or attending an ARD/IEP Committee meeting, the folder should be signed out. Folders should not be removed from Uplift Education campuses without permission from the Director of Special Education or their designee.

Protocols – Test protocols should be destroyed every 3 years or when new evaluation is conducted. All Full and Individual Evaluation reports should remain in the eligibility folder.

Notes in Eligibility Folders – No personal notes should remain in the eligibility folder. Personal notes including but not limited to sticky notes, personal observations and reminders should be maintained in another location.

Working Folders – Working folders are only for the use of the Special Education teacher and are NOT the official Special Education folder. Therefore, working folders should only include duplicate information including the current IEP and work samples.

Retention of Records – Evaluation records and ARD Committee documents will be maintained for 7 years following the student's dismissal from Special Education and/or graduation. Evaluation protocols will be maintained until the 3-year re-evaluation and new protocols are used.

The retention period for a record applies to the record regardless of the medium in which it is maintained.

Records may not be destroyed if the subject matter of the record is known to be in litigation, there is a pending request for records, the record is in a pending audit by a state or federal agency, or there is a pending claim, administrative review or other

action involving the record.

USE OF SPECIAL EDUCATION FUNDS

Authority: 2 C.F.R. Part 200; Texas Education Code; 19 T.A.C. Chapter 89

Compliance with Federal Funding Requirements: IDEA B

It is the policy of Uplift Education to use 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.*

Reducing Level of Expenditures

Funds provided to Uplift Education will not be used to reduce the level of expenditures for the education of students with disabilities made by Uplift Education below the level of those funds for the preceding year.

Uplift Education 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 Uplift Education to provide a special education program to a particular student with a disability that is an exceptionally costly program because the child left Uplift Education, aged out of services, or no longer needs special education*
- 4. The termination of costly expenditures for long-term purchases*
- 5. The assumption of cost by the high cost fund operated by TEA*

Excess Expenditures

It is the policy of Uplift Education that 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 a child with a disability in accordance with the IEP of the student, even if nondisabled students benefit from such services;*
- 2. to develop and implement coordinated, early intervening educational services in compliance with student find and general administration requirements, including:*
- 3. early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who are not currently identified as needing special education or related services but who need additional behavioral and academic support to succeed in a general education environment;*
- 4. the school will not use more than 15 percent of the amount received under IDEA Part B for any fiscal year, less any adjustments by the school 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;*
- 5. to establish and implement cost or risk-sharing funds, consortia, or cooperatives for the school itself, or for LEAs working in a consortium of which the school is a part, to pay for high-cost special education and related services consistent with distribution of high-cost risk pool funds;*
- 6. the school 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.*

Early Intervening Services

Funds made available for early intervening services, must supplement not supplant funds available under the ESEA.

Use of IDEA Part B funds for Title 1 Programs

Notwithstanding any other provisions related to commingling of funds, Uplift Education may use IDEA Part B funds received for any fiscal year to carry out a Title 1, Part A school wide program under the 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.

IDEA Grant

When requesting grant funds under IDEA, Uplift Education will budget for all costs in the grant application. The budget submitted will provide the following:

1. The amount requested is expected to have an impact on the stated needs, and the expected outcomes are sufficient to justify the requested amount;
2. The special education programs identifies other sources of funds; and
3. All expenditures are pertinent to and appropriate for the objectives and activities stated.

Federal Grant Records

In addition to the Records Management Policy, when Uplift Education receives a federal grant, the school will maintain records that show:

1. The amount of grant funds
2. How the funds were used
3. Total cost of the grant project
4. Any costs provide by other fund sources
5. Records to facilitate an effective audit
6. Compliance with the program requirements; and
7. Records of significant project experiences and results

All records related to federal grants or funds will be maintained for three years after the date of submission of the single or last expenditure report by the TEA. If the following circumstances, the retention period will be extended to five years:

1. Any litigation, claim, or audit started before the 5-year retention period. These records will be maintained until all litigation, claims, or audit findings involving the records have been resolved;
2. If Uplift Education is notified in writing by an entity awarding, auditing, or overseeing funds to extend the retention period;
3. Records for real property and equipment acquired by federal funds must be maintained for 3 years after final disposition;
4. When Uplift Education must report program income after the period of performance, the retention period for the records pertaining to the earning of the program income starts from the end of Uplift Education's fiscal year in which the program income is earned.
5. Indirect cost rate proposals and cost allocations plans including indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates):
6. If the proposal, plan, or other computation is required to be submitted to the Federal government (or to the pass-through entity) to form the basis for negotiation of the rate, then the retention period for its supporting records starts from the date of such submission.
7. If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal government (or to the pass-through entity) for negotiation purposes, then the retention period for the

proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

State Funding Special Education Allotment

It is the policy of Uplift Education open-enrollment charter school to maintain record of students participating in special programs in accordance with the Commissioner 's rules.

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 42.151, Texas Education Code.

Funds allocated under this section, other than an indirect cost allotment established under State Board of Education rule, must be used in the special education program under Subchapter A, Chapter 29.

High Cost Risk Pool Funds

Uplift Education may apply to the High Cost Fund (HCF) maintained by the Texas Education Agency for an award of funds to assist the school in addressing the needs of high-need children with disabilities when the cost of serving such a child is greater than four time the average per pupil expenditure in the state.

The High Cost Fund must not be used to:

- 1. limit or condition the right of a student with a disability who is assisted under Part B of the Act to receive a free appropriate public education (FAPE) in the least restrictive environment pursuant to section 612(a)(5) of the Act; or*
- 2. Support legal fees, court costs, or other costs associated with a cause of action brought on behalf of a student with a disability to ensure FAPE for such student.*

Compensatory Education Allotment

Uplift Education must use funds allocated under TEC §42.152(a) for a purpose authorized in TEC §42.152(c) but is not otherwise subject to Subchapter C (Compensatory Education Programs), Chapter 29, Texas Education Code governing compensatory educational programs. (TEC §42.152(c))

In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under TEC §29.081, Uplift Education'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.

Compliance with Federal Funding Requirements: Title 1

To the extent required under Title 1 of the Elementary and Secondary Education Act, Uplift Education 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.

Coordination of Funds to Purchase Instructional Materials

Instructional materials adopted by Uplift Education must be provided to students at no cost.

Uplift Education is entitled to the instructional materials allotment under Chapter 31 and subject to Chapter 31 as if the school were a school district.

Contract for Services- Residential Placements

If needed, Uplift Education 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.

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.

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

Funding for Noneducational Services

Students with disabilities and their families may be eligible to receive noneducational community-based support services paid for by public funds, also known as "non-ed funds".

The Texas Education Agency (TEA) is responsible for establishing procedures and criteria for the allocation of non-ed 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.

It is the policy of Uplift Education to ensure funds allocated under TEC §29.013 are used 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.

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.

The provision of services under TEC §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 TEC §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.

For more information about allowable and unallowable expenditures, you can access a copy of the TEA approved list at the

Educational Service Center for Region 13 website

http://www4.esc13.net/uploads/noned/docs/1415%20NonEd/3._Allowables_and_Unallowables.pdf

The Uplift Education Special Education Director will work with a student's family to fill out an application for noneducational funds. A copy of the application can be found at the Educational Service Center for Region 13 website <http://www4.esc13.net/noned/>. Each school year funds are made available for services received between September 1 and August 31.

Shared Service Arrangements

Uplift Education may enter into a written contract to jointly operate the Special Education program. The contract must be approved by the Commissioner. Funds to which the cooperating schools are entitled may be allocated to the schools jointly as a shared services arrangement units or shared services arrangement funds in accordance with the shared services arrangement agreement.

APPENDIX A

SHARS Process and Procedures

1. Introduction
2. Parental Acknowledgement
3. Prescriptions
 - a. Occupational and Physical Therapy
 - b. Speech Therapy
4. Electronic Signature Compliance
5. Psychological Services
6. Counseling
7. Audiology Services
8. Visually impaired, Orientation and Mobility and Adapted PE
9. Nursing Services
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11. Physical Therapy
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13. Personal Care Services
14. Specialized Transportation services
15. Documentation requirements
16. Resources
 - a. Written Initial Notification to Access Public Benefits or Insurance
 - b. Medicaid Consent Form
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 - d. Electronic Signature explanation
 - e. Occupational Therapy and Physical Therapy prescription request form

Introduction

Uplift Education's process and procedures includes historical practices as well as practices that have evolved as necessary to comply with TEA guidelines for SHARS.

In each category, TEA guidelines are provided directly from the SHARS FAQs if they directly reflect practices in Uplift Education. Each category then includes additional specific information to provide insight into the process and procedures for Uplift Education.

Parental Acknowledgement

Throughout this process and procedures section, the term SHARS Program is used to represent the Medicaid to school's program of Texas.

TEA Guidelines

According to federal rule 42 CFR §300, schools should obtain informed parental consent to bill Medicaid for the specific services and the frequency as outlined in the child's current ARD/IEP.

School Health and Related Services (SHARS) Interim Claims Texas Medicaid instituted TPL policy requirements using the "pay and recover later" method for SHARS providers on October 1, 2017. Using the pay and recover TPL process for SHARS means that Medicaid pays the school district for services before third party reimbursement is sought. The state is permitted a three year look back period to seek recovery claims after the effective date of this policy. If the third-party insurance denies a claim for an acceptable reason, no further action is taken.

Parents of students enrolled in Medicaid should be reminded that this notice does not change current Medicaid policy regarding TPL. Parents or guardians will not incur out-of-pocket costs as a result of this notice, because Texas Medicaid pays copayments and deductibles associated with private insurance. Lifetime benefits of private insurance could be affected depending on the policy or agreement parents or guardians have with the insurance company.

Because the Individuals with Disabilities Education Act (IDEA) entitles children to a free and appropriate public education, parents or guardians should consult with their school districts if they anticipate a financial impact due to this notice.

Uplift Education process and procedures

Parents are notified of Uplift Education's involvement in the SHARS program through the use of a Parental Acknowledgement form provided by Uplift Education's Special Education Student Data Management System (IEP Software), currently by the Frontline program known as eSTAR (See Appendix A). Uplift Education will pursue informed parental consent to bill Medicaid for the specific services and the frequency as outlined in the child's current ARD/IEP by utilizing the Medicaid Consent Form (Appendix B) provided by Frontline. Uplift Education does not authorize any billing for students who do not have a parental acknowledgement on file per TEA's requirements.

Texas SHARS Billing Service (TSBS) records which students have parental acknowledgments on file in the student's "Medicaid information" section of ESPED – blocking billing for any student whose parent has declined to sign the parental acknowledgement.

Each subsequent year, all Uplift Education parents are notified about Uplift Education's participation in the SHARS program through an annual Parental Acknowledgement letter.

Uplift Education currently uses eSTAR to document each time a parent is notified of Uplift Education's involvement in the SHARS program. This documentation is recorded at each annual ARD meeting to ensure an active parental acknowledgement is on file for each new IEP.

In light of the recent updates to Third Party Liability, Uplift Education has updated the Annual Notification of participation in the SHARS program located in Appendix C to remind parents or guardians that they will not incur out-of-pocket costs as a result of this notice. If a parent or guardian anticipates a financial impact due to this notice, they should consult with Uplift Education.

Prescriptions

Physical Therapy and Occupational Therapy

TEA Guidelines

A prescription is required after the initial assessment and must be renewed at least every three years. If the prescription or referral has an end date, the prescription must be renewed prior to the end date. For example, some physicians will only write a prescription that is valid for one year. In addition, when there is a change in the plan of care, a new referral/prescription is needed.

Medical doctors (MDs), doctors of osteopathy (DOs), advanced practice nurses (APNs) with prescriptive authority and physician's assistants are authorized to prescribe physical therapy (PT) and occupational therapy (OT) services in the SHARS program. PT and OT evaluations are not acceptable as a prescription/referral for SHARS PT or OT services.

Uplift Education processes and procedures

Uplift Education requests prescriptions for all students requiring physical therapy and occupational therapy. Many practitioners include OT and PT services on their prescriptions for students who qualify for both services. These prescriptions are housed in the student's permanent folders. This information is also tracked in ESPED under the student Medicaid details section by SHARS/Special Education Program Specialist.

Physical therapists as per their license, obtain prescriptions before providing direct medical services for students requiring physical therapy. Physical Therapists only submit billing on students who have active physical therapy prescriptions. If a physical therapy prescription expires, the physical therapist does not provide direct medical services until the renewed prescription is obtained.

Occupational therapists do not require a prescription to maintain licensure or provide direct medical services for students requiring occupational therapy. It is common practice for a physical therapist to ask doctors for both an OT and a PT prescription using the form outlined in the appendix of this process and procedures document.

Speech Therapy

TEA Guidelines

Effective 9/1/2003, SHARS requirements allow for either a medical or a licensed practitioner of the healing arts to provide the referral for speech therapy. Licensed speech-language pathologists (SLPs) are considered licensed practitioners of the healing arts. The evaluation and recommendation by the SLP may be considered the referral for services.

Whether or not the authorized medical professional sees the student while reviewing records for writing a prescription is left up to the individual's professional judgment. The medical practitioner is ultimately responsible for the services he/she prescribes; and therefore, the decision for the level of review

Uplift Education process and procedures

Speech therapist follow the TEA guidelines for ordering special education services for students.

Electronic Signature Procedure

TEA Guidelines

For Medicaid purposes, a school district's use of electronic records and signatures for SHARS is permissible. As long as the records are accessible to an investigator or auditor and can be reviewed as needed, maintaining the records in electronic format is acceptable from the perspective of documentation adequacy or other audit issues related to Medicaid. Each school district should determine at its own risk what standards are consistent with state and federal electronic requirements.

Electronic Signatures

- SHARS providers must recognize the potential for misuse or abuse
- SHARS providers must apply relevant administrative procedures, standards, and law
- SHARS providers must ensure system and software products are protected
- The individual whose name is on the alternate signature method and the provider bears the responsibility for the authenticity of the information attested to in the record
- SHARS providers must check with their respective legal counsel regarding alternative signature methods and associated legal concerns

The Texas Education Agency (TEA) advises that it has no additional requirements regarding the submission of electronic data or the use of electronic signatures. The requirement that records are accessible and can be made available to an auditor or a reviewer as needed is, per TEA, sufficient for its purposes.

Uplift Education Process and procedures

In Uplift Education, all SHARS providers are notified about TEA's electronic signature policy. Any provider documenting services electronically acknowledges the electronic signature procedure before submitting his or her first session for billing. All providers submitting electronic documentation through the Medicaid billing tool is required to agree to the terms and conditions for electronic signature as per TEA requirements. A TSBS program specialist is required to train all providers on the requirements of electronic data submission and electronic signatures during their annual provider training.

Psychological Services

TEA Guidelines

Assessments are activities performed for the purpose of determining eligibility for special education including:

- An initial assessment that leads to the creation of an Individualized Education Program (IEP)
- An assessment for a student that has an existing IEP and is referred for assessment for a different disability, whether or not that assessment leads to a revised IEP
- An assessment that leads to a dismissal from special education

Billable time includes direct testing time with the student, interpreting results when the student is not present, and report writing time when the student is not present. Parent consultation (student present) required during the assessment due to a student's inability to communicate or perform certain required testing activities is also billable as direct testing time. Assessments are billable under procedure code 96101.

Psychological assessments billed under the SHARS program cannot be performed by an educational diagnostician. Assessments must be performed by a Licensed Specialist in School Psychology (LSSP), a licensed psychologist or a psychiatrist.

An initial (psychological) assessment is billable if it leads to the creation of an IEP for a student with disabilities who is eligible for Medicaid and who is 20 years of age or younger, whether or not the IEP includes SHARS. However, if an initial assessment does not lead to the creation of an IEP, that assessment is not billable under the SHARS program.

Psychological testing, interpretation, and report writing are billable under assessments as long as the initial (psychological) assessment resulted in the creation of an IEP. Procedure code 96101 is the only code that is billable for times when the client is not present (e.g., interpretation time and report writing time).

Writing the report may occur on a different day than the direct testing. Each activity should be billed on the day it occurred. Documentation must include date, start time, stop time, and a notation as to which activity (i.e., direct testing, interpretation, or report writing) was done.

Referrals are generally good for 3 years. This is based on the 3-year reevaluation time required by school districts under IDEA. According to IDEA, the re-evaluation can occur more frequently than the 3-year evaluation timeline, see below:

- A reevaluation conducted under 34 CFR 300.303(a):
 - o May occur not more than once a year, unless the parent and the public agency agree otherwise; and
 - o Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

Uplift Education process and procedures

Special Education psychological providers hold an LSSP licensure. bills for Medicaid services provided by LSSP providers, including evaluations and counseling. LSSP providers document for services using various methods and track therapies as indicated on a special education student's IEP.

Uplift Education's LSSP bills SHARS for student evaluations once the student qualifies for special education services.

LSSP providers ensure all therapies are age appropriate and specific to the student's IEP. Special education students only receive counseling in groups when LSSP providers assist with conflict resolution between general education and special education students.

Counseling Services

TEA Guidelines

Counseling provided by a licensed professional counselor (LPC); licensed clinical social worker (LCSW, formerly LMSW-ACP); or a licensed marriage and family therapist (LMFT) should be billed under the procedure codes for counseling. Counseling or testing services provided by a licensed specialist in school psychology (LSSP); licensed psychologist; or licensed psychiatrist should be billed under the procedure codes for psychological services.

Billable time includes direct counseling time with student present, 1 hour (4 units) per day for nonemergency situations [Emergency situations require a behavior improvement plan (BIP)]. Maintain documentation as to the reasons for the additional time if more than the recommended maximum time is billed.

School districts may receive reimbursement for emergency counseling services as long as the student's IEP includes a behavior improvement plan that documents the need for emergency services.

Uplift Education process and procedures

Counseling services are provided by professionals who are approved licensed providers in the Texas Medicaid State Plan for SHARS. Uplift Education bills for direct counseling time spent with the students as indicated on a special education student's IEP.

Audiology Services

TEA Guidelines

Audiological Management is a billable service under SHARS audiology services if services are ordered in the student's IEP.

Audiology services are provided by professionals who hold a valid state license as an audiologist or by an audiology assistant who is licensed by the state when the assistant is acting under the supervision or direction of a qualified audiologist. State licensure requirements are equal to American Speech Language Hearing Association (ASHA) certification requirements.

Audiology evaluation is billable on an individual (1-92506) basis only. Audiology therapy is billable on an individual (1-92507) and group (1-92508) basis. Only the time spent with the student present is billable; time spent without the student present is not billable. Session notes for evaluations are not required; however, documentation must include the billable start time, billable stop time, and total billable minutes with a notation of the activity performed (e.g., audiology evaluation). Session notes are required for therapy. Session notes must include the billable start time, billable stop time, total billable minutes, activity performed during the session, student observation, and the related IEP objective.

Uplift Education Process and Procedures

Uplift Education audiology services are provided by state licensed Audiologists. Uplift Education bills for evaluations and therapy time spent with the students as indicated on a special education student's IEP.

Visual impairment, Orientation and Mobility, Auditory Impairment and Adapted Physical Education Services

TEA Guidelines

The Vision Impairment provider can review the visually-impaired student's classroom documents and/or the PCS provider's notation of specific type of PCS provided to be sure that she agrees that the VI specialist is providing PCS in that she is assisting the student with the performance of Activities of Daily Living (ADLs) and Instrumental Activities of Daily Living (IADLs) because the student is not able to perform the age appropriate tasks due to his/her disabilities. Services provided by Orientation & Mobility Specialists often meet the definition of PCS for visually-impaired students.

Uplift Education Process and Procedures

Uplift Education contracts visual impairment teachers, orientation and mobility specialists, auditory impairment teachers as well as adapted physical education service providers. These providers bill for any personal care services indicated in the student's IEP.

Nursing Services

TEA Guidelines

Nursing services can be provided by a registered nurse (RN or APN), a licensed vocational nurse (LVN), or a licensed practical nurse (LPN). Services delegated by an RN or APN and provided by individuals who have been trained are also billable. Examples of individuals to whom an RN or APN might delegate nursing services include special education teachers and school health aides.

Effective 09-01-06, school health services are now referred to as nursing services. Nursing services are skilled nursing tasks as defined by the Board of Nursing (BON). A district can receive Medicaid reimbursement for any nursing service that is determined by the ARD/IEP committee to be needed in order for a Medicaid-eligible student to fully participate in school.

Due to the wide variation in individual needs, it is impossible to develop an all-inclusive list of nursing services. Examples of reimbursable nursing services include, but are not limited to inhalation therapy, ventilator monitoring, non-routine medication administration, tracheostomy care, gastrostomy care, ileostomy care, catheterization, tube feeding, suctioning, client training, and assessment of a student's nursing and personal care service's needs. The ARD minutes should include recommendations derived from the RN/APN or physician's evaluation of the student's nursing service's needs. Nursing services need to be stated with the same level of detail as is provided for the other related services, but, due to the type of services, it may be appropriate to add language such as "as needed". Remember that the actual format of the IEP is a local policy decision. In order to receive reimbursement, the specific nursing services need to be included in the IEP; but there is no prescribed wording.

The way administration of a medication should be billed depends upon whether the medication is considered "routine oral medication" or regular nursing service. That determination should be made by a RN/APN. If the medication is not a routine oral medication, the time spent administering that medication should be accumulated with all the other nursing services for the calendar day and then converted to 15-minute units and billed accordingly. If the medication is a routine oral medication, please maintain the required service logs billable under the appropriate procedure code (medication administration).

Uplift Education process and procedures

Uplift Education follows TEA and SHARS guidelines for nursing.

Licensed nursing providers at Uplift Education hold Medical Assistant Licenses and are considered clinical assistants. Clinical assistants administer medication to special education students as prescribed by a physician and indicated in the student's IEP.

Occupational Therapy

TEA Guidelines

Districts can bill SHARS for OT evaluation, therapy, training and fitting associated with such devices. The licensed OT can perform the evaluation. The licensed OT or the OT assistant can provide the treatment services. There are two procedure codes for SHARS OT services, one is the procedure code for the evaluation and one set of procedure codes is for the treatment services. There are more OT procedure codes available in the non-school setting. All those OT services are billable for SHARS under the appropriate procedure codes.

Uplift Education Processes and Procedures

Occupational therapists, per their licensure, are not required to obtain a prescription before providing services to a student as long as that student has Occupational therapy needs ordered in their IEP. Oftentimes, therapists obtain a combination of PT/OT prescriptions from a doctor before providing services to students. Currently, occupational therapists in Uplift Education are not permitted to bill for students who do not have a prescription for set services. Occupational therapists document for the services provided to all special education services but take a conservative approach to billing and ensure only students with prescriptions have sessions submitted for billing. Uplift Education relies on the guidance of their SHARS Medicaid billing vendor, TSBS to place billing blocks on their electronic system to ensure billing does not happen for students without OT prescriptions.

Certified occupational therapy assistants are supervised by licensed occupational therapists and submit session data to their supervisors through the electronic documentation system X Logs. Occupational Therapists are required to sign off on any and all sessions submitted by an occupational therapy assistant before set sessions are submitted for billing.

Physical Therapy

TEA Guidelines

A prescription is required after the initial assessment and must be renewed at least every three years. If the prescription or referral has an end date, the prescription must be renewed prior to the end date. For example, some physicians will only write a prescription that is valid for one year. In addition, when there is a change in the plan of care, a new referral/prescription is needed.

Uplift Education processes and procedures

Physical Therapists at Uplift Education rely on a variety of assessments when evaluating students for PT services. All physical therapists obtain a doctor's prescription (Appendix E) before providing direct medical services to students as per their licensure. Uplift Education's physical therapists use an Occupational therapy/ Physical therapy combination form to request both prescriptions from a physician.

After obtaining prescriptions and a student's IEP, physical therapists provide direct medical services as per the IEP's orders.

Uplift Education's physical therapists keep permanent student folders with daily session log notes and previous 9- week progress reports. The physical therapist also keeps yearly medical forms, IEP schedule of service pages for each student and parent forms on file.

Speech and Language Services

TEA Guidelines

Effective September 1, 2006, under the new SHARS State Plan language, speech therapy services under the

SHARS program can be provided by speech/language pathologist (SLP), American Speech-Language-Hearing Association (ASHA) certified SLP with Texas license, ASHA-equivalent SLP, a TEA certified SLP, a SLP assistant licensed by the state or a grandfathered SLP when the assistant is acting under the supervision or direction of a qualified SLP.

Individuals without a master's degree who were "grandfathered" to meet state requirements as licensed speech language pathologist receive reimbursement for their services as long as they are supervised by an ASHA or ASHA-equivalent SLP.

Individuals with a master's degree in speech pathology who were "grandfathered" to meet state requirements as licensed speech language pathologist can supervise other speech therapy providers that are not ASHA or ASHA-equivalent SLPs.

Uplift Education process and procedures

Speech Therapists at Uplift Education use a variety of assessments to evaluate students to qualify for services. Even if the student has a doctor's note requiring speech services, therapists perform their own assessment that aligns with instructional speech therapy services.

Speech Therapists at Uplift Education range from ASHA certified, TEA certified and Grandfathered SLPs. Historically, any SLP with a license was able to supervise an SLP assistant. Currently, all grandfathered SLPs and assistants are supervised by an ASHA certified SLP or a TEA certified SLP.

SLPs at Uplift Education document using the electronic documentation tool to submit claims for billing. Grandfathered SLPs and SLP assistants submit their session information to a supervising SLP who then approves their sessions before submitting them for billing.

13. Personal Care Services TEA Guidelines

Personal Care Services (PCS) is a benefit of the Medicaid Children's Services - Comprehensive Care Program (Medicaid Children's Services CCP) for Texas Medicaid clients under the age of 21 years, who are not an inpatient or a resident of a hospital, in a nursing facility or intermediate care facility for the intellectually disabled, or in an institution for mental disease. PCS are support services provided to clients who meet the definition of medical necessity and require assistance with activities of daily living (ADLs), instrumental activities of daily living (IADLs), and health related functions because of a physical, cognitive, or behavioral limitation related to a client's disability or chronic health condition. PCS are provided by someone other than the minor client's legal or foster parent/guardian or the client's spouse.

PCS include a range of human assistance provided to persons with disabilities and chronic conditions which enables them to accomplish age-appropriate tasks that they would normally do for themselves if they did not have a disability or chronic condition. An individual may be physically capable of performing activities of daily living (ADLs) and instrumental activities of daily living (IADLs) but may have limitations in performing these activities because of a functional, cognitive and/or behavioral impairment. Assistance may be in the form of "hands-on assistance" (actually performing a personal care task for a person) or "cueing" the person so that the person performs the task by him/herself. Such assistance most often relates to performance of ADLs and IADLs. ADLs include eating, bathing, dressing, toileting (including diapering), transferring, and maintaining continence. ADLs may also include assistance with mobility services (i.e., the ability to move between locations in the individual's environment).

IADLs capture more complex life activities and include personal hygiene, light housework, essential household chores, laundry, meal planning and preparation, transportation, grocery shopping, communication by telephone or other media, medication management, managing finances, getting around and participating in the community, and limited exercises to increase range of motion and flexibility. These are not an all-inclusive list of ADLs and IADLs. Skilled nursing services that may only be performed or delegated by a registered nurse (RN) or advanced practice nurse (APN) are not considered personal care services. Delegated nursing services are services that are delegated to an individual whom the RN or APN has trained to perform the delegated nursing task. These delegated services must be billed under Nursing Services.

Personal care services are supports that may be provided through:

- Total or partial physical assistance
- Prompting or cueing the student to complete the task
- Redirection, monitoring, and observation that are medically necessary and an integral part of completing a personal care service.

Note: Monitoring and observation means watching for outward visible signs that are likely to occur and for which there is an appropriate personal care intervention. This could include such activities as monitoring a child for seizures or potentially dangerous behaviors.

PCS may be required because a cognitive impairment prevents an individual from knowing when or how to carry out the task. For example, an individual may not be able to dress without instruction on how to do so or reminders of what to do and when. In such cases, PCS may include "cueing" or monitoring to ensure that the individual performs the task properly.

PCS may include observation/monitoring and redirection/intervention for:

- behavior that interferes with completion of ADL or IADL, such as withdrawal or unusual and repetitive habits;
- behavior that is socially offensive;
- behavior that will, or has the potential to, cause injury to the student and/or others

PCS documentation must:

1. Capture the minutes of the service with start and stop times
2. Have notation of specific type of PCS required
3. Identify type of PCS (one-on-one or group)

4. If PCS is provided throughout the day, the accumulation of all the PCS minutes for the day must be totaled and converted to units of service
5. Include the signature of the individual that provided the PCS. (In group settings, each caregiver does not have to provide documentation for each child. Rather one caregiver can document for 2 or 3 students while another caregiver documents on the other 2 or 3 students)

The state plan for EPSDT services outlines the requirements for a qualified provider in §42 CFR 440.167. PCS must be provided by a qualified provider who is 18 years or older and has been trained to provide the personal care services required by the client, e.g., bus monitor/aide on the bus, special education teacher and special education teacher's aide.

Uplift Education Process and Procedures

Personal Care providers advocate for personal care services for specific students and therefore assume the responsibility for providing and documenting for set services. Special Education Coordinators and Personal care providers work diligently to amend IEP's to accurately reflect the needs of students in the classroom. Providers document services on students who have personal care ordered in their IEP.

Personal Care providers rely on student observations, a variety of assessments and data from curriculum resources to create the student's comprehensive IEP. Providers re-evaluate data to ensure the continuity of care is achieving the least restrictive environment for the students in the classroom.

Personal Care providers who submit claims for billing document their services using the electronic documentation system. The frequency of their documentation ranges from daily to weekly.

Specialized Transportation

TEA Guidelines

Specialized transportation service may be Medicaid reimbursable if:

- it is being provided to and from a Medicaid covered (SHARS) service(s) for the day the claim is made;
- the Medicaid covered service(s) is included in the student's IEP
- the specialized transportation needs are included in the IEP (must include the type of adaptation that is required on the vehicle and why the student needs/requires that adaptation)
- the child requires transportation in a school bus adapted to serve the needs of a student with a disability

On a day when the student receives a related Medicaid-covered SHARS service, specialized transportation services may be provided and can include coverage of transportation in the following instances from:

- The student's residence to school
- The school to the student's residence
- The student's residence to a provider's office that is contracted with the district
- A provider's office that is contracted with the district to the student's residence
- School to a provider's office that is contracted with the district
- A provider's office that is contracted with the district to the student's school
- School to another campus to receive a billable SHARS service
- The campus where the student received the SHARS service back to the student's school

Specialized transportation services from a child's residence to school and return will not be Medicaid reimbursable if, on the day the child is transported, the child does not receive a Medicaid-covered SHARS service other than transportation to the school location.

Documentation of each specialized transportation service provided must be maintained. This documentation may take the form of a trip log. This service must not be billed by default.

The school district may bill for specialized transportation for eligible students whose IEP includes transportation on a specially adapted vehicle and who receive a related SHARS service on the same day. The IEP must include the type

of adaptation that is required on the vehicle and why the student needs/requires that adaptation. A specially adapted vehicle is one that has been physically modified (e.g. addition of a wheelchair lift, addition of harnesses or protective restraint devices, addition of child protective seating, or addition of air conditioning).

At a minimum, the transportation log should include:

- The SHARS provider name (i.e., school district name)
- First Name and Last Name of each student for each trip, along with each student's ID
- One log per vehicle, indicating the route name/number (with documentation maintained somewhere that describes each route/trip as to the start and stop locations)
- Method for identifying the number of one-way trips per day (e.g., AM and PM trips) [with documentation maintained somewhere that describes the times for each trip] -- Remember that the number of one-way specialized transportation trips must be counted for calculating the one-way trip ratio for allocating specialized transportation costs to the Medicaid program
- Method for personal care services (PCS) provider, transportation aide, bus monitor, or assistant to verify own attendance for each trip and include a place for this person to sign and date the form
- Method for driver to verify own attendance for each trip and include a place for this person to sign and date the form
- Method for nurse to verify own attendance for each trip and include a place for this person to sign and date the form
- The log can be maintained per day and for several days, with applicable dates noted on the log
- Mileage needs to be maintained somewhere; but, not on the log

Uplift Education Process and Procedures

During the initial ARD meeting, a group of licensed professionals determines whether a student requires specialized transportation services from the data in the student's Full and Individual Evaluation. After confirming a student requires specialized transportation, the ARD committee then confirms whether a student needs monitoring for a bus aide. All decisions made by the ARD committee are recorded in the student's most current IEP.

Uplift Education utilizes a paper trip log to document trips. Bus drivers record on this paper trip log their daily trips for specialized transportation services. Bus drivers and bus monitors or aides are required to sign a monthly trip log indicating they were present for the services provided. On the occasion a bus driver is absent, the substitute for the day records the Trip Log information and indicates that they substituted for the original bus driver.

The logs are collected by the SHARS/Special Education Program Specialist and then submitted once a month to TSBS for Medicaid billing.

Documentation Requirements

TEA Guidelines

SHARS records need to be retained for at least seven years because they are both Medicaid and educational records. Medicaid records must meet federal retention guidelines and, as such, must be maintained for a minimum period of five years from the date of service or until all audit questions, appeal hearings,

investigations, or court cases are resolved. The federal guidelines governing public education require records to be stored for seven years. SHARS providers must maintain records as outlined in the TMPPM in the Provider Enrollment and Responsibilities Section and the SHARS Section, which meet the federal retention guidelines.

Records must be stored in a readily accessible and secure location and format. If a SHARS audit is conducted, a school district will usually be allowed up to ten business days to provide the requested documentation. SHARS records must be maintained until all audit questions, appeal hearings, investigations, or court cases are resolved. School districts should maintain written procedures regarding the minimum documentation requirements and where those documents are stored.

At a minimum, the following is a suggested checklist of documents related to the SHARS direct services that were provided which should be collected and maintained for SHARS documentation, this is not an all-inclusive list:

- Signed consent to bill Medicaid by parent or guardian
- ARD/IEP documents (medical necessity; examples of SHARS services)
- Attendance records
- Assessment/evaluations
- Current provider qualifications (current licenses and certifications)
- Attendance records
- Written agreements (contract) for contracted service providers
- Required prescriptions or referrals for services
- Medical necessity documentation (e.g., diagnoses and history of chronic conditions or disability) • Supervision logs
- Session notes or service logs, including provider signatures
- Transportation documentation (daily trip logs; maintenance logs/records; bus documentation; documentation for cost report)
- Claims Submittal and Payment Histories (R&S Reports and General Ledger)
- Copies of signed/notarized quarterly Certification of Funds (COF) letters and supporting documentation, including quarterly COF Reports.

In addition, the SHARS Cost Report and all supporting documentation should be collected and maintained for SHARS records.

NOTE: The child's name and Medicaid number should appear on every page of the medical records (see the Provider Enrollment and Responsibilities Section of the current TMPPM). This would include each page of the ARD/IEP document, session notes and service logs, and evaluations.

As the SHARS billing provider, the school district is responsible for maintaining the appropriate SHARS documentation. It is up to the school district where the documents are stored; but the documents must be readily accessible to submit to the state or to federal auditors upon request.

The same documentation is required to be maintained by the school district for contracted services as is required if the services were delivered by school employees which would include a copy of the signed contract, copy of current licensure/certification of the contracted provider, and accounting records documenting payment to the contractor. The school district must also maintain all documentation required to bill for SHARS services, including all documentation requirements for services provided by contracted employees. Although the district is ultimately responsible for maintaining the appropriate SHARS, all contracted providers must also follow the guidelines outlined in the TMPPM and maintain records and documentation in accordance with the records retention guidelines provided.

Uplift Education Process and Procedures

Uplift Education's SHARS documents are housed electronically at each respective campus. Student ARD/IEP documents, progress notes and evaluations are located in student permanent folders. Student folders are maintained at Uplift Education's individual campuses.

SHARS Financial Information

SHARS financial documentation for Uplift Education is maintained by Uplift Education's Finance department. SHARS financial information is also retained by Uplift Education's SHARS billing vendor TSBS for seven years or until Uplift Education is no longer an active client.

The Uplift Education Finance department stores certification statement. The process and procedure is as follows:

1. Obtain quarterly statements from TMHP through postal service
2. Confirm TMHP amounts with each district
3. Obtain signature from Superintendent at Uplift Education
4. Finance department notarizes quarterly statements and returns the document to the state.

Licensure/certification maintenance

Current provider credentials are stored in Uplift Education's Human Resources system. The district ensures that teacher certificates are current and active. Related service providers are responsible for maintaining their licenses.

Upon the request of an audit or cost report submission, Uplift Education follows TEA guidelines for document review as stated in the SHARS FAQs below:

The child's name and Medicaid number should appear on every page of the medical records (see the Provider Enrollment and Responsibilities Section of the current TMPPM). This would include each page of the ARD/IEP document, session notes and service logs, and evaluations.

As the SHARS billing provider, the school district is responsible for maintaining the appropriate SHARS documentation. It is up to the school district where the documents are stored; but the documents must be readily accessible to submit to the state or to federal auditors upon request.

Written Initial Notification to Access Public Benefits or Insurance (e.g., Medicaid)

Medicaid services provided by school districts in Texas to Medicaid-eligible students are known as School Health and Related Services (SHARS). SHARS allows local school districts, including public charter schools, to obtain Medicaid reimbursement for certain designated health-related services documented in a student's Individualized Education Program (IEP). The following is a complete list of services covered by SHARS:

- Audiology & Hearing, including evaluations and therapy sessions
- Counseling Services
- Nursing Services, including routine medication administration services
- Occupational Therapy, including evaluations and therapy sessions
- Personal Care Services
- Physical Therapy
- Physician Services
- Psychological Services, including evaluations and therapy sessions
- Speech & Language Services, including evaluations and therapy sessions
- Transportation in a school setting

The main objective of the SHARS program is to reduce the cost of delivering health-care services in the school setting. Services received at school do not affect or compromise the type or amount of Medicaid services received outside of school. Further, Uplift Education:

- A. Will not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive a free and appropriate education (FAPE);
- B. Will not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided;

I also understand that TX Medicaid Instituted TPL (Third Party Liability) policy requirement using the "pay and recover" method. Using the pay and recover TPL (Third Party Liability) process for SHARS means that Medicaid pays the school district for services before third party reimbursement is sought. If the third party insurance denies a claim for an acceptable reason, no further action is taken. Lifetime benefits of private insurance could be affected depending on the policy or agreement parents or guardians have with the Insurance Company.

Personal identifiable information will be provided to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) for reimbursement under the SHARS program. This information includes but is not limited to name, date of birth, Social Security number, Medicaid number, date of service, service type and service duration.

You can choose not to provide your consent, or later decide to withdraw your consent anytime.

(Consistent with 34 CFR §300.154(d)(2)(v); 34 CFR §300.503(c); 34 CFR §300.154(d)(2)(i)(ii); §300.154(d)(2)(iv)(A)-(B); §300.154(d)(2)(iv); 34 CFR part 99 & 300)

Medicaid Consent Form

This form is requesting permission to release student information so the District may apply for Medicaid reimbursement under the School Health and Related Services (SHARS) program for designated services listed in the student's Individual Education Program (IEP). Schools are required by the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA) to obtain parental consent before disclosing information about a student. This includes providing information to the public agency including but not limited to name, date of birth, Social Security number, Medicaid number, date of service, service type and service duration.

*****Services received at school do not affect or compromise the type or amount of Medicaid services received outside of school.*****

1. I understand that the use of Medicaid insurance for special education services provided at school
 - A. will not result in my family paying for other services required for my student outside of school that would otherwise be covered by the Medicaid program or otherwise diminish my family's insured benefits under the Medicaid program;
 - B. will not result in an out-of-pocket expense such as payment of a deductible or co-pay amount.
1. I also understand that my student's entitlement to a Free and Appropriate Public Education (FAPE) is in no way dependent on my granting consent and that, regardless of my decision to provide this consent, all the required services on my student's IEP will be provided to my student at no cost to me.
2. I also understand that TX Medicaid Instituted TPL (Third Party Liability) policy requirement using the "pay and recover" method. Using the pay and recover TPL (Third Party Liability) process for SHARS means that Medicaid pays the school district for services before third party reimbursement is sought. If the third-party insurance denies a claim for an acceptable reason, no further action is taken. Lifetime benefits of private insurance could be affected depending on the policy or agreement parents or guardians have with the Insurance Company.
3. I also give my consent voluntarily and understand that I may withdraw my consent at any time.

