2004-2005

STUDENT ATTENDANCE

ACCOUNTING HANDBOOK

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FOREWORD

The submission of Public Education Information Management System (PEIMS) data is required of all public school districts. Student attendance and contact hours will again be reported at the student detail level, for the entire school year, through PEIMS. The *Student Attendance Accounting Handbook (Handbook)* provides districts with the Foundation School Program (FSP) eligibility requirements of all students and the minimum requirements of all student attendance accounting systems.

The *Handbook*:

- describes the FSP eligibility requirements of all students;
- prescribes the minimum standards for all attendance accounting systems, whether manual or automated;
- lists the documentation requirements for attendance audit purposes;
- specifies the minimum standards for systems that are entirely functional without the use of paper; and
- details the responsibilities of all district personnel involved in student attendance accounting.

The *Handbook* is for all school district personnel involved in the student attendance accounting process. No school district official (or any other person in the district) has the authority, either implied or actual, to change or alter any rules, regulations, or reporting requirements specified in this *Handbook*.

Commissioner of Education

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Section I
Overview

(1) Attendance Accounting Overview

(1-1) The *Student Attendance Accounting Handbook (Handbook)* contains the official attendance accounting rules and regulations for all public school districts in Texas, and it is the official standard of required information for all attendance accounting systems, whether manual or automated. It is the district's responsibility to ensure that the basis used to record and process attendance accounting data meets this standard. 19 TAC §129.21(e), 129.1023, and 129.1025

(1-2) All school districts are required to adopt an attendance accounting system, whether manual or automated, which includes procedures that ensure the accurate taking, recording, and reporting of attendance accounting data. TEC §42.006(b)

(1-3) Attendance and contact hours will be reported on the student level for the entire school year through the Public Education Information Management System (PEIMS).

(1-4) The superintendent of schools is responsible for the safekeeping of all attendance records and reports. The superintendent of schools may determine whether the properly certified attendance records or reports for the school year are to be filed in the central office or properly stored on the respective school campuses of the district. Regardless of where such records are filed or stored, they must be readily available for audit by the School Financial Audits Division of the Texas Education Agency (TEA). Auditors have the authority to examine attendance records for any year the district is required to retain records (Section II). **In the event errors are detected during the course of an audit, either an adjustment to subsequent allocations of state funds will be assessed or the district will be required to refund the total amount of the adjustment when the audit is finalized**. TEC §42.255, 19 TAC §129.21(m)

(1-5) TEA refrains from formally approving or certifying attendance accounting systems of any organization, public or private, that is in the business of providing services to Texas public schools. Districts are cautioned to be sure the software they purchase meets the requirements for attendance accounting as described in this *Handbook* before contracting with a vendor. A locally-designed system may be used, provided the instructions and information requirements prescribed by this *Handbook* are included. 19 TAC §129.21(e)

(1-6) Information for all Foundation School Program (FSP) attendance reports shall be made a part of the school's permanent records. Superintendents, principals, and teachers are responsible to their school board and to the state for maintaining accurate and current attendance records, regardless of the attendance accounting system in use. 19 TAC §129.21(a)

(1-7) No school district official (or any other person in the school district) has the authority, either implied or actual, to change or alter any rules, regulations, or reporting requirements specified in this *Handbook*.

(1-8) Participation in PEIMS is mandated for Texas public schools. TEC §42.006(a) The *Handbook* incorporates the same codes that are defined in the PEIMS *Data Standards*, as they relate to attendance, and requires all attendance accounting systems to follow the same coding structure.

(1-9) Some situations occur where a district (other than the student's home/sending district) is serving a student who is reported (for all PEIMS submissions) by the student's home/sending district. In these cases, the system should track the student for grades and attendance yet not create any PEIMS records. Common examples include special education shared services arrangements where the home district has opted to report the students as eligible full-day (ADA eligibility code 1) when the students attend regular school for four hours but also attend night school in the district. These full-day students must be reported through PEIMS as eligible full-day (for the time spent in regular school). Systems should simultaneously allow the time spent in night school to be tracked yet must not create any PEIMS records for this time.

(1-10) Waivers for program requirements do not waive rules associated with eligibility for funding purposes unless the waiver specifically states that funding regulations are altered.

(2) Funding and Student Attendance

(2-1) All public schools in Texas shall maintain records to reflect the average daily attendance (ADA) for the allocation of FSP funds and other funds allocated by TEA. 19 TAC §129.21(a)

(2-2) All eligible students are entitled to the benefits of the FSP. However, in order for a district to claim a student for funding purposes, complete documentation which proves the eligibility of the student for the FSP must first be on file. Furthermore, the district must report all eligible attendance according to provisions established by TEA. For these reasons, both a standardized attendance accounting system (described in this *Handbook*) and a standardized reporting system (PEIMS) have been developed. TEC §42.006

(2-3) The funding formula for the FSP, as well as the requirements for a student's eligibility to participate in this program, are mandated by the *Texas Education Code* (TEC) and the *Texas Administrative Code* (TAC). All students must meet the requirements for **membership**, defined in Section III of this *Handbook*, before they are eligible for FSP funds for attendance and special programs. Districts must retain all records proving such eligibility for the required length of time for audit purposes (Section II).