(Consistent with 34 CFR §300.154(d)(2)(v); 34 CFR §300.503(c); 34 CFR §300.154(d)(2)(I)(iii); §300.154(d)(2)(iv)(A)-(B); §300.154(d)(2)(iv); 34 CFR part 99 & 300)

- ☐ Yes ☐ No I have been provided this information in my native language.
☐ Yes ☐ No I give my consent for the district to apply for reimbursement of special education related services provided.

Parent/Guardian Signature Date

Signature of Interpreter (if used) Date

Written Annual Notification to Access Public Benefits or Insurance (e.g., Medicaid)

Medicaid services provided by school districts in Texas to Medicaid-eligible students are known as School Health and Related Services (SHARS). SHARS allows local school districts, including public charter schools, to obtain Medicaid reimbursement for certain designated health-related services documented in a student's Individualized Education Program (IEP).

The main objective of the SHARS program is to reduce the cost of delivering health-care services in the school setting. Services received at school do not affect or compromise the type or amount of Medicaid services received outside of school. Further, Uplift Education :

- Will not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive a free and appropriate education (FAPE);
- Will not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided;
- Will not use a child's benefits under a public benefits or insurance program if that use would:
- Decrease available lifetime coverage or any other insured benefit;
- Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;
- Increase premiums or lead to the discontinuation of benefits or insurance;
- Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures;

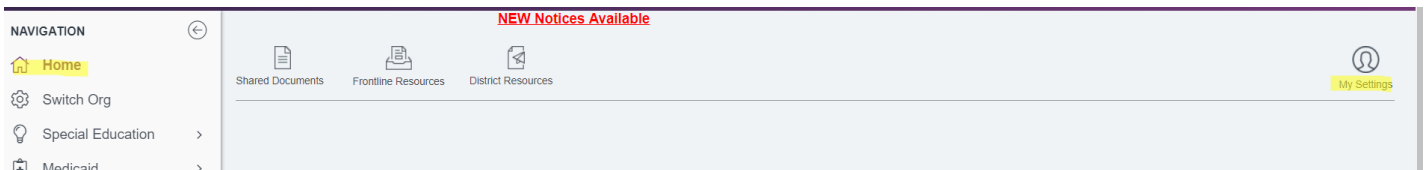
Uplift Education has previously notified and received parental consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) for reimbursement under the SHARS program. This information includes but is not limited to name, date of birth, Social Security number, Medicaid number, date of service, service type and service duration. Consent may be withdrawn at any time. A parent's withdrawal of consent or refusal to allow consent does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parent(s).

(Consistent with 34 §300.154(d)(2)(i)-(v); and §300.503(c))

Electronic Signatures

Under recommendations from TEA/SHARS all tickets are required to have signatures, date and time stamp applied. **(this must be done prior to entering tickets)**

- Go to Home and click on My Settings, located on your homepage at the top right corner. **If you change the spelling of your name at any point you will need to change your signature as well.**
- Enter your signature in the box and click save
- Click Save THEN click Close.

A screenshot of the electronic signature interface. At the top are 'Save' and 'Cancel' buttons. Below is a 'Print your name:' text box. Then, a 'Select Design:' dropdown menu is set to 'Vibur-Regular'. The instruction 'Please Sign Here' is followed by 'Type It' and 'Draw It' buttons. A large signature box contains the handwritten text 'Shelton Womack'. To the right of the box is a 'Clear' link. At the bottom, a disclaimer states: 'By clicking the 'Save' button, you acknowledge and understand that your electronic signature on this document is legally binding to the same extent as a hand written ink signature on a paper document.'

Save

User Type: __ State: __ School Code: __

Email: shelton@medicaid.com

Password: *****

[Change Password](#)

Full Name: Shelton Womack

First Name: Shelton

Last Name: Womack

Alias:

Alternate Email:

Timeout: ▼

Navigation Style: Dropdown ▼

Page Size: 30 ▼

Mailing List: ▼

My Signature: ⓘ

Shelton Womack

[Click to Sign](#)

Application Options:

- ☒ Enable Auto Suggest for Search
- ☒ Enable Tool Tips
- ☒ Enable Predictive Text
- ☐ Enable Hover on Student Select screen
- ☐ Enable Auto Refresh on Print
- ☐ Suppress District Logo on Screens
- ☐ Enable conformance with JAWS screen reading software
(Only applies to Internet Explorer 9 or greater, Firefox 16 or

MEDICAL REFERRAL INFORMATION

Dear Physician:
Uplift Education

*Last medical dated _____

☐ has received a new request for evaluation ☐ has provided therapy services
for _____ (Student's Name) (____/____/____) (Date of Birth) at _____ (District/SSA)

by an occupational and/or physical therapist. Evaluation and/or services specifically address the student's educational versus medical needs. Following evaluation, if Occupational and/or Physical Therapy Related Service is recommended, an individualized education program is developed collaboratively with the teacher to benefit the student's ability to function within the school, home, and community.

The therapist will be available to assist with facilitation of functional skills in the school environment:

- Fine and gross motor development
- Oral motor development
- Mobility
- Positioning
- Self-help skills
- Environmental adaptations

Please complete the requested information below:

Diagnosis _____

Recent Surgeries _____

Medical Precautions (i.e., seizures, asthma, other respiratory problems, allergies, heart condition, atlanto-axial instability, aspiration)

Explain _____

Oral feeding: ___Regular diet ___Tube feedings ___Other: List specific recommendations _____

Weightbearing contraindications _____

Check Diagnostic Workup Completed Within Past 12 Months

___GI series ___Swallow study (**attach recommendations re: texture, consistencies, positioning, etc.**)

___Neuromuscular Testing (EMG) ___Neurological Testing (MRI, CAT Scan, EEG) ___Orthopedic (x-ray, gait analysis, bracing)

Davies Series? ___Yes ___No Results: _____

Medications _____

Other pertinent medical information _____

SIGNATURE OF PHYSICIAN OR OTHER APPROPRIATELY CERTIFIED/LICENSED MEDICAL PROFESSIONAL INDICATES RECOMMENDATION FOR OCCUPATIONAL/PHYSICAL THERAPY RELATED SERVICE IN THE SCHOOL SETTING.

Signature _____

Date _____

Name (**PLEASE PRINT**) _____

UPIN # _____

Address _____

Phone _____

THIS INFORMATION IS TO BE USED WITH PROFESSIONAL STAFF ONLY IN KEEPING WITH FERPA AND IDEA CONFIDENTIALITY REQUIREMENTS

State and Federal Law. Uplift Education (“Uplift”) shall comply with state and federal law as it pertains to admissions and enrollment in the context of charter schools.

Non-Discrimination. Uplift does not, and will not, discriminate in admissions based on gender, national origin, ethnicity, religion, disability, academic, artistic (see below for exception), or athletic ability, or the district the applicant would otherwise attend.

Application and Acceptance.

1. Scholars wanting to attend Uplift are required to complete and submit an application by the established deadline. Such deadline shall be published by Uplift.
2. Application deadlines are subject to change.
3. Acceptance to Uplift shall be on a “first-come, first served” basis by school unless Uplift receives more applications for admission at a school than available positions (See “Lottery and Wait List” below).
4. Documentation required for admission shall comply with law and policy.
5. Applications received after the application deadline shall be processed on a “first-come, first served” basis so long as a wait list does not exist at the time for the school being applied to. Should a wait list exist, applications will be added to the wait list, and subsequently offered admission, in the order received.
6. Applicants for Kindergarten must be 5 years of age on September 1st in order to enroll.
7. Applicants for First grade must be 6 years of age on September 1st in order to enroll.

Lottery and Wait List.

1. “Lottery,” as used in this policy, is defined as a random selection process by which applicants for admission to an Uplift school are admitted to the school.
2. If Uplift Education receives more applications for admission at a school than available positions, Uplift Education shall fill the available positions by lottery.
3. Applicants who are not identified for admission through the lottery shall be added to a waitlist.

Enrollment Exclusion. Applicants with a documented history of a criminal offense, a juvenile court adjudication, or a scholar with a history of discipline problems as described in subchapter A, Chapter 37 of the Texas Education Code, that is, offenses for which public school district scholars must or may be expelled, suspended, or assigned to an Alternative Education Program, may be excluded from admission (“Discipline History”). This exclusion from admission is regardless of whether the Discipline History occurred before or after the application for admission to Uplift was submitted.

1. The Uplift application for admission shall require an applicant to indicate whether the child has a Discipline History.

2. If Discipline History is not disclosed in the application, and is later discovered by Uplift after the child is enrolled, the child shall be administratively withdrawn effective immediately.
3. A parent is required to, and shall, inform the school(s) his/her child applied to of any Discipline History occurring after the date of application for admission.
4. Any falsifications, misrepresentations, or omissions of information regarding an applicant's Discipline History shall disqualify the applicant from admission to any Uplift school.

Enrollment Preferences. Enrollment preferences include, and are applied in the order of, (1) Staff Preference, (2) Sibling Preference, and (3) Geographic Boundary (i.e., zip code) Preference. The CEO or designee shall determine how the preferences are defined and applied.

Reenrollment.

1. Notice of reenrollment shall be provided to families pursuant to a timeline established by Uplift.
2. A parent or guardian of a current scholar(s) wanting to return for the following school year is required to complete and submit re-enrollment documentation in the spring of each school year.
3. Should a parent or guardian submit written notice of withdrawal during the reenrollment period and subsequently wish for his/her scholar to return to Uplift the subsequent school year, he/she is required to provide written notice to Uplift that such withdrawal is being retracted before the first day of school. If such notice or retraction is not received, the scholar shall be withdrawn from Uplift.
4. Scholars in the 5th grade who attend a campus without a 6th grade shall automatically matriculate to the 6th grade (middle school) as identified by Uplift.

Scholar Transfers between Uplift Campuses.

1. **Transfer Process.**
 - a. Forms for requesting a transfer shall be available at each school.
 - b. Completed transfer request forms shall be completed and submitted to the campus the scholar currently attends for processing.
 - c. Decisions on transfer requests will generally be communicated to parents/guardian prior to the lottery for the campus where the scholar currently attends. Discretionary transfers will be decided within a reasonable time on a case by case basis.
2. **No Transfers for Convenience.** Transfer requests will not be approved for convenience. Any scholar may apply to attend another Uplift school during the application process and will be included in the lottery.
3. **Discretionary Transfer.** Transfers may be permitted during the school year or for the subsequent school year on a discretionary basis according to the following procedure:

- a. A request for transfer must be submitted to the school the scholar currently attends by a parent or guardian. A discretionary transfer may be submitted at any time.
 - b. The request for discretionary transfer must set out the reasons for the transfer, which may include legally mandated reasons (because the school is identified by the Texas Education Agency as a “persistently dangerous” public elementary school or secondary school, or if a scholar who is a victim of a violent criminal offense while in or on the grounds of a school that the scholar attends requests the transfer.)
 - c. The request shall be considered by a Transfer Committee comprised of at least three persons from the following group: Director of Admissions and Enrollment, Chief Legal Officer, a Managing Director, Senior Director of Scholar Support Services, Senior Director of Campus Support, and Title IX Coordinator. The Transfer Committee will meet within a reasonable time to determine whether to grant the request. A transfer request will only be considered by the Transfer Committee if space is available at the requested transferee school. If the Transfer Committee approves the transfer request, it will also determine the time frame and location of the transfer, which may be at an Uplift school not the one requested by the parent or guardian that has available space.
4. **Effect of Transfer.** If a transfer is approved, the scholar shall be entitled to continue at the school transferred to for as long as the scholar remains enrolled. If the scholar has siblings in the school transferred from, the siblings shall be eligible for the Sibling preference at the school transferred to in the next lottery, but such Siblings shall not be guaranteed a space in the school transferred to.

First Day of School. At Uplift, every school day is critical to scholar success. In order to develop a culture that sets clear expectations for scholars and that communicates and signals instructional time is sacred and not wasted, all scholars are expected to be present on the first day of school. The provisions herein apply to all scholars, whether previously enrolled at an Uplift school or newly admitted

1. Absence on the First Day of School

- a. Enrollment not Withdrawn:
 - i. If a scholar is going to be absent on the first day of the school year, the following must apply for the scholar’s enrollment to not be withdrawn:
 - 1. The scholar’s parent or guardian must notify the school by 10am of the first day of school that the scholar will be absent;
 - 2. The scholar’s absence is for a reason which would be excused pursuant to the Scholar Handbook.
- b. Enrollment Withdrawn:
 - i. If a scholar is not present, the scholar will not be counted as enrolled and the scholar’s enrollment shall be forfeited.
 - ii. No later than 4pm on the third of school, the scholar may re-enroll in the school and not have his/her enrollment forfeited so long as:

1. The parent or guardian of the scholar submits in writing a reason for the absences that qualifies as excusable pursuant to the Scholar Handbook; and,
 2. Uplift Administration makes the determination to re-enroll the scholar.
- iii. If the scholar is absent on the third day of school, he/she shall be formally withdrawn from Uplift beginning at 4pm.

Parent and Guardian Notification. Parents and Guardians shall be notified of this policy in the following ways:

1. A letter or email will be sent to parents informing them of this policy at the time of enrollment, reenrollment or by June 1st, whichever date is later.
2. Parents of new scholars to Uplift will be provided a copy of the policy during their PAC meeting;
3. A summary of this policy will be posted on the home page of the Uplift website and on each campus website;
4. Parents of currently enrolled scholars and newly admitted scholars (if information is available) will receive an electronic reminder the week before school starts.

Custody Orders.

1. The school will assume both parents have equal right to access to their child, including the right to pick up the child from school, unless the school has been provided with a court order which specifically limits the access of the parent to his or her child at the school. A divorce decree setting out custody or visitation schedules is not sufficient to prohibit access of a parent unless the decree specifically so provides. Parents involved in divorce or custody proceedings should make every effort to manage these issues without disruption to the scholar or school environment. Parents who fail to comply with this request may be removed from the school campus by the police.
2. The school will not be involved in decisions relating to custody or family disputes, including but not limited to, decisions relating to picking up a child from school. It is the responsibility of parents and guardians, and not the school or Uplift, to ensure the correct parent or guardian is picking up the child from school. Uplift is not responsible for enforcing a custody order. If a parent or guardian is concerned about whether a custody order is being adhered to, he or she is directed to contact law enforcement or a court of law.

Administrative Regulations. The CEO or designee is authorized to issue administrative regulations necessary to implement this policy.

Uplift Education
Advertising
Policy Effective Date: September 14, 2018

“Advertising” Defined. For purposes of this policy, “Advertising” is defined as writings or graphics made by a vendor of goods and services to promote or sell such products or services communicated through means under the control of the District in exchange for consideration to the District. “Advertising” does not include public recognition of donors or sponsors who have made contributions, financial or otherwise, to Uplift.

Purpose. For the purpose of raising revenue for programs and activities, Uplift Education (“Uplift”) shall permit paid advertising to appear on Uplift property. Advertising shall only be allowed in Uplift schools and facilities with the approval of the CEO or designee. The CEO or designee may establish procedures regarding the content of advertisements and the manner and areas in which they may be displayed. The acceptance of an advertisement shall not constitute or imply approval and/or endorsement of any product, service, organization, or activity by Uplift. Advertising shall be accepted solely for the purpose of generating revenue for the District and not for the purpose of establishing a forum for communication.

Editorial Authority. The CEO or designee retains final editorial authority to accept or reject submitted advertisements in a manner consistent with the First Amendment and may revise in any way the list of prohibited advertisements below based on the best interest of Uplift.

Advertising Prohibitions.

- A. At all times Uplift maintains the right to, and shall, reject proposed advertisements that are not appropriate for, or offends the morals and/or conscience of, the network, the school environment, or the school community, or any content the District determines has a reasonable likelihood of exposing the District to controversy, litigation, or disruption, as determined by Uplift. Such advertisements are strictly prohibited by Uplift. Advertisements that are strictly prohibited include, but are not limited to, those that include, are related to, or would otherwise promote, the following:
 - 1. Non-nutritional foods, such as candy, salty snacks, carbonated (“soda”) beverages, caffeinated beverages, sports drinks, adult-beverages, fast foods, and the like;
 - 2. Tobacco or vapor products;
 - 3. Illegal drugs, drug use, or drug paraphernalia;
 - 4. Faith-based products or organizations;
 - 5. Political organizations or specific political candidates;
 - 6. Firearms or weapons of any kind;
 - 7. Illicit or Adult-content products or businesses;
 - 8. Any other K-12 public or private educational institution; and,
 - 9. Advertisements containing nudity, obscenity, vulgarity, illegal activities, or violence.
- B. School facilities shall not be used to advertise, promote, sell tickets, or collect funds for any nonschool-related purpose.
- C. Uplift does not accept paid or unpaid political advertising.

Intellectual Property. The use of Uplift's name or logo, or any other intellectual property of Uplift, in advertising is strictly prohibited.

Bullying and Retaliation Prohibited. Uplift Education ("Uplift") prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process, including but not limited to, a victim, witness, or another person, who in good faith provides information concerning an incident of bullying, is a violation of Uplift policy.

For purposes of this policy, "Bullying" is defined as the following:

Bullying means a single significant act or a pattern of acts by one or more scholars directed at another scholar that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that has the effect or will have the effect of physically harming a scholar, damaging a scholar's property, or placing a scholar in reasonable fear of harm to the scholar's person or of damage to the scholar's property; is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a scholar; materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or infringes on the rights of the victim at school; and includes cyberbullying.

For purposes of this policy, "Cyberbullying is defined as 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.

Bullying applies to incidents that occur on, or that are, delivered to school property or to the site of a school-sponsored or school-related activity on or off school property; bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of scholars to or from school or a school-sponsored or school-related activity; and cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a scholar's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Examples of Bullying. Bullying may include, but is not limited to, the following:

Bullying of a student may include, but is not limited to, discrimination, harassment, hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism. Bullying in the context of discrimination or harassment may include, but is not limited to, discrimination or harassment based on race, ethnicity, color, religion, ancestry, national origin, gender, sex, sexual orientation, gender identity and expression, marital status, socio-economic background, social/family background, linguistic preference, political beliefs, or a mental, physical, or sensory disability, difference, or impairment, or by any other distinguishing characteristic or because of one's association with a particular person or group of persons.

Examples of Retaliation. Retaliation may include, but is not limited to, threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Report of Bullying.

Timely Reporting. Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair Uplift's ability to investigate and address the prohibited conduct.

Scholar Reporting. To obtain assistance and intervention, any scholar who believes that he or she has experienced bullying or believes that another scholar has experienced bullying should immediately report the alleged acts to a teacher, counselor, director, or other Uplift employee. A scholar who intentionally makes a false claim, offers false statements, or refuses to cooperate with an investigation regarding bullying shall be subject to appropriate disciplinary action.

Staff Reporting. If any staff member recognizes or receives a report from a scholar, parent or guardian regarding suspected bullying, it must be immediately reported to the Campus Director or designee. Reports may be given orally by staff, but must be reduced to written form by the Campus Director or Designee.

Anonymous Reporting. Any scholar, parent or guardian may report an allegation of bullying anonymously through the Uplift website.

Notice of Alleged Bullying. After receiving a report of an allegation of bullying, a campus director or designee shall provide notice to (1) a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported, and (2) a parent or guardian of the alleged bully within a reasonable amount of time after the incident is reported.

Investigating a Report of Bullying.

The Campus Director or designee shall conduct an appropriate investigation based on the allegations in the report. The Campus Director or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the initial report alleging bullying; however, the Campus Director or designee shall take additional time if necessary to complete a thorough investigation.

The Campus Director or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the campus Managing Director.

Uplift Action – Bullying Confirmed.

If an incident of bullying is confirmed, the campus director or designee shall promptly notify the parent or guardian of the victim and of the scholar who engaged in bullying.

If the results of an investigation indicate that bullying occurred, Uplift shall promptly respond by taking appropriate disciplinary action or corrective action reasonably calculated to address the conduct in accordance with the Uplift Scholar Code of Conduct.

A scholar may be removed from class and expelled if the scholar (1) engages in bullying that encourages a scholar to commit or attempt to commit suicide, (2) incites violence against a scholar through group bullying; or (3) releases or threatens to release intimate visual material, as defined by the Texas Civil Practices and Remedies Code, of a minor or a scholar who is 18 years of age or older without the scholar's consent.

The discipline of a scholar with a disability is subject to applicable state and federal law in addition to the Scholar Code of Conduct.

Uplift Action – Improper Conduct. If the investigation reveals improper conduct that did not rise to the level of bullying, Uplift may take action in accordance with the Scholar Code of Conduct or any other appropriate corrective action

Reasonable Self-Defense. A scholar who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action. The discipline of a scholar with a disability is subject to applicable state and federal law in addition to the Scholar Code of Conduct.

Report to Local Law Enforcement.

A Campus Director may make a report to the police department of the municipality in which the campus is located or, if the campus is not in a municipality, the sheriff of the county in which the campus is located if, after an investigation is completed, the Campus Director has reasonable grounds to believe that a scholar engaged in conduct that constitutes an offense under Section 22.01 (assault) or 42.07(a)(7) (harassment) of the Texas Penal Code.

The Campus Director may designate a campus employee, other than a school counselor, who is under the supervision of the Campus Director to make the report to the police department.

A person who makes a report under this section may include the name and address of each scholar the person believes may have participated in the conduct.

Counseling Options. The principal or designee shall notify the victim, the scholar who engaged in bullying, and any scholars who witnessed the bullying of available counseling options. Each campus shall have access to a Social/Behavioral Counselor to provide support.

Confidentiality. To the greatest extent possible, Uplift shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeal. A parent, legal guardian, or adult scholar who is dissatisfied with the outcome of the investigation or plan of action may appeal through the Uplift grievance process, beginning at the appropriate level.

Access to Policy. Information regarding this policy shall be distributed annually to Uplift employees and included in the scholar handbook. Copies of the policy shall be readily available at each campus and Uplift's administrative offices.

Prevention and Training. Uplift will implement research-based bullying prevention and intervention programs. Such programs shall provide training for Uplift scholars and staff for effectively responding to, intervening in, and reporting incidents of bullying.

Uplift Education

Care of Students with a Diagnosed Food Allergy at Risk for Anaphylaxis

Policy Effective Date: October 10, 2019

Policy Required. Uplift shall adopt and administer a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis based on "Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis" ("Guidelines"). This policy shall be reviewed and revised, as necessary, annually, to ensure the policy is consistent with the most current version of the Guidelines.

The Guidelines. The Guidelines shall be developed and updated by the Commissioner of State Health Services ("Commissioner") in consultation with an ad hoc committee appointed by the Commissioner. The Guidelines shall not require Uplift to purchase treatments approved by the United States Food and Drug Administration or make any other expenditure that would result in a negative fiscal impact on the district or school or require Uplift staff administer treatments approved by the United States Food and Drug Administration to a student unless the medication is prescribed for that student by the student's physician.

Annual Posting of Guidelines. Each school year, Uplift shall post a summary of the Guidelines on its Internet website, including instructions on obtaining access to the complete Guidelines document. Uplift's website must be accessible by each enrolled student and a parent or guardian of each student.

Forms. Any form used by Uplift that requests information from a parent or guardian enrolling a child with a food allergy must include information on how to access on Uplift's Internet website a summary of the Guidelines and instructions on obtaining access to the complete Guidelines document.

No Waiver of Liability or Immunity. Neither this policy, nor State law, waives the liability or immunity of Uplift or its officers or employees or create any liability for, or a cause of action against, Uplift or its officers or employees.

No Cause of Action Created. Notwithstanding any other law, nothing in this policy creates a civil, criminal, or administrative cause of action, nor does it create liability or a standard of care, obligation, or duty that provides the basis for a cause of action.

BOARD POLICY

CEO Authority

It shall be the policy of this Board that the Chief Executive Officer ("CEO") shall have the authority to legally bind Uplift to any contractual commitment (excluding debt for money borrowed) so long as the matter is within the "ordinary course of business." Those matters which are included within an approved operating budget, or which are in furtherance of projects which have been authorized by the Board (and are within budget for the project), or which involve spending grant monies or amounts less than \$100,000 shall be deemed to be within the ordinary course of business and contracts, agreements or commitments in furtherance of such matters shall not require further approval by the Board. Matters falling outside of approved budgets or authorized projects or grants and which involve more than \$100,000 shall be dealt with on a case-by-case basis. Matters involving multi-year commitments of greater than \$100,000 per year and which fall outside of approved budgets or authorized projects or grants shall be deemed to be outside the ordinary course of business.

Because no policy can adequately deal prospectively with every situation, we believe it is useful to create an approval process for matters not falling clearly within the CEO's authority, but for which there is not sufficient time to assemble the Board. In such circumstances, the CEO shall consult with the "Authorization Committee" of the Board of Directors and shall proceed only after obtaining the concurrence of a majority of the Committee. The Authorization Committee shall be comprised of the Chair, the Vice Chair, and the Chair of the Finance Committee, who shall each serve at the pleasure of the Board. The Authorization Committee will be subject to and shall comply with applicable requirements of Texas law regarding open meetings.

We fully expect that the authority conferred on the CEO by this Board will be used with care and we anticipate that the Board will continue to be informed (before the fact when it is convenient and certainly after the fact when circumstances dictate action without Board consultation) regarding all material commitments entered into by Uplift. It is our intention to grant to the CEO such authority as is required to execute the plans and projects necessary in pursuing our Strategic Plan and the mission of Uplift Education with appropriate Board oversight and supervision.

Approved 6/21/2011

**RESOLUTION APPROVING CREATION OF A
CONCUSSION OVERSIGHT TEAM FOR
UPLIFT EDUCATION**

WHEREAS, the Board of Uplift Education has considered the proposal for the creation of a Concussion Oversight Team (COT) which meets the requirements of the HB 2038 (Texas Education Code 38.151 – 38.160); and

WHEREAS, the Board has also been advised that Amy Hayes, M.D., has agreed to serve as the physician on the COT and one or more members are to be added to COT which meet the requirements of the law; and

WHEREAS, the Board, has determined that the creation of a COT to serve the Uplift Education Schools is in the best interest of Uplift Education, and should be approved.

Therefore, it is

RESOLVED, that the Concussion Oversight Team be, and it is hereby created as outlined in the attached proposal; and

RESOLVED FURTHER, that Amy Hayes, M.D. be, and she is hereby appointed as the physician for the COT, and she is further authorized to appoint additional members as she deems appropriate in accordance with the requirements of the law;

RESOLVED FURTHER, that the COT report its activities to the Director of Health Services and to the Chief Administrative Officer, who will oversee the COT activities for the Uplift schools.

Approved this 26th day of June, 2012.

Motion by:

Seconded by:

Concussion Oversight Team Proposal

Name of proposal: Concussion Oversight Team

Authors: Amy Hayes, M.D. and Ann Stevenson

Brief description of proposal:

1. Creation of a Concussion Oversight Team for Uplift Education, as directed by the parameters of Texas House Bill 2038.
2. Establish return-to-play guidelines for students who have experienced a concussion.
3. Establish policies and procedures for recognition, evaluation and management of students who are recovering from a concussion.

Stakeholders:

Uplift nurses, coaches, concussion oversight team members and any Uplift employee who has direct contact with students.

Pertinent History:

House Bill 2038 was passed in June 2011 and calls for the creation of Concussion Oversight Teams (COTs) within public and charter schools. These teams must be in place by the beginning of the 2012-2013 school year. COTs have been formed in order to promote early recognition and proper management of student athletes who have suffered a concussion.

Goals:

We propose to create a Concussion Oversight Team that enables coaches, school nurses, teachers, athletes and parents to have well-delineated guidelines about recognition and in-school assessment of students who are recovering from a concussion.

Specific changes:

1. Create Concussion Oversight Team composed of a licensed physician and (if available) an advanced practice nurse, a physician's assistant, a neuropsychologist and an athletic trainer.
2. Establish relationship between coaches and school nurses for identification and ongoing management of students who have experienced concussions.
3. Establish evidence-based return-to-play guidelines for concussion patients.
4. Provide mandatory training for coaches to educate them about concussion incidence, symptoms, treatment and prevention.
5. Create packets for each Uplift Schools Athletic Department that contain necessary forms, educational materials and return-to-play guidelines.

UPLIFT EDUCATION CREDIT POLICY

CREDIT POLICY

- Health is no longer an Uplift requirement
- All Uplift scholars are required to take a yearlong Professional Communications course as their Speech credit or to meet the Speech Proficiency requirement under the Foundation Graduation Plan
- **Awarding Credit:** During the academic school year, a student will receive full credit for a yearlong course if the combined average of both semesters is 70 or higher (*also subject to attendance guidelines*)
- **Repeating a Course:** If a scholar repeats a course due to a previous failure, the grades recorded in the original course as well as in the repeated course are used in calculating the scholar's cumulative GPA. *Courses with a passing grade may not be repeated for credit.*
- **Credit Recovery:** All credit recovery attempts must first be approved by the campus director.
 - If a student fails a course for the year, they must obtain a 70 or higher for each semester failed to receive full credit.
 - If they fail both semesters, they must repeat both semesters to receive credit.
 - If they fail one semester, they must repeat the semester failed to receive credit.
 - *See the Credit Matrix in the appendix for details regarding credit recovery options.*
 - Students who are taking credit recovery classes can take courses from the following programs (subject to approval):
 - PLATO Credit Recovery online
 - UT K-16 Online Learning (full course or credit by exam)
 - Texas Tech K-16 Online Learning
 - Uplift Summer School Courses
 - Dual Credit course through Dallas County or Tarrant County Community Colleges can only be used as credit recovery for elective courses, Government and Economics
 - Other options require pre-approval from Director
- **Summer School policy:**
 - Scholars can take no more than 2 full year courses during summer school
 - If a scholar fails a course during the academic year, they are required to attend summer school the following summer (pending course offering)
 - If a scholar fails the course and EOC exam for an Algebra I, Biology I, English I, English II, or US History content course they might be asked to retake the course during the following academic year and not complete the credit during summer school
- **Incomplete grades:**
 - Scholars who experience unforeseen circumstance that prevent them from completing course requirements during the time provided may request an extension, in which case a temporary INCOMPLETE (I) will be awarded in lieu of a numeric grade
 - Awarding an Incomplete requires pre-approval from campus leadership.
 - Specific criteria and deadlines for making up assignments and assessments will be determined by course instructor and campus leadership
 - The incomplete will be replaced with a final numeric grade once all requirements are met.
 - Failure to adhere to the guidelines set by campus leadership will result in potential failure of the course and need for recovery of the credit during summer school or the following academic school year.

TRANSFER CREDITS

Uplift accepts credits from other accredited schools. Credits will be evaluated in terms of (1) whether the credits meet Texas State requirements for graduation and (2) whether the credits meet Uplift requirements.

- **Accredited Schools:** All transfer grades earned in accredited schools will be converted to the Uplift grading scale and designated so that they are consistent with those established by Uplift Education.
- **Non Accredited Schools:** Scholars from non-accredited schools or from home schooling programs must take a credit-by-exam (CBE) test approved by Uplift Education in order to receive credit for work completed. The scholar and/or the scholar's family will pay any applicable fees for these exams. Scholars must achieve a CBE score acceptable by Uplift standards in order to receive credit.

PROMOTION & RETENTION POLICY

High school students are promoted/retained according to (1) semesters completed, (2) completion of state assessment requirements and (3) the number of state credits earned in grades 9-12.

- Classification is based on the following (scholars must meet both requirements):
 - **Grade 10 (Sophomore)**
 - Received a passing score on at least two of the following EOC exams: Algebra I, Biology I, and English I EOC exams
 - Earned 5 or more credits (must include 1 credit in each of the following: Math, Science, ELA and Humanities)
 - **Grade 11 (Junior)**
 - Received a passing score on each of the following EOC exams: Algebra I, Biology I, and English I EOC exams
 - Earned 12 or more credits (must include 2 credits in each of the following: Math, Science, ELA and Humanities)
 - **Grade 12 (Senior)**
 - Received a passing score on the following EOC exams: Algebra I, Biology I, English I and English II
 - Earned 19 or more credits (must include 3 credits in each of the following: Math, Science, ELA and Humanities)
- Scholars are not allowed to take the next level course in a core subject area if they do not receive credit for the previous level
- Scholars must follow appropriate course sequence for ELA, and Math
 - ELA Sequence: English I, English II, English III OR AP English Language and Composition OR IB English, English IV OR AP English Literature and Composition OR IB English
 - Math Sequence: Algebra I, Geometry, Algebra II, Pre-Calculus, approved Advanced Math Course OR IB Mathematics
- EOCs are given in March/April, retakes occur during July and December.
- Classification is established at the beginning of each semester.
- Scholars transferring from a high school that does not require state testing will need to attend Summer School for EOC prep and take the appropriate EOC exams the summer before entering an Uplift school unless they qualify for an exemption.
- Exceptions require High School Director recommendation and then Managing Director approval.

ACCELERATION

The MYP and DP programs at the Middle and Upper School level are based on a balanced curriculum each year of the programme. Required subjects are studied simultaneously and inter-disciplinary teaching and learning between subjects promotes higher level thinking in scholars. Therefore, scholars will not be accelerated into courses past the most advanced level of study for their grade level as outlined on the graduation plan.

DUAL CREDIT

Dual Credit is an opportunity for high school scholars to earn college credit.

- Qualification based on requirements outlined by Dallas County Community College District and Tarrant County Community College District.
- Please consult the Road to College Office for more information about particular Dual Credit Courses approved for Uplift scholars.

ELIGIBILITY for COMMENCEMENT

To be eligible to participate in Commencement, the May graduation exercise, seniors must have met the following requirements:

- Completed all state graduation course requirements, as per Chapter 74, Subchapter F (Class of 2017) or Subchapter B (Class of 2018+)
- Passed all STAAR EOC requirements or be eligible for approval through the Individual Graduation Committee (please refer to the Uplift Individual Graduation Committee Policy for details)
- Accepted into a 2 or 4 year college/university
- Completed a minimum of 100 Community Service Hours or a CAS Project (for DP campuses) during High School.
- ***The following exceptions apply:***
 - 5th Year scholars who have completed all graduation requirements by the end of the 1st Semester need not be enrolled for the 2nd SemesterScholars who experience unforeseen circumstance of an emergency nature may appeal to the High School Director for permission to participate in graduation exercises.

COMMENCEMENT RECORDS

To protect the integrity of the academic record, scholars' legal names as maintained in PowerSchool will be the name that appears on scholars' diploma and in the commencement program.

- First and last names may be altered or changed with legal documentation such as a birth certificate, court order, Certificate of Naturalization, Permanent Resident Card, or passport.
- The middle name may be changed to a middle initial (i.e. change "John" to "J.") without legal documentation.

GPA POLICY

The grading system is as follows:

| | <u>On 100 Scale</u> | <u>On 4.0 Scale</u> |
|----|---------------------|---------------------|
| A+ | 100-97 | 4.0 |
| A | 96-93 | 4.0 |
| A- | 92-90 | 3.7 |
| B+ | 89-87 | 3.3 |
| B | 86-83 | 3.0 |
| B- | 82-80 | 2.7 |
| C+ | 79-77 | 2.3 |
| C | 76-73 | 2.0 |
| C- | 72-70 | 1.7 |
| F | 69 and Below | 0.0 |

CALCULATION of GPA

- **Weighted GPA:** To weight the GPA, the semester grade in each course is added to the course weight. All weighted courses are totaled and divided by the total number of courses to get the weighted GPA.
 - *Example:* A scholar earns a grade of 4.0 in an AP English class for the fall semester. Since this course is an AP level course, the scholar earns an additional point. Therefore the scholar's weighted GPA is a 5.0 ($4.0 + 1.0 = 5.0$) for the semester class.
 - Weightings are based on the following scale:
 - Advanced Placement/IB - 1
 - Dual Credit/Pre-AP/Honors - 0.5
 - All other courses - 0
 - **Quality Points:** Scholars transferring to an Uplift high school will only receive additional weighting for AP/Pre-AP/Honors/Dual Credit courses that were also offered by at the Uplift Campus for their original cohort.
- **Un-Weighted GPA:** Un-weighted GPA is the sum of the un-weighted grades on a 4.0 scale divided by the total number of courses
- **Communication on Transcript:** The scholar's transcript will show both (1) weighted GPA on a 5.0 scale and (2) un-weighted GPA on a 4.0 scale.

RANKING POLICY

- Rank is calculated at the end of the first semester of 9th grade. PowerSchool will automatically begin to rank scholars as soon as they have acquired credit in 9th grade.
- Rank will be calculated using all semester grades and will be based on weighted GPA. The following courses are not included in GPA:
 - Pass/Fail courses do not receive GPA points. Without a numeric grade no GPA points can be awarded.
 - HS credits earned in middle school do not count towards class ranking or GPA. Local credits earned do not count towards class ranking or GPA.
 - Credit by exam courses do not count toward class ranking or GPA. *Credit by exam is only offered upon approval of managing director.*
 - If a scholar repeats a course where credit has already been earned, then the first course will have to be listed as a state credit and the second time will be local credit. For example: *If a scholar took Art 1 in the 9th grade and took it again in the 10th grade, then the 10th grade Art 1 would count as a local credit*
- **Valedictorian & Salutatorian:** Graduating seniors with the highest and second highest cumulative weighted grade point average as determined at the end of the eighth semester

senior year and carried out three decimal places will be eligible to serve as the valedictorian and salutatorian respectively.

- In the event of a tie for valedictorian or salutatorian, the scholars will share the honor.
- Valedictorian and salutatorian eligibility requires attendance at Uplift high school for 6 consecutive semesters proceeding graduation.
- A scholar who is in violation of school code of conduct, honor code, or have criminal charges may be deemed ineligible to represent school as the valedictorian or salutatorian.
- **Internal communication of rank:** Rank will be communicated to scholars and their families who are in the top 25% at the end of freshmen year and at the end of every semester that follows. For those scholars below the top 25%, scholars and their families will be told what quartile they are in.
- **External communication of rank:** Each campus at Uplift Education will communicate rank by doing the following:
 - The Rank field on transcripts will read DNR (Do Not Rank)
 - Rank will only be communicated in the college and scholarship application process when necessary for automatic acceptance or scholarship selection.
 - Communication of rank will be included in the Counselor Recommendation Letter or in the form of a standardized letter/report such as the Common Application secondary school report, mid-year report, and final year report
 - For scholars in the top 25%, counselors will note scholar as Valedictorian, Salutatorian, "Top 10%" or "Top 25%"
 - For The University of Texas at Austin and Texas A&M University at College Station, we will adhere to their admissions requirements and communicate rank accordingly for those scholars meeting automatic admission requirements
 - Communication on individual campus profiles will communicate the following: rank policy, grade distribution for current seniors based on sixth semester grades, and weighting methodology.

**RESOLUTION APPROVING
DELEGATION OF AUTHORITY WITH
RESPECT TO CONSTRUCTION CONTRACTS**

Replaced

WHEREAS, the Board of Uplift Education has previously adopted Chapter 44 of the Texas Education Code to apply to construction projects for Uplift Education; and

WHEREAS, the legislature made certain changes to the Chapter 44 which requires that Board responsibilities for such projects, if delegated, be specifically identified; and

WHEREAS, to avoid the necessity of calling board meetings to manage the bidding and selection process, the Board has determined that it is appropriate to specifically delegate certain duties and responsibilities to the Facilities Committee and to the Architect of record;

THEREFORE, it is

RESOLVED that the following duties and responsibilities of the Board be, and they are hereby, delegated as follows:

- Selection of the contracting method to the Facilities Committee;
- Selection of the contractor selection criteria and weighting to the Facilities Committee;
- Opening and announcement of bids pursuant to the Open Meetings Act to the Architect of Record;
- Award of the construction contract to the Facilities Committee

RESOLVED FURTHER, that the Chair of the Facilities Committee be, and she is hereby, authorized and directed to establish and implement procedures appropriate to carry out the foregoing resolution.

Approved this _____ day of November, 2011.