In accordance with 19 TAC 129.21(d), districts and charter schools must adopt a policy regarding parental consent for student departures from school. FSP funding is conditional on local adoption of this new policy. Once developed, this

policy will not affect current procedures for taking and recording student attendance. This policy must be established and in effect by January 1, 2001.

(2-4) Regardless of the particular accounting system selected, the minimum requirements established in this *Handbook* must be incorporated. It is important to recognize that although these standards are the **minimum** requirements of all attendance accounting systems, the district may desire to adopt **additional** codes and/or documentation requirements for local purposes.

(2-5) In order for districts to receive the maximum amount of funding for all their students, the following personnel must be aware of their individual responsibilities and must work together to assemble the required documentation at the earliest possible time: administrators, special program staff, teachers, and attendance personnel.

(2-6) Waivers for program requirements do not alter rules associated with eligibility for funding purposes unless the waiver specifically states that funding regulations are altered.

(2-7) An inherent difference exists between the possibility of serving a student in a particular program and that same student's eligibility for funding in that program. For example, dependent upon local policy, a school district may serve virtually any student in virtually any capacity/setting as long as serving these students does not take away from the education of eligible resident students. **However, the only time a student may be coded as an eligible participant in a program/setting, thereby generating state funding, is when that student meets all the eligibility requirements, and all documentation is complete and on file.**

(3) How to Use the *Handbook*

(3-1) The *Handbook* contains all the information and the mandated coding structure that each attendance accounting system must follow. Each section of this *Handbook*, where practical, is organized using the same headings for each sub-section. The same general types of information may be found under each sub-section.

(3-2) Each section specifies the coding structure and lists all of the documentation required to verify student eligibility in the subject area defined by the section title.

(3-3) Although limited by the complicated nature of attendance accounting, each section is designed to present all essential information about the subject area defined by the section title. The essential information provided includes student eligibility, the mandated coding structure, and documentation required for audit purposes. In addition, each section contains the responsibilities of district personnel and examples of coding students in the accounting system.

(3-4) The following table briefly describes the subject matter contained in each section:

I The **Overview** describes the importance of attendance accounting, how funding and attendance are related, the organization of this *Handbook*, and significant changes.

II The section entitled **Audit Requirements** establishes minimum standards for all required documentation, sets the time limit for record retention, and discusses areas of attendance accounting that deserve particular attention.

III **General Attendance Requirements** discusses responsibility of district personnel, enrollment and withdrawal procedures, basic rules of attendance accounting for all attendance systems, ADA eligibility codes and general eligibility requirements, the school calendar, data submission, documentation required to prove FSP eligibility, tips for quality control of attendance data, and examples.

IV - IX These sections address each of the special program areas under the FSP. Each section discusses responsibility of district personnel, enrollment and withdrawal procedures, special rules, documentation to prove special program eligibility, tips for quality control of special program attendance data, and examples.

X **Non-Traditional Schools** discusses waivers, year-round schools, alternative education programs, juvenile justice alternative education programs, suspension, and expulsion.

(3-5) Throughout this *Handbook*, the abbreviations TEC and TAC are used. All references to the *Texas Education Code* (TEC) refer to state law as documented in the most recent publication of the *Texas School Law Bulletin* when the *Handbook* was printed. All references to the *Texas Administrative Code* (TAC) refer to rules adopted by the State Board of Education or the Commissioner of Education as documented in the most recent publication of the Code when the *Handbook* was printed.

(4) Significant Changes

The following table briefly describes the significant changes to the 2004-2005 *Student Attendance Accounting Handbook.* This does not include all changes made to the *Handbook*.

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Section II
Audit Requirements

Introduction

The superintendent of schools is responsible for the safekeeping of all attendance records and reports. The superintendent of schools may determine whether the properly certified attendance records or reports for the school year are to be filed in the central office or properly stored on the respective school campuses of the district. Regardless of where such records are filed or stored, they must be readily available for audit by the School Financial Audits Division of the Texas Education Agency (TEA). 19 TAC §129.21(m) **Incomplete or inaccurate data will result in attendance not being allowed.**

The *Student Attendance Accounting Handbook (Handbook)* is the TEA official standard of required information for all attendance accounting systems, whether manual or automated. Unless a distinction is made between manual and automated systems, all standards described in the *Handbook* will apply to all attendance accounting systems. The *Handbook* incorporates the same codes that are defined in the PEIMS *Data Standards* as they relate to attendance. The *Handbook* also requires all attendance accounting systems to follow the same coding structure. It is the district's responsibility to ensure that the basis used to record and process attendance accounting meets this standard. 19 TAC §129.21(e)

A paper copy of all required attendance records must be retained for **five** years, unless the district utilizes an Automated Data Processing (ADP) system. Districts using an ADP system may exercise the following at local district option: Any attendance accounting record/report may be stored electronically on an acceptable medium of storage (e.g**.,** hard disk, diskette, tape, microfiche/film) provided the district also retains the hardware and software (attendance program) necessary to access and reproduce the attendance data in an acceptable format [see (1-10)]. In the event compatible hardware and/or backup copies of software cannot be kept, or the district does not possess the technical expertise to reproduce the unaltered data in an acceptable format when notified of an audit, paper copies are required for the entire retention period**.** *Local Schedule SD*, Texas State Library and Archive Commission

Automated attendance accounting systems must be managed properly in order to meet the standards for audit documentation. An effective system of internal controls must be in place in order to maintain: 1) data integrity (completeness and accuracy), and 2) the ability to reproduce, for audit purposes, all required documentation that the district elected to store electronically [see (1-10)]. Technical assistance may be required from outside professional sources to ensure a district's automated attendance accounting system will be able to reproduce all required documentation at the time the district is notified of an audit. Testing the procedures for reproducing required audit documentation in an acceptable format is prudent before deciding to retain reports/records in an electronic format in lieu of retaining paper reports/records.

A district may receive optimal benefit by retaining some documentation electronically and other documentation in paper report format. For example, Learning ISD uses paper period absence slips as the source document for attendance accounting. They cannot store those slips electronically, nor can they store some of the other required documentation in an electronic format [see (3) *Documentation Required* later in this section]. They can, however, store the Student Detail Report, the Campus Summary Reports, and the District Summary Report electronically on a floppy diskette. For audit purposes, Learning ISD must retain all paper records that they cannot store electronically, a backup of the actual attendance accounting data, the attendance accounting program from the same school year, and compatible hardware necessary to access and reproduce the data in an acceptable format.

Systems that are entirely functional without the use of paper documents (e.g., the teacher enters absences directly into the system without the use of paper period absence reports) must meet the additional standards established in (4) *Paperless Environments* later in this section or the district **must** generate and retain paper copies of attendance reports/records. These standards apply to all districts that desire to establish and/or maintain an audit trail (source document to final reports) that is completely free from paper.

(1) General Requirements

(1-1) A student must be served at least two hours of instruction per day to be included in membership. Students must be in membership before they are eligible for attendance. Students with disabilities follow the same two-hour-per-day eligibility rule. Absences for students who do not meet the two-hour-per-day minimum to be included in membership are not required to be recorded. However, the demographic and special program information must be maintained in the accounting system for all students served, in accordance with the applicable coding instructions in Sections IV through IX of this *Handbook* [see (1-9) in Section I].

(1-2) Students must meet all eligibility requirements described in Section III of this *Handbook* before they can generate funding. Students served at least two but less than four hours of instruction per day are eligible for half-day attendance (ADA eligibility code 2). Students served at least four hours of instruction per day are eligible for full-day attendance (ADA eligibility code 1). Students served less than two hours of instruction per day do not meet the requirements for membership (ADA eligibility code 0).

(1-3) Always use ink to make manual entries or corrections in the attendance records, on daily absence slips, on six-week absence reports, and/or on daily summary sheets. **Never record manual entries in pencil or use liquid correction fluid or use a signature stamp**. If errors are made on any official attendance document, strike through the error, enter corrections nearby, and initial.

(1-4) Students are either present or absent at the time the official attendance roll is taken (a *snapshot* usually taken during the 2nd or 5th hour/period). The central attendance staff should adjust an absence for a student who was with authorized school personnel (nurse, counselor, principal, etc.) and was recorded absent at the time the official attendance roll was taken. The change must be documented, and an audit trail must be established (e.g.,

mark through and initial the absent mark, and document the reason). Where paperless accounting systems exist and absences are posted directly to the ADP system, sufficient paper documentation must be maintained to support any changes to posted absences [see (4) *Paperless Environments* later in this section].

(1-5) For official attendance accounting and Foundation School Program (FSP) purposes, "Tardies" do not exist. However, locally-designed codes may be implemented which indicate:

1. a student arrived late to class **before** official roll call and was counted **present** for ADA and FSP purposes, or

2. a student arrived late to class **after** official roll call and was counted **absent** for ADA and FSP purposes.

Adequate documentation which defines all locally-designed codes must be retained with all other auditable records.

(1-6) Attendance and contact hour eligibility begins the first day of school and continues for the entire school year, provided all required documentation is in order. Students who transfer from one instructional track to another, in districts where multiple tracks are offered, may accumulate more than the statutory days of attendance.

(1-7) **Student Detail Reports should be generated each six-week reporting period and reviewed** at the end of each six-week reporting period for reasonableness by campus personnel who are responsible for ensuring student attendance accounting codes are correct.

(1-8) **Campus Summary Reports should be generated each six-week reporting period and reviewed by the principal for reasonableness**. Regular attendance totals and special program attendance totals should be scrutinized based on approximate membership. All data totals that have an exceptionally high value or a value of zero should be investigated. Current year totals should be compared to prior year totals to detect unreasonable differences.