UPLIFT EDUCATION

RESOLUTION ADOPTING DIGITAL RECORDS MANAGEMENT POLICY

WHEREAS, UPLIFT EDUCATION has previously adopted a records management program in compliance with the Texas Local Government Code (Local Government Records Act); and

WHEREAS, to ensure the creation and maintenance of records with appropriate evidential characteristics within the Uplift Schools, we as the Board of Uplift Education adopt a technological move forward; and

WHEREAS, Uplift Education is committed to meeting its responsibilities to implement best practice in its records management and systems, recognizing that our records are our schools' memory, providing evidence of actions and decisions and representing a vital asset to support our daily functions and operations, providing support for policy formation and managerial decision-making, protecting the interests of Uplift Education, the State of Texas and the rights of employees, students and parents; and

WHEREAS, the intent of this policy is to:

- Preserve the right information for correct length of time;
- Meet legal requirements faster and more cost effective;
- Control and manage records management storage and destruction fees;
- Demonstrate proven practices of good faith through consistent implementation;
- Archive vital information for continuity and disaster recovery;
- Provide information in a timely and efficient manner regardless of urgency or request;
- Use technology to manage and improve program;
- Integrate policies and procedures throughout the organization;
- Establish ownership and accountability of records management program;
- Arrange for continuous training and communication through the organization;
- Project an image of good faith, responsiveness and consistency; and
- Review, audit and improve the program continuously;

THEREFORE, after consideration, the Board hereby adopts the following resolution:

BE IT RESOLVED, that Uplift Education hereby designates and deems our digitized school records as our Source Documents and not Documents of Convenience. This resolution applies to records that may have been digitized as well

as those that may be converted in the future. This resolution is offered as required by the Texas Archives and Library Commission.

Approved this 11th day of September, 2015, at regular meeting of the Board of Directors of Uplift Education.

By: Ann Stevenson
Ann Stevenson, Secretary

Uplift Education
Freedom from Discrimination, Harassment, and Retaliation Policy
Effective Date: August 14, 2020

Uplift Education (“Uplift”) prohibits discrimination, including harassment, against any employee on the basis of gender, gender identity, gender expression, sex, sexual orientation, race, color, religion, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of Uplift policy and is prohibited.

Discrimination. Discrimination against an employee is defined as conduct directed at an employee on the basis of gender, gender identity, gender expression, sex, sexual orientation, race, color, religion, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee’s employment.

Harassment. Harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s gender, gender identity, gender expression, sex, sexual orientation, race, color, religion, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee’s performance, environment, or employment opportunities.

Sexual Harassment. Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment;
2. Submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
3. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile, or offensive work environment.

Sexual harassment may include the above conduct between persons of the same gender.

Retaliation. Uplift prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

An employee who intentionally makes a false claim or offers false statements in an Uplift investigation regarding harassment or discrimination shall be subject to appropriate disciplinary action in accordance with policy and the law.

Prohibited Conduct. In this policy, the term “prohibited conduct” includes discrimination, harassment, sexual harassment, and retaliation as defined by this policy, even if the conduct does not rise to the level of unlawful conduct.

Reporting. Any employee who believes that he or she has experienced discrimination, harassment, or retaliation, or believes that another employee has experienced such prohibited conduct, should immediately report the alleged acts to his or her supervisor and/or one of the following:.

1. Title IX Coordinator (for reports of discrimination based on sex or sexual orientation, and reports of sexual harassment);
2. ADA/Section 504 Coordinator (for reports of discrimination based on disability); or
3. A Talent Management Business Partner.

A staff member who receives an allegation of discrimination, harassment, or retaliation shall immediately notify their Talent Management Business Partner, Uplift's Title IX Coordinator, and/or ADA/Section 504 Coordinator, as appropriate.

An employee is not required to make a report to the person alleged to have committed the conduct. If the employee's Talent Management Business Partner, Title IX Coordinator, or ADA/Section 504 Coordinator is alleged to have engaged in the prohibited conduct, then the notification shall be immediately made to the Senior Director of Talent Management, or in that person's absence, the Chief People and Innovation Officer.

To ensure Uplift's prompt investigation, reports of discrimination, harassment, or retaliation shall be made as soon as possible after the alleged act or knowledge of the alleged act.

Investigation. Upon receipt or notice of a report, the Talent Management Business Partner shall act as the formal official for purposes of this policy. If the Talent Management Business Partner is alleged to have engaged in the prohibited conduct, then the Senior Director of Talent Management, or in that person's absence, the Chief People and Innovation Officer, shall designate an administrator to serve as the formal official for purposes of this policy.

The formal official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the formal official shall notify the investigator, who shall immediately authorize or undertake an investigation.

If appropriate, Uplift shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation. Interim action may include, but is not limited to, placing the alleged offender on paid or unpaid administrative leave.

The investigation may be conducted by the formal official or a designee, such as the school director, or by a third party designated by Uplift, such as an attorney. When appropriate, the school director or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for Uplift to delay its investigation, the investigation should be completed within ten business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the Uplift official overseeing the investigation.

Uplift Action. If the results of an investigation indicate that discrimination, harassment, or retaliation occurred, Uplift shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, up to and including termination of employment. Uplift may take action even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality. To the greatest extent possible by law, Uplift shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal. An employee who is dissatisfied with the outcome of the investigation may appeal through the Employee Grievance policy.

Other Actions. Complainants may also have a right to file complaints with appropriate state and Federal agencies.

Access to Policy. This policy will be provided annually to Uplift employees and be available through Uplink.

Definitions. The following words and terms have the following meanings.

1. Child abuse or neglect--The definition of child abuse or neglect includes the trafficking of a child in accordance with Texas Education Code (TEC), §38.004.
2. Other maltreatment--This term has the meaning assigned by Human Resources Code, §42.002.
3. Trafficking of a child--This term has the meaning assigned by Texas Penal Code, §20A.02(a)(5), (6), (7), or (8).

Notice to Students and Parents. This policy must be included in any informational handbook provided to students and parents and must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and,
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

Duty to Report Maltreatment of Children.

1. Every Employee of Uplift:

- a. Any school employee, agent, or contractor having cause to believe a child's physical or mental health or welfare has been adversely affected by abuse or neglect must submit a written or oral report to at least one of the authorities identified below within 48 hours or less after learning of facts giving rise to the employee's belief.
- b. If the employee is a "professional," as defined below, the employee commits a Class A misdemeanor if the professional is required to make a report and fails to do so. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.
- c. If the employee is not a "professional," the employee commits a Class A misdemeanor if he or she is required to make a report and knowingly fails to do so.

2. A Professional, regardless of employment with Uplift:

- a. Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after learning of the facts giving rise to the professional's belief that abuse or neglect has occurred or may be occurring.
- b. A "professional" is a person 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.
- c. A professional may not delegate the duty to report to any other person or professional.

- d. **A professional commits a Class A misdemeanor if the professional is required to make a report and fails to do so. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.**
3. Any Person, regardless of employment with Uplift:
 - a. Any person who has cause to believe that 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 law.
 - b. Any person shall make a report if the person has cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability.
 - c. **A person commits a Class A misdemeanor if he or she is required to make a report and knowingly fails to do so.**

Consequence for Making a False Report. A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense.

Consequence for Coercing not to Report. A public servant, including a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense.

Who to Make the Report to.

1. If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to Child Protective Services (CPS).
2. All other reports shall be made to:
 - a. Any State or local law enforcement agency;
 - b. A local office of CPS, where available; or
 - a. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

What the Report is Required to Include.

1. The reason for believing a child has been or may be abused or neglected or has died of abuse or neglect;
2. The name and address of the child;
3. The name and address of the person responsible for the care, custody, or welfare of the child; and
4. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Immunity from Liability. A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. Uplift may not suspend or terminate the employment of, or otherwise discriminate against, a professional who makes a good faith report of abuse or neglect.

Confidentiality. A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential under the Public Information Act and not subject to release and may be disclosed only for purposes consistent with law. Unless waived in writing by the person making the report, the identity of an individual making a report is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court.

State Board for Educator Certification. The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse, or has failed to notify SBEC or the superintendent or director under the circumstances and in the manner required by Education Code 21.006 and 19 Administrative Code 249.14(d)–(f).

Investigation of a Report.

1. If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the Uplift superintendent.
2. On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report.
3. The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. A school may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS, may not deny an investigator's request to interview a student at school, and may not require the presence of a parent or school administrator during an interview of a student by an investigator.
4. A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS.

Student Education. Student education shall include child abuse anti-victimization programs in elementary and secondary schools that consist of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

Notice to Staff and Training for New and Existing Employees.

1. This policy shall be distributed to all personnel at the beginning of each school year.
2. This policy shall be addressed in staff development programs at regular intervals determined by the Board.
3. Training addressing prevention techniques for, and recognition of, sexual abuse, trafficking, and all other maltreatment of children, including the sexual abuse, trafficking, and other maltreatment of children with significant cognitive disabilities, shall be provided as part of new employee orientation to all new open-enrollment charter school employees and to existing open-enrollment charter school employees not previously trained as required by TEC, §38.0041. This training must include:

- a. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
 - b. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
 - c. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
 - d. Techniques for reducing a child's risk for sexual abuse, trafficking, or other maltreatment; and,
 - e. Information on community organizations that have relevant research-based programs that can provide training or other education for Uplift staff, students, and parents.
4. Uplift must maintain records that include the name of each staff member who participated in training as required by TEC, §38.0041.

Required Poster on Every Campus. Uplift shall place a poster of the following specifications on every campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The poster must:

1. Be in a format and language that is clear, simple, and understandable to students;
2. Be in English and in Spanish;
3. Be 11 inches x 17 inches or larger;
4. Be in large print;
5. Be placed at eye-level to the student for easy viewing; and
6. Include the following information:
 - a. The current toll-free DFPS Abuse Hotline telephone number (in bold print);
 - b. Instructions to call 911 for emergencies; and
 - c. Directions for accessing the DFPS [Texas Abuse Hotline website](http://www.txabusehotline.org), found at <http://www.txabusehotline.org> for more information on reporting abuse, neglect, and exploitation.



Job Description

| | | | |
|--------------------|---------------------------------------|---------------------|---------------------------|
| Position: | <u>Education Diagnostician</u> | Department: | Special Education |
| Reports to: | Sr. Director of Special Populations | Location: | Central Management Office |
| Hours: | Full-time | FLSA Status: | Exempt |

Mission Statement

Uplift's mission is to create and sustain public schools of excellence that empower each student to reach their highest potential in college and the global marketplace and that inspire in students a life-long love of learning, achievement, and service in order to positively change their world.

SUMMARY

Implement the Special Education appraisal process. Evaluate the educational and program needs of students referred for Special Education services. Provide diagnostic information and work cooperatively with instructional personnel to provide the most appropriate programs for students with disabilities.

ESSENTIAL DUTIES & RESPONSIBILITIES

Personal Objectives

- Display professionalism in dealing with students, parents, staff and community;
- Approach problem solving tactfully with directness and integrity;
- Exert a positive influence and work in harmony with associates;
- Respond to suggestions for improvement in a positive manner;
- Display self-control and tact;
- Display punctuality at the work place;
- Exercise professional judgment in being absent from work;
- Maintain professional appearance;
- Be mentally alert and physically able to perform job functions;
- Provide for the care and protection of school property.

Professional Objectives

- Support the school district's philosophy and objectives;
- Display professionalism consistent with district policies and procedures;
- Follow district policies pertaining to the individual assignment;
- Demonstrate an interest in acquiring new skills and knowledge;
- Seek professional growth through continuing education and staff development;
- Perform other duties as assigned.

Performance Objectives

- Perform all initial and three-year evaluations for students on assigned campus/campuses which includes selecting and administrating formal/informal evaluations to determine student eligibility criteria met for Special Education services according to federal and state regulations within timelines;

- Write Full and Individual Evaluation (FIE) reports in accordance with state regulations and professional standards;
- Collect and organize relevant evaluation data from student's cumulative folder, classroom teachers, principal, support-staff, parents and outside resources;
- Attend IEP/ARD Committee meetings to interpret test results and develop appropriate instructional strategies to meet students' educational needs;
- Schedule and conduct, as appropriate, ARD meetings to review initial placements, three-year evaluations, develop/modify BIP or conduct Manifestation Determinations within timelines;
- Compile, maintain and file all reports, ARD meeting paperwork, records and other documents required for compliance with state and federal statutes;
- Assist classroom teachers and administrators with implementation of IEPs and BIPs;
- Review/accept evaluation reports perform re-evaluations for transfer students within the 30-day timeline;
- Prioritize tasks and projects in an expedient manner;
- Demonstrate organizational skills;
- Stay current in Special Education law and "Best Practices" regarding evaluation;
- Accept and offer guidance and direction to campus staff directions;
- Exhibit professional demeanor and resourcefulness;
- Communicate effectively with diverse groups.

Evaluation

- This position will be evaluated in accordance with District Board Policy.

Other Responsibilities

- Work as a team member and with peers, teachers, campus personnel and Campus Directors;
- Demonstrate professional demeanor and resourcefulness;
- Communicate effectively with diverse groups;
- Accept supervision.

Special Knowledge/Skills

- Ability to use the accepted tests and measurements to evaluate communication disorders and conditions;
- Knowledge of evaluation, habilitation, and rehabilitation of speech-language disorders and conditions;
- Ability to instruct and manage student behavior;
- Excellent organizational, communication, and interpersonal skills.

The foregoing statements describe the general purpose and responsibilities assigned to this job and are not an exhaustive list of all responsibilities, duties, and skills that may be required.

SUPERVISORY RESPONSIBILITIES

This position does not have any supervisory responsibilities.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE

Master's degree in educational evaluation, valid state teaching certificate, valid state certification for education evaluation.

EXPERIENCE

Three years' experience as a classroom teacher, leadership and evaluation experience preferred.

LANGUAGE SKILLS

Ability to read, analyze, and apply common sense understanding and to carry out instructions in written or oral form. Ability to set priorities. Ability to communicate with all levels of personnel, students, and parents.

MATHEMATICAL SKILLS

Ability to work with mathematical concepts such as probability and statistical inference.
Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

REASONING ABILITY

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram or schedule form.

COMPUTER SKILLS

To perform this job successfully, an individual should be competent in Microsoft Office applications and ability to learn and use computer software as necessary. Ability to use basic office equipment.

SAFETY DUTIES & RESPONSIBILITIES

Every employee of the School has an obligation to know our safety rules and procedures; to teach what they know to others; to recognize unsafe actions and situations; to warn others of unsafe situations; to react to emergency situations and to report hazardous or unsafe practices to those in a position to correct them.

PHYSICAL / MENTAL DEMANDS

The physical demands described below are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this position, the employee is regularly required to sit and use the wrists, hands and/or fingers. The employee is occasionally required to stand; walk; climb or balance. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception and ability to adjust focus. Work at a desk and computer screen for extended periods of time.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. The noise level is low to high and may have frequent interruptions. There may be activity from other employees and students of a distracting nature.

OTHER QUALIFICATIONS

Satisfactory criminal records check, pre-hire and annually thereafter, if applicable. Must be eligible to work in the United States and provide work authorization.

MODIFICATION OF DUTIES & ESSENTIAL FUNCTIONS

Uplift Education retains the right to change and/or modify the duties and essential functions of this position at any time. This job description is not intended to cover or contain a comprehensive listing of activities, duties, or responsibilities required of the employee.

This job description has been reviewed with me and I fully understand the requirements. I am able to perform the essential functions of this job.

Employee's Signature: _____

Date: _____

Supervisor/Witness: _____

Date: _____

UPLIFT EDUCATION

RESOLUTION ADOPTING DIGITAL RECORDS MANAGEMENT POLICY

WHEREAS, UPLIFT EDUCATION has previously adopted a records management program in compliance with the Texas Local Government Code (Local Government Records Act); and

WHEREAS, to ensure the creation and maintenance of records with appropriate evidential characteristics within the Uplift Schools, we as the Board of Uplift Education adopt a technological move forward; and

WHEREAS, Uplift Education is committed to meeting its responsibilities to implement best practice in its records management and systems, recognizing that our records are our schools' memory, providing evidence of actions and decisions and representing a vital asset to support our daily functions and operations, providing support for policy formation and managerial decision-making, protecting the interests of Uplift Education, the State of Texas and the rights of employees, students and parents; and

WHEREAS, the intent of this policy is to:

- Preserve the right information for correct length of time;
- Meet legal requirements faster and more cost effective;
- Control and manage records management storage and destruction fees;
- Demonstrate proven practices of good faith through consistent implementation;
- Archive vital information for continuity and disaster recovery;
- Provide information in a timely and efficient manner regardless of urgency or request;
- Use technology to manage and improve program;
- Integrate policies and procedures throughout the organization;
- Establish ownership and accountability of records management program;
- Arrange for continuous training and communication through the organization;
- Project an image of good faith, responsiveness and consistency; and
- Review, audit and improve the program continuously;

THEREFORE, after consideration, the Board hereby adopts the following resolution:

BE IT RESOLVED, that Uplift Education hereby designates and deems our digitized school records as our Source Documents and not Documents of Convenience. This resolution applies to records that may have been digitized as well

as those that may be converted in the future. This resolution is offered as required by the Texas Archives and Library Commission.

Approved this 11th day of September, 2015, at regular meeting of the Board of Directors of Uplift Education.

By: Ann Stevenson
Ann Stevenson, Secretary

Uplift Education
Employee Grievance
Policy Effective Date: October 10, 2019

The Uplift Education (“Uplift”) Board of Trustees (“Board”) has adopted this grievance policy in order to provide all employees with the opportunity to be heard and in an effort to hear and resolve employee grievances in a timely manner and at the lowest administrative level possible. For purposes of this policy, “grievance” and “complaint” have the same meaning.

Employee grievances shall be filed and addressed in accordance with this policy, except for complaints alleging one or more of the following:

1. Complaints alleging discrimination based on gender, gender identity, sex, sexual orientation, race, color, religion, national origin, age, disability, or any other basis prohibited by law.
2. Complaints alleging physical, verbal, or nonverbal harassment based on an employee’s gender, gender identity, sex, sexual orientation, race, color, religion, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:
 - a. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
 - b. Creates an intimidating, threatening, hostile, or offensive work environment; or,
 - c. Otherwise adversely affects the employee’s performance, environment, or employment opportunities.
3. Complaints concerning retaliation relating to discrimination and harassment.

Complaints alleging 1-3 shall be filed and addressed pursuant to the “Discrimination, Harassment, and Retaliation” policy.

Informal Process.

Employees are encouraged to discuss their grievances informally with their direct supervisors or other appropriate administrators, such as Talent Management (TM) representatives. Grievances should be communicated as soon as possible to allow early resolution at the lowest possible administration level.

Seeking an informal resolution shall not extend any deadline in this policy with respect to filing a formal grievance, except by written mutual consent.

Formal Process.

While informal resolution is encouraged, an employee may initiate the formal grievance process by timely filing the current grievance form. The current grievance form may be obtained from isshine or the Director of Employee Relations or other designee, as described below.

The process described in this policy should not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

An employee whose grievance is resolved informally may withdraw a formal grievance at any time.

Freedom from Retaliation

Neither the Board nor any Uplift employee shall unlawfully retaliate against an employee for bringing a grievance, either informally or formally.

Notice to Employees

All employees will be given notice of this policy by the TM Department. Receipt of the Uplift employee handbook constitutes employee notification.

Filing

All grievance forms and appeal notices may be filed by hand-delivery, email, fax, or U.S. Mail. All filings shall be submitted to the Director of Employee Relations or other designee.

Hand-delivered filings shall be timely filed if received by the Director of Employee Relations or other designee by the close of business on the deadline. Fax or email filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy or on the email receipt notice. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the Director of Employee Relations or other designee no more than three business days after the deadline.

Days

“Days” shall mean Uplift business days, unless otherwise noted. The day a document is filed is “day zero.” The following business day is “day one.”

Representative

“Representative” means any person designated by the employee to represent him or her in the grievance process. The employee may designate a representative through written notice to Uplift at any level of this process. If the employee designates a representative for the first time before a scheduled conference, Uplift may reschedule the conference to a later date, if desired, in order to include Uplift’s counsel or other representative.

Related Grievances

Grievances arising out of an event or series of related events shall be addressed in one grievance. Employees shall not bring separate or serial grievances arising from any event or series of events that have been or could have been addressed in a previous grievance.

When two or more grievances are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, Uplift may consolidate the grievances.

Untimely Filings

All time limits shall be strictly followed unless modified by written consent of both parties.

If a grievance form or appeal notice is not timely filed, the grievance may be dismissed, on written notice to the employee. The employee may appeal the dismissal by seeking review in writing within ten business days of the dismissal date, starting at the level at which the grievance was dismissed. Such appeal shall be limited to the issue of timeliness.

Expenses Incurred

Each party shall pay its own expenses incurred in the course of the grievance process.

Grievance Forms, Appeal Forms and Submission of Documentation

Grievance forms and appeal forms under this policy must be filed in writing on forms provided by Uplift. These forms may be obtained from TM or through iShine.

Copies of any documents that support the grievance should be attached to the grievance form. If the employee does not have copies of these documents, they may be presented at the Level One conference. No documentation may be submitted by an employee after the Level One conference.

A grievance form that is incomplete in any material aspect may be dismissed, but may be re-filed with all the requested information so long as the re-filing is within the designated time for filing a complaint.

Scheduling Hearing Conferences

Uplift shall make reasonable attempts to schedule hearing conferences at a mutually agreeable time with the employee. If unsuccessful, Uplift will schedule the hearing and notify the employee. If the employee fails to appear at the scheduled conference, Uplift may hold the conference and issue a decision in the employee's absence.

Level One

A grievance form must be filed within 10 business days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the grievance with the Director of Employee Relations or designee.

The Level One administrator assigned to hear the grievance shall be the employee's direct supervisor; however, should the subject of the grievance be the direct supervisor, or should the direct supervisor not have the authority to grant the employee's requested relief, then the Level One administrator shall be the next-level supervisor or other administrator appointed by TM or the CEO.

A grievance pertaining to termination of employment may begin at Level Two.

The Level One administrator shall hold a conference with the employee within ten business days after receipt of the grievance form. The employee shall bring copies of any documents the employee requests to be considered to the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference. An audio recording shall be made of the Level One conference.

The Level One administrator shall have ten business days following the conference to issue the employee a written decision. The Level One administrator may attach any relevant documentation to the Level One decision that supports such decision.

Level Two

If the employee did not receive the relief requested at Level One or if the time for a decision has expired, the employee may file an appeal with the Director of Employee Relations or designee.

The appeal notice must be filed within ten business days after receipt of a decision or, if no decision was received, within ten business days of the Level One decision deadline.

The Level Two administrator assigned to hear the grievance shall be the next-level supervisor; however, should the subject of the grievance be the next-level supervisor, or should the next-level supervisor not have the authority to grant the employee's requested relief, then the Level Two administrator shall be appointed by TM or the CEO.

The Level Two administrator shall hold a conference with the employee within ten business days after receipt of the appeal notice. An audio recording shall be made of the Level Two conference. At the conference, the Level Two administrator shall consider only the issues and documents presented at Level One.

The Level Two administrator shall have ten business days following the conference to provide the employee with a written decision. The Level Two administrator may attach any relevant documentation to the Level Two decision that supports such decision.

Level Three – Final Appeal to the Uplift Board of Governors

If the employee did not receive the relief requested at Level Two or if the time for a decision has expired, the employee may file an appeal with the Director of Employee Relations or designee.

The appeal notice must be filed within ten business days after receipt of a decision or, if no decision was received, within ten business days of the Level Two decision deadline.

The Board of Governors shall hear grievances at Level Three. The employee will be informed of the date, time, and place of the Board meeting at which the grievance will be heard. The date, time, and place of the Board meeting shall only be rescheduled if a quorum of the Board is not present.

The Board shall consider only those issues and documents presented at Level One, except that if at the Level Three hearing the administration intends to rely on documentation not previously submitted, the administration shall provide the employee with notice of the nature of the documentation at least three business days before the Level Three hearing.

The presiding officer of the Board may set reasonable time limits and guidelines for the presentation, which may be in open or closed meeting as determined by the presiding officer in accordance with the Texas Open Meetings Act and other applicable law.

The Board will consider the grievance and may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. The Board may attach any relevant documentation to its decision that supports such decision. If for any reason the Board

fails to reach a decision regarding the grievance by the end of the next regularly scheduled meeting, the lack of decision by the Board upholds the decision of the Level Two administrator.

The decision of the Board is final.

Uplift Policy:

Employee Standards of Conduct – Use of Electronic Media

All Uplift employees must comply with the standards of conduct set out in the employee handbook and with any other policies, regulations, and guidelines that impose duties, requirements or standards applicable to their status as Uplift employees. Violation of any policies, regulations or guidelines may result in disciplinary actions up to and including termination of employment.

Definitions:

Electronic Media: “Electronic media” includes all forms of social media such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing Web sites (e.g. YouTube), editorial comments posted on the Internet, and social network sites (e.g. Facebook, MySpace, Twitter, and LinkedIn). Electronic media also includes all forms of telecommunications such as landlines, cell phones, and Web-based applications.

Communicate: “Communicate” means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee’s personal social network page or a blog) is not a communication; however, the employee may be subject to Uplift regulations or guidelines on personal electronic communications. Unsolicited contact from a student through electronic means is not a communication.

Use of Electronic Media with Students:

The Chief Executive Officer, Managing Director or a campus director may designate in writing specific employees, such as teachers, deans, counselors, or other professional employees, who may communicate through electronic media with students who are currently enrolled in an Uplift school. The employee must comply with the provisions outlined below. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the school.

Exceptions may be made by the CEO or Managing Director if the employee has a social or family relationship with the students. For example, an employee may have a relationship with a niece or nephew, a student who is the child of the adult friend, a student who is a friend of the employee’s child, or be a member or participant in the same civil, social, recreational, or religious organization. The CEO or Managing Director may define circumstances under which employees may use text messaging to communicate with currently enrolled students.

An employee who is authorized to use electronic media to communicate with students will observe the following:

1. The employee will limit communications to matters within the scope of the employee's professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity.)
2. The employee is prohibited from knowingly communicating with students through a "personal" social networking page.
3. The employee may communicate with students using a professional social network page, which must be Uplift approved and accessible to both administrators and parents.
4. The employee will not communicate directly with any students between the hours of 9:00 p.m. and 7:00 a.m., provided, however, that for school sponsored extracurricular activities that may extend past 9:00 p.m. or begin before 7:00 a.m., employees may communicate as necessary with students after 9:00 p.m. or before 7:00 a.m.
5. The employee does not have a right to privacy with respect to communications with students and parents.
6. The employee will continue to be subject to the applicable state and federal laws, local policies and guidelines, and the Code of Ethics and Standard Practices for Texas Educators, including:
 - a. Compliance with the Public Information Act and the Family Education Rights and Privacy Act (FERPA), including retention and confidentiality of student records.
 - b. Copyright law.
 - c. Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student.
6. An employee shall forward to the employee's school email account all non-school-email-based electronic communications that pertain to the scope of the employee's professional responsibilities so that the communications can be preserved in accordance with the requirements for records retention and destruction.
7. Upon request from the administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any currently enrolled students.
8. Upon written request from a parent or student, the employee will discontinue communicating with the student through e-mail, text messaging, instant messaging, or any other form of one-to-one communication.

Exceptions to any of the above requirements may be made by the CEO or her designee.

Electronic Media Use with Parents:

Designated employees may use electronic media to communicate with parents of currently-enrolled students about matters within the scope of employees' professional responsibilities. However, information about student performance and behavior should not be sent via text-messaging. All non-school-email-based communications that pertain to the scope of the employees' professional responsibilities shall be forwarded to the employees' school email accounts.

Employee Personal Use of Electronic Media:

Employees will be held to the same professional standards in their public or private use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or Uplift policy or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Employee Use - Social Media:

Employees who are prohibited from using electronic media with current students may not knowingly allow students access to the employee's personal networking site or webpage. Employees who are designated as being allowed to communicate with students may not knowingly allow students to access the employee's personal social networking site or webpage that portrays sex, nudity, alcohol or drug use, or other behaviors associated with the employee's private life that would not be appropriate to discuss with a student at school. Employees should not accept students as "friends" on personal social networking sites and should not initiate friendships with current students. Employees who do so, do so at their own risk.

The Code of Ethics (19 T.A.C. 247.1 & 2) is included in the Uplift Employee Handbook. The Code includes the following standard which specifically addresses communication with students. For the purposes of expected behavior, this Code applies to all Uplift employees regardless of job title or classification:

Educators' Code of Ethics – Standard 3.9:

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- a. the nature, purpose, timing, and amount of the communication;
- b. the subject matter of the communication;

- c. whether the communication was made openly or the educator attempted to conceal the communication;
- d. whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- e. whether the communication was sexually explicit; and
- f. whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

Approved by Uplift Board – 12/10/2013

Uplift Education

Freedom from Discrimination, Harassment, and Retaliation - Scholar

Policy Effective Date: April 30, 2019

Uplift Education prohibits discrimination, including harassment, against any scholar on the basis of gender, gender identity, sex, sexual orientation, race, color, religion, national origin, disability, age, or any other basis prohibited by law. Uplift prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of Uplift policy and is prohibited.

Discrimination. Discrimination against a scholar is defined as conduct directed at a scholar on the basis of gender, gender identity, sex, sexual orientation, race, color, religion, national origin, disability, age, or any other basis prohibited by law, that adversely affects the scholar.

Prohibited Harassment. Prohibited harassment of a scholar is defined as physical, verbal, or nonverbal conduct based on the scholar's gender, gender identity, sex, sexual orientation, race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a scholar's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the scholar's academic performance; or
3. Otherwise adversely affects the scholar's educational opportunities.

Prohibited harassment includes dating violence as defined by this policy.

Sexual Harassment.

Sexual harassment of a scholar by an Uplift employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. An Uplift employee causes the scholar to believe that the scholar must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the scholar submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the scholar's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the scholar's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between scholars and Uplift employees are prohibited. Any sexual relationship between a scholar and an Uplift employee is always prohibited, even if consensual.

Sexual harassment of a scholar, including harassment committed by another scholar, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a scholar's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the scholar's academic performance; or
3. Otherwise adversely affects the scholar's educational opportunities.

Gender Based Harassment. Gender-based harassment includes physical, verbal, or nonverbal conduct based on the scholar's gender, the scholar's expression of characteristics perceived as stereotypical for the scholar's gender, or the scholar's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a scholar's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the scholar's academic performance; or
3. Otherwise adversely affects the scholar's educational opportunities.

Dating Violence. Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a scholar's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the scholar's academic performance; or
3. Otherwise adversely affects the scholar's educational opportunities.

Retaliation. Uplift prohibits retaliation by a scholar or Uplift employee against a scholar alleged to have experienced discrimination or harassment, including dating violence, or another scholar who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation.

False Claim. A scholar who intentionally makes a false claim, offers false statements, or refuses to cooperate with an Uplift investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action.

Prohibited Conduct. In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Reporting

Any scholar who believes that he or she has experienced prohibited conduct or believes that another scholar has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, academic director, other Uplift employee, or the appropriate Uplift official listed in this policy.

Any Uplift employee who suspects or receives notice that a scholar or group of scholars has or may have experienced prohibited conduct shall immediately notify the appropriate Uplift official listed in this policy and take any other steps required by this policy.

For the purposes of this policy, Uplift officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the designated Title IX coordinator for scholars.

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for scholars.

The Superintendent shall serve as coordinator for purposes of Uplift compliance with all other nondiscrimination laws.

A scholar shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair Uplift's ability to investigate and address the prohibited conduct.

The Uplift official or designee shall promptly notify the parents of any scholar alleged to have experienced prohibited conduct by an Uplift employee or another adult.

Investigation

Uplift may request, but shall not require, a written report. If a report is made orally, the Uplift official shall reduce the report to written form.

Upon receipt or notice of a report, the Uplift official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Uplift shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the Uplift official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the Uplift official shall refer the complaint for consideration under the Scholar Code of Conduct.

If appropriate, and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, Uplift shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of Uplift's investigation.

The investigation may be conducted by an Uplift official or a designee, such as the academic director, or by a third party designated by Uplift, such as an attorney. When appropriate, the academic director shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

If a law enforcement or regulatory agency notifies Uplift that a criminal or regulatory investigation has been initiated, Uplift shall confer with the agency to determine if Uplift investigation would impede the criminal or regulatory investigation. Uplift shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, Uplift shall promptly resume its investigation.

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for Uplift to delay its investigation, the investigation should be completed within ten Uplift business days from the date of the report; however, the investigator shall take additional time if necessary, to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the Uplift official overseeing the investigation.

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

Uplift Action

If the results of an investigation indicate that prohibited conduct occurred, Uplift shall promptly respond by taking appropriate disciplinary action in accordance with the Scholar Code of Conduct and may take corrective action reasonably calculated to address the conduct.

If the results of an investigation indicate that bullying occurred, as defined by the Anti-Bullying Policy, the Uplift official shall refer to the Anti-Bullying Policy for appropriate notice to parents and Uplift action.

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the Uplift may take disciplinary action in accordance with the Scholar Code of Conduct or other corrective action reasonably calculated to address the conduct.

Confidentiality. To the greatest extent possible, Uplift shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal. A scholar or parent who is dissatisfied with the outcome of the investigation may appeal through the Parent Grievance Policy, beginning at the appropriate level. A scholar or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

Records Retention. Uplift shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with Uplift's records retention schedules, but for no less than the minimum amount of time required by law.

Access to Policies and Procedures. Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and scholar handbooks. Copies of the policy and procedures shall be posted on the Uplift's website, to the extent practicable, and readily available at each campus and Uplift's administrative offices.



Approved by
Uplift Board
6/27/17

Uplift Education Grading Philosophy and Practices for Grades 6-12

Grading Philosophy

Uplift Education is committed to ensuring equity and achievement for all of our scholars. To make sure that we are maximizing our intentional efforts to provide a holistic educational experience for all of our scholars, we understand that how we measure and represent scholar learning is critical to the success of our learning communities. Listed below are the five core tenets of our network-wide grading philosophy:

1. Grades reflect mastery of content
2. Grades should be fair and have consideration for the scholars that we serve
3. Grading practices should be aligned to the IB standards and practices and required policies
4. Grades should be more indicative of scholars' performance on future standardized assessments
5. Grades across the network should be normative and reliable indicators of scholar ability and areas of opportunity

Teacher Grading Practices

Grades shall be a fair reflection of each scholar's skills and knowledge using a variety of assessment tools. Classroom grading procedures shall be directly related to clear criteria and standards that show evidence of scholar contribution to their development. Included in *Appendix A* are recommended teacher grading practices to be reviewed by each teacher in the network when establishing fair and equitable practices in the classroom. Below is a list of guidelines that each campus grading policy must adhere to:

- a. Grading criteria shall be made available to students prior to attempting an assessment.
 - i. Teachers shall provide a written overview of course requirements and expectations to scholars and parents during the first week of classes in each course. This will include assessment measures and grading scale.
 - ii. Teachers shall provide scholars with a rubric before administering each summative assessment (i.e. end of unit exam, research papers, performance tasks, projects).
 - iii. Self-assessment and the monitoring of progress by scholars shall be a component of the overall assessment process.
- b. Achievement of skills and knowledge shall be the primary basis for grades
- c. If measurements beyond mastery are included within a grade, such as effort, participation, attitude, and other behaviors, these measurements should represent only a minor basis of any grade and be categorized in isolation from the assessments measuring mastery. Examples of this include *Approaches to Learning* and *Habits of Scholarship*.
- d. Late/Incomplete summative work (i.e. projects, essays, labs, etc.) will be handled as follows:
 - i. Teachers will set due dates and deadlines for all summative assessments that will be part of a scholar's grade. Due dates and deadlines must be clearly stated for scholars.

- ii. Scholars are expected to complete all required summative assessments and will be given opportunities to do so. It is the scholars' responsibility to work with the instructor and identify missed summative assessments. In addition, teachers shall notify scholars and/or parents of missed work. Notice on major works and due dates should be provided at the beginning of the unit. Teachers are encouraged to provide scholars and parents with progress monitoring sheets indicating missing work.
- iii. Summative assessments that are handed in late, if penalized, will not earn a grade higher than the maximum grade allowed under the reassessment policy. For example, if a school allows scholars to retake an assessment for a maximum grade of 80%, summative assessments that are handed in late will not earn a grade higher than an 80%.
- iv. Campuses shall establish a timeline in which late work, if accepted, is given credit. For example, all late assignments must be reconciled by the end of each three week Progress Report period.
- v. Scholars may be exempt from penalties for extenuating circumstances
- vi. When a scholar does not turn in a summative assessment by the original deadline, teachers must do the following within two school days:
 - i. Notify scholar of late penalty policy and provide a date for submission
 - ii. Notify parents in writing and/or via phone

Grade Reporting

Uplift Education campuses report grades on a nine-week grading cycle. All Uplift Education campuses will provide Individual Progress Reports at the 3-week and 6-week mark (exceptions can be approved by Managing Director) of a grading cycle and Report Cards at the end of each 9-week grading cycle.

Gradebook Guidelines

Grades shall be posted/recorded in a timely manner. Formative assessments shall be posted/recorded no later than within five instructional days. Summative assessments shall be posted/recorded no later than within ten instructional days. Grades shall be based on scholar mastery of standards (Texas Essential Knowledge and Skills) and the district curriculum. Grades should reflect a scholar's academic achievement for the grading period, semester, or course.

Teachers should have a sufficient quantity and variety of assessments during the grading period to accurately reflect academic achievement. Teachers will record a minimum of one formative/summative grade per week. ICS will provide further specifications.

Grades of "0" assigned for work not completed may be changed upon the completion and submission of such assignments by the scholar. The teacher will have discretion over the grade assigned within the parameters of the campus or department grading procedures. Scholars with grades of "0" for missing work may be assigned mandatory tutorial session(s) until the assignments are completed. A system of interventions with the scholar should be such that receiving a "0" for work not completed will be a rare occurrence and involve a great deal of time and effort on the part of the scholar.

Furthermore, it is the position of Uplift Education that giving a grade of a zero for incomplete or late work is not a best practice and runs counter to our grading philosophy. The first tenet of our grading philosophy is that **"grades reflect mastery of content"**. Teachers shall deeply consider whether assigning a zero for an assignment based off of behavior (not turning in work, not attending class, etc.)

results in an overall course grade that reflects mastery of content. **Additionally, research has shown that a grade of zero for a short term failure is a key contributing factor for long term failure in demotivating students.** A zero disproportionately skews the overall grade downward compared to failures for other reasons, such as not adequately grasping the concepts presented. Finally, it should be noted that the effectiveness of giving grades of zero as a disciplinary tool has been roundly rejected by academic research into the matter. A best practice is, if after every effort has been made to intervene with the scholar to complete the course work and the scholar still does not complete the work, that the scholar receives a minimum grade of 50%-60% to avoid sabotaging the scholar's overall chances at passing the course, thus maintaining an incentive to remain engaged in the classroom.

Extra Credit Policy

The purpose of grading and reporting grades is to provide an accurate reflection of a scholar's knowledge of the most essential concepts in the stated curriculum. Given this purpose, teachers should not create extra credit activities or assignments. Extra credit assignments tend to be misaligned with the mission of grading by creating grades that are *not* achievement based, spending extra time on an objective that is already adequately tested, or giving assignments that do not cover the essential knowledge and skills. Instead of providing extra credit, teachers should adhere to the reassessment policies outlined in this Guideline and in their Individual Campus Supplement (ICS).

Grading Scale and Grade Point Scale

The grade scale at Uplift Education campuses is as follows:

| Raw Score | Letter Grade | Grade Points (for credit classes only) |
|---------------------|---------------------|---|
| 97-100 | A+ | 4.0 |
| 93-96 | A | 4.0 |
| 90-92 | A- | 3.7 |
| 87-89 | B+ | 3.3 |
| 83-86 | B | 3.0 |
| 80-82 | B- | 2.7 |
| 77-79 | C+ | 2.3 |
| 73-76 | C | 2.0 |
| 70-72 | C- | 1.7 |
| 69 and Below | F | 0 |

For AP and IB courses, 1 additional grade point will be added to the grade point scale below. For example, a scholar who earns a B in an AP class will be awarded 4 grade points. In order to qualify for the 1 point

addition, the course must be represented on a scholar's official transcript as an AP course. Dual Credit and Honors courses are given a weight of 0.5 extra points. Also, please note that all failing grades receive an F. Since anything below a 70 is considered a failure, a D is not included in the scale.