(1-9) **The District Summary Report should be generated each six-week reporting period and reviewed by the superintendent** or the superintendent's designee, following the same analysis as the Campus Summary Reports.

(1-10) **All required documentation which is stored electronically must be reproduced in an acceptable format at the time of an audit.** To be considered acceptable, the documentation must be complete [must meet all the requirements in (3) *Documentation Required* later in this section], must be in English (not machine language), and must be scannable by the human eye.

(1-11) The district or charter school must maintain a procedures manual specific in detail to the school attendance accounting system. This procedure manual will outline but is not limited to:

1. how and when official attendance is to be taken by teachers,

2. how attendance is entered into the attendance accounting system,

3. which position(s) is/are responsible for the coding of special programs (such as Career & Technology, Special Education, Pregnancy Related Services, etc.),

4. how changes to special programs are to be documented,

5. how student membership is to be reconciled between the teacher rosters and the attendance accounting database,

6. how the district will maintain attendance accounting records (including computerized records, period absence slips, and official calendar) after the completion of the school year,

7. what backup systems are in place to protect the attendance accounting records, and

8. which position is responsible for the maintained and security of the attendance accounting records.

(2) Coding Information for Special Programs

(2-1) Students must be eligible for attendance (Section III) and must meet all requirements for special programs (Sections IV through IX) before their attendance may be counted for funding. Complete documentation must be on file to support eligibility.

(2-2) Districts may not claim funds for special programs prior to filing all required documentation. **Therefore, it is crucial that early identification and documentation for all students be filed as soon as possible.** Lack of proper and/or timely documentation will result in attendance and contact hours being disallowed.

(2-3) Special Education, Career and Technology Education, Gifted and Talented, Pregnancy Related Services, and Bilingual/ESL staff or teachers should provide attendance personnel with names and coding information of students who are eligible, who are being served, and whose documentation is in order. **In no case should attendance personnel determine the special program code of a student**. Attendance personnel must also be notified of any change in a student's special program service and the effective date of such change before changes are recorded in the attendance records.

(2-4) Using the codes provided by the special program staff or teachers, attendance personnel should accurately record appropriate program codes for each student enrolled in special programs. Paper copies summarizing special program participation, by student, should then be generated, reviewed, and verified by the special program staff member in charge.

(2-5) For funding purposes, a student may not earn more than six contact hours per day for any combination of special education and career and technology education settings. When a student earns more than six contact hours per day,

the district must subtract the excess number of contact hours from the student's primary special education instructional setting (Section IV).

(2-6) A student's service in a special program may be proved by an end-of-semester grade for the course in which the student generated special program attendance, as documented in the student's Academic Achievement Record (AAR). Difficulty may be experienced, however, in proving a student's special program service if the student did not receive an official grade (i.e., the student withdrew from the program/school before the end of the semester). **It is the district's responsibility to prove that a student who received credit (who was coded into a special program) was actually served in that capacity.** Therefore, the district may decide to retain gradebooks for special program courses for the full five-year retention period instead of the mandatory one-year period required in *Local Schedule SD*, Texas State Library and Archives Commission.

(2-7) There are many opportunities for error as data is processed from the source record to the official student attendance accounting records/reports. Data recorded in the accounting system must be verified to ensure correct funding. **Special program staff should review the data on file for his or her program and verify the totals submitted for funding.**

(3) Documentation Required

Districts must carefully review the *Introduction* to this section and (4) *Paperless Environments* later in this section prior to deciding on the storage medium or electronic format for audit documentation that best suits the needs of the particular district.

All attendance accounting systems must possess the ability to readily reproduce the student attendance data required in the *Handbook* upon notification of an audit, **regardless of the medium of storage used. Student attendance data must be organized into three distinct data sets, all of which are described below: the Student Detail Report, the Campus Summary Report(s), and the District Summary Report.** The retention period for all documentation required for audit purposes is five years from the completion of the school year unless specified differently later in this section.

Copies of all required attendance records must be available and provided to the School Financial Audits Division of TEA within twenty (20) working days of written request by the Agency. Failure to provide all required attendance records [specific program(s) and/or grant(s)] could result in the retention of least 30% of the district's FSP allotment for the school year(s) requested.

Reports must include the level of detail identified in this section, although the actual report format is not mandated. However, a good accounting system will produce reports that are easy to read and that present the information in a concise format. For example, a valuable Student Detail Report will present all the required data for each student, including attendance and program totals by six-week reporting period, in one layout. Reviewing student attendance data for accuracy is considerably easier when all data is presented in one document.

All documentation required for audit purposes is outlined below. Reports must encompass three main data sets (**Student Detail Reports** for all students by six-week reporting period, **Campus Summary Reports** for all campuses by six-week reporting period, and a **District Summary Report** by six-week reporting period) and must cover the entire school year. All codes reflected in the attendance reports must be defined in the reports [see (4-10) in Section III].

For a particular campus, data totals for all **Student Detail Reports** must add up to respective totals on the **Campus Summary Report**. Likewise, data totals for all **Campus Summary Reports** must add up to respective totals on the **District Summary Report**. For schools offering multiple tracks, student detail must be summarized by individual tracks.

(3-1) **Student Detail Reports** must contain the following data:

1. The name of the district and the campus.
2. The County-District-Campus number.
3. Reporting Period Code (generally described as six weeks, but does not necessarily consist of six weeks. For reporting purposes, the school year must be divided into six approximately equal reporting periods).
4. Beginning and ending dates of reporting period, including the year.
5. Total number of days of instruction in the reporting period.
6. The instructional track (INSTRUCTIONAL-TRACK-INDICATOR-CODE) the student attends, if the district offers multiple instructional tracks.
7. All identification data elements (student's legal first, middle and last name; generation code, where applicable; sex; date of birth; student's age as of September 1; Social Security Number or Alternative I.D. Number; Ethnic Group; first and last name of parent or guardian with whom the student resides; address of parent or guardian with whom the student resides, to include the street number/Route number/P.O. Box number, city and zip; and campus I.D. of residence for non-resident students).
8. Student's original entry date and all subsequent withdrawal and re-entry dates, where applicable (regular classroom and all special programs).
9. Student's Grade Level Code.
10. Student's ADA Eligibility Code (Section III), Instructional Setting Code (Section IV), Speech Therapy Indicator Code (Section IV), Career and Technology Education Code (Section V), Bilingual/ESL participation code (Section VI), Gifted/Talented Indicator Code (Section VIII), and Pregnancy Related Services Code (Section IX), where applicable.
11. Student's Absences (from the official attendance snapshot) **by date** for each six-week reporting period.
12. Student's Total Days Membership, Total Days Absent, Total Days Present, Total Eligible Days Present, and Total Ineligible Days Present, by six-week reporting period.
13. Student's Total Eligible Days Present in each program (listed in 10 above, except for Gifted and Talented) by six-week reporting period, where applicable.
14. Student's number of excess contact hours earned in one day, where applicable.
15. Student's Total Excess Contact Hours by Instructional Setting Code by six-week period, where applicable.

16. Attendance data totals for all students, **summarized by grade**. This includes: Days Membership (includes both eligible and ineligible students); Days Absent (includes both eligible and ineligible students); Total Days Present (includes both eligible and ineligible students); Ineligible Days Present; Eligible Days Present; Eligible Days Bilingual/ESL; Eligible Days Pregnancy Related Services; and Eligible Days Special Education Mainstream.
17. Campus total for all grades for all data required in 16 above.
18. Campus ADA (regular classroom eligible participation, Bilingual/ESL, Pregnancy Related Services, and Mainstream).
19. Total Eligible Days Present and Total Contact Hours for all career and technology codes (V1-V6) by grade and a campus total for all grades, where applicable.
20. Total Eligible Days Present, Total Contact Hours, and Total Excess Contact Hours for all special education instructional settings, including speech therapy, by grade and a campus total for all grades, where applicable.
21. Signature page, signed by persons recording data and persons approving data. This can be signed each six-week reporting period or each semester at local discretion.

(3-2) **Campus Summary Reports** must include the following data:

1. The name of the district and the campus.
2. The County-District-Campus number.
3. The six-week reporting period.
4. Beginning and ending dates of the reporting period, including the year.
5. The number of days of instruction in the reporting period.
6. The instructional track (INSTRUCTIONAL-TRACK-INDICATOR-CODE) the report covers, if the district offers multiple instructional tracks. Campuses with multiple instructional tracks will have one **Campus Summary Report** for each track.
7. Attendance data totals for all students, **summarized by grade**. This includes: Days Membership (includes both eligible and ineligible students); Days Absent (includes both eligible and ineligible students); Total Days Present (includes both eligible and ineligible students); Ineligible Days Present; Eligible Days Present; Eligible Days Bilingual/ESL; Eligible Days Pregnancy Related Services; and Eligible Days Special Education Mainstream.
8. Campus total for all grades for all data required in 7 above.
9. Total Days Absent reported by date for entire calendar.
10. Campus ADA (regular classroom eligible participation, Bilingual/ESL, Pregnancy Related Services, and Mainstream).
11. Total Eligible Days Present and Total Contact Hours for all career and technology codes (V1-V6), if applicable.
12. Total Eligible Days Present, Total Contact Hours, and Total Excess Contact Hours for all special education instructional settings, including speech therapy, if applicable.
13. Total number of students, by grade, who were served in a state-approved gifted and talented program, if applicable.
14. Signature page, signed by persons recording data and persons approving data. This can be signed each six-week reporting period or each semester at local discretion.