Academic Dishonesty

Treatment of Academic Dishonesty

If a scholar is suspected of plagiarism or any other form of academic dishonesty, the following procedure will be followed:

- The scholar's paper, exam, test, quiz, or assignment will be confiscated by the teacher.
- The paper, exam, test, quiz, or assignment will be submitted to an administrator for consideration.
- The scholar will be required to meet with the teacher and a Campus administrator for review of the scholar's work and, if found in violation of this policy and the Uplift Scholar Code of Conduct, receive appropriate consequences in line with the severity of the offense. These may include:
 - Formal Choice Management Referral write-up
 - Grade reduction on plagiarized work
 - Re-do of plagiarized work
 - Counseling and attendance at Academic Integrity Roundtable with the Dean of Scholars
 - Completion of community service hours
 - Enrollment in academic probation

Severe instances of plagiarism or academic dishonesty may lead to suspension or expulsion.

Reassessment Policy

Across all Uplift campuses, scholars should be given access to reassessment. The intent of this policy is to provide scholars with additional opportunities to demonstrate mastery of the content.

Reassessment Expectations

Scholars that score below mastery (80%) will have the opportunity to take reassessments at all Uplift campuses to improve their grade up to an 80%. Certain assessments may be excluded from the reassessment policy, through a joint decision of the teacher and his/her campus leadership team. The ICS should explain how teachers and campus leadership teams craft communications around assignments that are not eligible for reassessment or use a different reassessment policy. Final exams and Uplift common assessments do not have opportunities for reassessment.

For any given assessment, providing at least one reassessment is required. After that, it is up to the discretion of the teacher and administration.

Reassessment Timeline

Campuses will determine when opportunities exist for scholars to retest. Scholars may be required to attend tutorials, complete test corrections, or perform other tasks prior to retesting, as expressed in the Individual Campus Supplement.

Quarter grades, *including* all reassessment grades, shall be finalized by the deadline for completing grade verification sheets.

Test Format

The reassessment must cover the same material, or objectives, as the original assessment. However, the test or assignment may be in a different format or have new questions. The Individual Campus Supplement contains campus specific guidelines about the test format.

Communication to Scholars and Parents

The reassessment policies in the individual campus supplement should be shared with scholars and parents at the beginning of each school year. Teachers should communicate and plan for the retest within a reasonable time period after the teacher notifies the scholar of a grade eligible for reassessment.

Additional Guidelines for Reassessment

Campuses may determine additional guidelines to further specify the implementation of the reassessment policy.

IB MYP Assessment Expectations

Achievement is assessed qualitatively using assessment criteria drawn from appropriate subject and course objectives. These objectives are provided by the state of Texas and the International Baccalaureate, where applicable. IB assessment criteria are also used where applicable to derive a criterion-referenced, qualitative grade. All scholars, in all grade levels, and all content areas, should have multiple opportunities to demonstrate their growth according to IB assessment criteria. These criteria are utilized for assessments in all subject groups and culminating projects such as the MYP Personal Project and the DP Extended Essay.

Assessment Expectations for Teachers

Teachers can expect to receive ongoing guidance and support from the MYP Dean (MS), Dean of Instruction (HS), and the school's Academic Director as they implement their curriculum and assessments. In addition they will give and receive support to their team members through departmental and grade-level collaboration. With support and guidance, teachers will:

- Develop units using a backward design process, designing the summative assessment prior to the learning activities.
- Include clarifications, checklists, and/or make the rubrics task-specific so scholars clearly understand how they can achieve at the highest level.
- Share rubrics with scholars before they engage in the assessment task.
- Provide opportunities for scholars to self-assess and reflect on their learning.
- Conduct continuous formative assessment and provide timely feedback that helps scholars and the teacher make adjustments before the summative assessment.

- Communicate with case managers of scholars with Individualized Education Plans (IEPs) to ensure appropriate modifications and/or accommodations are made (including how to or whether to use the MYP rubrics).
- Keep samples (low, medium, and high achievement) of scholar work for:
 - Developmental workbooks in Design and the Arts
 - Portfolios in other courses as teachers or the school deem applicable
 - Review within subject area and grade-level teams (internal standardization)
- Program-specific assessment expectations for teachers:
 - MYP:
 - Ensure that each assessment criterion in the subject is assessed at least twice each year as required by the IB.
 - Identify the MYP interim objectives for each MYP unit and develop assessments that evaluate scholars' progress toward those objectives.
 - Employ MYP assessment criteria (rubrics) using modified age-appropriate and task-specific rubrics when appropriate.
 - Campuses may determine additional guidelines to further specify the implementation of IB MYP Assessments.
 - DP:
 - Ensure that each external assessment criterion in the subject is assessed at least twice in Grade 11 and again in Grade 12.
 - Campuses may determine additional guidelines to further specify the implementation of the IB DP Assessment.

MYP & DP Assessment Monitoring Guidelines for School Leaders

School leaders are responsible for monitoring teacher adherence to the MYP and DP assessment expectations. MYP Deans and Deans of Instruction are expected to use computer-based monitoring tools (i.e. Google Docs, Power Teacher) and meetings with teachers (i.e. grade level teams, vertical teams, content teams, planning meetings, coaching debrief meetings) to monitor assessment criteria usage each semester. Upon request, school leaders should provide this information to the network IB Coordinator and/or their assigned Managing Director.

Communication to Scholars and Parents

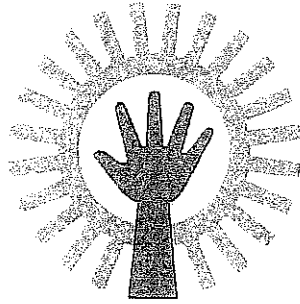
Enacting the IB fundamental concept of communication, it will not only be important to communicate changes in grading practices to scholars but also to their families. At family events, there will be annual presentations that give an overview of the IB programs and explains the usage of assessment criteria and what that means for their scholars. We also will include information on the website and in newsletters that are sent home throughout the school year.

Appendix A

Suggested Grading Practices for Teachers and Leaders

| | Teachers | Leaders |
|---|---|--|
| Focused on Mastery | <ul style="list-style-type: none"> Utilize rubrics; Questions to consider: Do we norm the scale used to convert to a letter grade? Is it a growing scale? (Is it different in March than it was in September? How do we account for growth?) Utilize data trackers Creating intentional intervention blocks for retakes Create alternative retake assessments Create assessments with a variety of means to show mastery Provide timely feedback so that it is utilized to improve mastery Provide quality feedback Improve communication to both scholars and parents about scholar progress and areas of opportunity Backward plan from summative to formative Account for academic performance vs. behavior management (other factors such as engagement, behaviors, grade penalties, etc. should not be accounted for as part of the grade) | <ul style="list-style-type: none"> Setup gradebook categories so 80% or more is assessment/content mastery focused, and the rest is behavior (Habits of Scholarship) Gradebook audits for content versus behavior. Focus on number of feedback touch points scholars are getting Use and train teachers on Rubrics and Criterion Assessments. [IB Aligned] Check in with teachers consistently about gradebooks and grading practices Have team norms around assessment and grading. Have teams examine assessments and scholar work [IB aligned] Create a common grading rubric all teachers have to use and include a conversion chart that takes a criterion rubric (0 - 8 scale for rubric) then converts it to a percentage |
| Taking Into Account our Scholars' Needs | <ul style="list-style-type: none"> At the start of the school year establish ways to communicate consistently both to scholars and parents scholar progress and areas of opportunity Clearly state grading procedures in the syllabus and communicate to both scholars and parents Follow the school-wide policy for late work submission Provide frequent assessments to truly assess mastery throughout the school year Include 1-2 short exams for mid-term or final assessments of mastery within a 9-week grading period Reflect on scholar assessment performance: If everyone does poorly, the evaluation leans towards the instruction or quality of assessment vs. the quality of the scholar performance (both for whole assignment and for individual questions) Have scholars self-track grades and mastery | <ol style="list-style-type: none"> Grade level teams create a master calendar of assessments. Aim to spread out the workload over the quarter Homework <ol style="list-style-type: none"> Define daily/weekly homework load allowed per night Have a dedicated space with computer access for kids to get work done before and/or after school Counted as behavior grades (Habits of Scholarship) and not content mastery |

| | | |
|--|---|--|
| | <ul style="list-style-type: none"> • Create access to resources scholars may not have beyond our campuses (library access, computer/internet, etc.) • In respect to electronically submitted assignments, ensure the availability and access to materials while scholars are on campus (lab hours) • Create a system to account for scholar absences while scholars are undergoing current wave of assignments/instruction • Evaluate high absenteeism; make no assumption regarding laziness or apathy; scholars may truly "need" to be away for their family... | |
|--|---|--|



uplift education

Shine through.

Investment Policy

**Approved:
June 2017**

UPLIFT EDUCATION INVESTMENT POLICY

1. POLICY:

It is the policy of Uplift Education to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all federal, state and local statutes, rules or regulations governing the investment of public funds. It is the intent of Uplift to be in compliance with the Texas Public Funds Investment Act.

2. SCOPE AND STRATEGY:

This investment policy applies to all financial assets of Uplift Education. These funds are accounted for in the Uplift Education Annual Financial Report and include:

2.1 Funds:

2.1.1 Operating Funds

The nature of these funds requires that anticipated cash flows are matched with adequate investment liquidity and safety. Uplift will invest operating funds in interest bearing checking accounts, certificates of deposit or other authorized investments having a short-term maturity to ensure that sufficient funds are available for continued operations of the schools.

2.1.2 Debt Service Funds

The primary objective in the investments of all monies collected or allocated for debt service will be to maintain safety of principal. Secondly, Uplift will seek to maximize the return on such funds while insuring that funds are available for timely payment of its debt obligations. Debt service funds will be invested in certificates of deposits, treasury bills or other authorized short-term investments that have maturity dates corresponding to required debt service payment dates.

2.1.3 Debt Service Reserve Funds

Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. Maturities of investments of these funds must allow for availability of some funds as a safe-guard for any unanticipated short-fall in funds required for debt service payments. Except as may be required by the bond ordinance specific to an individual issue, investments shall have short-to-intermediate term maturities. Authorized investments will include certificates of deposit, investment pools, treasury bills and treasury notes.

2.1.4 Bond Funds

Investment of these funds will have the primary objective of safety of principal, while seeking to maximize returns on such funds, the maturity of investments must ensure sufficient funds are available to meet payment obligations on a timely basis. Short to intermediate term investments will be the most appropriate, depending on the progress of projects funded with bond funds. Any yield restrictions due to arbitrage rules must be considered when investing bond funds.

2.1.5 Capital Reserve Funds

Investment of these funds will have the primary objective of generating a revenue stream to minimize additional funding from investments with a low degree of volatility. Maturities of investments of these funds must allow for some funds to be available on a regular basis for major capital outlays.

2.1.6 Endowment Funds

Investment of these funds will be to maximize the return to generate funds that will be paid out annually for the stated Endowment purpose and the maturities will be matched to the scheduled payout of funds.

3. STANDARD OF CARE:

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

3.1 The standard of prudence to be used by investment officials shall be the "**prudent person**" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy who exercise due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4. INVESTMENT OBJECTIVES:

The primary objectives, in priority order, of Uplift Education's investment activities shall be:

4.1 **Safety:** Safety of principal is the foremost objective of the investment program. Investments of Uplift Education shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

4.2 Liquidity: Uplift Education's investment portfolio will remain sufficiently liquid to enable Uplift Education to meet all operating requirements which might be reasonably anticipated.

4.3 Yield: The Uplift Education's investment portfolio shall be designed with the objective of attaining a yield throughout budgetary and economic cycles, commensurate with the Uplift Education's investment risk constraints and the cash flow characteristics of the portfolio.

4.4 Diversification: To diversify investments as to maturity, instruments, and financial institutions where permissible under state law.

4.5 Marketability: Uplift Education's investment portfolio shall be designed with the objective of purchasing investments that can be converted to cash or other liquid assets within seven working days to ensure an adequate cash flow for uninterrupted fiscal operations. Market price of each investment shall be monitored and reported to the board of trustees during all regularly scheduled meetings of the board of trustees. Monitoring shall include calculating and reporting the current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.

4.6 Maturity: Maturities of investments must allow for availability of some funds as a safe-guard for any unanticipated short-fall in funds required for operations as well as debt service payments.

5. DELEGATION OF AUTHORITY:

Authority to manage the Uplift Education's investment program is derived from the following: The Public Funds Investment Act, Chapter 2256, Texas Government Code and Uplift Education's Board of Governors Resolution. Management responsibility for the investment program is hereby delegated to the Chief Financial Officer and the Senior Director of Accounting, who shall serve as investment officers for the organization and shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures are to be established that include reference to: safekeeping, repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officers and approved by the Board. The investment officers shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Signature approval of both investment officers is required on all investment transactions.

6. TRAINING: Each member of the Board of Governors and its investment officers shall attend at least one training session related to the person's responsibilities within six

months after taking office or assuming duties. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Public Funds Investment Act. An investment officer shall attend a training session not less than once in a two-year period and may receive training from any independent source approved by the Board of Governors. Each training session attended shall contain at least five hours of instruction related to the officer's responsibilities under the Public Funds Investment Act.

7. ETHICS AND CONFLICTS OF INTEREST:

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the Chief Executive Officer of Uplift Education any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of Uplift Education, particularly with regard to the time of purchases and sales.

8. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS:

The Chief Financial Officer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment services in the State of Texas. These may include "primary" dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule). No public deposit shall be made except in a qualified public depository as established by state laws. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Chief Financial Officer with the following: audited financial statements, proof of state registration, certification of having read Uplift Education's investment policy and depository contracts. An annual review of the financial condition and registrations of qualified bidders will be conducted by the Chief Financial Officer. A current audited financial statement is required to be on file for each financial institution and broker/dealer in which Uplift Education invests.

9. AUTHORIZED AND SUITABLE INVESTMENTS:

Uplift Education Board of Governors, by adoption of this policy, authorizes Uplift Education's investment officers to invest in the following types of investments described below, in compliance with its adopted policies and according to the standard of care set out in this policy. Amendments to the investment policy must be approved by the Board of Governors through board resolution.

9.1 Certificates of Deposit: A certificate of deposit is an authorized investment if the certificate is issued by a state or national bank domiciled in this state, a savings bank domiciled in this state, or a state or federal credit union domiciled in this state and is:

- 9.1.1 guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;
 - 9.1.2 secured by obligations that are described by PFIA, Section 2256.009 (a) including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009 (b); or
 - 9.1.3 secured in any other manner and amount provided by law for deposits of the district.
- 9.2 Mutual Funds:** Except as provided by Subsection (c) of Section 2256.014 of the Public Funds Investment Act a no-load mutual fund is an authorized investment under this policy if the mutual fund:
- 9.2.1 is a no-load money market mutual fund and the fund:
 - 9.2.1.1 is registered with and regulated by the Securities and Exchange Commission;
 - 9.2.1.2 provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);
 - 9.2.1.3 has a dollar-weighted average stated maturity of 90 days or fewer;
 - 9.2.1.4 includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share.
 - 9.2.2 is a no-load mutual fund and the fund:
 - 9.2.2.1 is registered with the Securities and Exchange Commission;
 - 9.2.2.2 has an average weighted maturity of less than two years;
 - 9.2.2.3 is invested exclusively in obligations approved in Subchapter 2256.014;
 - 9.2.2.4 is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and

9.2.2.5 conforms to the requirements set forth in Sections 2256.016 (b) and (c) relating to eligibility of investment pools to receive and invest funds of investing entities.

9.2.3 Investments in mutual funds are not authorized that in the aggregate will exceed 15 percent of the monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service.

9.3 Obligations of, or Guaranteed by, governmental Entities: Except as provided by Subsection (b) of Section 2256.009 of the Public Funds Investment Act. The following are authorized investments under this policy:

9.3.1 obligations of the United States or its agencies and instrumentalities;

9.3.2 direct obligations of this state or its agencies and instrumentalities;

9.3.3 collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

9.3.4 other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities;

9.3.5 obligations of states, agencies, counties, cities and other political subdivisions of the state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and

9.4 Commercial Paper: Commercial paper is an authorized investment under this policy if the commercial paper:

9.4.1 has a stated maturity of 270 days or fewer from the date of its issuance; and

9.4.2 is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

10. COLLATERALIZATION:

Collateralization will be required on two types of investments: certificates of deposit and repurchase (and reverse) agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be (102%) of

market value of principal and accrued interest and will be compared to market weekly. Collateral will always be held by an independent third party with whom Uplift has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to Uplift Education and retained. The right of collateral substitution is granted.

11. SAFEKEEPING AND CUSTODY:

All security transactions, including collateral for repurchase agreements, entered into by Uplift Education shall be conducted on a **delivery-versus-payment (DVP)** basis. Securities will be held by a third party custodian designated by the Chief Financial Officer and evidenced by safekeeping receipts.

12. MAXIMUM MATURITIES:

To the extent possible, Uplift Education will attempt to match its investment maturities with anticipated cash flow requirements.

13. INTERNAL CONTROL:

The Chief Financial Officer shall establish an annual process of independent review by an external auditor. This review shall be performed in conjunction with the annual financial audit and will provide internal control by assuring compliance with policies and procedures.

14. PERFORMANCE STANDARDS:

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

15. REPORTING:

The Chief Financial Officer is charged with the responsibility of including a market report on investment activity and returns in the Uplift Education's Financial Report. Not less than quarterly, reports will be presented to the Board during regularly scheduled meetings and will include performance and interest earnings. The investment report shall be prepared jointly and signed by all investment officers of Uplift Education.

16. INVESTMENT POLICY ADOPTION:

Uplift Education's investment policy shall be reviewed annually by the investment officers and any modifications made thereto must be approved and adopted by resolution of the Uplift Education Board of Governors.

UPLIFT EDUCATION

RESOLUTION – MINIMUM GRADUATION PLAN

WHEREAS, the Board of Directors of Uplift Education has previously established the graduation requirements for all Uplift schools, which have not included the Minimum Graduation Plan allowed under Texas law;

Whereas, the Board has considered including the Minimum Graduation Plan as an option for certain students with an identified disability, if made part of the student's Individualized Education Plan as approved by the Admission, Review and Dismissal (ARD) Committee, and agreed to by the student's parent(s);

Whereas, allowing this option will enable Uplift Schools to effectively serve all students without compromising the high academic standards of Uplift schools;

Whereas, after discussion, the Board is of the opinion that the Minimum Graduation Plan should be an option, conditioned as follows;

Therefore, it is

RESOLVED, that the Minimum Graduation Plan be and it is hereby, offered as an option for certain students with an identified disability, provided that:

- 1) The minimum graduation plan must be determined to be a necessary and appropriate option by the ARD Committee; and
- 2) If a minimum graduation plan is to be considered as an option, the Senior Director of Special Populations must be notified in advance of the ARD Committee meeting, and either the Senior Director of Special Populations or the Special Education Coordinator for the campus will be in attendance at the ARD Committee meeting where this option is considered; and
- 3) The determination of the appropriateness of the minimum graduation plan will be based on the severity of disability, the student's academic record, and benchmark assessments/evaluations, which documentation shall be presented at the ARD committee.

Approved this 28th day of Sept., 2010.

RESOLUTION MODIFYING POLICY RELATED TO STAAR EOC(End of Course)

WHEREAS, at its meeting on October 25, 2011, the Board approved certain policies recommended by the Uplift Education leadership with respect to credit, retake, and special education to accommodate the new STAAR requirement of a 15% EOC calculation for all 9th graders beginning in 2011 and all 8th graders taking the Algebra EOC assessments, and

WHEREAS, the Commissioner of Education, Robert Scott, issued a press release on February 17, 2012, giving districts and charter schools the ability to defer implementation of the 15% EOC calculation for an additional year; and

WHEREAS, after consideration, the Uplift leadership has recommended that Uplift elect to defer the 15% EOC implementation, and the Board, after discussion, is of the opinion that such deferral is in the best interest of Uplift Education and its students;

THEREFORE, be it

RESOLVED, Uplift will defer implementation of its policy, "STAAR EOC Policies for 2011-12," that was adopted on October 25, 2011, until the 2013-2014 school year, with the exception of the provision related to the 5th and 8th Grade Retention and Promotion Policy for the 2011-12 School Year, which will remain in effect.

RESOLVED FURTHER, that Uplift leadership be, and they are hereby, authorized and directed to take such actions as are necessary or desirable to implement the above resolution, including filing an election with the Commissioner of Education or TEA, as appropriate.

Approved Feb 28, 2012

Approved
3/22/2011

Nondiscrimination Regarding the Use of Service Animal

Authority: 38 C.F.R. §18.444; 28 C.F.R. Part 35

*This is
also included
in SpEd proc.
2013 -
A*

Service Animal

A parent/adult student requesting the use of a service animal must make a written request through the campus Senior Director, who will direct the request to the Senior Director of Special Populations. The school has established procedures for evaluating a request to bring a service animal on school property on a case-by-case basis.

Use of Service Animal Standards:

1. The animal must be a dog or, in specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, will be permitted in schools as a "service animal."
2. The service dog must be an "individually trained service dog." The work or tasks performed by a service dog must be directly related to the handler's disability.
3. The service dog must have a health certificate that evidences the dog is currently in good health, free from parasites. Owners of a service dog must provide "annual" proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordetella, and Rabies.
4. Owners of a service miniature horse must provide "annual" proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephelomyelitis, Rhinoneumonitis, Influenza, and Strangles.
5. Guide dogs for totally or partially blind persons and hearing dogs for deaf or hearing impaired or otherwise disabled persons must wear a harness, backpack, or vest identifying the dog as a trained service dog.
6. The service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
7. Special Provisions/Miniature Horses: Requests to permit a miniature horse to accompany a student or adult with a disability in school buildings, in classroom, or at school functions, will be handled on a case-by-case basis, considering:
 - a. The type, size, and weight of the miniature horse and whether the facility and accommodate these features.
 - b. Whether the handler has sufficient control of the miniature horse.
 - c. Whether the miniature horse is housebroken.
 - d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operations.

8. A service animal will be denied access to school property if at any time "Minimum Standards for Assistance Animals in Public" are not maintained:
 - a. Animal is clean, well-groomed and does not have an offensive odor
 - b. Animal does not urinate or defecate in inappropriate locations. Animal must be housebroken.
 - c. Animal does not solicit attention, visit or annoy any member of the student body or School personnel.
 - d. Animal does not vocalize unnecessarily (i.e. barking, growling or whining).
 - e. Animal does not solicit aggression towards people or other animals.
 - f. Animal does not solicit or steal food or other items from the student body or school personnel
 - g. Animal is out of control and the animal's handler does not take effective action to control it.
9. The service animal must not in any other way interfere with the educational process of any student.
10. The service animal must not pose a health or safety threat to any student, personnel or other persons.
11. The owner of a service animal is liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property/
12. The school district is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself.
 - a. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.
 - b. Students with service animals are expected to care and supervise their animal. In the case of a student with a disability who is unable to care for or supervise his/her service animal, the parent is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis by the building administrator.
13. The campus Senior Director will be the individual responsible for determining if the service animal meets Uplift Education standards.
14. Appealing a denial of a request for the use of a service animal must be directed to the campus Senior Director, who will direct the appeal to the appropriate district personnel.

Approved - Uplift Board
3/22/2011

North Hills Preparatory Nonschool Facilities Use Policy

North Hills Preparatory (referred to as "District" henceforth) shall permit nonschool use of designated District facilities for educational, recreational, civic, or social activities when these activities do not conflict with school use or with this policy.

The District shall permit nonprofit organizations to conduct events on District property when these activities do not conflict with school use or with this policy.

The District shall permit individuals and for-profit organizations to use its facilities for financial gain when these activities do not conflict with school use or with this policy. Requests for nonschool use of District facilities shall be considered on a first-come, first-served basis.

Academic and extracurricular activities sponsored by the District shall always have priority when any use is scheduled. The Senior Director or designee shall have authority to cancel a scheduled nonschool use if an unexpected conflict arises with a District activity.

The Senior Director or designee is authorized to approve use of all other District facilities except athletic facilities. The Athletic Director is authorized to approve use of District athletic facilities, subject to Senior Director approval. In case of emergencies or disasters, the Senior Director or designee may authorize the use of school facilities by civil defense, health, or emergency service authorities.

Any organization or individual approved for a nonschool use of District facilities shall be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations, and acknowledging that the District is not liable for any personal injury or damages to personal property related to the nonschool use.

The fee schedule shall be approved by Uplift Education CEO and maintained in the office of the Senior Director of Operations.

Fees shall not be charged:

1. When school buildings are used for public meetings sponsored by state or local governmental agencies.
2. For use by District employee professional organizations.

Requests for rental use are also subject to the following provisions:

1. Estimated charges for short-term use shall be paid ten days prior to the scheduled event. Requests for the use of school facilities shall be submitted in writing not less than ten days nor more than 60 days prior to the scheduled date.
2. Long-term rentals shall not exceed a term of six months and one six-month extension of said term. An additional term of six months must be approved by the North Hills Board ("Board").
3. Any organization using District facilities shall designate one adult member of its group as being in charge of and responsible for the program, activity, or meeting. This person shall be responsible to the Campus Director of Operations at which the event is scheduled.
4. A District employee shall be present during any use of school facilities by Class B and Class C users except athletic field use without other facilities.
5. Any agreement to rent may be canceled by the District in favor of school activities. The District has authority to designate which facility will be used if any meeting or event is in conflict with school activities.
6. The Senior Director of Operations or designee may require a cash damage deposit or an appropriate financial security arrangement or guarantee before approval of any agreement to rent.
7. New buildings that have not yet been issued a Certificate of Occupancy shall not be available for rental use.
8. Rental users shall sign a Rental Agreement, see attachment, and shall furnish evidence of liability insurance coverage. Any organization using District facilities shall be required to provide an original certificate of insurance, with the District named as the certificate holder and loss payee, indicating a minimum of \$1,000,000 combined single limit for bodily injury and property damage liability coverage.

Additionally, the District shall be named as an additional insured on the required policy of liability insurance. The insurance carrier should hold a minimum "A" rating from the A.M. Best Company. However, the District reserves the right to determine the acceptability of a carrier regardless of its rating. The policy of liability insurance shall include and contain a mutual waiver of subrogation clause. If a user requires more than one facility, then a certificate of insurance shall be required per structure. The insurance requirement may be waived for organizations that exist for the improvement of educational opportunity in the District, subject to approval by the Senior Director or designee. (Examples: school organizations, service organizations primarily made up of students or for the promotion of student and youth activities).

9. Organizations and their individual members (if not covered by Organization's insurance) renting District facilities shall be held jointly and severally responsible for any damage to the facility during use. Groups renting District facilities for occasions open to the general public shall be held responsible for the treatment of the facility by the public during the period of rental.

All groups and individual members using District facilities under these policies agree to indemnify and hold the District harmless from any and all liability for personal injury or property damage that arises from the activity for which rental or facility use is made.

All groups and individuals using District facilities pursuant to this open forum policy are licensees and the District is under absolutely no duty to alter the method of operation of District facilities or to alter the condition of the premises or make any special preparations for the safety of any individual member of any group or organization on the District's premises and facilities.

10. District-approved organizations may be allowed the use of District facilities for educational courses and shall be authorized to charge a tuition fee to recover the cost of providing these courses, including a building use fee.

Conduct on District Property

Persons or groups using school facilities shall:

1. Conduct business in an orderly manner.
2. Abide by all laws and policies, including but not limited to those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of tobacco products on school property.
3. Make no alteration, temporary or permanent, to school property without prior written consent from the Senior Director of Operations.

All groups using school facilities shall be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the District for the cost of any such repairs. Nothing contained in the above policy limits the authority of the District or its representatives from maintaining order and discipline on school premises. Rental agreements may not be renewed if any fees or charges remain outstanding. Users shall be required to waive all requirements of and for notice of default. Additionally, organizations, renters, and users herein shall be responsible for, and pay, any legal and/or attorney's fees incurred by the District as a result of any collection or enforcement efforts necessitated by this policy.

The District does not endorse the views, opinions, or philosophies of any group or individual using District facilities under this policy. The District may change this community use policy set out above including fees and rates for usage to meet the future needs and priorities of the District.

Types of Users

Utility A: No charge for District-sponsored community education classes, and groups whose members are comprised of students, staff, professional employees, and campus-registered booster clubs/VIPs of the District and whose activities benefit the schools, students, or teachers (e.g., student clubs, teacher organizations, VIP, booster clubs, choir, band).

Utility B: Youth service organizations that are sponsored by nonprofit organizations and joint use organizations may use cafeterias, classrooms or the theater during school operational hours of 3:00 p.m. to 9:00 p.m. at no charge, provided that no additional custodial cleanup is needed. If use is outside this time frame or for any facility not listed herein, an additional established fee for utilities and custodial service may be required.

“Youth group” means any group or organization intended to serve young people under the age of 21.

Youth service organizations are those groups, a majority of whose members reside or work within the community and whose regularly scheduled meetings are normally held within the community, that serve, benefit, and contribute to the welfare of the youth of the community (e.g., scout groups, YMCA, community youth sports associations, cheerleading groups, Special Olympics, church youth groups, non-curriculum student groups).

Joint use organizations are those groups or entities that have entered into joint use agreements with the District for the sole purpose of collaborating on special projects and functions. Joint use agreements would extend, but not be limited to, the shared use of facilities and programs (e.g., municipalities).

Utility C: Staff members or nonprofit groups or commercial purposes, civic organizations, governmental organizations, church organizations, and political organizations, and organizations or businesses without nonprofit tax status will be charged for utility usage per hour based on inclusive time from opening to closing and cleaning of building. In addition to a per hour **utility fee** as established by the District, charges for **administrative processing, custodial service, and user fees** will be assessed. A **supervisory fee** may be assessed when deemed necessary by the District. All charges and or fees are subject to change from time to time at the sole discretion of the Board and Uplift CEO; however, the Board will not alter or change any existing fee or rental agreement.

Staff sponsors or nonprofit groups in this class are those who use District facilities for private profit or commercial purposes (e.g., basketball camps, private dance classes).

Civic organizations are those groups, a majority of whose members reside within the community, that meet community needs, interests, or diversions (e.g., Rotary Club, Chamber of Commerce, homeowners' associations, recreational clubs).

Governmental organizations are those governmental groups and governing bodies whose location and jurisdiction is contained in whole or in part within the community and are not subject to joint use agreements as noted above (e.g., councils of government).

Church organizations are those churches and church groups, a majority of whose members reside within the community.

Political organizations are those groups whose purpose or purposes, primary or secondary, is the furtherance of a political candidate, ideal, or aspiration.

Organizations or business without nonprofit tax status that charge an admission fee (e.g., dance schools, national organizations, governmental groups).

Fees

Fees will be charged for the use of District facilities according to the category of the user as noted above.

Rental fees:

| | Hourly w/3 hour minimum | Daily |
|-------------------------|-------------------------|----------|
| Primary Cafeteria | \$75.00/per hour | \$675.00 |
| Main Gym | \$75.00/per hour | \$675.00 |
| East Commons | \$75.00/per hour | \$675.00 |
| Athletic fields \$ | \$45.00/per hour | \$375.00 |
| Classroom | | \$75.00 |
| Theatre in Kindergarten | \$60.00/per hour | \$525.00 |

Personnel Requirements

Custodial/security person \$60.00/per hour

North Hills Preparatory custodial staff, or Senior Director's designee must be on duty during the use of the buildings and/or kitchen. Any overtime charges are the responsibility of the renting organization, overtime charges include the cost of cleaning up after the event.

FACILITIES USE AGREEMENT

This agreement is between Uplift Education , 606 E. Royal Lane, Irving, Texas 75039 ("Owner") and _____ ("School") and _____, whose address is _____ ("User") for the use of the premises described below. This Agreement summarizes the terms of use, but incorporated into this Agreement are the provisions of the School Use Policy (the "Use Policy"), a copy of which is attached hereto and made a part hereof by reference.

Terms and Conditions:

1. Owner agrees to allow User to use the following premises (the "Premises") for the described purpose:
2. The Premises will be used on the following days and times:
3. The contact person for the Owner is:

The contact person for the User is:

4. User agrees to pay Owner \$_____ for use of the Premises which is due _____ (date). Payment should be made payable to "Uplift Education dba (School)" The payment due is based upon the schedule of fees set forth in the Use Policy, as it now exist or as hereafter amended.
5. User agrees that it will not use the Premises for any unlawful purpose and will obey all laws, rules, and regulations of all governmental authorities while using the Premises, and in addition, will comply with all terms of the Use Policy.
6. User agrees that it will not use the Premises for any purpose that is contrary to the mission or purpose of the Owner, which is a public charter school for grades K-12.

7. User warrants that it carries liability insurance with a minimum liability occurrence of \$1,000,000. User will provide a certificate of insurance evidencing such insurance to the Owner and School at least seven days prior to the date upon User begins to use the Premises. The certificate of insurance will indicate that User has made Owner an "additional insured" on User's policy with respect to the use by User of the Premises and that such insurance policy complies with all required terms for insurance set out in the Use Policy.
8. User agrees to hold harmless, indemnify, and defend Owner (including Owner's agents, employees, and representatives) from any and all liability for injury or damage including, but not limited to, bodily injury, personal injury, emotional injury, or property damage that may result from any person using the Premises, its entrances and exits, and surrounding areas, for User's purposes, regardless of whether such injury or damage results from the negligence of the Owner (including Owner's agents, employees, and representatives) or otherwise.
9. User agrees to be responsible for preparing for use and returning to the pre-use condition all areas of the Premises, including entrances and exits.
10. User agrees to conduct a visual inspection of the Premises, including entrances and exits, prior to each use, and warrants that the Premises will be used only if it is in a safe condition.
11. This agreement may be cancelled unilaterally by either party with 14 days written notice to the other party, provided further that any use may be canceled by the School as provided in the Use Policy if the scheduled use conflicts with the School's use.
12. User agrees that it will not assign any of its rights under this agreement, and any attempt to assign will void this agreement at the sole option of Owner.
13. Owner and User agree that in the event of any disputes under this agreement they will first attempt to resolve the dispute via an alternative dispute resolution process before resorting to legal action.
14. This document, along with the Use Policy and any other attached exhibits, if any, contains the entire agreement of the parties and supersedes all prior written or oral agreements relating to this subject matter.

Dated:

Owner

Printed name & Title

User

Printed name & Title

Attachments or Exhibits

1. Use Policy
2. Facility Use Request

:

FACILITIES USE REQUEST

Individual/Group/Organization Name: _____

Number of persons expected: _____ Event: _____

Event date or dates: _____

Beginning time: _____ Ending time: _____

(Schedule enough time for set-up and tear down time if needed. The building will be opened 15 minutes prior to the scheduled start time and closed or locked 15 minutes after the scheduled closing time. Time used beyond the scheduled time is discourage and may subject the User to additional charges.)

Name of "Responsible Party: _____

(This person MUST be on-site during use and MUST contact School representative on site directly PRIOR to use.)

Phone Number: _____

Cell Phone Number: _____

Email Address: _____

Description of Facilities requested:

Equipment requested:

Special instructions:

Applicant:

Signature of Applicant or authorized representative

Date: _____

Please submit this request to the School's operations director or, if none, to the Campus Director of the School. If approved, Applicant will execute a Facilities Use Agreement incorporating the School's Use Policy.)

Approved: _____ Date: _____
Name & Title/Signature

Uplift Education
Notification of Lice
Policy Effective Date: September 9, 2017

Notice of Lice. A school nurse of an Uplift elementary school who determines or otherwise becomes aware that a scholar enrolled in the school has lice shall provide written or electronic notice of that fact to the following:

1. The parent or guardian of the scholar with lice as soon as practicable but not later than 48 hours after the administrator or nurse, as applicable, determines or becomes aware of that fact; and
2. The parent or guardian of each scholar assigned to the same classroom as the scholar with lice not later than the fifth school day after the date on which the administrator or nurse, as applicable, determines or becomes aware of that fact.

Notice Requirements. The notice must include the following:

1. The recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of lice; and
2. May not identify the scholar with lice.

Compliance with Commissioner Rules. Notwithstanding the above, Uplift shall comply with any and all Commissioner rules implemented to ensure compliance with federal law regarding confidentiality of scholar medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of scholar information.



Operating Guidelines for Video Surveillance of Special Education Settings Implementing TEC §29.022 (as amended by SB 1398, 2017)

Policy Effective Date: September 26, 2017

Black – TEC §29.022 (as amended by SB 1398, 2017) and Commissioner's Rules

Blue – additional provisions

Summary/Purpose

Texas Education Code §29.022 requires school districts and open-enrollment charter schools, to place, operate, and maintain video cameras with audio recording capability in certain Self-contained Classrooms and Other Special Education Settings for students with disabilities, upon the request of a parent, the District's Board of Governors, or staff member, as defined herein, for the purpose of promoting the safety of students with disabilities in these classrooms.

Definitions

Alleged Incident – An event or circumstance that allegedly occurred in a Self-contained Classroom or Other Special Education Setting in which video surveillance under TEC §29.022 is conducted that involves alleged "abuse" or "neglect," as defined in the Texas Family Code, of a student by an employee of the District, or alleged "physical abuse" or "sexual abuse," as defined in the Texas Family Code, of a student by another student.

Designated District Coordinator – An administrator, designated by the Chief Executive Officer, at the primary administrative office of the District responsible for coordinating the provision of equipment to schools and campuses in compliance with TEC §29.022 and these Operating Guidelines.

Human Resource Staff Member – Chief Executive Officer, a director, dean, or other campus administrator, Senior Director of Legal Affairs, and any supervisory position within the District's human resources office, including the Director of Special Populations and Director of Special Education.

Incident Report (i.e. Complaint) – Notification to the District of an Alleged Incident that occurred in a Self-contained Classroom or Other Special Education Setting in which video surveillance under TEC §29.022 is conducted by completing and providing an Incident Report form to the campus director.

Other Special Education Setting – A classroom on a separate 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 have one of the following instructional arrangements (i.e. PEIMS codes) as described in the Student Attendance Accounting Handbook: 86 or 96.

Parent – A parent, guardian or other person standing in parental relation to the student, whose rights have not been terminated, and whose child receives special education and related services for at least 50 percent of the instructional day in one or more Self-contained Classrooms or Other Special Education Settings. "Parent" also means a student who receives special education and related services for at least 50 percent of the instructional day in one or more Self-contained Classrooms or Other Special Education Settings and who is 18 years of age or older or whose disabilities of minority have been removed, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.

School Business Day – A day that campus or District administrative offices are open.

Self-contained Classroom – A classroom on a regular school 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 have one of the following instructional arrangements (i.e. PEIMS codes) described in the Student Attendance Accounting Handbook: 43, 44, 45, 84, 85, 89, 94, 95, or 98.

Staff Member – A teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a Self-contained Classroom or Other Special Education Setting.

Time-out – 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 that is not locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object (TEC §37.0021).

Video Camera – A video surveillance camera with audio recording capabilities.

Video Equipment – One or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras, and any technology and equipment needed to store and access video recordings as required by TEC §29.022.

Procedures for Requesting Video/Audio Surveillance

A request by a Parent, Staff Member or dean for a request for installation and operation of video/audio recording of a Self-contained Classroom or Other Special Education Setting must be made by completing and submitting to the campus director (or director's designee) a written Request for the Installation of Video and Audio Recording Equipment ("Request for Installation") form, including identification of the specific Self-contained Classroom or Other Special Education Setting for which the request is being made. The director shall provide a copy of the Request to the Designated District Coordinator.

A Parent may request installation of a video camera for the Self-contained Classroom(s) or Other Special Education Setting(s) in which the Parent's child is in regular attendance.

A parent of a student whose Admission, Review, and Dismissal ("ARD") committee has determined that the student will be served in a Self-contained Classroom(s) or Other Special Education Setting(s) the following year, for at least 50 % of the day, may request installation of a video camera for the Self-contained Classroom(s) or Other Special Education Setting(s), where the parent's child will be served in the next school year, by the later of: (1) the last date of the current school year, or (2) the 10th School Business Day after the date of the placement determination by the ARD committee.