(3-3) The **District Summary Report** must include the following data:

1. The name of the district.
2. The County-District number.
3. The six-week reporting period.
4. Beginning and ending dates of the reporting period, including the year.
5. The number of days of instruction in the reporting period.
6. The instructional track (INSTRUCTIONAL-TRACK-INDICATOR-CODE) the report covers, if the district offers multiple instructional tracks. Districts with multiple instructional tracks will have one **District Summary Report** for each instructional track.
7. Totals of all campus data, **summarized by grade**. This includes: Days Membership (includes both eligible and ineligible students); Days Absent (includes both eligible and ineligible students); Total Days Present (includes both eligible and ineligible students); Ineligible Days Present; Eligible Days Present; Eligible Days Bilingual/ESL; Eligible Days Pregnancy Related Services; and Eligible Days Special Education Mainstream.
8. District total for all grades for all data required in 7 above.
9. District ADA (regular classroom eligible participation, Bilingual/ESL, Pregnancy Related Services, and Mainstream).
10. Total Eligible Days Present and Total Contact Hours for all career and technology codes (V1-V6), if applicable.
11. Total Eligible Days Present, Total Contact Hours, and Total Excess Contact Hours for all special education instructional settings, including speech therapy, if applicable.
12. Total number of students, by grade, who were served in a state-approved gifted and talented program, if applicable.
13. Signature page, signed by persons recording data and persons approving data. This can be signed each six-week reporting period or each semester at local discretion.

(3-4) **Student membership from the teacher's roster is to be reconciled to the attendance accounting records at the end of the 1st and 4th six-weeks reporting periods.** The reconciliation is to verify that all students are reported on attendance records and that "no show" students were purged from the attendance accounting system. District personnel are to develop a form to be used at the end of the 1st and 4th six week periods to show the total number of students in membership in each teacher's class during the official attendance period. The total number of students in membership is to be reconciled to the total number of students listed in attendance accounting records. This document is to be certified by the district PEIMS coordinator and his/her supervisor by signature.

This reconciliation does not need to be conducted on the last day of the six-week period; however, it should be conducted no later than the final week of the six-week period. The reconciliation should be for the official attendance period (usually second period).

(3-5) **Additional Documentation** required:

1. Gradebooks (retained for one year after entering grades into the student's Academic Achievement Records (AAR)). These are especially important when proving a student's special program service when end-of-semester

grades were not received [see (2-6)]. *Local Schedule SD,* Texas State Library and Archive Commission

2. Period absence reports (e.g., slips, six-week attendance cards, etc.), if used, from the official attendance hour/period, signed by the teacher.
3. For paperless accounting systems where absences are posted directly to the ADP system, sufficient paper documentation to support any changes to posted absences [see (4) *Paperless Environments* later in this section].
4. Campus Daily Absence Summary reports, if used.
5. Class admittance slips or other documentation to support the claim that a student was with a nurse, counselor, assistant principal, or other school official at the time attendance was taken [see (4-11) in Section III].
6. Documentation supporting the claim that a student was attending a board-approved activity, accompanied by a certified teacher/adjunct staff member of the district, signed by the person who supervised the student(s) [see (4-12) and (4-13) in Section III].
7. Documentation supporting the claim that a student was at a documented appointment with a health care professional [see (4-12) in Section III].
8. Documentation supporting the claim that a student was participating in a district-approved mentorship through the Distinguished Achievement Program [see (4-12) in Section III].
9. **If any data changes are made subsequent to submission to TEA, updated and/or corrected copies of all reports are required to be available for audit** [see (10-7) in Section III].
10. Copies of the student's schedule showing the date of change if the student experienced a program change, including dates of withdrawal. For example, there must be documentation on file if a student changed from a one-hour to a three-hour career and technology course or if the student withdrew from the program.
11. Copies of any approved waivers the district may have received that affect funding.
12. Copy of the official school calendar reflecting all days of instruction and holidays (including bad weather days) for each instructional track offered in the district. (Each six week reporting period should be clearly identified.)
13. Copies of student transfer forms, if applicable (see ADA eligibility code 3 in Section III for more information on transfer students).
14. Special program documentation as described in each special program Section in this *Handbook*, including proof of service [see (3-4), 1 in this section].
15. Documentation which indicates the meaning of all locally-designed codes in the attendance system.
16. A copy of the Community-Based Dropout Recovery Education Program contract, if applicable.

(4) Paperless Environments

Districts should review the "**(3) Documentation Required**" and this section prior to deciding the storage medium or electronic format for audit documentation that best suits the needs of the particular school. It is the school's responsibility to provide auditors with the required documentation listed in these sections. In the event attendance data cannot be reproduced in an acceptable format at the time of an audit, the school may be held financially responsible for its inability to reproduce required documentation.

The school's system must be able to reproduce reports at any given time. All three reports must be available (**Student Detail Report, Campus Summary Reports, and the District Summary Report**) along with all components listed in their descriptions. Regardless of the medium used to store documentation, all schools must retain the ability to readily regenerate all reports and/or documentation that are required for audit purposes for the full record retention time.