A Staff Member may request installation of a video camera for the Self-contained Classroom(s) or Other Special Education Setting(s) to which the Staff Member is assigned.

A Director may make a request for installation and operation of video/audio recording of a Self-contained Classroom(s) or Other Special Education Setting(s) by completing and submitting to the Designated District Coordinator a written Request for Installation form.

A Director and/or Dean may request installation of a video camera for one or more Self-contained Classroom(s) or Other Special Education Setting(s) on the Director or Dean's campus.

The District Board of Governors may make a request for installation and operation of video/audio recording of a Self-contained Classroom(s) or Other Special Education Setting(s) by completing and submitting to the Designated District Coordinator a written Request for Installation form, which must include identification of the specific Self-contained Classroom(s) or Other Special Education Setting(s) for which the request is being made. The Designated District Coordinator shall provide a copy of the Request to the director (or director's designee) of each school or campus addressed in the Board of Governors' Request.

The Request for Installation form may be obtained from an administrator designated by the Chief Executive Officer.

A request for installation and operation of video/audio recording of a Self-contained Classroom(s) or Other Special Education Setting(s) must be renewed annually if operation of the video/audio equipment is desired for the subsequent school year.

Procedures for Responding to Requests for Video/Audio Surveillance, Including Notice

1. Upon receipt of a Request for Installation form, the District will determine if the requested location is subject to video/audio surveillance.
2. Within seven (7) School Business Days from receipt of the Request for Installation form, the campus director or Designated District Coordinator, as applicable, will provide a written response to the requestor, authorizing the request or stating the reason for denying the request. The response shall include a copy of these Operating Guidelines.
3. If the requested location is subject to video/audio surveillance, the District will purchase, install, and operate video/audio recording equipment in the classroom(s) or setting(s) to which the request applies.

4. Except as provided in these Operating Guidelines, the purchase, installation, and operation of the video/audio recording equipment will take place not later than the 45th School Business Day, or the 1st school day after the 45th School Business Day if that day is not a school day, after the request is authorized (unless the Texas Education Agency ["TEA"] grants an extension of time).
5. If a request is received from a parent of a student whose ARD committee has determined that the student will be served in a Self-contained Classroom(s) or Other Special Education Setting(s) the following year, the purchase, installation, and operation of the video/audio recording equipment will take place not later than the later of: the 10th school day of the fall semester of the next school year, or the 45th School Business Day, or the 1st school day after the 45th School Business Day if that day is not a school day, after the request is made (unless the TEA grants an extension of time).
6. The video/audio recording equipment will not be activated until after the campus director provides advanced written notice, of at least five School Business Days, of the placement of the video camera to (a) the parents of each student attending class, or engaging in school activities, in the classroom or setting, by sending the notice to the parents and (b) all campus staff by posting a notice at the entrance to the classroom or setting stating "This classroom is subject to ongoing video and audio surveillance that is not regularly live monitored."
7. The video recording will cover all areas of the classroom or setting, including a room attached to the classroom or setting used for Time-out.
8. The inside of a bathroom or area used for toileting or diapering a student or removing or changing a student's clothes may not be visually monitored, except for incidental coverage of a minor portion of the bathroom or changing area because of the layout of the classroom or setting.
9. The audio recording will cover all areas of the classroom or setting, Time-out room, and bathroom or changing area.
10. Once the video equipment is installed, the District will not allow regular or continual monitoring of the video/audio recordings.
11. The video camera will be operated at all times during which students are present in the Self-contained Classroom or Other Special Education Setting. The video camera may also, but is not required to, be operational at times when students are not in the classroom or setting.
12. The District will continue to operate and maintain the video/audio recording in the Self-contained Classroom or Other Special Education Setting for the remainder of the regular school year, or for the remainder of the Extended School Year ("ESY") services for which the school or campus received the request, as long as the classroom or setting continues to meet the definition of a Self-contained Classroom or Other Special Education Setting. If the requestor withdraws the request in writing, or if the make-up of the classroom or setting changes such that the location no longer meets the definition of a Self-contained Classroom or Other Special Education Setting, the video/audio recording may be discontinued. Written notice of the discontinuation of video/audio surveillance will be provided to the parents of the students in regular attendance in the classroom or setting at least five (5) school days prior to the discontinuation.
13. At least ten (10) school days before the end of each school year, the school or campus shall 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.
14. The video/audio recordings will be stored in a safe and secure manner whether on on-site or off-site servers or in cloud storage.

15. The District will retain the video/audio recordings for at least three (3) months after the video was recorded, and may retain them longer if a request for viewing is made, as specified below.
16. These requirements apply to video/audio surveillance during the regular school year and during ESY services.

Procedures for Making an Incident Report

A person may notify the District of an Alleged Incident occurring in a Self-contained Classroom or Other Special Education Setting where video/audio surveillance is in effect by completing an Incident Report form and providing it to the campus director. The Incident Report form may be obtained from an administrator designated by the Chief Executive Officer. The person making the Incident Report should be as specific as possible regarding the date, time, and location of the Alleged Incident, should include any witnesses, and should describe the suspected incident as clearly as possible. The Incident Report should be provided to the campus director as soon as possible, and if at all possible within 48 hours after the reporter becomes aware of an Alleged Incident.

Procedures for Responding to an Incident Report

1. If an Alleged Incident, as defined herein, is reported, absent extenuating circumstances, within seven (7) School Business Days from receipt of the Incident Report Form, the campus director or authorized designee will coordinate with one or more eligible person(s) as set forth below to schedule a time and location for them to view the recording of the Alleged Incident to determine whether the recording contains evidence of abuse or neglect, as defined in the Texas Family Code, of a student by an employee of the District, or physical abuse or sexual abuse, as defined in the Texas Family Code, of a student by another student. If so, the appropriate District administrator shall initiate other steps as required by law, District policy, or local procedures.
2. The appropriate District administrator(s) will determine whether any additional safety measures should be taken in the Self-contained Classroom or Other Special Education Setting pending a review of the relevant video/audio recording.
3. If the Alleged Incident, as set forth on the Incident Report form, cannot as described on the form, qualify as abuse or neglect, as defined in the Texas Family Code, of a student by an employee of the District, or physical abuse or sexual abuse, as defined in the Texas Family Code, of a student by another student, the District will provide written notice to the person making the report that the allegations on the Incident Report form do not set forth an Alleged Incident (i.e. abuse or neglect, as defined in the Texas Family Code, of a student by an employee of the District, or physical abuse or sexual abuse, as defined in the Texas Family Code, of a student by another student.)
4. Following the initial review of the video/audio recording by the District's eligible persons, the District will notify the Parent who made the Incident Report as to whether the recording documented abuse or neglect, as defined in the Texas Family Code, of a student by an employee of the District, or physical abuse or sexual abuse, as defined in the Texas Family Code, of a student by another student within three (3) School Business Days. The District will notify the Parent of one of the following:
 - a. The recording documenting abuse or neglect, as defined in the Texas Family Code, of a student by an employee of the District, or physical abuse or sexual abuse, as defined in the Texas Family

- Code, of a student by another student, is available for viewing by the Parent upon making an appointment;
- b. While the recording did not document abuse or neglect, as defined in the Texas Family Code, of a student by an employee of the District, or physical abuse or sexual abuse, as defined in the Texas Family Code, of a student by another student, it did document a significant act involving the student, such that the recording is an educational record pursuant to the Family Educational Rights and Privacy Act (FERPA) and is available for viewing by the Parent upon making an appointment; or
 - c. Although the recording does not depict abuse or neglect, as defined in the Texas Family Code, of a student by an employee of the District, physical abuse or sexual abuse, as defined in the Texas Family Code, of a student by another student, or a significant act involving the student such that the recording is not an educational record pursuant to FERPA, the video is available for viewing by the Parent upon making an appointment.
5. Additionally, the District will notify any non-reporting parent of a child who is subject to abuse or neglect, as defined in the Texas Family Code, of a student by an employee of the District, or physical abuse or sexual abuse, as defined in the Texas Family Code, of a student by another student, as documented on the recording within three (3) school business days of the initial review of the video/audio recordings.

Access to Video/Audio Recordings

1. A video/audio recording made as a result of these provisions is confidential.
2. The District will not allow regular or continual monitoring of video/audio recordings.
3. The District will not use the video/audio recordings for teacher evaluation or monitoring or for any purpose other than the promotion of safety of students receiving special education in a Self-contained Classroom or Other Special Education Setting.
4. In response to an Incident Report setting forth an Alleged Incident, the District will allow viewing of the video/audio recording only by the following eligible persons:
 - a. An employee who is involved in an Alleged Incident that is documented by the recording and who requests to view the recording;
 - b. A parent/guardian of a student who is involved in an Alleged Incident documented by the recording and who requests to view the recording;
 - c. A peace officer;
 - d. A school nurse;
 - e. A District or school administrator trained in de-escalation and restraint techniques; and
 - f. A Human Resources Staff Member designated by the Board of Governors.
5. As part of an investigation of district or school personnel, or a report of alleged abuse committed by a student, the District will allow viewing of the video/audio recording only by the following:
 - a. A peace officer;
 - b. A school nurse;
 - c. A District or school administrator trained in de-escalation and restraint techniques; and
 - d. A Human Resources Staff Member designated by the Board of Governors.

6. The District will also allow viewing of the video/audio recording to the following under the following conditions:
 - a. Appropriate Department of Family and Protective Services ("DFPS") personnel as part of an investigation of alleged or suspected abuse or neglect of a child in a public or private school under the jurisdiction of the TEA;
 - b. Appropriate TEA or State Board for Educator Certification ("SBEC") personnel or agents as part of an investigation; and
 - c. If DFPS personnel, a peace officer, school nurse, administrator, human resources staff member or SBEC personnel/agent view the video/audio recording and believes that the recording documents a possible violation of district or school policy, relating to the neglect or abuse of a student, the person may allow appropriate legal and human resources personnel access to the recording, and the recording may be used as part of a disciplinary action against district or school personnel.
 - d. A District employee who is the subject of the disciplinary action must be allowed to view a recording believed to document a possible violation of District or campus policy, relating to abuse or neglect of a student, if the employee requests to view the recording.
 - e. In accordance with Board Policy, District personnel or contractors whose job duties involve installation, operation, or maintenance of the video equipment or the retention of the video recordings will have access to the equipment and recordings only to the extent necessary to ensure the functionality of the equipment.
7. No one has any right to obtain a copy of a video/audio recording except that a copy will be released at the request of the student's parent or guardian in a legal proceeding.
8. Nothing in these procedures limits a parent's right to access educational records of a child under the Family Educational Rights and Privacy Act. However, not all surveillance video/audio recordings are educational records of a student. If the recording is directly related to a student who is the focus of the video, only that portion of the recording is an educational record of that student and may be viewed by that student's parent upon request. The recording is not an educational record of students who are merely present and not the focus of the recording, and may not be viewed by the parents of these students.
9. If the District receives a request to view a recording, the District will provide a written response to the requestor within seven (7) School Business Days that access will or will not be provided.

Child Abuse Reporting

If a peace officer, school nurse, administrator, human resources staff member, or SBEC personnel/agent views the recording and believes that the recording documents possible abuse of a child as defined by the Family Code, the person shall submit a report to the DFPS for investigation in accordance with the Family Code.

Dispute Resolution

Special education dispute resolution procedures (i.e. due process hearing, mediation, TEA complaint) do not apply to any dispute arising under TEC §29.022 or these provisions. Such disputes must be addressed through the District's grievance procedures or other local dispute resolution channels.

Complaints/grievances must be made in accordance with Board Policy.

If applicable, the grievant may appeal the District's decision by filing a written petition, pursuant to Tex. Educ. Code §7.057, with the Commissioner of Education. The appeal must be made in writing to the Commissioner within 45 days of the District's decision. Staff Members or a Parent may seek expedited TEA review if a request is denied. This could be a request for installation, a request to view, or a request for extension of time for installation.

Uplift Education
Parent Grievance Policy
Policy Effective Date: October 10, 2019

The Uplift Education (“Uplift”) Board of Trustees (“Board”) has adopted this grievance policy in order to provide parents an opportunity to be heard and in an effort to hear and resolve parent grievances in a timely manner and at the lowest administrative level possible. “Parent” is defined as parent, guardian, a person with legal custody over a scholar, and scholars 18 years of age and older. For purposes of this policy, “grievance” and “complaint” have the same meaning.

Parent grievances shall be filed and addressed in accordance with this policy, except for complaints alleging one or more of the following:

1. Complaints alleging discrimination or harassment based on gender, gender identity, sex, sexual orientation, race, color, religion, national origin, age, disability, or any other basis prohibited by law shall be filed and addressed pursuant to the “Discrimination, Harassment, and Retaliation – Scholar” policy.
2. Complaints alleging dating violence shall be filed and addressed pursuant to the “Discrimination, Harassment, and Retaliation – Scholar” policy.
3. Complaints concerning retaliation related to discrimination and harassment shall be filed and addressed pursuant to the “Discrimination, Harassment, and Retaliation – Scholar” policy.
4. Complaints concerning expulsion shall be filed and addressed pursuant to the Scholar Code of Conduct.
5. Complaints concerning identification, evaluation, educational placement, or discipline of a scholar with a disability within the scope of the Individuals with Disabilities Education Act shall be submitted in accordance with the procedural safeguards handbook provided to parents of all scholars referred to special education.
6. Complaints concerning identification, evaluation, or educational placement of a scholar with a disability within the scope of Section 504 shall be submitted in accordance with the procedural safeguards handbook.
7. Complaints concerning issues addressed by a specific policy.

Informal Process

Parents are encouraged to discuss their concerns with the appropriate teacher, campus director, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest administrative level.

Seeking an informal resolution shall not extend any deadline in this policy with respect to filing a formal grievance, except by written mutual consent.

Formal Process

While informal resolution is encouraged, a parent may initiate the formal grievance process by timely filing a written grievance.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

A parent whose grievance is resolved informally may withdraw a formal grievance at any time.

Freedom from Retaliation

Neither the Board nor any Uplift employee shall unlawfully retaliate against a parent for bringing a concern or complaint, either informally or formally.

Notice to Parents

All parents shall be given notice of this policy by Uplift. Receipt of the Scholar Handbook constitutes parent notification.

Filing

All written grievances and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by 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 or email filings shall be timely filed if they are received on or before the deadline, as indicated by the time/date shown on the fax copy of on the email receipt notice. Mail filings shall be timely filed if they are postmarked by U.S. mail on the deadline and received by the appropriate administrator or designee no more than three business days after the deadline.

Days

“Days” shall mean Uplift business days, unless otherwise noted. The day a document is filed is “day zero.” The following day is “day one.”

Representative

“Representative” means any person or organization designated by the parent to represent the parent in the grievance process. The parent may designate a representative through written notice to Uplift at any level of the process. If the parent designates a representative for the first time before

a scheduled conference, Uplift may reschedule the conference to a later date, if desired, in order to include Uplift's counsel or other representative.

Related Grievances

Grievances arising out of an event or series of related events shall be addressed in one grievance. Parents shall not bring separate or serial grievances arising from any event or series of events that have been or could have been addressed in a previous grievance.

When two or more grievances are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, Uplift may consolidate the grievances.

Untimely Filings

All time limits shall be strictly followed unless modified by written consent of both parties.

If a written grievance or appeal notice is not timely filed, the grievance may be dismissed, on written notice to the parent. The parent may appeal the dismissal by seeking review in writing within ten business days of the dismissal date, starting at the level at which the grievance was dismissed. Such appeal shall be limited to the issue of timeliness.

Expenses Incurred

Each party shall pay its own expenses incurred in the course of the grievance process.

Grievances, Appeal Notices and Submission of Documentation

Grievances under this policy must be filed in writing.

Copies of any documents that support the grievance should be attached to grievance. If the parent does not have hard copies of the documents, they may be presented at the Level One conference. No documentation may be submitted by a parent after the Level One conference.

A written grievance that is incomplete in any material aspect may be dismissed, but may be re-filed with all the requested information so long as the re-filing is within the designated time for filing a complaint.

Scheduling Hearing Conferences

Uplift shall make reasonable attempts to schedule hearing conferences at a mutually agreeable time with the scholar or parent. If unsuccessful, Uplift will schedule the hearing and notify the parent. If the parent fails to appear at the scheduled conference, Uplift may hold the conference and issue a decision in the parent's absence.

Level One

A written grievance must be filed within 10 business days of the date the parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the grievance with the appropriate administrator or designee.

The Level One administrator assigned to hear the grievance shall be the campus director for the school which the parent's child attends; however, the CEO reserves the right to appoint another administrator to serve as hearing officer.

The Level One administrator shall hold a conference with the parent within ten business days after the receipt of the grievance form. The parent shall bring copies of any documents the parent requests to be considered to the Level One conference. An audio recording shall be made of the Level One conference.

The Level One administrator shall have ten business days following the conference to issue the parent a written decision. The Level One administrator may attach any relevant documentation to the Level One decision that supports the decision.

Level Two

If the parent did not receive the relief requested at Level One or if the time for a decision has expired, the scholar or parent may file a written appeal to the Managing Director of the School or designee.

The appeal notice must be filed within ten business days after receipt of a decision or, if no decision was received, within ten business days of the Level One decision deadline.

The Level Two administrator assigned to hear the grievance shall be the Managing Director for the school which the parent's child attends; however, the CEO reserves the right to appoint another administrator to serve as hearing officer.

The Level Two administrator shall hold a conference with the parent within ten business days after the receipt of the appeal notice. An audio recording shall be made of the Level Two conference. At the conference, the Level Two administrator shall consider only the issues and documents presented at Level One.

The Level Two administrator shall have ten business days following the conference to issue the parent a written decision. The Level Two administrator may attach any relevant documentation to the Level Two decision that supports such decision.

Level 3 – Final Appeal to the Uplift Board of Governors

If the scholar or parent did not receive the relief requested at Level Two or if the time for a decision has expired, the scholar or parent may file a written appeal to the Board of Governors.

The appeal notice must be filed within ten business days after receipt of a decision or, if no decision was received, within ten business days of the Level Two decision deadline.

The Board of Governors shall hear grievances at Level Three. The parent will be informed of the date, time, and place of the Board meeting at which the grievance shall be heard. The date, time, and place of the Board meeting shall only be rescheduled if a quorum of the board is not present.

The Board shall consider only those issues and documents presented at the Level One, except that if at the Level Two hearing, the administration intends to rely on documentation not previously submitted, the administration shall provide the parent or scholar with notice of the nature of the documentation at least three business days before the Level Three hearing.

The presiding officer of the Board may set reasonable time limits and guidelines for the presentation, which may be in open or closed meeting as determined by the presiding officer in accordance with the Texas Open Meeting Act and other applicable law.

The Board shall consider the grievance and may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. The Board may attach and relevant documentation to its decision that supports such decision. If for any reason the Board fails to reach a decision regarding the grievance by the end of the next regularly scheduled meeting, the lack of decision by the Board upholds the decision of the Level Two administrator.

The Decision of the Board is Final.



Parent/Guardian Classroom Visitation Policy

Approved by Uplift Board on October 30, 2012

Classroom visits

Uplift Education supports high academic outcomes for its scholars by maximizing and protecting classroom instruction time. We appreciate, in very specific and rare situations, it may be appropriate for parents/ guardians to observe instruction in their child's classroom. The following outlines Uplift's process for parent classroom observations:

- Parent submits written request to Uplift Campus Director to observe their child's classroom including the specific reason (e.g., academic, social/emotional, etc) for observation and desired outcome
- Uplift Campus Director works with parent to schedule a conference with the child's teacher/teachers after-school to discuss parent concerns and agree on plan of action
- If after parent-teacher conference, it is determined that the best way to support the student is to have the parent observe their classroom, then at the Campus Director's sole discretion they may make that decision. If access is not determined to be optimal and Parents would like to appeal, they may do so to the Uplift Managing Director for that campus.
- If a parent classroom observation visit is approved, it should be scheduled for the start of the class period and last no more than 30 minutes. Prior to entering the classroom, parents must check in at the school's front desk and pass a standard background check and sign a confidentiality agreement which includes agreeing not to share any observations they make of other students in the classroom. Parents are not allowed to engage with their student, the teacher, or any other student during the 30-minute observation period. They will be offered a chair in the back of the room to observe the lesson. The parent will also be accompanied by the Campus Director or one of the Deans during this visit. Again Uplift puts the above procedures in place to protect the confidentiality of our other students as well as maintain the educational integrity of our classrooms.
- As part of a student's academic intervention plan, parents may observe a classroom up to 3 times in any given school year.



Parent Involvement Model Policy

Statement of Purpose -Uplift Education's mission is to create and sustain public schools of excellence that empower students to reach their highest potential and inspire a lifelong love of learning, achievement, service, and responsible citizenship.

Each school provides free college preparatory education in a community that has limited high quality public education options. Our goal is to completely CLOSE the achievement gap between students, regardless of their ethnic or socio-economic background, while ensuring that 100% of our students graduate and enroll in college.

Commit to College: Uplift Education is committed to building a brighter future – one student at a time. We do this by creating quality, college preparatory public schools in underserved communities. Each student must be accepted into a two- or four-year college institution in order to receive their diploma from an Uplift high school.

Commit to Community: Our community approach means that we actively reach out to local leaders and invite them to help us improve education in their communities by serving on our local boards and being advocates for our mission in their local neighborhoods.

Commit to Change: By nurturing academic performance and civic responsibility from kindergarten through high school, we do more than expand our students' horizons. We also change people's perceptions of what is possible in public education.

Developing the District Parent Involvement Policy-

Because the Uplift Education schools are located throughout the Dallas-Ft. Worth area, each campus will develop its' own Campus Parent Involvement Policy. The Uplift Education Parent Involvement Model Policy will serve as the District Parent Involvement Policy and the model for the development of Campus Parent Involvement Policies. Therefore, a task force composed of parents, teachers, and campus staff will meet at least twice each year (Fall semester) to discuss the design and implementation of the Campus Parental Involvement Policy. Topics that will be discussed by the task force include:

- Revisions that may be needed to the current/model policy;
- Possible coordination, technical assistance, and other support that may be necessary to assist campuses in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
- Review of the Consolidated Application for Federal Funding each year. If the Title I program plan description in the NCLB Consolidated Application for Federal Funding (or Shared Services Arrangement) is not satisfactory to parents of participating children, —campuses may submit any parent comments to the Uplift Education Federal Programs Manager, Region 10 Education Service Center, or the Texas Education Agency.
- Strategies that a campus is required to use to build the campuses' and parents' capacity for strong parental involvement include:
 - Assistance in understanding such topics as the state's academic content standards and state student academic achievement standards, state and local academic assessments, parental involvement requirements under NCLB, Title I requirements for parental involvement, and how to monitor a child's progress and work with educators to improve academic achievement;



- Materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology to foster parental involvement;
 - Educating teachers, support staff, campus directors, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;
 - Ensuring that information related to school and parent programs, meetings, and other activities is sent to the parents in a format and, to the extent practicable, in a language the parents can understand; and
 - Providing such other reasonable support for parental involvement activities as parents may request.
- Strategies a campus may use to build the campuses' and parents' capacity for strong parental involvement include:
 - Involvement of parents in the development of training for teachers, principals, and other educators to improve the effectiveness of parental involvement training;
 - Training parents to assist in encouraging the involvement of other parents;
 - Arranging school meetings at a variety of times, or conduct in-home conferences with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
 - Adopting and implementing model approaches to improving parental involvement;
 - Developing appropriate roles for community-based organizations and businesses in parental involvement activities; and
- Coordination and integration of Title I parental involvement strategies with those of other programs and activities that encourage and support parents in more fully participating in the education of their children;
- Annual evaluation, with the involvement of parents, of the content and effectiveness of the parental involvement policy in improving the academic quality of Title I campuses, including identifying barriers to greater participation by parents, and using the findings of such evaluation to design strategies for more effective parental involvement, and to revise, if necessary, the district and campus parental involvement policies;
- Involvement of parents in the activities of Title I campuses, including decisions regarding how funds reserved under Section 1118(a)(3)(A) are allotted for parental involvement activities; and
- Assistance to parents and parent organizations by informing them of the existence and purpose of parental information and resource centers.
- ***"A Toolkit for Title I Parental Involvement"*** (from SEDL's National Center for Family and Community Connections with Schools) is available as a PDF document on iShine

Uplift Education will actively recruit parent participation through appropriate avenues of publicity (VIP meetings, community bulletin board, school marquee, newsletters, website, etc.)

Two Parent Involvement Task Force meetings will be held between September 1st and November 30th and in locations that are convenient for all concerned parties. Sign in sheets, agendas, and minutes will be maintained on each campus in the Title I Documentation Folders (Parent Involvement Part 1 folder).



Campus Parental Involvement - Because many of the students served by Uplift Education reside throughout the DFW area, the degree parental involvement at each campus will vary depending on the individual circumstances. As a result, each campus will formulate and implement its own parental involvement policy in coordination with the individual needs of their communities.

Uplift Education will support a variety of parental involvement strategies as it strives to develop and maintain an optimum learning environment for all students. Parents, guardians, or surrogates, may contribute through volunteer programs, where appropriate, as well as by fostering a supportive home atmosphere.

- Each campus will distribute a Parent & Student Handbook to all persons acting in the role of parent, whether parent/guardian, or surrogate.
- Each campus will develop and maintain various avenues of communication throughout the school year to keep parents, guardians, or surrogates, informed of student progress.
- Each campus will provide training to teachers, parents, and other school staff in positive communication activities that can be used between teachers and parents, teachers and students, and parents and students.
- Each campus will outline specific parental involvement activities that will be conducted during the school year.
- Each campus will hold regular meetings with parents, guardians, or surrogates to share information about the education programs, to share ideas concerning effective communication strategies, and to solicit suggestions for additional activities and improvement to existing ones.
- In situations where language translation is needed, the campus will make appropriate arrangements.

School-Parent Compacts

In accordance with Title I regulations, each campus must develop a parent-school compact with the parents of students participating in the Title I program. This compact will enable the school and parents to share responsibility for student performance and success. These parent-school compacts should be updated annually, with input from students, parents, and teachers.

- The compact will explain how students, parents, and staff will share responsibility for student performance and success
- The compact will explain how students, parents, and staff will share responsibility for promoting student achievement.
- All parents will be given a copy of the compact detailing the responsibilities that teachers, parents, and students have in helping students accomplish their goals. The degree of a student's responsibilities will vary by grade level.
- Parent/student signatures will not be required; however, parents are encouraged to discuss the contents of the compact with their student.

Evaluation

Uplift Education will solicit feedback from parents concerning the effectiveness of the Title I programs in general, as well as the parental involvement activities in particular. The evaluation procedure will include an assessment of program effectiveness as well as a legitimate opportunity to make recommendations for improvement. The results of the evaluation will be shared with parents in a timely manner and will be a major component of the Comprehensive Needs Assessment that Uplift Education will conduct each year as part of its program planning.

Política de modelo de participación de los padres

Declaración de propósito-La misión de la elevación de la educación es crear y mantener las escuelas públicas de excelencia que permitan a los estudiantes a alcanzar su máximo potencial e inspirar un amor toda la vida de aprendizaje, logro, servicio y responsabilidad ciudadana.

Cada escuela proporciona educación preparatoria de colegio libre en una comunidad que ha limitado de opciones de educación pública de alta calidad. Nuestro objetivo es cerrar completamente la brecha de logros entre los estudiantes, independientemente de sus antecedentes étnicos o socio-económica, al tiempo que asegura que el 100% de nuestros estudiantes de posgrado y matricularse en la Universidad.

Comprometerse a College: Aumento en el nivel educación se ha comprometido a construir un futuro más brillante: un estudiante en un momento. Lo hacemos mediante la creación de calidad, Colegio preparatorio público escuelas en las comunidades menos favorecidas. Cada estudiante debe ser aceptada en una institución de la Universidad de dos o cuatro años con el fin de recibir su diploma de una escuela secundaria de aumento en el nivel.

Comprometerse a la comunidad: Nuestro enfoque de la comunidad significa que activamente alcanzar a los líderes locales y les invita a que nos ayudan a mejorar la educación en sus comunidades por al servicio de nuestros consejos locales y ser defensores de nuestra misión en sus barrios locales

Comprometerse a cambio: Por fomentar el rendimiento académico y la responsabilidad cívica de kindergarten hasta la secundaria, más de expandir los horizontes de nuestros alumnos. También cambiamos las percepciones de la gente de lo que es posible en la educación pública.

Desarrollo de la política de participación de los padres de distrito-

Debido a que las escuelas de educación Uplift se encuentran en toda la zona de Dallas-Ft. Worth, cada escuela desarrollará su ' propia directiva de participación de Campus principal. La Directiva de modelo de Uplift educación principal participación servirá como la política de participación de los padres de distrito y el modelo para el desarrollo de las políticas de participación de los padres de Campus. Por lo tanto, un grupo de trabajo compuesto por los padres, profesores y personal del campus se reunirá al menos dos veces al año (semestre de otoño), para discutir el diseño y la aplicación de la política de participación Parental de Campus. Los temas que se tratarán por el grupo de tareas incluyen:

- Revisiones que pueden ser necesarios a la política actual y modelo;
- Coordinación posible, asistencia técnica y otras formas de apoyo que puedan ser necesarias para ayudar a los campus en la planificación y ejecución de actividades de participación efectiva de los padres para mejorar el rendimiento académico del estudiante y rendimiento escolar;
- Revisión de la aplicación consolidado fondos federales cada año. Si el título I programa Descripción del plan en la aplicación de consolidado de NCLB para fondos federales (o acuerdo de servicios compartidos) no es satisfactorio para los padres de los niños participantes,: campus podrán presentar comentarios al padre a las elevar Educación Federal programas Manager, centro de servicio de educación de 10 región o a la Agencia de educación de Texas.
- Las estrategias que un campus se requiere utilizar para desarrollar la capacidad de la campus y los padres de la fuerte participación de los padres incluyen:
 - Asistencia en la comprensión de temas como la del Estado las normas de contenido académicas y las normas de rendimiento académico de estudiante de Estado, Estado y evaluaciones académicas locales, necesidades de participación de los padres en la NCLB, título I requisitos para la participación de los padres y cómo supervisar el progreso de un niño y trabajar con los educadores para mejorar el rendimiento académico;

- Materiales y capacitación para ayudar a los padres a trabajar con sus hijos a mejorar el rendimiento de sus hijos, tales como alfabetización, capacitación y uso de tecnología para fomentar la participación de los padres;
- Educar a profesores, personal de apoyo, directores de campus y otro personal, con la asistencia de los padres, en el valor y la utilidad de las contribuciones de los padres y en cómo llegar a comunicarse y trabajar con los padres como socios iguales, aplicar y coordinar programas de padre y construir lazos entre los padres y la escuela;
- Garantizar que la información relativa a la escuela y los padres programas, reuniones y otras actividades se envíe a los padres en un formato y, a la medida de lo posible, en un idioma que puedan entender los padres; y
- Proporcionar como cualquier otro apoyo razonable para las actividades de la participación de los padres que los padres le solicite.
- Estrategias de que un campus pueden utilizar para desarrollar la capacidad de la campus y los padres de la fuerte participación de los padres incluyen:
 - Participación de los padres en el desarrollo de la formación para profesores, directores y otros educadores mejorar la eficacia de la formación de la participación de los padres;
 - Padres de formación para ayudar a fomentar la participación de otros padres;
 - Organización de reuniones de la escuela en una variedad de veces o realizar conferencias de su hogar con los padres que no pueden asistir a estas conferencias en la escuela, con el fin de maximizar la participación de los padres y la participación;
 - Adopción y aplicación de enfoques de modelo para mejorar la participación de los padres;
 - Desarrollo de las funciones adecuadas para las organizaciones basadas en la comunidad y las empresas en las actividades de la participación de los padres; y
- Coordinación e integración de título I estrategias de participación de los padres con las de otros programas y actividades que animar y apoyan a los padres en más participar plenamente en la educación de sus hijos.
- Evaluación anual, con la participación de los padres, el contenido y la eficacia de la política de participación de los padres en la mejora de la calidad académica de título I Campus, incluyendo identificar obstáculos a una mayor participación de los padres y utilizar los resultados de dicha evaluación para diseñar estrategias para la participación de los padres más eficaz y para revisar, si es necesario, las políticas de participación de los padres de distrito y campus;
- Participación de los padres en las actividades de título I Campus, incluidas las decisiones con respecto a cómo se asignan los fondos reservados bajo la sección 1118(a)(3)(A) para las actividades de la participación de los padres: y
- Asistencia a los padres y las organizaciones de padres, informando a ellos de la existencia y el propósito de parentales centros de información y recursos.
- ***"Un kit de herramientas para la participación de los padres del título I"*** (desde del SEDL Centro Nacional para la familia y la comunidad conexiones con las escuelas) está disponible como un documento PDF en iShine

Elevación de educación será reclutar activamente la participación de los padres a través de vías apropiadas de publicidad (reuniones VIP, tablón de anuncios de la comunidad, recuadro de escuela, boletines, sitio Web, etc.). Dos reuniones del grupo de tareas de participación de los padres se celebrará entre septiembre 1st y el 30 de noviembreth y en lugares convenientes para todas las partes interesadas. Firmar en las hojas, agendas, y minutos se mantendrá en cada campus en las carpetas de documentación de título I (carpeta padre participación parte 1).

Campus de participación de los padres-Puesto que muchos de los estudiantes que sirvió por educación Uplift residen en toda la zona DFW, la participación de los padres grado en cada recinto variará en función de las circunstancias individuales. Como resultado, cada escuela se formular y aplicar su propia política de participación de los padres en coordinación con las necesidades individuales de sus comunidades.



Elevación de educación apoyará una variedad de estrategias de participación de los padres, se esfuerza por desarrollar y mantener un entorno óptimo de aprendizaje para todos los estudiantes. Los padres, tutores o suplentes, pueden contribuir a través de programas de voluntariado, en su caso, así como mediante el fomento de un ambiente hogareño apoyo.

- Cada escuela distribuirá un padre y Guía de estudiantes a todas las personas que actúen en el papel de los padres, si padre o tutor, o suplente.
- Cada escuela desarrollará y mantener varias vías de comunicación durante todo el año de la escuela para mantener a los padres, tutores o suplentes, informados de los avances del estudiante.
- Cada escuela proporcionará capacitación a maestros, padres y demás personal de la escuela en las actividades de comunicación positiva que se pueden utilizar entre profesores y padres, maestros y estudiantes y los padres y los estudiantes.
- Cada escuela esbozará las actividades de participación específica de los padres que se llevará a cabo durante el año escolar.
- Cada escuela celebrará reuniones periódicas con los padres, tutores o suplentes para compartir información sobre los programas de educación, para compartir ideas sobre estrategias de comunicación eficaces y para solicitar sugerencias para actividades adicionales y mejora de los ya existentes.
- En situaciones donde se necesita traducción de idiomas, el campus hará arreglos apropiados.

Pactos de escuela de padres

De conformidad con el Reglamento del título I, cada escuela debe desarrollar un Pacto de la escuela primaria con los padres de estudiantes participando en el título I programa. Este pacto permitirá a la escuela y los padres a compartir la responsabilidad de rendimiento de los estudiantes y el éxito. Estos pactos de la escuela primaria deben actualizarse anualmente, con el aporte de los estudiantes, padres y maestros.

- El Pacto explicará cómo los estudiantes, los padres y el personal será compartir la responsabilidad de rendimiento de los estudiantes y el éxito
- El Pacto explicará cómo los estudiantes, los padres y el personal será compartir la responsabilidad de promover el logro de los estudiantes.
- Todos los padres se dará una copia del Pacto que se detallan las responsabilidades profesores, padres, y los estudiantes tienen en ayudar a los estudiantes a alcanzar sus metas. Grado de responsabilidad de los alumnos varían según el nivel de grado.
- Firmas de padres/alumnos no será necesarias; Sin embargo, los padres son alentados a discutir el contenido del Pacto con sus estudiantes.

Evaluación

Elevación de educación será solicitar comentarios de los padres sobre la eficacia del título I programas en general, así como las actividades de participación de los padres en particular. El procedimiento de evaluación incluirá una evaluación de efectivos del programa así como una legítima oportunidad de hacer recomendaciones de mejora. Los resultados de la evaluación se compartirán con los padres de manera oportuna y va a ser un componente importante de la evaluación global de las necesidades que — educación Uplift llevará a cabo cada año como parte de su programa de planificación.

Uplift Education
Patriotic Societies
Policy Effective Date: September 9, 2017

“Patriotic Societies” Defined. For purposes of this policy, “Patriotic Societies” is defined as youth membership organizations listed in Title 36 of the United States Code with an educational purpose that promotes patriotism and civic involvement. Youth membership organizations listed in Title 36 of the United States Code include the following:

- Big Brothers/Big Sisters of America
- Boy Scouts of America
- Boys and Girls Club of America
- Civil Air Patrol
- FFA
- Girls Scouts of America
- Little League Baseball of America
- Naval Sea Cadet Corps

Access to Scholars. Campus Directors are allowed to provide representatives of Patriotic Societies with the opportunity to speak to scholars during regular school hours about membership in the society and the ways in which membership may promote a scholar’s educational interest and level of civic involvement, leading to the scholar’s increased potential for self-improvement and ability to contribute to improving the scholar’s school and community.

Campus Directors have complete discretion over the specific date and time of the opportunity with the following exceptions: 1) the opportunity is limited to a single day during a school year; and 2) any presentation made to scholars as a result of the opportunity is limited to ten (10) minutes in length.

**UPLIFT EDUCATION
RESOLUTIONS APPROVING POLICIES RELATED TO STAAR EOC**

WHEREAS, the Board of Uplift Education has considered the recommendations of the Uplift Education leadership with respect to the implementation of the End of Course (EOC) exams under the STAAR tests as proposed by the TEA, and

WHEREAS, after consideration of the recommendations, the Board has determined that the following policies are in the best interest of the Uplift Education schools and their students and should be adopted for the school year 2011-2012;

THEREFORE, be it

RESOLVED, the following policies be, and they are, hereby adopted:

These policies will affect 9th graders beginning in 2011 as well as 8th graders taking the Algebra EOC assessment:

Credit Policy

- I. Initial EOC assessment score *will be considered* in credit decisions in all circumstances, regardless of whether *the score attained* results in a student earning or losing course credit.
 - a. In order to receive credit, students taking EOC assessments must score at or above the minimum score established by the state of Texas to receive Satisfactory Academic Performance (Level II). AND
 - b. Must average a 70 based on the following percentage breakdown of first semester, second semester, and EOC assessment grades:
 - First Semester = 42.5 percent of overall course credit and final grade
 - Second Semester = 42.5 percent of overall course credit and final grade
 - EOC Assessment = 15 percent of overall course credit and final grade
 - c. The 15% EOC Assessment will be calculated in the following manner:
 - Uplift Education will create a conversion table to convert the scale EOC assessment score to a percentage score. The minimum score to receive Satisfactory Academic Performance (Level II) will be a 70%, and the minimum score to receive Advanced Academic Performance (Level III) will be a 90%.
 - d. Students with TAKS graduation requirement who are enrolled in the same course with the students under the STAAR requirement will not be required to take the STAAR EOC for the course credit. Calculations of grades and determination for course credit for these students taking the TAKS assessment to meet graduation requirements will be determined at the campus level and in accordance with campus student handbooks.

Retake Policy

- I. Scores attained on retakes of an EOC assessment will be considered if the retake score allows a student to gain credit for the course and will be used to improve final grade

calculations, if the original score was the reason for not earning course credit. Final grade and GPA on transcript will reflect score from EOC retake.

- II. Retake scores will not be included in the final grade calculation for the course as reported on the student's official transcript and will not affect GPA for those students who have already received course credit based on the previous EOC administration.

Special Education Policy

- I. At the campus level, a student's ARD committee will determine the type of assessment to be administered and how the score of an EOC assessment will be used for final course grades, credit decisions, and graduation requirements. ARD decisions regarding graduation will be reviewed by Uplift Education's Senior Director of Special Populations as well as the Senior Director of the campus.

Suspension of Portions of Suspension and Retention Policy for the 2011-12 School Year

WHEREAS, Title 19, Chapter 101 of the TAC and section 28.0211(a) of the TEC require students in grades 5 and 8 to meet the passing standards on the application statement assessment instruments for those grades to be promoted to the next grade; and

WHEREAS, the passing standards for the STAAR grade 5 and 8 examinations will not be established for the 2011-12 school year, but only raw score data will be available;

THEREFORE, IT IS

RESOLVED, that for the 2011-2012 school year only, those portions of the Uplift Education retention and promotion policy that require students in grades 5 and 8 to meet the passing standards on the applicable state mandated assessments instruments for those grade levels to be promoted to the next grade be suspended.

Approved: 10 / 25, 2011

Campus and Central Management Office (“CMO”) Visitation.

- Visitor Sign-In/Log Requirement. All visitors to a campus or CMO shall be required to sign a visitor log and wear appropriate Uplift badging indicating he or she is a visitor. Uplift staff visiting a campus or CMO are required to sign a visitor log and wear appropriate Uplift badging.
- Identification. All visitors to a campus or CMO, including Uplift staff who are not in the possession of his or her Uplift badge, shall be required to display and provide his or her driver’s license or other form of government-issued identification containing the person’s photograph, for security screening.
- Authority to Ensure the Safety of Scholars and Staff. At all times, campus and CMO staff have the right to refuse entry to any person who is determined to pose, or may pose, an imminent threat to scholars or staff. If a determination is made that a person poses, or may pose, an imminent threat to scholars or staff, local police shall be immediately contacted.

Classroom Visitation. For purposes of this section, “visitor” is defined to be any person except Uplift staff.

- Visitors – Not-Viewing Instruction. Visitors to classrooms whose intent is not to view instruction may only be approved by the school’s Academic Director (“AD”) or that classroom’s teacher, and shall only be approved if a determination is made that the classroom visit will not interfere with the delivery of classroom instruction or in any other way interfere with school operations or the school environment.
- Visitors – Viewing Instruction. Visitors to classrooms whose intent is to view instruction, such as parents or guardians, may only be approved in accordance with the following procedures:
 - Classroom visitation requests are required to be made in writing to the school Academic Director (“AD”) with at least three (3) business days’ advance notice.
 - The decision to approve a classroom visitation shall be made by the AD, with input from the classroom teacher.
 - A classroom visitation request shall not be approved if the AD determines the requested visit may interfere with the delivery of classroom instruction or in any other way may interfere with school operations or the school environment.
 - The AD’s Managing Director, the Chief of Schools, the CEO, or CEO designee, may override the AD’s decision to approve or deny a classroom visitation.

Sex Offenders – Parents or Guardians.

- Parental Rights. Parents and guardians who are sex offenders still retain certain legal parental rights.
- Permission to be on Uplift Property. Parents and guardians who are sex offenders and who

have no legitimate campus or CMO business shall not be permitted, under any circumstance, to be on any Uplift campus or CMO property. Such cases shall be considered trespass by a sex offender and campus or CMO staff shall immediately contact local police.

- Escort by School Staff or Local Police. Parents and guardians who are sex offenders and who have legitimate campus or CMO business shall not be allowed on campus or CMO property unless accompanied by school or CMO staff, or at the discretion of school or CMO administration, by local police. For access to a campus or CMO from a vehicle or walk-through gate, a parent or guardian who is a sex offender and has legitimate business is required to contact the campus or CMO for an escort. In an emergency situation only, a parent or guardian who is a sex offender may access a campus or CMO from a parking lot or walk-through gate without an escort; however, should campus or CMO staff determine an emergency did not exist, local police shall be contacted immediately.
- Carline and Walk-Through Gates. Parents and guardians who are sex offenders and drop-off or pick-up their scholars via carline or a walk-through gate are not permitted to leave their vehicles or enter the campus at any time without an escort as described above.
- No Eligibility to Serve as Volunteer. No sex offender may serve as a volunteer for Uplift Education in any capacity.

Sex Offenders – Third Parties. No third-party sex offender shall be permitted on any campus or at CMO for any reason. Should these persons have legitimate business with Uplift, such business shall be conducted telephonically or by videoconference.

COVID-19. In accordance with local, State, and federal orders and guidelines, campus or CMO visits by third parties is discouraged and all meetings, conferences, and the like, should be conducted either telephonically or by videoconference to the greatest extent possible. Uplift understands that unique situations do exist where having third parties physically on-site is in the best interest of all parties, and each school's campus administration may permit this to occur.

Records Management System. The Superintendent or designee shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation and shall ensure through reasonable procedures that records are accessed by authorized persons only, as allowed by this policy. These records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school officials.

Digital Records. Uplift Education (“District”) has adopted a digital records management policy which designates and deems digitized school records as the Source Documents and not Documents of Convenience. This policy applies to records that have been digitized as well as to those converted after the date the policy was adopted.

The District has adopted Schedules GR (Records Common to All Governments) and SD (Records of Public School Districts) as the control schedules for District records, as such schedules now exist or as hereafter amended.

Cumulative Record. A cumulative record shall be maintained for each student from entrance into the District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school within the District and shall be maintained at the school where currently enrolled until graduation or withdrawal. Records for non-enrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent.

Custodian of Records. The school director is custodian of all records for currently enrolled students and for students for two years following graduation or from the date of withdrawal if the student has withdrawn. The school director may designate a records custodian at the campus level for maintaining the records. The Superintendent (or designee) is the custodian of records in all subsequent years. The District website, made available to all students and parents, shall contain a listing of the addresses of all District schools, as well as the business address for the Superintendent.

Types of Education Records. The records custodian shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth;
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student’s testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by a grade placement committee convened for the student.
5. Health services record, including:
 - a. The results of any tuberculin tests required by the District.
 - b. The findings of screening or health appraisal programs the District conducts or provides.
 - c. Immunization records.
6. Attendance records.

7. Student questionnaires.
8. Records of teacher, counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other Districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Records pertaining to student and parent complaints.
16. Other records that may contribute to an understanding of the student.

Access by Parents. The District shall make a student's records available to the student's parents, as permitted by law. The records custodian or designee shall use reasonable procedures to verify the requestor's identity before disclosing student records containing personally identifiable information.

Records may be reviewed in person during regular school hours without charge upon written request to the records custodian. For in-person viewing, the records custodian or designee shall be available to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and records to be viewed shall be restricted to use only in the Superintendent's, director's, or counselor's office, or other restricted area designated by the records custodian.

Copies of records are available at a per copy cost, payable in advance. Copies of records must be requested in writing. Parents may be denied copies if they fail to follow proper procedures or pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of a parent, one copy of the record shall be provided at no charge. Records shall be provided within a reasonable time as allowed by law.

A parent may continue to have access to his or her child's records under specific circumstances after the student has attained 18 years of age or is attending an institution of postsecondary education.

Access by School Officials. A school official shall be allowed access to student records *if he or she has a legitimate educational interest in the records*:

For the purposes of this policy, "school officials" shall include:

1. An employee, Governing Board member, or agent of the District, including an attorney, a consultant, a contractor, a volunteer, a school resource officer (if any), and any outside provider used by the District to perform institutional services.
2. An employee of a cooperative of which the District is a member or of a facility with which the District contracts for placement of students with disabilities.
3. A contractor retained by a cooperative of which the District is a member or by a facility with which the District contracts for placement of students
4. 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.

All contractors provided with student records shall follow the same rules as employees concerning privacy of the records and shall return the records upon completion of the assignment.

A school official has a "legitimate educational interest" to a student's records when he or she is

1. Working with the student;

2. Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;
3. Compiling statistical data;
4. Reviewing an education record to fulfill the official's professional responsibility; or
5. Investigating or evaluating programs.

The scope of access to student records will be determined by the role of the school official and only to those records relevant to the official's interest.

Transcripts and Transfers of Records. The District may request transcripts from previously attended schools for students transferring or enrolling into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

For purposes of a student's enrollment or transfer, the District shall promptly forward in accordance with the time line provided in law education records upon request to officials of other schools or school systems in which the student intends to enroll or enrolls. The District may return an education record to the school identified as the source of the record.

Records Responsibility for Students in Special Education. The Director of Special Education or designee shall be responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education.

A current listing of names and positions of persons who have access to records of students in special education is maintained at the office of the Director of Special Education or his/her designee. (See records and confidentiality procedure for special education – Uplift Education.)

Parent's Right to Request Amendment of Records; Procedure to Amend Records. Within 15 District business days of the record custodian's receipt of a request to amend records, the District 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 District 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 District 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 district 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 District's decision.

Directory Information. The District has designated the following categories of information as directory information: student's name, address, date of birth, grade level, photograph, dates of attendance, participation in recognized activities and sports, and weight and height of members of athletic teams.

The District shall only release directory information (1) to military recruiters and institutions of higher education, as required by law, and (2) for limited school/District-sponsored purposes. For third-party requesters, directory information shall include student's name only.

“Limited school/District-sponsored purposes” is defined to include all official District and campus publications, including yearbooks, newsletters, directories, graduation-related documents, as well as announcements related to school/District activities, honors, and awards.

During the online enrollment process, parents and guardians will have the opportunity to designate whether they give permission for disclosure of directory. Additionally, parents may notify the school in writing at any time if they wish to opt out of directory information.

Uniform and Dress Code Required. Uplift Education (“Uplift”) scholars are required to wear, and adhere to, a prescribed uniform and dress code that sets appropriate standards for grooming and personal appearance. Uplift believes that a uniform and dress code contributes to a positive and safe school culture and fosters a spirit of teamwork in the school, and broader Uplift network, community. Each Uplift school may develop and issue a uniform and dress code unique to that school, subject to the approval of the CEO, or CEO’s designee.

COVID-19.

- Definitions. As used in this policy, the term “masks” is defined by the Texas Education Agency (“TEA”) “to include non-medical grade disposable face masks, cloth face coverings (over the nose and mouth), or full-face shields to protect eyes, nose, and mouth. Face shields may be superior to cloth face coverings in many circumstances, given improved ability to see mouth movements and improved air circulation.”
- 1st Grade and Above.
 - In accordance with State and federal orders and guidelines, all Uplift scholars in 1st grade and above are required to wear masks as part of the mandatory uniform and dress code of each Uplift school. In support of this requirement and in an effort to assist our scholars and families, Uplift will be providing each scholar with one mask and one face shield for the 2020-2021 school year. Scholars may elect to wear a mask or face shield provided or may elect to wear another face covering that meets the “mask” definition above.
 - Given the direct health and safety threat to other scholars and staff of not wearing a mask, as evidenced through State and federal orders and guidance, a parent or guardian who believes it is not developmentally appropriate, or otherwise does not wish, regardless of reason, for his or her scholar to wear a mask shall be required to utilize remote instruction for that scholar. No Uplift scholar in 1st grade or above shall be permitted on any Uplift campus without wearing a mask, and may be subject to disciplinary action in accordance with the Student Code of Conduct for any violation of this policy in the same manner as any other violation of the uniform and dress code.
- Kindergarten and Below. In accordance with State and federal orders and guidelines, it is not considered developmentally appropriate for scholars in Kindergarten and below to wear masks. These scholars are not required to wear a mask as part of the mandatory uniform and dress code.
- Other Considerations. Parents or guardians of scholars who are or may be unable to meet this requirement due to a disability should contact their campus Special Education or 504 Coordinator.

CEO Authority. The CEO, or CEO's designee, may change, revise, or alter a school's uniform or dress code at any time. The CEO, or CEO's designee, may change, revise, alter, or remove completely, the COVID-19 mask requirement so long as such decision is made in accordance with State and federal orders and guidelines.

Violations of the Uniform and Dress Code. Each scholar is responsible for his or her compliance with the uniform and dress code at all times. Violations of the uniform and dress code may result in disciplinary action in accordance with the Student Code of Conduct.

Section 1. Definition of Records of Uplift Education. All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristics and regardless of whether public access to it is open or restricted under the laws of Texas, created or received by Uplift Education or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be records of Uplift Education and shall be created, maintained, and disposed of in accordance with the provisions of this resolution or procedures authorized by it.

Section 2. Records Declared Public Property. All records as defined in Section 1 of this plan are hereby declared to be the property of Uplift Education. No official or employee of Uplift Education 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.

Section 3. Policy. It is hereby declared to be the policy of Uplift Education to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all records of Uplift Education 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.

Section 4. Records Management Officer. The Senior Director for Legal Affairs for Uplift Education will serve as the Records Management Officer for Uplift Education as provided by law and will ensure that the maintenance, destruction, electronic storage, or other disposition of the records are carried out in accordance with the requirements of the Local Government Records Act. The Records Management Officer may designate the campus director or registrar to serve as the records custodian for the individual Uplift Education schools.

Section 5. Records Control Schedules. Appropriate records control schedules issued by the Texas State Library and Archives Commission shall be adopted by the Records Management Officer for use in Uplift Education as provided by law. Any destruction of records of Uplift Education will be in accordance with the Local Government Records Act. Uplift Education specifically adopts Schedules GR (Records Common to All Governments) and SD (Records of Public School Districts) as the control schedules for Uplift Education records, as such schedules now exist or as hereafter amended.

Reporting by the CEO.

Permissive Reporting. The CEO may notify the State Board for Educator Certification (SBEC) of any educator misconduct that the CEO believes in good faith may be subject to sanctions.

Required Reporting. Except as indicated below, the CEO shall notify SBEC if:

- I. An educator employed by or seeking employment with Uplift has a criminal record and Uplift obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety;
- II. An educator engaged in conduct that violated the assessment instrument security procedures established under Section 39.0301 of the Texas Education Code.
- III. An educator was either terminated or resigned, and there is evidence that the educator:
 - a. Abused or otherwise committed an unlawful act with a scholar or minor;
 - b. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a scholar or minor;
 - c. Possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
 - d. Illegally transferred, appropriated, or expended funds or other Uplift property;
 - e. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or
 - f. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event.

Required Investigation. The CEO shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described by I - III above. The investigation shall be completed even if the educator resigns before completion of the investigation.

Deadline to Report to SBEC. The CEO must notify SBEC by filing a report in writing and in a form prescribed by SBEC not later than the seventh business day after the date the CEO:

- I. Receives a report from a Campus Director described below;
- II. Knew about an educator's criminal record or violation of the assessment instrument security procedures described by I and II above; or
- III. Knew about an educator's termination or resignation following an alleged incident of misconduct described by III above.

The report to SBEC shall include the name or names of any scholar or minor who is the victim of abuse or unlawful conduct by an educator. The report shall, at a minimum, describe in detail the factual circumstances requiring the report and identify the subject of the report, i.e., the educator being reported, by providing the following available information:

- I. Name and any aliases;
- II. Certificate number, if any, or social security number;
- III. Last known mailing address and home and daytime phone numbers;
- IV. All available contact information for any alleged victim or victims; and
- V. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report.

Notice to the Board of Trustees and Educator. The CEO shall notify the Board and the educator of the filing of a written report with SBEC.

Reporting not Required. The CEO is not required to notify SBEC or file a report with the board if the CEO completes an investigation into an educator's alleged incident of misconduct described by III.a. or III.b. above before the educator's termination of employment or resignation and determines the educator did not engage in the alleged incident of misconduct.

Reporting by a Campus Director. A Campus Director shall notify the CEO not later than the seventh business day after the date:

- I. Of an educator's termination or resignation following an alleged incident of misconduct described by III above; or
- II. Knew about an educator's criminal record or violation of the assessment instrument security procedures described by I and II above.

Notice to Parent or Guardian. Notice shall be provided to the parent or guardian of a scholar with whom an educator is alleged to have engaged in misconduct described by III(a) or III(b) above. Such notice shall inform the parent or guardian (1) that the alleged misconduct occurred, (2) whether the educator was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation, and (3) whether a report was submitted to the State Board for Educator Certification concerning the alleged misconduct. Notice that alleged misconduct may have occurred shall be provided as soon as feasible after Uplift becomes aware of the alleged misconduct.

Electronic Communications. For purposes of this policy, "electronic communication" is defined as any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes e-mails, text messages, instant messages, and any communications made through an Internet website, including a social media website or a social networking website.

Uplift staff are prohibited from engaging in any form of inappropriate communication with scholars, including but not limited to, inappropriate electronic communications, and are required to immediately

report suspected inappropriate electronic communication between any Uplift employee and a scholar(s) to appropriate supervisors, the Department of Human Resources, or the CEO.

Uplift staff may provide a parent or guardian with a personal cell phone number to be used only for school-related business and only in situations where the campus phone cannot be utilized. It is the decision of the parent or guardian whether to provide the cell phone number to his/her scholar. Outside of cell phone numbers, Uplift staff are prohibited from providing scholars, parents or guardians with their personal contact information, including but not limited to, personal e-mail addresses, social media websites or a social networking website. An Uplift staff member has the right to elect not to provide a scholar, parent or guardian with his or her cell phone number or Uplift email address.

To the extent a scholar engages in improper communication of any kind with a staff member, including but not limited to electronic communication, that staff member shall immediately report the improper communication and all relevant information to his or her supervisor.

Uplift Education School Wellness Policy

Uplift Education schools are committed to the health and well being of scholars and staff within our learning community. Uplift Education believes that healthy eating habits and regular physical activity improves the ability to achieve academically. All Uplift Education schools are committed to fighting childhood obesity and maintaining lifelong healthy habits. Uplift Education is committed to following and exceeding current health and nutrition guidelines as set forth by the Healthy Hunger Free Kids Act of 2010 (HHFKA 2010), USDA Food and Nutrition Service, Texas Department of Agriculture, US Department of Health and Human Services, US Department of Education and the Center for Disease Control and Prevention.

Development of Guidelines and Goals

Uplift Education shall develop nutritional guidelines and wellness goals in consultation with involvement from parents, students and representatives of the Uplift Child Nutrition Program, the school board, school administrators, members of the Student Health Advisory Committee (SHAC), teachers of physical education and school health professionals. Uplift will review this policy once a year with the input of the teams listed.

Implementation and Compliance

- The Directors of the schools shall oversee the implementation of this policy and shall develop administrative procedures for periodically measuring the implementation of this policy.
- The Kitchen manager shall be responsible for the implementation of the HACCP Food Safety plan and enforcing nutrition standards around the National School Breakfast and Lunch Program.
- Classroom teachers shall be responsible for integrating wellness policy requirements into the daily curriculum as appropriate.
- Parents shall support a coordinated effort in partnership with the school to encourage healthy habits at home and school.
- All members of Uplift Education shall be responsible for complying with wellness policy requirements.
- Uplift Education will establish a structured School Health Advisory Committee with members consisting of parents, representatives of the Child Nutrition Program, school board, school administrators, the public, teachers of physical education and school health professionals to enhance the proficiency of implementation and compliance of the wellness policy and goals.

Wellness Goals

Nutrition Education and Promotion

Uplift Education schools shall implement, in accordance with law, a Coordinated School Health Program with a nutrition education component and shall implement health curriculum that emphasizes the importance of proper nutrition.

In addition, Uplift Education schools have established the following goals for nutrition education:

- All Uplift scholars in grades K-8 shall receive “nutrition education” as part of a structured and systematic unit of instruction through physical education classes.
- All Uplift Scholars will have nutrition education integrated into other areas of curriculum as appropriate.
- The staff responsible for nutrition education will be adequately prepared and participate regularly in professional development activities to effectively deliver an accurate nutrition education program as planned.
- Child nutrition staff, teachers, physical educators, nurses and other school personnel will coordinate the promotion of nutrition messages in the cafeteria, the classroom and other appropriate settings.
- Nutrition Education will involve sharing information with families and the broader community to positively impact students and the health of the community.

Physical Activity and Promotion

Uplift Education schools shall implement, in accordance with law, a coordinated health program with physical education and physical activity components and shall offer at least the required amount of physical activity for all grades.

In addition, Uplift Education schools established the following goals for physical activity:

- Scholars in grades K-6 with shall strive to provide a minimum average of 30 minutes of physical education per day (135 minutes per week) to all full day scholars.
- Uplift Education schools will provide an environment that fosters safe and enjoyable fitness activities for all students, including those who are not participating in competitive sports and those who may be athletically gifted.
- Physical Education classes will regularly emphasize moderate to vigorous activity.
- Physical Education will encourage life long physical activity and wellness through the instruction of individual and team based activities.
- Uplift Education will not disproportionately emphasize team sports.



- Uplift Education schools will encourage teachers to integrate physical activity into the academic curriculum where appropriate.
- Before school and after school physical activity programs will be offered when appropriate and students will be encouraged to participate.
- Uplift Education schools will encourage parents to support their children's participation to be active role models and to include physical activity in family events.
- Uplift Education schools will encourage students, staff and community members to use the school's recreational facilities that are available outside of the school day.
- Teachers and other school and community personnel will not use physical activity (e.g. running laps, pushups) or withhold opportunities for physical activity (e.g. recess, physical education) as a form of punishment.

Nutritional Guidelines

Uplift Education schools shall ensure that nutritional guidelines for reimbursable school meals shall be at least as restrictive as federal regulations and guidance and that all foods sold on each campus are in accordance with the USDA Smart Snacks Guidelines and Texas Nutrition Policy.

In addition to legal requirements, Uplift Education schools shall strive to achieve the following:

Food as Reward or Recognition

- Using free food to reward behavior or academic performance should be very limited, requiring justification and approval from a campus director.
- Free food cannot be provided until the participants lunch period has ended and cannot be used to supplant their lunch.
- Free food must be provided by the school, a teacher or an approved vendor and be nut-free.

Exempt Days from Participating in Meal Service Programs

- Before the school year begins, a school (Primary, Middle, or High) can formally request 3 school-wide special days with campus operations where meal service is suspended at breakfast and/or lunch using the Activity Request Form.
- On Exempt Days, all foods must be provided free of charge to the scholars during the school day.

Uplift Campus Fundraisers and Food Sold on Campus (vending machines)

- Campus fundraisers and foods sold on campus that meet the Smart Snack rules can be sold during the school day in accordance with the time and place restrictions as established by the Texas Nutrition Policy and with approval using the Activity Request Form. Ready-to-eat food sales can't compete with meal services.
- Campus food fundraisers that do not meet the Smart Snack rules cannot be sold during the school day.
- Failure to properly track and maintain documentation of foods sold during the school day can affect school meal funding when identified in TDA administrative reviews.

School Meals

- Uplift Education's goal is to meet and exceed the Healthy Hunger Free Kids Act 2010 (HHFKA) requirements in all applicable schools across our school network.



CNP and School Wellness References:

- Dietary Guidelines for Americans 2010
<http://www.cnpp.usda.gov/DietaryGuidelines.htm>
- American Alliance for Health, Physical Education, Recreation and Dance
<http://www.aahperd.org/>
- Centers for Disease Control and Prevention – Division of Nutrition, Physical Activity and Obesity
<http://www.cdc.gov/nccdphp/dnpao/index.html>
- Nutrition.gov
<http://www.nutrition.gov/>
- CATCH USA
www.catchusa.org
- Texas Department of Agriculture and Smart Snacks Regulations
www.squaremeals.org
- My plate (the new food pyramid)
www.choosemyplate.gov
- Alliance for Healthier Generation and Smart Snacks product calculator
www.healthiergeneration.org

[Policy revised February 2015]

**RESOLUTION APPROVING REVISED POLICY REGARDING
SELECTION OF
PROFESSIONAL SERVICES PROVIDERS AND
CONTRACTING FOR CONSTRUCTION PROJECTS**

WHEREAS, the Board of Directors of Uplift Education (the "Board") has been presented with a revised policy regarding the selection of professional services providers and contracting for construction projects (the "Revised Policy"), a copy of which has been presented to the Board and is attached to this resolution; and

WHEREAS, the Board, after review and noting that the Revised Policy includes a recommended time period for a new solicitation of professional services via a request for qualifications (RFQ), and after considering the recommendation of the Facilities Committee, has determined that the Revised Policy is in the best interest of Uplift Education and should be approved.

Therefore, it is

RESOLVED, that Board Policy Regarding Selection of Professional Services Providers and Contracting for Construction Projects attached to this resolution be, and it is hereby, approved.

RESOLVED FURTHER, that the policy for selection of professional services and contracting previously approved by the Board be, and it is hereby, superseded by the Revised Policy and the prior policy is void and of no further effect.

Approved this _____ day of January, 2014.

Uplift Education
Board Policy Regarding Selection of Professional Services Providers
and Contracting for Construction Projects

The Board of Uplift Education amends its policy previously adopted as revised on October 19, 2012, and adopts the following revised policy related to construction contracts and architectural and/or engineering services and any other professional services referred to in Chapter 2254, Texas Government Code (collectively referred to herein as "Professional Services"):

A. Selection of Professional Services providers:

I. Method of Selection

- a. Pursuant to Chapter 2254, all Professional Services providers shall be selected based on qualifications, prior experience or other factors. Fees are specifically excluded as a basis of initial selection. Elimination based on fees for a selected Professional Service provider may only be made after negotiations have occurred.
- b. With respect to contracts for Professional Services exceeding \$50,000.00, the Facilities Committee will recommend to the CEO that a new solicitation for Professional Services (through a Request for Qualifications or "RFQ") be made approximately every five (5) years, assuming new facilities are anticipated, and shall also recommend firms to be considered as part of the RFQ. In addition, the Facilities Committee may also recommend to the CEO whether a particular project warrants a separate solicitation for Professional Services. If the CEO elects to issue an RFQ, a "Consultant Selection Committee" will be established by the Facilities Committee Chair to evaluate statements of qualifications for recommendation to the CEO. The "Consultant Selection Committee" shall include at least one member of the Uplift Facilities Committee, the Chair of the Uplift Board (which position may be filled by the Chair of the Facilities Committee), the project manager, if one has been selected (the "Project Manager") and the CEO, or his or her designee.
- c. The Consultant Selection Committee will comply with procedures under Texas law for the selection of Professional Services providers.
- d. The Consultant Selection Committee will recommend to the CEO the specific firm or individual to provide Professional Services exceeding \$50,000.00. The CEO shall make the final decision and award all Professional Services contracts.

- II. The CEO may execute all Professional Services contracts not exceeding \$50,000.00 without consultation. The CEO may execute Professional Services contracts exceeding \$50,000.00 but not exceeding \$100,000.00 after receipt of the recommendation of the Consultant Selection Committee. For Professional Services contracts exceeding \$100,000.00, the CEO must also obtain the consent of the Chair of the Uplift Board and the Chair of the Uplift Finance Committee unless the contract has otherwise been approved by the Uplift Board.

B. Award of Contracts for Construction Projects:

I. Selection of Contracting Alternative

- a. The CEO may enter into construction contracts below \$50,000.00 without consulting the Facilities Committee. The Facilities Committee will review each construction project estimated to exceed \$50,000.00 and, after considering the various aspects of the project and the contracting alternatives, shall recommend whether to use Lump Sum Bid, Competitively Sealed Bid, and Construction Manager at-Risk, or other method appropriate for the project.
- b. The CEO will decide on the contracting alternative to be used.
- c. Working with the Project Manager, the CEO, or his or her designee, will ensure that all applicable advertisement notice bid requirements are satisfied if Lump Sum Bid or Competitively Sealed Bid is selected.

II. Contract Award

- a. A "Contractor Selection Committee" will be established by the Facilities Committee Chair to evaluate bids for recommendation to the CEO. The "Contractor Selection Committee" shall include at least one member of the Uplift Facilities Committee, the Chair of the Uplift Board (which position may be filled by the Chair of the Facilities Committee), the Project Manager and the CEO, or his or her designee.
- b. The Contractor Selection Committee shall recommend a contractor to the CEO for award of the construction contract.
- c. In determining which contractor to recommend to the CEO, the following several factors, among other things, shall be taken into consideration by the Contractor Selection Committee:
 - i. The proposed price;

- ii. The reputation of the contractor, verified through reference checks;
 - iii. The quality of the contractor's services, verified through reference checks;
 - iv. The relevancy/experience of the contractor's past projects;
 - v. The financial stability of the contractor;
 - vi. Relevant and mandatory licensures/registrations of the contractor;
 - vii. Past relationship and experience with Uplift Education and/or consultant team;
 - viii. The contractor's project team proposed for the project;
 - ix. Any other factor deemed relevant by the Contractor Selection Committee specifically listed in the request for bids or proposals.
- d. While proposal criteria for contractor selection will include language to encourage contractors to engage women and minority owned businesses as well as other historically underutilized businesses, this will only be part of the selection scoring criteria on large projects that lend themselves to a larger subcontractor pool.
- e. Selection Criteria Weighting
- i. The Contractor Selection Committee may modify the weighting of selection criteria for a particular Project.
 - ii. Financial statements requested as part of the contractor qualifications will be a basis for qualification or disqualification, and not a "weighted" selection criteria.
 - iii. The Contractor Selection Committee may establish such other weighting selection criteria as they deem appropriate for the project under consideration and as are consistent with applicable laws.
- f. The Architect or Engineer of Record shall open all bids received and publicly announce bids.

III. Contract Requirements Shall Include:

- a. Lien waivers with all payment applications from both the general contractors and all subcontractors will be required.
- b. All construction bid documents shall include an "add alternate" to provide a payment and performance (P&P) bond. The Contractor Selection Committee shall recommend whether to waive or require a P&P bond from the contractor based on the following factors:
 1. Construction contracts equal to or exceeding \$5,000,000.00 shall include a payment and performance bond. In addition, retainage equal to 5% of each construction pay application shall be retained by the Owner until 30 days after the Project has reached Final Completion and final lien waivers have been received from the Contractor and all (First-Tier) Subcontractors.
 2. Construction contracts not exceeding \$5,000,000.00 will generally not include a payment and performance bond. However, the Contractor Selection Committee shall preserve their right to require a Payment and Performance bond on contracts not exceeding \$5,000,000.00 based on the Contractor's financial strength, performance history, or other factors the Contractor Selection Committee deems appropriate on all construction contracts that do not have a payment and performance bond. Retainage equal to 10% of each construction pay application shall be retained by the Owner until 30 days after the Project has reached Final Completion and final lien waivers have been received from the Contractor and all (First-Tier) Subcontractors.
- c. Termination rights.
- d. No "prohibited persons" representations.
- e. Compliance with all applicable laws.

- IV. The CEO may determine and execute construction contracts not exceeding \$50,000.00 without consultation. The CEO may execute construction contracts exceeding \$50,000.00 after receipt of the recommendation of the Contractor Selection Committee, **provided** the proposed contract is within a project budget (meaning the project budget has not yet been exceeded) which has previously been approved by the Uplift Board. **IF** the project budget will be exceeded, the CEO must, in addition to consulting with the Contractor Selection Committee,

obtain the approval of the Uplift Board Chair and the Chair of the Finance Committee unless the change has otherwise been approved by the Uplift Board.

Approved 1/29/13
Uplift Bd

UPLIFT EDUCATION

RESOLUTION ADOPTING POLICY FOR STUDENT FEES AND WAIVER

WHEREAS, the Texas Education Code, Section 11.158 authorizes the board to establish certain fees that may be charged by public school districts and Section 12.108 of the Education Code extends those requirements to open-enrollment charter schools; and

WHEREAS, the Board wishes to set out a policy concerning fees that are authorized as well as a process for waiving or reducing fees as required by the Education Code; and

THEREFORE, in compliance with the Education Code, the following policy is hereby adopted with respect to fees to be charged to students in Uplift Education schools:

I. Authorized Fees:

The Board authorizes the following fees to be charged. ("District" as used herein refers to Uplift Education and its schools):

1. Fees for materials used in any program in which the resultant product is in excess of minimum requirements and, at the student's option, becomes the personal property of the student. Fees may not exceed the cost of materials.
2. Membership dues in student organizations or clubs, and admission fees or charges for attending extracurricular activities when membership or attendance is voluntary.
3. Security deposits for the return of materials, supplies, or equipment.
4. Fees for personal physical education and athletic equipment and apparel. However, any student may provide his or her own equipment or apparel if it meets reasonable requirements and standards relating to health and safety established by the Board.
5. Fees for items of personal use or products that a student may purchase at the student's option, such as student publications, class rings, annuals, and graduation announcements.
6. Fees specifically permitted by any other statute.
7. Fees for an authorized, voluntary student health and accident benefit plan.
8. A reasonable fee, not to exceed the actual annual maintenance cost, for the use of musical instruments and uniforms rented or owned by the District.
9. Fees for personal apparel that become the property of the student and that are used in extracurricular activities.
10. Parking fees and fees for identification cards.
11. Fees for driver education courses, provided that such fees shall not exceed the actual District cost per student in such programs for the current year.
12. Fees for courses offered for credit that require the use of facilities not available on the school premises or the employment of an educator who is not part of the school's regular staff, if participation in the course is at the student's option. Payment may not be required if the course is one requested by parents according to Education Code 28.003.

13. Fees for courses offered during summer school, except that the District may not charge a fee for a course required for graduation unless the course is also offered without a fee during the regular school term.

14. A reasonable fee for transportation of a student who lives within two miles of the school the student attends to and from that school, except that the school may not charge a fee for transportation for which the school district receives funds under Section 42.155 (d).

15. A reasonable fee, not to exceed \$50, for costs associated with an educational program offered outside the regular school hours through which a student who was absent from class receives instruction voluntarily for the purpose of making up the missed instruction and meeting the level of attendance required under Education Code 25.092. The District shall provide a written form to be signed by the student's legal guardian stating that this fee would not create a financial hardship or discourage the student from attending the program. The District may assess the fee only if the student returns the signed form.

16. If the District does not receive any funds under Education Code 42.155 and does not participate in a county transportation system for which an allotment is provided under Education code 42.155(i), a reasonable fee for the transportation of a student to and from the school the student attends.

Prohibited Fees: The Board further specifies that fees may not be charged for:

1. Instructional materials, workbooks, laboratory supplies, or other supplies necessary for participation in any instructional course, except as authorized by the Education Code.

2. Field trips required as part of the a basic educational program or course.

3. Any specific form of dress necessary for any required educational program or course.

4. Instructional costs for necessary school personnel employed in any course or educational program required for graduation.

5. Library materials required to be used for any educational course or program. However, fines may be assessed for lost, damaged, or overdue materials.

6. Admission to any activity the student is required to attend as a prerequisite to graduation.

7. Admission or examination in any required educational course or program.

8. Lockers.

Personal Supplies: Students may be required to furnish personal or consumable items, including pencils, paper, pens, erasers, and notebooks. Students may be required to furnish school uniforms, subject to the provisions of the Education Code 11.162 regarding educationally disadvantaged students.

School Store: The District may operate a school store where students may purchase school supplies and materials.

Waiver of Fees: The District shall adopt reasonable procedures for waiving a deposit or fee if a student or the student's parent or guardian is unable to pay it. This policy shall be posted

in a central location in each school facility, in the school policy manual, and in the student handbook.

Approval of Fees: The Chief Executive Officer or designee shall establish and annual review student fees, dues, and security deposits as authorized by the Education Code. Tuition fees for course credit (i.e., summer school, night school, on-line courses) and other courses/lessons/summer camps (i.e., private music lessons, SAT preparation, drivers education, athletic camps) authorized by the District shall be brought to the CEO for approval.

Waiver of Fees: The District will consider waiver of a fee, a reduced fee, and/or a payment plan for a fee for economically disadvantaged students and temporary hardship situations. Economically disadvantaged is defined as meeting the federal guidelines for free or reduced price meals. Temporary hardship situations shall be reviewed on a case by case basis, but in general are related to catastrophic health issues, loss or employment, or loss of home. Such student and his or her parent or guardian must present evidence of their inability to pay to the appropriate school director who shall determine eligibility for a fee waiver.

Approved: January 29, 2013.

To ensure that all Uplift students receive high caliber instruction, Uplift Education requires all Uplift teachers of record to hold a Texas certificate or be able to show that the certification process is underway as defined by Every Student Succeeds Acts (ESSA) and the State Board for Educator Certification (SBEC). All teachers must meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification as defined by Every Student Succeeds Act.

“Teacher of record” is defined as a teacher who provides direct instruction to students in any core academic subject area, as designated in ESSA.

1. Certification Requirements

A. New Teachers without Certification

Beginning in the 2016-2017 school year, any new employee hired to teach in an Uplift school prior to the start of the school year who has not received a recognized Texas teaching certificate shall be required to complete an alternative certification program designated by Uplift. Failure to enroll and complete the designated alternative certification within one year of hire may result in termination or non-renewal of teaching position. Late hires will have until the end of the following school year to complete the designated alternative certification.

New teachers who have begun but not completed a certification program should make arrangements to transfer into the designated Uplift alternative certification program.

Exceptions must be approved. Formal written request for exceptions must be submitted and approved by the Managing Director and the Human Resources Senior Director.

A “new teacher” is defined as those new to the teaching profession or new to the Uplift network.

A “late hire” is defined as those hired during a school year (on or after the first day of New Teacher Training generally held the middle of July) for a teaching placement in that same school year.

B. Paraprofessionals or Non-Core Area Teachers without Certification

If a paraprofessional hired by Uplift assumes a teacher-of-record position, s/he will be required to attain certification as outlined above for “new” teachers within time frame required for new teachers.

Non-core teachers new to Uplift are required to attain certification as outlined above for “new” teachers IF the TEA-approved course specific to their subject area is offered through the designated certification program. Exceptions shall be requested in writing for approval by the Managing Director and Senior Director of Human Resources.

Paraprofessional’s are required to be “highly qualified” as defined by ESSA.

2. Additional Certification by Examination

Definition: "Certified individuals with a bachelor's degree, assigned to another classroom area that can be added by exam, must register for the next practicable examination in lieu of a certification plan.

A. New Teacher Placement

Senior Management shall ensure that all teachers are placed in a teaching assignment for which they have passed the associated state subject and content tests. Teachers must provide proof of qualifications upon hire, or by the designated Uplift deadline.

If a teacher has not completed the necessary course work, or experience requirements as defined by ESSA, passing the appropriate subject or content tests shall be necessary by spring of second semester. Failure to pass state subject and content tests shall initiate an Individualized Certification Deficiency Plan. The Individualized Certification Deficiency Plan will cease upon completion of at least one of the following actions and upon review by the teacher's Senior Management, Managing Director, and Senior Director of HR:

- 1) Reassignment to a teaching placement for which the teacher is highly qualified as demonstrated by documented state subject and content test results.
- 2) Receiving passing results on the failed subject test within period established by Senior Management, Managing Director, and Senior Director of Human Resources.

Continued failure to demonstrate passing results, or obtaining Texas certification by the deadline given in the Individualized Certification Deficiency Plan may result in termination of teaching position.

B. Current Teacher Placement

Current Uplift teachers hired prior to the 2016-2017 school year who have been placed in a teaching position for which they have not demonstrated they are highly qualified shall be submitted to the Managing Director for review.

Senior Management shall establish a timeline for the teacher to complete the designated content and subject tests, or provide proof of highly qualified status. If these requirements are not met, the teacher shall be reassigned to a placement for which they are qualified or may result in termination of teaching position.

Uplift Education's Title IX Grievance Process
Effective: August 14, 2020

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities that receive federal funds. Uplift does not, and is required not to, discriminate on the basis of sex in its education programs or activities. The requirement not to discriminate on the basis of sex extends to the admission of students in Uplift's education programs or activities and to applicants for employment.

Sex-based discrimination includes discrimination or harassment on the basis of sex, gender, gender identity, gender expression, and sexual orientation. Prohibited discrimination includes sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, and stalking. (See Uplift's Freedom from Discrimination, Harassment, and Retaliation – Scholar policy for relevant definitions). Retaliation against anyone involved in the complaint process is a violation of the law and Uplift policy and is prohibited.

Inquiries about Title IX and its application may be referred to Uplift's Title IX Coordinator or the Assistant Secretary in the Office of Civil Rights at the Department of Education (DOE), or both.

Any person may report sex-based discrimination, including sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, or stalking, regardless of whether the person is the individual who allegedly experienced the conduct. If you wish to report or file a complaint of sex-based discrimination, including sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation you may do so at any time including during non-business hours, by mail, telephone, or electronic mail by contacting the Title IX Coordinator using the contact information provided below. Reports or complaints may also be made in person to the Title IX Coordinator at the address provided below.

Title IX Coordinator. Uplift's Title IX Coordinator is authorized to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment or gender-based harassment. Uplift's Title IX Coordinator is Esther Kolni. The Title IX Coordinator can be reached by email at titleix@uplifteducation.org, by phone at 469-621-8500, or in person or by mail at 3000 Pegasus Park Drive, Bldg. 2, Dallas, Texas 75247.