Systems that allow teachers to enter attendance directly into the automated system must provide security to the data that is entered. Safeguards and security are not limited to the following but should:

1. require that the teacher logs into the system using distinct secret passwords,

2. timing out (auto shut off) if the program has not had any activity in an appropriately short period of time, (e.g. 10 minutes),

3. show the date, time, and identity of the teacher entering the absence data,

4. show the date, time, and identity of the individual making changes to the attendance report, and

5. provide a positive confirmation for 100% of attendance (teacher sends "All Present" rather than showing no one absent.)

Adequate and proper information system management is the key to a successful paperless automated accounting system. Locally-designed internal controls must be established to ensure the security of the system. Only personnel with the proper security clearance level should have access to the system.

Multiple backup data recovery plans should be in place in the event of a disaster occurs. These plans should be documented and available for examination by auditors as part of the check of internal controls. Sufficient testing of alternate plans should occur to ensure against a disaster (employee sabotage, system failure, fire, crashed disk, etc.) that disables the primary data retrieval method.

(5) Disaster Recovery

(5-1) As with any recordkeeping system, security and preservation are key issues when evaluating storage options. Both sabotage and disaster must be prevented. With attendance accounting records, it is the district's ultimate responsibility to secure records for the required length of time (five years) while preventing total loss in the event of catastrophe.

(5-2) While it is impossible to prevent disaster from occurring, it is possible to formulate several plans which address the recovery of data in the event the primary plan fails to adequately reproduce the reports required for audit purposes. Specific measures must be taken, at the district level, to guarantee the ability to reproduce unaltered attendance records if the originals are

destroyed. These measures must include the ability to reproduce such records at any point during the required five years of record retention.

(5-3) Storage of duplicate records and/or data at various locations within the district is an example of a plan which prevents the loss of data in the event a disaster occurs at the primary storage facility.

(5-4) Districts using ADP accounting systems must recognize how changes to the ADP hardware and software from year to year affect the district's ability to reproduce attendance accounting records from prior years. Therefore, when changes occur to the system software (e.g., yearly updates to the attendance accounting program), the district must be certain that the new program will access the prior years' attendance data and produce an acceptable report format. It is also important, when changes occur to the district's hardware (e.g., the district purchases new hardware), to investigate whether the new hardware is compatible, so that it will access the prior years' attendance data and produce an acceptable report format. **In some cases it is advisable to print and retain paper copies for audit purposes in lieu of exercising the option to store the data electronically**.

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Section III
General Attendance Requirements

(1) Responsibility

(1-1) List in the space provided below the name and phone number of the district personnel to whom all general attendance questions should be directed:

Name:_____

Phone Number:_____

(1-2) The **teacher** recording the initial absence is responsible for the accuracy of the report and attests to the validity of the data with his or her signature.
19 TAC §129.21(a)

(1-3) The **attendance personnel** generating absence summaries and/or transcribing the absences or coding information into the accounting system are responsible for adhering to all laws and regulations pertaining to student attendance accounting. Each person entering data into the attendance accounting system must sign an affidavit attesting that the data he or she has entered is true and correct to the best of his or her knowledge. **In no case should attendance personnel be assigned the responsibility of determining a student's coding information.**

(1-4) **Special program directors** and/or staff are responsible for reviewing special program data and totals for accuracy and completeness.

(1-5) The **principal** of each campus is responsible for reviewing his or her respective Campus Summary Reports for completeness and accuracy. Reports from the Texas Education Agency (TEA), which reflect Public Education Information Management System (PEIMS) data, should be compared to locally-produced reports for reasonableness and accuracy. The principals affirm that they have checked, or caused to be checked, the accuracy and authenticity of the attendance data by signing the Campus Summary Report.

(1-6) The **superintendent** is ultimately responsible for the accuracy and safekeeping of all attendance records and reports. These records must be available for audit by the School Financial Audits Division of TEA. The superintendent affirms that he or she has taken measures to verify the accuracy and authenticity of the attendance data by signing the District Summary Report. **In the event errors are detected during the course of an audit, either an adjustment to subsequent allocations of state funds will be assessed or the district will be required to refund the total amount of the adjustment when the audit is finalized.** 19 TAC §129.21(m), TEC §42.255

(2) Enrollment Procedure

(2-1) Local district policy should include measures to verify, upon enrollment, that the student **and/or** either parent is a resident of the district, depending upon which eligibility reason is applicable from TEC §25.001(b). Examples include requiring utility bill receipts, checking tax records, and verifying with responsible district personnel that the student's residence is within the boundaries of the district. TEC §25.001(b) [See (2-7) relating to homeless students.]

(2-2) Upon a student's enrollment in the district, a bona fide effort should be made to secure all records and/or required documentation pertaining to the student from the previous district and/or the parent, if applicable.