Complainant and Respondent. In accordance with the Title IX Rules and Regulations promulgated by the DOE, throughout the Title IX Grievance Process, an individual who is alleged to be the victim of conduct that could constitute sexual harassment or gender-based harassment will be referred to as the Complainant and the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or gender-based harassment will be referred to as the Respondent.

Presumption of Non-Responsibility. A Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the Title IX Grievance Process.

Reporting. Any person may report discrimination on the basis of sex at any time, including during non-business hours by email, phone, or mail to the Title IX Coordinator.

Any scholar who believes that he or she has experienced sex-based discrimination or harassment or another scholar has experienced sex-based discrimination or harassment should immediately make a report to a teacher, school counselor, academic director, other Uplift employee, or the Title IX Coordinator.

Any Uplift employee who suspects or receives direct or indirect notice that a scholar or group of scholars has experienced sex-based discrimination or harassment shall immediately notify the employee's academic director or other supervisor and the Title IX Coordinator. Any report received by an academic director or other supervisor must be immediately reported to the Title IX Coordinator.

Promptly after receiving notice of an allegation of sex-based discrimination, harassment, or retaliation, the Title IX Coordinator will contact the Complainant to discuss the availability of Supportive Measures, with or without the filing of a Title IX Formal Complaint; consider the Complainant's wishes with respect to Supportive Measures; and provide information about the option to and process for filing a Title IX Formal Complaint.

A Title IX Formal Complaint ("Formal Complaint") may be filed by either the Complainant or the Title IX Coordinator. If a Formal Complaint is filed, the matter will proceed through the Title IX Grievance Process. If a Formal Complaint is not filed, Uplift will investigate reports outside of the Title IX Grievance Process in accordance with its policies and procedures, including the Freedom from Discrimination, Harassment, and Retaliation Policies, Employee Handbook, and/or Scholar Code of Conduct.

The Title IX Coordinator will identify any bias or conflict of interest between the Coordinator and any party or for or against Complainants or Respondents generally. If a bias or conflict of interest is identified, the Coordinator will recuse herself, and an alternative Coordinator will be appointed.

Supportive Measures. Supportive Measures are non-disciplinary, non-punitive, individualized services offered to both the Complainant and Respondent, as appropriate and reasonable. Supportive Measures will be available without fee or charge. Supportive Measures may include counseling, deadline extensions and other course-related adjustments, modifications of work or class schedules, campus escort services, mutual contact restrictions, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator will consider the Complainant's wishes regarding the implementation of Supportive Measures. Supportive Measures will be available whether or not a Formal Complaint is filed, can be adjusted based on evolving need, and will continue as necessary.

Advisors. Both the Complainant and Respondent may select an advisor of their choice (who may or may not be an attorney) to assist them throughout the Title IX Grievance Process. If either party is a minor and chooses a non-parent advisor, Uplift will require parental or guardian consent for the non-parent advisor's participation. Each party will be responsible for any fees or charges associated with the services provided by the Advisor of their choice.

Emergency Removal. A Respondent scholar may be subject to immediate emergency removal from his or her campus after Uplift conducts an individualized safety and risk analysis and finds emergency removal necessary to protect a scholar or other individual from immediate threat to their physical health or safety arising from the allegations of sexual harassment. If Uplift decides to remove a Respondent scholar from campus on this basis, Uplift will notify the Respondent scholar and provide the Respondent scholar an opportunity to challenge the emergency removal decision immediately following the removal. Emergency removal will not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Administrative Leave. A Respondent employee may be subject to placement on administrative leave during the pendency of the Title IX Grievance Process.

Formal Complaint. A Formal Complaint may be filed by a Complainant (or the Title IX Coordinator) by submitting a completed and signed Title IX Discrimination Complaint Form to the Title IX Coordinator. Upon receipt of a completed form, the Title IX Coordinator will review the filing for completion and accept

a complete filing by signing the form. Once a Formal Complaint filing is accepted, Uplift will provide written notice of the allegations and an explanation of the Title IX Grievance Process to both the Complainant and Respondent.

Consolidation. The Title IX Coordinator may consolidate multiple reports or Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. If multiple reports or Formal Complaints are consolidated, the Title IX Coordinator will provide written notice of consolidation to the Complainant(s) and Respondent(s).

Notice of Allegations. Upon receipt of a Formal Complaint, Uplift will provide written notice to the known parties of:

1. The Title IX Grievance Process;
2. The allegations of conduct potentially constituting sexual harassment;
3. Sufficient details, including the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the incident if known, with sufficient time to prepare a response before an initial interview;
4. The presumption the Respondent is not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process;
5. The entitlement of the parties to (a) have an advisor of their choice (who may or may not be an attorney) and (b) inspect and review evidence; and
6. The Scholar Code of Conduct's and/or Employee Handbook's, as applicable, prohibition of knowingly making false statements or knowingly submitting false information during the Title IX Grievance Process.

If, in the course of the investigation, Uplift decides to investigate additional allegations about the Complainant or Respondent that are not included in the Notice of Allegations, Uplift will provide notice of the additional allegations to the parties whose identities are known.

Formal Complaint Dismissal. In accordance with the DOE's Title IX Rules and Regulations, Uplift must dismiss a Formal Complaint in the event the alleged conduct:

1. Even if proved, would not constitute sexual harassment as defined in 34 CFR § 106.30;
2. Did not occur in Uplift's education program or activity; or
3. Did not occur against a person in the United States.

Uplift may dismiss a Formal Complaint, or any allegation therein, if, at any time:

1. The Complainant submits a written request to the Title IX Coordinator to withdraw the Formal Complaint or any allegation therein;
2. The Respondent is no longer enrolled with or employed by Uplift; or
3. Circumstances prevent Uplift from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

Dismissal of a Formal Complaint does not preclude action under another provision of Uplift's Scholar Code of Conduct, Employee Handbook, or other policies and procedures. Either a Complainant or Respondent may appeal the dismissal of a Formal Complaint by filing an appeal in accordance with the Appeal procedure described below.

Investigation. An investigation into Title IX Formal Complaints will be conducted in accordance with the Title IX Grievance Process and will treat Complainants and Respondents equitably, including but not limited to providing Supportive Measures to both Complainants and Respondents.

A Title IX Investigator will identify any bias or conflict of interest between the Investigator and any party or for or against Complainants or Respondents generally. If a bias or conflict of interest is identified, the Investigator will recuse themselves and an alternative Investigator will be appointed.

The Investigator will develop a reasonably prompt timeline in which the investigation will be conducted in accordance with the requirements herein. A temporary delay of the Title IX Grievance Process or the limited extension of time frames for good cause shall be allowed upon written notice to the Complainant and Respondent describing the delay or extension and the reasons for the action.

The Investigator will locate, gather, and take control of relevant evidence; identify potential sources of evidence; and conduct interviews with relevant witnesses. Written notice will be provided to the parties at least 24 hours in advance of interviews or meetings conducted as part of the investigation. Uplift will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

During an investigation, and throughout the Title IX Grievance Process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests with Uplift and not the parties. Uplift cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Uplift obtains a party's voluntary, written consent to do so for a Title IX Formal Complaint. Parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence and no party is restricted from discussing the allegations under investigation or gathering and presenting relevant evidence.

Prior to completion of a final investigation report, the Investigator will provide both parties any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint. Each party will be provided 10 business days from receipt of the evidence to inspect and review the evidence and submit written responses to the evidence. The Investigator will consider any written responses received prior to completion of a final investigation report which will fairly summarize relevant evidence. At the completion of an investigation report, the investigation report will be provided to both parties. The parties may submit a written response to the investigation report within 10 business days.

The final investigation report and any written responses submitted by the parties will be provided to a Title IX Decision-Maker. A Decision-Maker will identify any bias or conflict of interest between the Decision-Maker and any party or for or against Complainants or Respondents generally. If a bias or conflict of interest is identified, the Decision-Maker will recuse themselves and an alternative Decision-Maker will be appointed. The Decision-Maker will conduct an objective evaluation of all evidence—inculpatory and exculpatory—and may not make credibility determinations based on a person's status as a Complainant, Respondent, or witness.

Each party will be provided the opportunity to submit written, relevant questions that the party wants asked of any party or witness to the Decision-Maker. The Decision-Maker will provide each party with the answers and allow for additional, limited follow-up questions.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The Decision-Maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

After consideration of the investigation report, underlying relevant evidence in the record, and any responses to the investigation report and questions submitted by the parties, the Decision-Maker will make a determination as to the Respondent's responsibility (a Determination of Responsibility). The written Determination of Responsibility will be provided to both the Respondent and Complainant.

Standard of Evidence. The standard of evidence used to determine responsibility in the Title IX Grievance Process regarding sexual harassment shall be a "preponderance of the evidence" standard. This means that an allegation is substantiated if it is deemed more likely to have occurred than not.

Outcomes. If the Decision-Maker determines a Respondent scholar is responsible for the allegations made in the Formal Complaint, Uplift shall promptly respond by implementing appropriate disciplinary action in accordance with the Scholar Code of Conduct and may take all corrective action reasonably calculated to address the conduct. The types of disciplinary action Uplift may implement following a Determination of Responsibility against a Respondent scholar include:

1. Cooling off time or time out;
2. Seating change within classroom;
3. Various age appropriate reflective assignments;
4. Check in and check out sheet;
5. Scholar conference with teacher or administrator
6. Parent phone call;
7. Parent conference;
8. Circle conference; or restorative action or assignment;
9. Verbal or written correction;
10. Education/training;
11. Emotional Intelligence classes or activities;
12. Participation in a book study;
13. Research assignment on related subject-matter;
14. Daily or weekly scholar improvement plan;
15. Behavioral contract
16. Safety plan;
17. Stay away agreement;
18. Counseling by teachers, School counselors or campus leaders;
19. Conflict Resolution or mediation
20. Referral to Student Support Team;
21. Community service or classroom service;
22. School-related assigned tasks or duties;
23. Loss or restriction of privileges (e.g., eligibility to hold special positions, exemption from exams, etc.);
24. Consequences related to scholar participation in extracurricular activities, including removal, suspension, or restriction of participation;
25. Removal from class to campus office;
26. Issuance of demerits;
27. Confiscation of items;

28. Referral to an outside agency or legal authority;
29. Reverse suspension;
30. Detention;
31. In-School Suspension;
32. Other alternative placement, if available;
33. Out-of-School Suspension; and
34. Expulsion.

If the Decision-Maker determines a Respondent employee is responsible for the allegations made in the Formal Complaint, Uplift shall promptly respond by implementing appropriate employee disciplinary action in accordance with the Employee Handbook and may take all corrective action reasonably calculated to address the conduct. The types of employee disciplinary action Uplift may implement following a Determination of Responsibility against a Respondent employee include:

1. Counseling or verbal reprimands;
2. Written reprimands;
3. Suspension, with or without pay; and
4. Termination.

If a Determination of Responsibility is made against the Respondent, Uplift shall also provide appropriate remedies to the Complainant, that may include the same individualized services provided as Supportive Measures, to ensure access to Uplift's education program and activities is restored or preserved.

The foregoing lists are required by Federal law under Title IX, are not exclusive, and are purely for purposes of notice as to the possibility of a range of remedies and disciplinary actions and do not reflect the probability that any particular outcome will occur.

Appeal. Either party may appeal either a Dismissal or Determination of Responsibility by submitting a completed Title IX Appeal form to the Title IX Coordinator within ten (10) business days of receiving the Notice of Dismissal or Determination of Responsibility.

Appeals may be brought only upon one or more of the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence is available that was not reasonably available at the time the Dismissal or Determination of Responsibility was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

An appeal must set forth the Dismissal or Determination of Responsibility being appealed, the specific grounds for the appeal, and facts supporting the identified appeal grounds.

An Appellate Decision-Maker will identify any bias or conflict of interest between the Appellate Decision-Maker and any party or for or against Complainants or Respondents generally. If a bias or conflict of interest is identified, the Appellate Decision-Maker will recuse themselves and an alternative Appellate Decision-Maker will be appointed.

An Appellate Decision-Maker will provide notice of a timely filed appeal to both parties and provide the parties an opportunity to submit a written statement in support of or challenging the Dismissal or

Determination of Responsibility. This notice will provide a deadline and method for submission of written statements. The Appellate Decision-Maker will consider the available record as well as any written statements submitted by the parties in support of or challenging the Dismissal or Determination of Responsibility. The Appellate Decision-Maker will then either uphold or overturn the Dismissal or Determination of Responsibility and issue a written decision describing the result of the appeal and rationale for the result which will be provided to both parties within ten (10) business days. The Appellate-Decision-Maker's decision concludes the Title IX Grievance Process and may only be appealed through the Parent Grievance Policy.

Retaliation. Neither Uplift nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding, or hearing under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Complaints alleging retaliation may be filed according to the Title IX Grievance Process. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a Title IX Formal Complaint proceeding does not constitute retaliation prohibited by Title IX, provided, however, that a Determination of Responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality. Uplift must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. 34 C.F.R. 106.71(a)

Access to Policies and Procedures. Information regarding Uplift's Title IX Grievance Process will be distributed annually in the Employee and Scholar Handbooks. Copies of Uplift's Title IX Grievance Process will be posted on Uplift's website, to the extent practicable, and readily available at each campus and Uplift's administrative offices.

Assessment and Grading Expectations for Remote Learning 2.0

Background Information

In shifting to our new learning environment, we have prioritized ensuring that we have rigorous and high-quality content to provide to our scholars and families. We are leveraging resources, online platforms, and facilitating instruction to ensure continuity of learning while our scholars are at home due to the COVID-19 pandemic. We realize that another critical component of the learning process is ensuring that our scholars are engaged in daily practice, as many currently are, as well as teachers taking intentional pulse checks to assess scholar progress toward mastery of the content. We also realize that there is a need to capture scholars' submission of work and honor their hard work while engaged in learning in a new way.

We must also take into consideration how our scholars engage in remote learning may look and feel differently. Moreover, that some scholars will be unable to or choose not to engage during this time. We applaud our school leaders' courage and commitment to ensure that we approach meeting the needs of all Uplift scholars equitably and that we are considering multiple pathways for how our scholars can recoup the learning lost during school closure. Upon receiving guidance from the state and to ensure that we have sound record-keeping and continue to apply similar practices, when applicable to scholar learning, we need to adjust our approach to monitoring and recording scholar grades.

The Need to Adjust Practice

To ensure that we capture scholar progress toward mastery of content covered while learning remotely, we must do the following:

- Continue to record scholar submission of work
- Provide a regular cadence of formative assessments
- Provide scholars feedback on their progress toward meeting mastery
- Adjust our policy around how scholars earn a grade/credit for completion of their courses while engaged in learning remotely

Providing instruction
and practice to
support scholar
learning

Recording of scholar
submission of
practice/assignments

Providing scholars
with feedback on
work

What We Prioritize Across Our Network

Below you will find the proposed way forward to address the needed adjustments listed above

Solidifying Our Foundation: Beginning the Week of April 6th -- For All Divisions

| | |
|--|---|
| Instruction and Practice | <ul style="list-style-type: none"> Each teacher should ensure that scholars are engaged in independent practice Schools will consider daily practice as a major component when noting progress at the end of the term Campuses are allowed to set weekly minimums for teachers with regards to issuing independent practice assignments Primary teachers should leverage their current packets and daily assignments to provide these opportunities to scholars |
| Recording Scholar Work | <ul style="list-style-type: none"> Teachers should enter graded scholar work into their gradebook (PowerSchool, or other form of record keeping) <ul style="list-style-type: none"> <i>Teachers are encouraged</i> to continue to enter grades based on completion as opposed to accuracy For scholars who do not submit work during that time teacher should enter an “M” in the gradebook (or other letter designated by their school leadership team) When returning scholar work via email or online platform teachers should provide meaningful feedback so that a scholar knows how to improve their practice for the next assignment |
| Providing Scholars Feedback on Submitted Work | <p>Expectations for Teachers</p> <ul style="list-style-type: none"> Teachers should provide feedback on each piece of submitted work (or bundle) to both confirm receipt and to provide scholars with information about their progress toward mastery Teacher feedback should be timely (within 48*hours of receipt) Teacher feedback should reference a skill or specific knowledge Teacher feedback should aid in keeping scholar on target for meeting mastery Teacher feedback should be sensitive to the individual needs of the scholars <p>Mode for Providing Feedback</p> <ul style="list-style-type: none"> Teachers should provide written feedback -- via the LMS platform or via email or using the comment feature on Microsoft Word or Google docs --to parents/ scholar regarding scholar attainment of skill or content mastery Teachers can set up one-on-one sessions with parent/scholar to discuss progress via Zoom/Skype – <i>we recommend</i> that the teacher record this session and keep a record of this session on their computer or cloud-based storage system or keep a written record of this feedback session Teachers are also encouraged to leverage systems or activities in class to provide scholars with the opportunity to provide feedback to their peers – this is not in lieu of the teacher providing feedback to the scholar on a submitted writer work <p>What to Include in Feedback to Scholars</p> <ul style="list-style-type: none"> Provide scholars with a model/exemplar when providing feedback to help them see the gaps in their submission Leverage the rubric provided with the assignment to ground feedback Leverage four questions to aid in crafting your feedback: <ul style="list-style-type: none"> What can the scholar do? What can't the scholar do? How does the scholar work compare with the exemplar? How can the scholar improve? |

*School leaders should reach out to their Managing Director if they would like to establish a different expectation for their campus.

Documenting Scholar Progress: Beginning the Week of April 13th – Primary and Middle School Divisions

In order for Uplift Education to calculate grades for the Spring semester of SY 19-20 we will need to amend our current grading policy due to school closure in response to the COVID-19 pandemic. We have taken the following steps:

- On **March 17, 2020**, we verified all quarter three grades
- On **March 30, 2020**, we shifted to our second phase of our continuity of learning plan in which we shifted to a more standard/formal approach to engaging our scholars in learning experience through both paper and online forms
- On **April 6, 2020**, we ensured that each campus has a process and expectations around recording scholar work submissions and teachers providing scholars feedback on a regular cadence
- On **May 15, 2020**, our primary and middle school teachers will leverage the guidance below to issue scholars a grade for Quarter 4
 - If a scholar has maintained passing grades in quarters 1, 2, and 3 they will either receive a “I”, or “N”, or “S”, or “E” grade for Quarter 4 as determined by their participation in our Quarter 4 remote learning program
 - The “I”, or “N”, or “S”, or “E” will not impact a scholars promotion and will only denote a scholar’s engagement in remote learning during the 4th quarter
 - If a scholars withdraws from an Uplift school the campus registrar will audit the scholars academic records and adjust any incomplete or missing grades for Quarter 4 of SY 19-20
 - If a scholar is being retained they must receive an “N” in Reading and Math for Quarter 4
 - Special Education teachers are required to document progress on scholars IEP goals and provide this progress to parents with Q4 grades

| Incomplete (I) | Needs Improvement (N) | Satisfactory (S) | Excellent (E) |
|---|---|--|--|
| <p>The school <u>cannot</u> determine a scholars level of learning due to any of the following circumstances below:</p> <p>Scholar did not receive the packet (Primary only)</p> <p>Or the school was unable to make contact with the scholar and they did not login to start any online assignments (e.g., Google Classroom)</p> <p>Or the scholar was not at home or in network due to being in the care of other family members</p> <p>Or the scholar had a confirmed extenuating circumstance that prevented their participation</p> | <p>The scholar showcases no progress or very little progress toward accomplishing the learning provided in content specific daily activities during school closure.</p> <ol style="list-style-type: none"> Scholar doesn’t demonstrate adequate or satisfactory evidence of learning Scholars made no effort to complete work after having made several instances of contact from the teacher Scholars’ work consistently does not demonstrate learning according to the activity specifications The scholar has major errors in thinking, misunderstanding of key concepts, or enough work is not completed for the teacher to measure scholar understanding | <p>The scholar showcases progress toward accomplishing the content specific daily activities during school closure.</p> <ol style="list-style-type: none"> A scholar is able to demonstrate learning to the teacher according to activity specifications Scholar is making progress toward content understanding. Minor errors in thinking or misunderstanding of some elements may exist, but they do not impact overall understanding of the learning target | <p>The scholar showcases exemplary progress toward accomplishing the content specific daily activities.</p> <ol style="list-style-type: none"> Scholars submits a demonstration of learning to the teacher according to activity specifications consistently and the scholar exhibits mastery of content and skills |

Guidance for Middle School Leaders for Scholars Enrolled in Credit-Bearing Courses

For Non-Remote
Learning Scholar
Participants in MS

For MS Scholars Who Do Not Participate in Remote Learning for Credit Bearing Courses

- **For scholars who passed Semester One + Quarter III**
 - o The scholar will have to complete the work assigned by the high school campus leadership team or take a local course ending assessment so that they can earn their second semester credit
- **For scholars who passed Semester One + failed Quarter III**
 - o The scholar will need to recover the second semester credit for the course and engage in credit recovery during the summer or fall term
- **For scholars who failed Semester One + passed Quarter III**
 - o The scholar will need to recover the first semester credit during summer or during the school year during credit recovery programming
- **For scholars who failed Semester One + failed Quarter III**
 - o The scholar will need to repeat the course (Sem I + Sem II) during summer or during the school year credit recovery programming

Documenting Scholar Progress: Beginning the Week of April 13th – High School Divisions

In order for Uplift Education to calculate grades for the Spring semester of SY 19-20 we will need to amend our current grading policy due to school closure in response to the COVID-19 pandemic. We have taken the following steps:

- On **March 17, 2020**, we verified all Quarter 3 grades
- On **March 30, 2020**, we shifted to our second phase of our continuity of learning plan in which we shifted to a more standard/formal approach to engaging our scholars in learning experiences
- On **April 6, 2020**, we ensured that each campus has a process and expectations around recording scholar work submissions and teachers providing scholars feedback on a regular cadence
- On **May 16, 2020**, our high school teachers will leverage the guidance below to issue scholars a grade for Quarter 4

GPA and Failure Calculations

GPA Calculation for SY 19-20

- We will calculate high school scholar GPAs for all credit-bearing courses by leveraging each scholar's **Semester 1 grade and their Quarter 3 grade.**
- We will continue to calculate GPA and credit for SY 19-20 at the Semester level. $Y1 = (S1 + S2) / 2$.
- The Semester 1 grade will stay as it is recorded in PowerSchool. $S1 = (Q1 \times 40\%) + (Q2 \times 40\%) + (E1 \times 20\%)$
- The Semester 2 grade will be calculated using the average of Semester 1 and Quarter 3. $S2 = (S1 \times 50\%) + (Q3 \times 50\%)$
- This approach to calculation of the GPA and awarding credit will allow us to honor all grades earned by scholars prior to school closure and gives additional weight to S1 so that Q3 is not used to replace S2 entirely.
- **We will not include a scholar's Quarter 4 grades when calculating scholar GPAs for Semester 2 (Spring 2020) or SY 19-20 as these are grades earned during the school closure/Remote Learning 2.0 period.**
- This will apply to the following graduating classes:
 - Class of 2020
 - Class of 2021
 - Class of 2022
 - Class of 2023

Class Rank and Scholar Honors

- We will use the scholar GPA (calculated as described above) to determine the following:
 - HS Class of 2020 Valedictorian & Salutatorian
 - Class Ranking
- Honor Roll (campus-based)

Calculation of Quarter 4 Grades

Guidance for Registrars and Academic Counselors

- Campuses will have to take the following steps to calculate the Semester 2 grades for SY 19-20
- PowerSchool will be set up to automatically calculate Semester 2 for SY 19-20 as $S2 = (S1 \times 50\%) + (Q3 \times 50\%)$. For courses offered Semester 1 only, the Semester 1 grade will stand as the final grade. For courses offered during Semester 2 only, the Quarter 3 grade will stand as the final grade.
- Academic Counselors will work with their Dean of College Prep and their school leadership team to identify scholars that are in need of credit recovery and those who are on track for passing for the school year
 - Scholars that are failing for the year based on their current Y1 calculation (using the new calculation method), campuses should consider opportunities for improving their Q3 grade and/or enroll the scholar in PLATO
 - Scholars that failed a Fall Semester only course in S1 will need to recover that course
 - For Scholars that failed Q3 for a Spring Semester only course, campuses should consider opportunities for improving their Q3 grade and/or enroll the scholar in PLATO
 - Scholars must also earn a "P" in Quarter 4 to earn their credit for the second semester of the school year for each course, even if they were on track to pass for the school year (if their Y1 average = 70+)

Guidance for Teachers for Grading Individual Assignments (Formative Assessments)

- Teachers are required to enter numeric grades for scholars who are engaging in remote learning into their gradebook—we recommend that campuses are thoughtful about assigning grades and provide scholars with additional opportunities to improve grades if they submitted an assignment that demonstrated a need for improvement
- For scholars who do not engage in remote learning we ask that teachers enter a "M" in PowerSchool to denote the scholars' grade as missing (this is for record keeping purposes)

Guidance for Teachers for Issuing and Grading Summative Assessments (Summative Assessments)

- The network is not establishing a requirement and does not recommend a campus to issue a requirement for teachers around issuing a summative assessment for scholars during school closure
- We realize that some scholars will be able to deeply engage in learning and would like the opportunity afforded to them to improve their grade during school closure (an opportunity that they would have under normal circumstances). To that end, at the end of the quarter teachers can opt into offering a **"No-Risk" Final Exam to scholars; a "No-Risk" Final Exam = scholars have the opportunity to take a final exam that can only improve their quarter four grade**
- Schools who opt for this option will need to provide a final exam schedule to their scholars at least two weeks in advance and resources for study and opportunity for support
- Teachers are required to create their courses' final exam and can reach out to their CTL or network CIS for support
- If a school offers a "No-Risk" Final Exam, teachers are required to provide evidence of 504 and/or IEP supports

Guidance for teachers at the End of Quarter 4

| | |
|---|---|
| | <ul style="list-style-type: none"> ● Campuses will have to take the following steps at the end for Quarter 4 <ul style="list-style-type: none"> ○ Teachers will need to ensure that their grades are up to date (numerical grades) ○ CMO will switch final gradebook grades to Pass/Incomplete in PowerSchool ○ For scholars who do not complete course work during Remote Learning we ask that teachers add an “I” for the scholar’s grade (we will provide specific guidance for this at the end of the semester) <ul style="list-style-type: none"> § Seniors who have an “I” will need to complete their course work in order to remove the “I” to be eligible for graduation ○ Special Education teachers are required to document progress on scholars IEP goals and provide this progress to parents with Q4 grades |
| <p>Scholars that ARE participating in Q4 Remote Learning</p> | <ul style="list-style-type: none"> ● Y1=passing (scholar passed Semester 1 and passed Quarter 3) <ul style="list-style-type: none"> ○ Scholar will need to earn a grade of P for Quarter 4 ● Y1=passing (scholar passed Semester 1 but failed Quarter 3) <ul style="list-style-type: none"> ○ Scholar will need to earn a grade of P for Quarter 4 ○ The scholar will have the opportunity to improve their Q3 grade to ensure they are passing for Semester 2 but credit recovery is not required. ● Y1=passing (scholar failed Semester 1 but passed Quarter 3) <ul style="list-style-type: none"> ○ Scholar will need to earn a grade of P for Quarter 4 ○ The scholar can be given the opportunity to improve their Q3 grade to ensure they are passing for Semester 2 but credit recovery is not required. ● Y1=failing (scholar passed Semester 1 and failed Quarter 3) <ul style="list-style-type: none"> ○ Scholar will need to earn a grade of P for Quarter 4 ○ The scholar will be given the opportunity to improve their Q3 grade to ensure they are passing for Semester 2 through online learning, optional exam or PLATO. ● Y1=failing (scholars failed Semester 1 but passed Quarter 3) <ul style="list-style-type: none"> ○ Scholar will need to earn a grade of P for Quarter 4 ○ The scholar will need to recover the Semester 1 credit on PLATO ○ The scholar can be given the opportunity to improve their Q3 grade to ensure they are passing for Semester 2. ● Y1=failing (scholar failed Semester 1 and failing Quarter 3) <ul style="list-style-type: none"> ○ Scholar will need to complete credit recovery online for Semester 1 and Semester 2 ○ The scholar can be given the opportunity to improve their Q3 grade so they are passing for Semester 2. If they also earn a grade of P for Q4, they can possibly average out and pass for the year. |

**Scholars that
ARE NOT
participating
in Q4 Remote
Learning**

- Y1=passing (scholar passed Semester 1 and passed Quarter 3)
 - The scholar will have to complete the work assigned by the campus leadership team or take a local course ending assessment so that they can earn their second semester credit
- Y1=passing (scholar passed Semester 1 but failed Quarter 3)
 - The scholar will need to recover the second semester credit for the course and engage in credit recovery during the summer or fall term
- Y1=passing (scholar failed Semester 1 but passed Quarter 3)
 - The scholar will need to recover the first semester credit for the course and engage in credit recovery for Q4 during the summer or fall term
- Y1=failing (scholar passed Semester 1 but failed Quarter 3)
 - The scholar will need to recover the second semester for the course during summer or during the school year credit recovery programming
- Y1=failing (scholar failed Semester 1 but passed Quarter 3)
 - The scholar will need to recover the first semester for the course during the summer or during the school year credit recovery programming
 - The scholar will have to complete the work assigned by the campus leadership team or take a local course ending assessment covering Q4 concepts to earn their second semester credit
- Y1=failing (scholar failed Semester 1 and failed Quarter 3)
 - The scholar will need to recover the full year course credit (Sem 1 + Sem 2) during summer or during the school year

Semester 2 Scoring: Semester 2 grades will become the average of Semester 1 & Quarter 3. Below is a simplified chart highlighting how this would visually look. The scores highlighted in green are relevant to final grading.

| Q1 40% | Q2 40% | E1 20% | Q3 50% | Q4 0% |
|-----------------------------|-----------|-----------|-----------------------|----------------|
| 80 | 90 | 82 | 80 | Passing = 70%+ |
| S1 40%Q1 + 40%Q2 + 20%E1 | | | S2 50% S1 + 50% Q3 | |
| 84.4% | | | 82.2% | |

Uplift Education

Freedom from Discrimination, Harassment, and Retaliation - Scholar

Policy Effective Date: August 14, 2020

Uplift Education prohibits discrimination, including harassment, against any scholar on the basis of gender, gender identity, gender expression, sex, sexual orientation, race, color, religion, national origin, disability, age, or any other basis prohibited by law. Uplift prohibits sexual assault, dating violence, domestic violence, and stalking as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of Uplift policy and is prohibited.

Discrimination. Discrimination against a scholar is defined as conduct directed at a scholar on the basis of gender, gender identity, gender expression, sex, sexual orientation, race, color, religion, national origin, disability, age, or any other basis prohibited by law, that adversely affects the scholar.

Prohibited Conduct. In this policy, the term “prohibited conduct” includes discrimination, harassment, sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, stalking and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited Harassment. Prohibited harassment of a scholar is defined as physical, verbal, or nonverbal conduct based on the scholar’s gender, gender identity, gender expression, sex, sexual orientation, race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a scholar’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the scholar’s academic performance; or
3. Otherwise adversely affects the scholar’s educational opportunities.

Prohibited harassment also includes conduct that meets the definition of sexual harassment, sexual assault, dating violence, domestic violence, or stalking, as defined by this policy.

Sex-Based Harassment. As required by law, Uplift shall follow the procedures in Uplift’s Title IX Grievance Process upon a report of sex-based harassment, including sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, when such allegations, if proved, would meet the definition of sexual harassment under Title IX and/or this policy.

Sexual Harassment. Sexual harassment of a scholar by an Uplift employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. An Uplift employee causes the scholar to believe that the scholar must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the scholar submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:

- a. Affects the scholar's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the scholar's educational opportunities; or
- b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or other inappropriate social relationships between scholars and Uplift employees are prohibited. Any sexual relationship between a scholar and an Uplift employee is always prohibited, even if consensual.

Sexual harassment of a scholar, including harassment committed by another scholar, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a scholar's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the scholar's academic performance; or
3. Otherwise adversely affects the scholar's educational opportunities.

Sexual harassment of a scholar also includes conduct that meets the definition of sexual assault, dating violence, domestic violence, or stalking, as defined by this policy.

Gender Based Harassment. Gender-based harassment includes physical, verbal, or nonverbal conduct based on the scholar's gender, the scholar's expression of characteristics perceived as stereotypical for the scholar's gender, or the scholar's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a scholar's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the scholar's academic performance; or
3. Otherwise adversely affects the scholar's educational opportunities.

Gender-based harassment of a scholar also includes conduct that meets the definition of sexual assault, dating violence, domestic violence, or stalking as defined by this policy.

Sexual Assault. Sexual assault includes all conduct meeting the definition of "sexual assault" in 20 U.S.C. § 1092(f)(6)(A)(v). In accordance with that definition, sexual assault means any sexual act directed at a person without their consent, including incidences where a person is incapable of giving consent. Any act of sexual assault may be considered prohibited harassment.

Dating Violence. Dating violence includes all conduct meeting the definition of "dating violence" in 34 U.S.C. § 12291(a)(10). In accordance with that definition, dating violence means acts of violence committed by a person in a current or past social relationship of a romantic or intimate nature with the other person. Dating violence can include physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Any act of dating violence may be considered prohibited harassment.

Domestic Violence. Domestic violence includes all conduct meeting the definition of “domestic violence” in 34 U.S.C. § 12291(a)(8). In accordance with that definition, domestic violence means violence committed by a current or former spouse, intimate partner, co-parent of a child, or other similar relationship with the other person. Domestic violence can include physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Any act of domestic violence may be considered prohibited harassment.

Stalking. Stalking includes all conduct meeting the definition of “stalking” in 34 U.S.C. § 12291(a)(30). In accordance with that definition, stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person in that position to suffer substantial emotional distress or fear for their safety or the safety of others. Any act of stalking may be considered prohibited harassment.

Retaliation. Uplift prohibits retaliation by a scholar or Uplift employee against a scholar alleged to have experienced discrimination or harassment, or another person who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a scholar who refuses to participate in any manner in an investigation under the Title IX Grievance Process.

False Claim. A scholar who intentionally makes a false claim or offers false statements in an Uplift investigation regarding discrimination or harassment, shall be subject to appropriate disciplinary action in accordance with policy and the law.

Reporting. Any scholar who believes that he or she has experienced prohibited conduct or believes that another scholar has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, academic director, other Uplift employee, or the appropriate Uplift official listed in this policy.

Any Uplift employee who suspects or receives direct or indirect notice that a scholar or group of scholars has or may have experienced prohibited conduct shall immediately notify the employee’s supervisor and the appropriate Uplift official listed in this policy and take any other steps required by this policy.

For the purposes of this policy, Uplift officials are the Title IX Coordinator, the ADA/Section 504 Coordinator, and the Superintendent.

Reports of discrimination based on sex, including sexual harassment or gender-based harassment as defined by this policy, may be directed to the designated Title IX coordinator for scholars. The Title IX Coordinator is Esther Kolni and can be reached by email at titleix@uplifteducation.org, by phone at 469-621-8500, or in person or by mail at 3000 Pegasus Park Drive, Bldg. 2, Dallas, Texas 75247.

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 Coordinator for scholars. The ADA/Section 504 Coordinator is Rebecca Allen and can be reached by phone 469-621-8500, or in person or by mail at 3000 Pegasus Park Drive, Bldg. 2, Dallas, Texas 75247.

The Superintendent shall serve as coordinator for purposes of Uplift compliance with all other nondiscrimination laws. The Superintendent is Alexander Berk and can be reached by phone at 469-621-8500, or in person or by mail at 3000 Pegasus Park Drive, Bldg. 2, Dallas, Texas 75247.

A scholar or other individual shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or ADA/Section 504 Coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

To ensure Uplift's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

The Uplift official or designee will promptly notify the parents of any scholar alleged to have experienced prohibited conduct by an Uplift employee or another adult.

Investigation of Reports Other Than Title IX

The following procedures apply to all allegations of prohibited conduct other than allegations for harassment prohibited by Title IX. For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, or stalking, see the procedures at Uplift's Title IX Grievance Process. A report of sex-based harassment will be addressed in accordance with the Title IX Grievance Process.

Uplift may request, but shall not require, a written report of prohibited conduct. If a report is made orally, the Uplift official shall reduce the report to written form.

Upon receipt or notice of a report, the Uplift official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, Uplift shall immediately undertake an investigation, except as provided below at Criminal Investigation. If a Title IX Formal Complaint is filed, an investigation will be conducted in accordance with the Title IX Grievance Process.

If the Uplift official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the Uplift official shall refer the complaint for consideration under the Scholar Code of Conduct.

If appropriate, and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, Uplift shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of Uplift's investigation.

The investigation may be conducted by an Uplift official or a designee, such as the academic director, or by a third party designated by Uplift, such as an attorney. When appropriate, the academic director shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

If a law enforcement or regulatory agency notifies Uplift that a criminal or regulatory investigation has been initiated, Uplift shall confer with the agency to determine if Uplift's investigation would impede the criminal or regulatory investigation. Uplift shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, Uplift shall promptly resume its investigation.

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for Uplift to delay its investigation, the investigation should be completed within ten Uplift business days from the date of the report; however, the investigator shall take additional time if necessary, to complete a thorough investigation. For a Title IX investigation, Uplift will complete the investigation in a reasonably prompt manner in accordance with the Title IX Grievance Process.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred unless the Title IX Grievance Process requires otherwise. The report shall be filed with the Uplift official overseeing the investigation.

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

Uplift Action. If the results of an investigation indicate that prohibited conduct occurred, Uplift shall promptly respond by taking appropriate disciplinary action in accordance with the Scholar Code of Conduct and may take corrective action reasonably calculated to address the conduct.

If the results of an investigation indicate that bullying occurred, as defined by the Anti-Bullying Policy, the Uplift official shall refer to the Anti-Bullying Policy for appropriate notice to parents and Uplift action.

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, Uplift may take disciplinary action in accordance with the Scholar Code of Conduct or other corrective action reasonably calculated to address the conduct.

Confidentiality. To the greatest extent possible, Uplift shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal. A scholar or parent who is dissatisfied with the outcome of the investigation may appeal through the Parent Grievance Policy, beginning at the appropriate level. A scholar or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights. Appeals regarding Determinations of Responsibility or Dismissal of a Formal Complaint in a Title IX investigation will be addressed in accordance with the Title IX Grievance Process.

Records Retention. Uplift shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with Uplift's records retention schedules, but for no less than the minimum amount of time required by law.

Access to Policies and Procedures. Information regarding this policy and any accompanying procedures

will be distributed annually in the Employee and Scholar Handbooks. Copies of the policy and procedures will be posted on Uplift's website, to the extent practicable, and readily available at each campus and Uplift's administrative offices.

**AMENDED AND RESTATED
BYLAWS
of
Uplift Education,
a Texas non-profit corporation**

PREAMBLE

These Amended and Restated Bylaws (these "Bylaws") are subject to, and governed by, the Texas Business Organization Code, as amended from time to time (the "Business Code"), and the articles of incorporation of the corporation. In the event of a direct conflict between the provisions of these Bylaws and the mandatory provisions of the Business Code or the provisions of the articles of incorporation of the corporation, such provisions of the Business Code or the articles of incorporation of the corporation, as the case may be, will be controlling.

**I.
NAME AND PURPOSE**

1.1 Name. The name of the corporation is Uplift Education.

1.2 Purposes. This corporation is formed exclusively for educational and charitable purposes, and to operate schools and other educational support operations that benefit schools, either directly or by contributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the provision of any subsequent United States revenue law (with such code, as it now exists or may hereafter be amended, and any such subsequent law being collectively referred to herein as the "Code") and the regulations promulgated thereunder (as they now exist or as they may hereafter be amended, the "Regulations"); provided, however, that the corporation shall neither have nor exercise any power, nor engage directly or indirectly in any activity, that would invalidate the corporation's status as an organization that is exempt from federal income tax under Section 501(c)(3) of the Code.

**II.
OFFICES**

2.1 Principal Office. The principal office of the corporation in the State of Texas shall be located at 1825 Market Center Blvd., Suite 500, Dallas, in the County of Dallas, Texas.

2.2 Other Offices. The corporation may have such other offices, either within or outside of the County of Dallas, State of Texas, as the Board of Governors may determine or as the affairs of the corporation may require from time to time.

2.3 Registered Office and Registered Agent. The corporation shall have and continuously maintain in the State of Texas a registered office and a registered agent whose office is identical with such registered office, as required by the Business Code. The registered office may be, but need not be, identical with the principal office of the corporation in the State of Texas, and the address of the registered office may be changed from time to time by the Board

of Governors.

III. MEMBERS

3.1 Members. The corporation shall have no members.

IV. GOVERNANCE

4.1 Governance. The governance of the corporation shall be the responsibility of the Board of Trustees and the Board of Governors.

4.2 Board of Trustees.

4.2.1 Number of Trustees. The Board of Trustees shall consist of no less than five and no more than 41 Trustees as determined from time to time by the Board of Governors.

4.2.2 Election and Term of Trustees. Following nomination by any nominating committee established pursuant to the Bylaws, or, if there be no such committee, by the Chair, each Trustee shall be elected by a majority vote of Trustees and approved by a majority vote of Governors at an annual, regular, or special meeting of the Board of Trustees or Governors, as appropriate, for an "initial term" of up to one year and thereafter may be elected for up to three successive three-year terms (each, a "standard term"). It is expected that the elections will take place prior to the end of the fiscal year (June 30th). Each initial term shall run from the date of the meeting at which the Trustee was elected to the initial term and shall expire on June 30 or until such Trustee shall earlier die, resign, be removed, or be disqualified. Each standard term shall run from July 1 after the meeting at which the Trustee was elected to the standard term and shall expire on June 30 with the election of his or her successor, or until such Trustee shall earlier die, resign, be removed, or be disqualified. Trustees may be elected to three successive standard terms and shall not be eligible for re-election to the Board of Trustees for 12 months after the conclusion of his or her third consecutive standard term (whole or partial). A former Trustee who is re-elected after spending 12 month off the Board of Trustees shall not be required to serve an initial term. All Trustees holding offices upon the adoption of these Amended and Restated Bylaws shall be deemed to be Trustees until the election of his or her successor.

4.2.3 Campus Advisory Council Chairs. In addition to Trustees nominated and elected in accordance with Section 4.2.2, the duly elected and serving Chair of each campus advisory council within the Uplift system shall be, during the term of such office (not to exceed nine consecutive years), a member of the Board of Trustees without further action.

4.3 Board of Governors.

4.3.1 Number of Governors; Composition of Board. The Board of Governors shall consist of no less than five and no more than 15 Governors as determined from time to time by the Board of Governors. The Board of Governors, who shall all be members of the Board of Trustees, shall initially be composed of the Chair and the Vice Chair, if one be elected; the chair of each of the Audit Committee, the Real Estate and School Development Committee, the Finance Committee, the Nominating and Governance Committee and the Institutional Advancement Committee, if each of such committees be established; the chair of each other committee as shall be determined by the Board of Governors from time to time; and up to five at-large members selected from among the Board of Trustees, all as may be determined by the Board of Governors from time to time.

4.3.2 Election and Term of Governors. Following nomination by any nominating committee established pursuant to these Bylaws or, if there be no such committee, by the Chair, each Governor shall be elected by a majority vote of the Governors at an annual, regular or special meeting of the Board of Governors. Each Governor shall serve for a one-year term beginning on July 1 of the year in which the Governor was elected and shall expire on June 30 with the election of his or her successor, or until such Governor shall earlier die, resign, be removed, or be disqualified. Any Governor who ceases to be a member of the Board of Trustees shall contemporaneously cease to be a member of the Board of Governors. Any Governor who ceases to hold the office which was the basis of his or her election to the Board of Governors shall contemporaneously cease to be a member of the Board of Governors.

4.3.3 Election and Term of At-Large Governors. Following nomination by any nominating committee established pursuant to these Bylaws or, if there be no such committee, by the Chair, any number of at-large Governors, up to five total, as determined by the Board of Governors, may be elected by a majority vote of Trustees and approved by a majority vote of governors at an annual, regular or special meeting of the Board of Trustees or Governors, as appropriate. Should an at-large Governor be elected, such at-large Governor shall serve for a one-year term beginning on July 1 of the year in which the at-large Governor was elected and shall expire on June 30 with the election of his or her successor, or until such at-large Governor shall earlier die, resign, be removed, or be disqualified. Any at-large Governor who ceases to be a member of the Board of Trustees shall contemporaneously cease to be a member of the Board of Governors.

4.4 Duties.

4.4.1 Trustees. The Board of Trustees shall advise and consult with the Board of Governors on matters determined from time to time by the Board of Governors. The Board of Trustees shall also represent the corporation and its mission to the larger community and shall serve as informed advocates throughout the corporation's areas of influence and beyond.

4.4.2 Governors. The business and property of the corporation shall be controlled by the Board of Governors who, for the purposes of State and federal law, shall be the governing body of the corporation.

4.5 Resignation. Any Trustee or Governor may resign at any time by giving written notice of such resignation to the Board of Governors or the Chair. Such resignation shall be effective upon receipt (unless specified to be effective at a later date or time) and acceptance thereof shall not be necessary to make it effective unless it so states. Any Trustee or Governor who verbally resigns at any meeting, or to the Chair, shall be deemed to have submitted a written resignation. Resignation by a Trustee who is also a member of the Board of Governors shall constitute resignation from the Board of Governors as well.

4.6 Removal. The Board of Governors may remove any Trustee from the Board of Trustees, or any Governor from the Board of Governors, with or without cause, at any time.

4.7 Vacancies. Any vacancy in the Board of Trustees or the Board of Governors occurring during the year, including vacancies created by an increase in the number of Governors, may be filled for the unexpired portion of the term by election pursuant to Sections 4.2 and 4.3, as determined by the Board of Governors.

4.8 Meetings.

4.8.1 Annual Meetings. Annually, upon appropriate legal notice at such time as the Board of Governors shall elect, the Governors shall meet for the purpose of the election of Governors, committee chairs and officers and the transaction of other business.

4.8.2 Regular and Special Meetings. Regular meetings of the Board of Trustees or Board of Governors may be held at such time and place as shall be determined by the Board of Governors and stated in the appropriate legal notice. The Chair or a majority of the Board of Governors may call special meetings of the Board of Trustees or Board of Governors upon appropriate legal notice at such time and place as stated in the notice.

4.8.3 Meetings; Notice of Meetings. The corporation shall comply with the Texas Open Meetings Act or any successor statute (the "Texas Open Meetings Act"). Notice of all Board of Trustees meetings and the Board of Governors meetings, except as herein otherwise provided, shall be given before the meeting to each Trustee or Governor, respectively, and posted in accordance with the Texas Open Meetings Act, at least 72 hours or the number of hours required under the Texas Open Meetings Act, whichever is greater, before the time of the meeting. Each notice shall state the date, time, and place of the meeting, as well as any other information required under the Texas Open Meetings Act. Any proper business of the corporation may be transacted at any Board meeting, subject to compliance with the notice requirements of the Texas Open Meetings Act.

4.9 Chair. At all meetings of the Board of Trustees and of the Board of Governors, the Chair, or in the Chair's absence, the Vice Chair, or in their absence, a chairperson chosen by the Governors present, shall preside.

4.10 Quorum; Action. At any meeting of the Board of Trustees or the Board of Governors, a majority of the Governors then in office, present in person (or by other suitable electronic communications system permitted by law), shall be necessary and sufficient to

constitute a quorum for the transaction of business. The act of a majority of the Governors present at any meeting at which there is a quorum shall be the act of the Board of Governors, except as may be otherwise specifically provided by statute or by these Bylaws. Any meeting may be adjourned by a majority of those Governors present, whether or not a quorum is present, without further notice to any absent Governor or Trustee or any other party.

4.11 Compensation. Neither Trustees nor Governors shall receive compensation of any kind for their services as Trustees or Governors.

4.12 Powers. All the corporate powers, except such as are otherwise provided for in these Bylaws and in the laws of the State of Texas, shall be and are hereby vested in and shall be exercised by the Board of Governors. The Board of Governors may by general resolution delegate to committees of their own number, including Trustees, or to officers of the corporation, such powers as they may see fit.

V. OFFICERS

5.1 Titles and Term of Office; Qualifications. The officers of the corporation shall be chosen by the Board of Governors and shall consist of a Chair, a Chief Executive Officer ("CEO"), and a Secretary of the Board of Governors (hereinafter referred to as "Secretary"). The Board of Governors, in its discretion, may also elect a Vice Chair, a Chief Financial Officer, one or more Vice Presidents, and such other officers as the Board of Governors may from time to time elect or appoint. The officers of the corporation shall be elected annually by the Board of Governors at the annual meeting of the Board of Governors. The term of office of each officer shall commence with his or her election and shall expire with the election of his or her successor, or until such officer shall earlier die, resign, be removed, or become disqualified. Any two or more offices may be held by the same person except the offices of CEO and Secretary. With the exception of the Chair and the Vice Chair, the officers need not be Trustees of the corporation; the CEO shall be a non-voting member of the Board of Governors.

5.2 Resignation. Any officer may resign at any time by delivering a written resignation to the Chair, the CEO, or the Secretary, or to the corporation at its principal office and such resignation shall be effective upon receipt (unless specified to be effective at a later date or time). Any officer who verbally resigns at any meeting of the Board of Trustees, or to the Chair or CEO, shall be deemed to have submitted a written resignation.

5.3 Removal. The Board of Governors may remove any officer from office, with or without cause, at any time.

5.4 Vacancies. A vacancy in the office of any officer shall be filled by a vote of a majority of the Governors, and the officer so elected shall hold office until the next annual meeting of the Board of Governors and until a successor is elected and qualified, or until the officer sooner dies, resigns, is removed, or becomes disqualified.

5.5 Chair. The Chair shall preside at all meetings of the Board of Trustees and of the Board of Governors. Except where by law the signature of the "CEO" is required, the Chairman of the Board of Governors shall possess the same power as the CEO to sign all contracts, certificates and other instruments of the corporation that may be authorized by the Board of Governors. The Chair shall also perform such other duties and may exercise such other powers as from time to time may be assigned to the Chair by the Board of Governors.

5.5.1 Chair's Term Limit. The Chair shall be elected for a two-year term and no Chair shall be elected for consecutive terms. The Chair must be an active member of the Board of Trustees upon taking office, but should the Chair's third term as a Trustee end prior to the completion of the two-year term, the Chair's third term as a Trustee shall be extended until such time as to complete his or her two-year term as Chair.

5.6 Vice-Chair. The Vice-Chair shall be proposed by the Chair and elected by the Board of Governors for the first year of the Chair's term and shall be nominated and elected by the Board of Governors for the Chair's second year. During the second year of the Chair's term, the Vice-Chair shall serve as Chair-in-Waiting and must be ready and willing to assume the Chair the following year. The Vice-Chair shall serve as the Chair in the temporary absences of the elected Chair and shall perform such duties and may exercise such other powers as from time to time may be assigned to the Vice-Chair by the Chair or the Board of Governors.

5.7 CEO. The CEO shall be the Chief Executive Officer of the corporation and shall perform all the duties and shall have all the powers commonly incident to the President and Chief Executive Officer, shall in general supervise and control all of the business and affairs of the corporation, shall see that all orders and resolutions of the Board of Governors are carried into effect, and shall have such other powers and perform such other duties as may be assigned to him or her by the Board of Governors. The CEO shall be subject to the control of the Board of Governors and shall report to the Board of Governors. The CEO, when present, shall preside at all meetings of the Board of Governors in the absence of the Chair and, if one is elected, the Vice Chair. The CEO may execute, and designate to corporation staff authority to execute, all contracts, conveyances, franchises, bond, deeds, assignments, mortgages, notes, and other instruments of the corporation which the Board of Governors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Governors or by these Bylaws to some other officer or agent of the corporation, or shall be required by law to be otherwise signed or executed, and in general shall perform all duties incident to the office of the CEO and such other duties as may be prescribed by the Board of Governors from time to time.

5.8 Vice President. The Vice President (or senior Vice President if more than one), if elected, unless otherwise determined by the Board of Governors shall, in the absence or disability of the CEO, perform the duties and possess and exercise the powers of the CEO. To the extent authorized by law, the Vice President shall have such other powers as the Board of Governors may determine and shall perform such other duties as may be assigned by the Board of Governors or as CEO may from time to time delegate.

5.9 Chief Financial Officer. The Chief Financial Officer, if elected, shall perform all the duties and shall have all the powers commonly incident to the Chief Financial Officer and Chief Accounting Officer. The Chief Financial Officer shall have custody of all the funds and securities of the corporation. When necessary or proper, the Chief Financial Officer may endorse, on behalf of the corporation, for collection, checks, notes, and other obligations and shall deposit the same to the credit of the corporation in such bank or banks or depositories as shall be designated in the manner prescribed by the Board of Governors, and the Chief Financial Officer may sign all receipts and vouchers for payment made to the corporation, either alone or jointly with such other officer as is designated by the Board of Governors. In the absence of the CEO, the Chief Financial Officer may sign in the name of the corporation all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments of the corporation. The Chief Financial Officer shall keep proper books of account and other books showing at all times the amount of the funds and other property belonging to the corporation, all of which books shall be open at all times to the inspection of the Board of Governors. The Chief Financial Officer or such other person determined by the Board of Governors shall, under the direction of the Board of Governors, disburse all moneys. The Chief Financial Officer or such other person determined by the Board of Governors shall also submit a report of the accounts and financial condition of the corporation at each annual meeting of the Board of Governors if so requested by the Board of Governors. In general, the Chief Financial Officer shall perform all acts incident to the position of Chief Financial Officer, subject to the control of the Board of Governors, and shall perform such other duties as may be prescribed from time to time by the Board of Governors or the CEO. The Chief Financial Officer shall, if required by the Board of Governors, give such bond for the faithful discharge of his or her duties in such form as the Board of Governors may require. In the case of the absence or disability of the Chief Financial Officer, the Board of Governors may appoint one or more Assistant Chief Financial Officers to perform the duties of the Chief Financial Officer during such absence or disability, together with such powers as the Board of Governors may from time to time designate. At the expiration of his or her term of office, the Chief Financial Officer shall deliver over to his or her successor all books, money, and other property.

5.10 Secretary. The Secretary of the corporation (i) shall keep the minutes of all meetings of the Board of Governors in books provided for that purpose, (ii) shall attend to the giving and serving of all notices, (iii) may in the name of the corporation attest to the signatures to all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments of the corporation and affix the seal, if any, of the corporation thereto, (iv) in the absence of the CEO, may sign in the name of the corporation all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments of the corporation, (v) shall in general perform duties incident to the office of Secretary, subject to the control of the Board of Governors, and (vi) shall discharge such other duties as shall be prescribed from time to time by the Board of Governors or the CEO; provided, however, that the person presiding at any meeting of the Board of Governors may designate another individual to keep minutes of that meeting. The Board of Governors may appoint one or more Assistant Secretaries to perform the duties of the Secretary during any absence or disability of the Secretary, together with such powers as the Board of Governors may from time to time designate.

5.11 Other Officers. Other officers shall have such duties and powers as may be designated from time to time by the Board of Governors.

5.12 Agents and Representatives. The Board of Governors may appoint such agents and representatives of the corporation with such powers and to perform such acts or duties on behalf of the corporation as the Board of Governors may see fit, so far as may be consistent with the purposes of the corporation as set forth in its articles of incorporation and with these Bylaws, to the extent authorized or permitted by law.

5.13 Bonding. At the direction of the Board of Governors, the Chief Financial Officer and such other officers, agents, and employees of the corporation as the Board of Governors shall designate shall be bonded in such amount and with such surety or sureties as shall be satisfactory to the Board of Governors.

5.14 Compensation. The compensation, if any, of all officers and agents of the corporation shall be fixed by the Board of Governors.

VI. COMMITTEES

6.1 Committees of the Board. The Board of Governors, by resolution adopted by a majority of the Governors in office, may designate and appoint the members of one or more committees, each of which must also be members of the Board of Governors (each, a "Board committee"). Such Board committees, to the extent provided in said resolution, shall have and exercise the authority of the Board of Governors in the management of the corporation. However, no such committee shall have any authority to (a) amend the articles of incorporation of the corporation, (b) amend, alter, or repeal the Bylaws, (c) elect, appoint, or remove any member of any such Board committee or any Trustee, Governor, director or officer of the corporation, (d) adopt a plan of merger or adopt a plan of consolidation with another corporation, (e) authorize the sale, lease, exchange, or mortgage of all or substantially all of the property and assets of the corporation, (f) authorize the voluntary dissolution of the corporation or revoke proceedings therefor, (g) adopt a plan for the distribution of the assets of the corporation, or (h) amend, alter, or repeal any resolution of the Board of Governors which by its terms provides that it shall not be amended, altered, or repealed by such Board committee. The designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the Board of Governors, or any individual Governor, of any responsibility imposed on it or him or her by law.

6.2 Executive Committee. The Board of Governors, by resolution adopted by a majority of the Governors at a meeting at which a quorum is present, may elect an Executive Committee from among candidates nominated by the Chair; members of the Executive Committee shall serve at the pleasure of the Chair. The Executive Committee shall be empowered to act in such emergency situation as shall be provided by statute and as may be directed from time to time by the Board of Governors.

6.3 Other Committees. The Board of Governors, by resolution adopted by a majority of the Governors at a meeting at which a quorum is present, may establish other committees not having and exercising the authority of the Board of Governors in the management of the corporation. The nominating committee, if one be established pursuant to these Bylaws and, if no such committee be established, the Chair shall nominate and the Board of Governors approve chairs of such committees and the committee chair shall select members of their respective committee. Membership on such non-board committees may, but need not be, limited to Trustees or Governors.

6.4 Term of Office; Removal. Each member of a committee shall continue as such until the next annual meeting of the Board of Governors and until his or her successor is appointed, unless the committee shall be sooner terminated, or unless such member shall be removed from such committee, or unless such member shall cease to qualify as a member thereof. The Board of Governors may remove the member of any committee, with or without cause, at any time.

6.5 Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

6.6 Quorum. Unless otherwise provided in the resolution of the Board of Governors designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

VII. INDEMNIFICATION

7.1 Mandatory Indemnification: Trustees, Governors or Officers Successful in Defense. To the full extent permitted by the Business Code, the corporation shall indemnify any person or the estate of any deceased person (such person or estate of any deceased person being hereafter throughout this Article referred to as "Person") who was or is a party or is threatened to be made a party to any Proceeding (as hereafter defined in this Article), by reason of the fact that he or she is or was (i) a Trustee, Governor, director or officer of the corporation, (ii) serving at the request of the corporation as a Trustee, Governor, director, officer, partner, venturer, proprietor, employee, agent, or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, association, employee benefit plan, or other enterprise or organization, (iii) a Trustee or Governor, director or officer of any school organized and operating under any Charter held by the corporation (each a "School"), or (iv) serving at the request of a School as a Trustee, Governor, director, officer, employee, agent, or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, association, employee benefit plan, or other enterprise or organization (hereafter throughout this Article collectively referred to as "Governor") against expenses (including reasonable attorneys' fees) actually and reasonably incurred by him or her in connection therewith to the extent that he or she has been wholly successful on the merits or otherwise in defense of such Proceeding.

For purposes of this Article, "Proceeding" means any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, arbitrative, or investigative, any appeal in such action, suit, or proceeding, and any inquiry or investigation that could lead to such an action, suit, or proceeding.

7.2 Indemnification: Whether Successful or Not in Defense.

7.2.1 The corporation shall indemnify any present or former Governor or officer of the corporation (or the estate of such a person) who was or is a party or is threatened to be made a party to any Proceeding by reason of the fact that he or she is or was a Governor or officer, and the corporation may indemnify any Person (other than a present or former Governor or officer of the corporation (or the estate of such person)) who was or is a party or is threatened to be made a party to any Proceeding by reason of the fact that he or she is or was a Governor or employee or agent of the corporation, against expenses (including reasonable attorneys' fees) actually and reasonably incurred by him or her, and against judgments, penalties (including excise and similar taxes), fines, and amounts paid in settlement by him or her in connection therewith if he or she acted in good faith and in a manner he or she reasonably believed, in the case of conduct in his or her official capacity, as defined in Section 8.001 of the Business Code ("Official Capacity"), to be in the best interests of the corporation; or, in all other cases, to be not opposed to the best interests of the corporation; and, with respect to any criminal Proceedings, if he or she had no reasonable cause to believe his or her conduct was unlawful; provided, however, that if he or she is found liable to the corporation or is found liable on the basis that personal benefit was improperly received by him or her, the indemnification provided pursuant to this Section 7.2: (i) is limited to expenses actually and reasonably incurred by him or her in connection with the Proceeding; and (ii) may not be made in respect of any Proceeding in which he or she has been found liable for willful or intentional misconduct in the performance of his or her duties to the corporation.

7.2.2 The termination of any Proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, will not, of itself, create a presumption that the Person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation or, with respect to any criminal Proceeding, that he or she had reasonable cause to believe that his or her conduct was unlawful. A Person will be deemed to have been found liable in respect to any claim, issue or matter only after the Person has been so adjudged by a court of competent jurisdiction after exhaustion of all appeals.

7.2.3 Notwithstanding any other provision within these Bylaws, the corporation may only indemnify a person, regardless of whether indemnification is mandatory, to the fullest extent permitted by law.

7.3 Indemnification Procedure. Any indemnification under Section 7.2 (unless ordered by a court or made pursuant to a determination by a court) may be made by the corporation only as authorized in the specific case upon a determination that indemnification of the Person is proper under the circumstances because the Person has met the applicable standard of conduct set forth in Section 7.2. Such determination will be made:

7.3.1 by a majority vote of a quorum consisting of Governors who at the time of the vote are not named defendants or respondents in the Proceeding;

7.3.2 if such quorum cannot be obtained, by a majority vote of a committee of the Board of Governors, designated to act in the matter by a majority vote of all Governors, consisting solely of two or more Governors who at the time of the vote are not named defendants or respondents in the Proceeding; or

7.3.3 by special legal counsel selected by the Board of Governors or a committee of the Board by vote as set forth in Sections 7.3.1 or 7.3.2, or, if such a quorum cannot be obtained and such a committee cannot be established, by a majority vote of all Governors.

7.4 Authorization of Payment.

7.4.1 Authorization of indemnification and determination as to reasonableness of expenses will be made in the same manner as the determination that indemnification is permissible, except that if special legal counsel makes the latter determination, authorization of indemnification and determination as to reasonableness of expenses must be made:

- (1) by a majority vote of a quorum consisting of Governors who at the time of the vote are not named defendants or respondents in the Proceedings; or
- (2) if such a quorum cannot be obtained, by a majority vote of a committee of the Board of Governors, designated to act in the matter by a majority vote of all Governors, consisting solely of two or more Governors who at the time of the vote are not named defendants or respondents in the Proceeding; or,
- (3) if such a committee cannot be established, by a majority vote of all Governors.

7.4.2 Notwithstanding Section 7.4.2, payment of expenses actually and reasonably incurred by any Person as to whom indemnification is mandatory under Section 7.1 or Section 7.2 will be deemed to be authorized provided that the standard of conduct necessary for indemnification under Section 7.2.1 is met.

7.5 Advancement of Expenses.

7.5.1 Expenses incurred in defending such Proceeding may be paid by the corporation in advance of the final disposition of the Proceeding, without any of the authorizations or determinations specified in Section 7.3 and Section 7.4, upon receipt of a written affirmation by the Person of his or her good faith belief that he or she has met the standard of conduct necessary for indemnification under applicable law and a written undertaking by or on behalf of the Person to repay such amount unless it ultimately is determined that he or she is entitled to be indemnified by the corporation as authorized in this section. The written undertaking must be an unlimited general obligation of the Person but need not be secured. It may be accepted without reference to financial ability to make repayment.

7.5.2 Provided that the written affirmation and undertaking described in Section 7.5.1 are received by the corporation from a Person to be paid or reimbursed for expenses incurred and as to whom indemnification is mandatory under Section 7.1 or Section 7.2.1, such payment or reimbursement will be deemed to be authorized.

7.6 Other Rights. The indemnification provided by these Bylaws may not be deemed exclusive of any other rights to which a Person seeking indemnification may be entitled under the articles of incorporation of the corporation, these Bylaws, a resolution of the Board of Governors, an agreement or otherwise both as to action in his or her Official Capacity and as to action in any other capacity, and will continue as to such Person after the termination of such capacity and will inure to the benefit of his or her heirs, executors, and administrators; provided, however, that any provision for the corporation to indemnify or to advance expenses to a director, whether contained in the articles of incorporation of the corporation, these Bylaws, a resolution of Governors, an agreement or otherwise, except in accordance with Section 7.7, is valid only to the extent it is consistent with Section 8.102 of the Business Code, as limited by the articles of incorporation of the corporation, if such a limitation exists.

7.7 Insurance. The corporation may purchase and maintain insurance on behalf of any Person by reason of the fact that he or she is or was serving at the request of the corporation as a Trustee, Governor director or employee or agent of the corporation against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as a Person, whether or not the corporation would have the power to indemnify him or her against such liability under Section 8.102 of the Business Code.

7.8 Other Arrangements. In addition to the powers described in Section 7.7, the corporation may purchase, maintain, or enter into other arrangements on behalf of any Person who is or was a Trustee, Governor, director or officer of the corporation against any liability asserted against him or her and incurred by him or her in such capacity or arising out of his or her status as such a Person, whether or not the corporation would have the power to indemnify him or her against such liability under Section 8.102 of the Business Code. If the other arrangement is with a person or entity that is not regularly engaged in the business of providing insurance coverage, the arrangement may provide for payment of a liability (with respect to which the corporation would not have the power to indemnify the Person). Without limiting the power of the corporation to procure or maintain any kind of arrangement, the corporation may, for the benefit of Persons described in this Section 7.8, (i) create a trust fund, (ii) establish any form of self-insurance, (iii) secure its indemnity obligation by grant of a security interest or other lien on the assets of the corporation, or (iv) establish a letter of credit, guarantee, or surety arrangement.

7.9 Other Provisions Applicable to Insurance and Other Arrangements. The insurance may be procured, maintained, or established with an insurer, or the other arrangement may be procured, maintained, or established within the corporation or with any insurer or other person considered appropriate by the Board of Governors, regardless of whether all or part of the stock or other securities of the insurer or other persons are owned in whole or part by the corporation. In the absence of fraud, the judgment of the Board of Governors as to the terms and conditions of the insurance or other arrangement and the identity of the insurer or other

person participating in an arrangement will be conclusive and the insurance or other arrangement will not be voidable and will not subject the Governors approving the insurance or other arrangement to liability, on any grounds, regardless of whether Governors participating in the approval are beneficiaries of the insurance or other arrangement.

7.10 Indemnification of Employees or Agents. The corporation may indemnify and advance expenses to an employee or agent who is not a Trustee, Governor, director or officer to such further extent, consistent with law, as may be provided by general or specific action or the Board of Governors, by contract, or as permitted or required by common law.

7.11 Severability. In the event that any part or portion of this Article is judicially determined to be invalid or unenforceable, such determination will not in any way affect the remaining portions of this Article, but the same will be divisible and the remainder will continue in full force and effect. Notwithstanding any provision of this Article to the contrary, the corporation shall not indemnify any person described in this Article if such indemnification (i) would jeopardize the corporation's tax-exempt status under Section 501(c)(3) of the Code, (ii) would cause the imposition of the federal excise tax under Section 4958 of the Code, or (iii) if the corporation is determined to be a private foundation for federal income tax purposes, would cause the imposition of the federal excise tax for self-dealing under Section 4941 of the Code or for making a taxable expenditure under Section 4945 of the Code.

7.12 Appearance as a Witness or Otherwise. Notwithstanding any other provision of this Article, the corporation may pay or reimburse expenses incurred by a Trustee, Governor, director, officer, or other person in connection with his or her appearance as a witness or other participation in a Proceeding at a time when he or she is not a named defendant or respondent in the Proceeding.

VIII. CONFLICTS OF INTEREST AND CONTRACTS OR AGREEMENTS INVOLVING TRUSTEES OR OFFICERS

8.1 Contracts or Agreements. Subject to the limitations of this Section, members of the Board of Governors, Board of Trustees and officers of the corporation shall be permitted to maintain a direct or indirect interest in any contract relating to or incidental to the operations of the corporation, and may freely make contracts, enter into transactions, or otherwise act for and on behalf of the corporation notwithstanding that at such time they also may be acting as individuals or as directors, beneficiaries or advisers of trusts, or as members, associates, agents, shareholders, officers, or directors, of other persons or corporations or may be interested in the same matter as shareholders, directors, officers, or otherwise; provided, however, that no contract or agreement may be entered into by and between the corporation and any of the following: (i) a Trustee, Governor, director, officer, committee member, or employee of the corporation (hereinafter an "Insider"); or (ii) any corporation, partnership, trust, sole proprietorship or any other entity in which an interest is owned or held, directly or indirectly, by or for the benefit of an Insider, unless in either case the transaction is approved in accordance with Section 22.230 of the Business Code as specified herein.

8.2 Authorization and Approval. Section 22.230 of the Business Code requires that prior to consummating any contract, transaction, or action taken on behalf of the corporation involving any matter in which a Trustee, Governor, director or officer is personally interested as a shareholder, director, officer, trustee, or beneficiary or advisor of a trust, or otherwise, that contract, transaction or action must be authorized and approved in good faith and with ordinary care by a vote of a majority of the number of Governors in attendance at a meeting at which a quorum is present, without counting the vote(s) of any interested Governor(s), and only after the disinterested Governors are provided with knowledge of the material facts concerning the contract or transaction and each interested Governor's or officer's interest in the transaction, and only if the entering into of such contract or transaction is not violative of those provisions of the articles of incorporation of the corporation that prohibit the corporation's use or application of its funds for private benefit. Any interested Governor may be counted in determining the presence of a quorum at a meeting of the Board of Governors at which a contract or transaction described in this section is authorized, but the interested Governor must leave the meeting during the discussion of, and the vote on, such contract or transaction. The minutes of any such meeting must include (i) the names of the interested Governors who disclosed any possible direct or indirect interest, a description of the nature of the alleged interest and whether the Board of Governors determined a conflict of interest did in fact exist, (ii) the names of the Governors who were present for discussions relating to the proposed contract or transaction, the content of those discussions, including any alternatives to the proposed contract or transaction and a record of the vote, and (iii) such other information as may be required by the policies of the corporation.

8.3 Additional Limitations. Notwithstanding any provision contained in this Section, no contract, transaction, or act shall be entered into or performed on behalf of the corporation if such contract, transaction, or act would (i) result in the loss of the corporation's exemption from federal income tax or (ii) violate any provision of applicable law, including, without limitation, the Texas Education Code, or any successor statute, or any of the regulations promulgated thereunder.

IX. MISCELLANEOUS PROVISIONS

9.1 Fiscal Year. The fiscal year of the corporation shall be as determined by resolution of the Board of Governors.

9.2 Seal. The seal of the corporation shall be such as from time to time may be approved by the Board of Governors.

9.3 Notice and Waiver of Notice.

9.3.1 Whenever under the provisions of the Act, the articles of incorporation of the corporation, or these Bylaws, notice is required to be given to any Trustee, Governor, director, officer, or committee member, and no provision is made as to how such notice shall be given, such notice may be given personally, by mail, or by electronic transmission (if such person consents to notice by electronic transmission), addressed or transmitted to such person at such address, or in accordance with such form of electronic communication specified by such

person for that purpose, as appears on the books and records of the corporation; provided, however, that nothing in this Section 9.3 shall limit the obligation of the corporation to comply with the Texas Open Meetings Act.

9.3.2 Any notice to be given by mail shall be deemed to be given at the time when it is deposited, postage prepaid, in the United States mail.

9.3.3 Consent to notice by electronic transmission may be granted expressly by a Trustee, Governor, director, officer, or committee member or shall be deemed to be given when such person provides the corporation with a facsimile number, electronic mail address, or other form of electronic communication for the purpose of receiving notice. Notice by electronic transmission shall be deemed be given when the notice is (i) transmitted to a facsimile number provided by such person for the purpose of receiving notice, (ii) transmitted to an electronic mail address provided by such person for the purpose of receiving notice, (iii) posted on an electronic network and a message is sent to such person at the address provided by such person for the purpose of alerting such person of a posting of such a notice, or (iv) communicated to such person by any other form of electronic transmission consented to by such person for the purpose of receiving notice.

9.3.4 A waiver of notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

9.4 Contracts. The Board of Governors may authorize any officer or officers, agent, or agents of the corporation, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation. Such authority may be general or confined to specific instances. In no event shall any person or entity dealing with the Board of Governors or the officers of the corporation be obligated to inquire into the authority of the Board of Governors or the officers so authorized to enter into or consummate any contract or to take any other action on behalf of the corporation.

9.5 Checks and Drafts. All checks, drafts, or orders for payment of money, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers or agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Governors. In the absence of such determination by th

9.8 Voting Upon Shares of Other Corporations. Unless otherwise directed by the Board of Governors, the CEO shall have full power and authority on behalf of the corporation to vote either in person or by proxy at any meetings of shareholders of any corporation in which this corporation may hold shares, and at any such meetings may possess and exercise all of the rights and powers incident to the ownership of such shares which, as the owner thereof, this corporation might have possessed and exercised if present. The Board of Governors may confer like powers upon any other person and may revoke any such powers as granted at its pleasure.

9.9 Books and Records. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the Board of Governors. The records of all meetings of the Board of Governors, the names and addresses of the Trustees, Governors, directors and officers of the corporation, and the originals or certified copies of the articles of incorporation and these ByLaws shall be kept at the registered or principal office of the corporation or of the Secretary, but such records need not all be kept in the same office. All books and records of the corporation may be inspected for any proper purpose at any reasonable time.

9.10 Nondiscrimination. The corporation shall maintain a nondiscriminatory policy as to participation in its programs, hiring of support staff, and election of Trustees, Governors, directors and officers, and in its dealings with any other person or business that might be associated with it in any manner.

9.11 Exempt Activities. Notwithstanding any other provision of these ByLaws, no Trustee, Governor, director, officer, employee, or representative of the corporation shall take any action or carry on any activity by or on behalf of the corporation not permitted to be taken or carried on by an organization exempt under Section 501(c)(3) of the Code and the Regulations and they now exist or as they may hereafter be amended, or by an organization contributions to which are deductible under Section 170(c)(2) of the Code and Regulations as they now exist or as they may hereafter be amended. No part of the net earnings of the corporation shall inure to the benefit of any maker, founder, contributor, or individual.

X. AMENDMENTS

10.1 Amendments. These Bylaws may be altered, amended, or repealed, or new Bylaws may be adopted, by the Board of Governors acting by the affirmative vote of a majority of the Board of Governors at any meeting of the Board of Governors if at least 72 hours prior written notice is given of the intention to alter, amend, or repeal these Bylaws or to adopt new Bylaws at such meeting and the notice specifies that an alteration, amendment, or repeal will be considered at the meeting.

The undersigned, being the duly elected and qualified Secretary of the corporation, hereby certifies that the foregoing Amended and Restated ByLaws of Uplift Education, doing business as, were duly adopted by the Board of Governors of the corporation at a meeting held on, at which a quorum was present and voting throughout.

Alexander S. Berk, Secretary

Uplift Family Leave

Eligible employees may take an Uplift Family Leave of absence for the purpose of:

1. The birth of a child or to care for a child within the first twelve (12) months after birth;
2. The placement of a child with the employee for adoption or foster care within the first twelve (12) months of placement; or
3. To care for an employee's spouse, child, or parent who has a serious health condition as defined by the Family and Medical Leave Act and corresponding regulations.

"Eligible employee" for purposes of Uplift Family Leave means a full-time employee or part-time employee who:

1. Has been employed by Uplift for at least twelve (12) months and has worked at least 1,250 hours within the preceding twelve-month period; and
2. Has available leave under the Family and Medical Leave Act; and
3. Has used any accrued paid leave time, state days, local days, and/or vacation days.

Uplift Family Leave shall be for a maximum of thirty (30) workdays (240 hours) within a twelve (12) month period and may be taken intermittently (upon approval) within the twelve (12) months following the employee's first official day of Uplift Family Leave. Uplift Family Leave shall run concurrently with any leave under the Family and Medical Leave Act and/or other leaves, as applicable. Uplift Family Leave will not be granted for any period of time in which the employee does not have available leave under the Family and Medical Leave act.

Employees must use any accrued paid leave time, state days, local days, and/or vacation days, before he/she is eligible for an Uplift Family Leave of absence. After an employee has exhausted all paid leave time, state days, local days, and/or vacation days, the employee may receive a maximum of thirty (30) workdays (240 hours) of paid Uplift Family Leave. The total of paid Uplift Family Leave shall not exceed thirty (30) workdays (240 hours) in a twelve-month period.

On days/periods when an employee is not expected to report for work (*e.g.* a school year employee during the summer break), those days/periods will not be counted against the employee's Uplift Family Leave.

Requests for Uplift Family Leave must be submitted to Talent Management, in advance of the absence(s). Whenever possible, employees who request Uplift Family Leave must provide their supervisor and Talent Management with at least thirty (30) days advance notice of their absence(s).

A request for Uplift Family Leave for a family member's serious health condition must be substantiated with a medical certification from the appropriate health care provider. A request for Uplift Family Leave for the birth, care, adoption, or foster care of a child must be substantiated

with appropriate documentation. Failure to provide the appropriate certification or documentation within fifteen (15) calendar days may result in denial of Uplift Family Leave.

Requests for Uplift Family Leave are subject to approval by Talent Management.

Uplift Individual Graduation Committee Policy

Eligibility:

Uplift seniors are eligible for graduation through the Individual Graduation Committee (IGC) if:

1. They have passed at least 3 of 5 EOCs.
2. They have taken unpassed EOCs at every opportunity (Spring, Summer, Fall) - minimum of 2 times.
3. They have completed and earned credit for required courses for graduation.

Required Committee Members:

1. Managing Director
2. HS Director
3. Relevant Content Teacher
4. Relevant Department Chair or Course Team Lead
5. Director of College Readiness
6. Regional Testing Coordinator (HS) or Assessment Manager
7. If applicable:
 - a. Director of Special Education or Area Special Education Coordinator from another campus (if applicable)
 - b. Parent
 - c. Scholar (if over 18)

Timeline:

1. By the end of April, schools must compile a list of potentially eligible seniors for graduation under the IGC, and ensure that all seniors on list are registered for retesting.
2. By the end of April, schools must notify parents/scholars of their eligibility for graduation under the IGC.
3. Initial IGC review must occur in the first two weeks of May.
4. All senior coursework must be finalized one week before graduation.
5. Final IGC decisions are released one week before graduation, once all grades are final.

Parent/Scholar Communication:

1. Parents and scholars must be notified in writing of eligibility for IGC.
2. Parents and scholars must be notified in writing of final IGC decision.
3. All communication must be in English and Spanish.

Uplift IGC Criteria:

Scholars must meet a minimum of 10 of the following criteria to be eligible for graduation (**BOLD items required**):

- ☐ Written recommendation from relevant EOC teacher(s).
- ☐ Passing scores in relevant EOC courses.
- ☐ Highest score on relevant EOC test(s) is at least 3000 scale score.
- ☐ Performance on a course project.
- ☐ Successful completion of a “transitional” college reading or mathematics courses
- ☐ Attainment of any of the relevant TSI benchmarks approved by THECB (SAT, ACT, Alg. II EOC or English III EOC test).
- ☐ Completed and earned credit for a dual credit course in the four core subject areas.
- ☐ Completed and earned credit for of a pre-AP, AP, or IB course in the four core subject areas.
- ☐ Advanced High performance on TELPAS.
- ☐ Scores of 50 or greater on relevant CLEP tests.
- ☐ College ready scores on ACT (21 composite) or SAT (990 reading + math).

- ☐ Completion of sequence of CTE courses required to attain an industry-recognized credential or certificate.
- ☐ **Sufficient attendance/seat time requirements met during senior year.**
- ☐ **Documented attendance in required remediation/tutoring during senior year.**
- ☐ **Meeting course requirements to graduate under the Recommended Graduation Plan (through May 2017) OR Foundation with Endorsement Graduation Plan (beginning Fall 2017).**