(2-3) Districts failing to provide the required information [listed in (3-8)] within 30 calendar days of a request by the receiving school district should be reported to the Division of Governance/EEO and Complaints Management of TEA at (512) 463-9290. TEC §25.002(a)

(2-4) If a child is enrolled under a name other than what appears in the identifying documents, the district must notify the Missing Children and Missing Persons Information Clearinghouse at (800) 346-3243. If the student's records have not been received within 30 days of a request, making this comparison impossible, the district must notify the municipal police department for a determination of whether or not the child has been reported as missing. TEC §25.002(b)

(2-5) The documents considered acceptable for proof of identification and age are outlined in (9) *Documentation* later in this section.

(2-6) Failure to receive the information required for student enrollment must not preclude the district from enrolling and serving the student. However, only the students who meet the age and residency requirements may be reported as eligible for Foundation School Program (FSP) purposes (ADA eligibility codes 1, 2, 3, or 6). 19 TAC §129.1(b) See (2-12) regarding immunization records.

(2-7) Upon determining that a student is homeless, as defined by the McKinney Homeless Assistance Act, the child must be allowed to either remain in the district in which he or she was enrolled prior to becoming homeless or enroll in the district where he or she is now located. A homeless student is entitled to enroll in any district. Proof of residence is not required. Information on school district responsibilities associated with homeless , students may be obtained from the Education Service Center Support Division of TEA at (512) 463-9371.

(2-8) The student's entry date is the first day the student is physically present during the official attendance accounting period on a particular campus. A student's re-entry date is the first day the student is physically present during the official attendance accounting period after having been withdrawn from the same campus. **A student cannot be absent on either the entry or the re-entry date**.

(2-9) **The student is in membership on both the entry date and the re-entry date** [minimum time requirements for a student to be in membership are listed in (5-2)].

(2-10) A student should be enrolled in only one district at a time; thus, eliminating duplicate PEIMS reporting for a student.

(2-11) For infants and toddlers, birth through 2 years of age, who have auditory and/or visual impairments and an IFSP indicating a need for services by the district, the child must be enrolled in the local district or Regional Day School Program for the Deaf (RDSPD). If district services are to be provided through the RDSPD, the home district must be informed by the RDSPD. See (4-11) and (4-12) in Section IV.

(2-12) Subject to the exceptions in Section 38.001(c), a student is required to be fully immunized against disease as required by the Texas Board of Health. (Section 38.001(a), Texas Education Code.) However, a student may be provisionally admitted if the student has begun the required immunizations and continues to receive the necessary immunizations as rapidly as medically feasible. (Section 38.001(e), Texas Education Code.) Except as provided by Section 38.001(c), a student who is not fully immunized and has not begun the required immunizations may not attend school. For further information regarding immunization requirements, immunization exemptions, and immunization documentation, please contact the Texas Department of Health.

(3) Withdrawal Procedure

(3-1) A student should be withdrawn from the attendance accounting system on the date the district becomes aware the student is no longer a member of the district. With proof of enrollment in a different district/campus, retroactive withdrawals will be permitted to the day the student enrolled in the other school. All attendance accounting records affected by this change must be updated.

(3-2) A student who is at least 18 years old and is voluntarily enrolled in school may be withdrawn when they accumulate more than five unexcused absences in a semester. Under this provision a district may revoke the enrollment of such a student for the remainder of the school year. TEC §25.085(e) **Students who are removed from school under this provision will be considered a dropout for accountability purposes.**

(3-3) A student who is temporarily absent (i.e., illness, suspension, etc.) but still a member of the district may not be withdrawn.

(3-4) The withdrawal date for a student who never officially withdrew from school, but whose whereabouts can no longer be determined, should be decided according to applicable local policies. Once withdrawn, a student in grades 7-12 must be reported as a school leaver on a 203 Record and will possibly be considered a dropout according to Section 2 of the PEIMS *Data Standards*.

(3-5) If the student withdraws before attendance is taken, the withdrawal date is that day. If the student withdraws after attendance is taken, the withdrawal date is the next school day.

(3-6) **The student is not in membership on the withdrawal date.**

(3-7) If a code is used to denote the student's withdrawal date, it should be "W".

(3-8) The minimum set of information that must be transferred with each student moving from one Texas district to another is listed below.

1. Social Security Number or State-Approved Alternate ID last reported through PEIMS;
2. Current Social Security Number or State-Approved Alternate ID, if different from above;
3. Local Student ID Number, if used;
4. County-District-Campus Number;
5. Campus Name and Phone Number;
6. First, Middle, and Last Name and Generation Code;
7. Sex, Ethnicity, and Date of Birth; and
8. Current Grade Level.
9. Immunization records. TEC §25.002(a)(3).

By law, each district is required to transfer student records within 30 days of a request by the receiving district. 19 TAC §129.1, TEC §25.002

(3-9) Enrollment by a student in a school district constitutes authority for the sending district to release the education records of that student, regardless of whether parental authority has been received. Family Education Rights and Privacy Act (FERPA) 34 CFR Part 99, 99.31(a)(2) and 99.34

(4) General Rules

(4-1) Each teacher or other school employee who records student attendance shall certify, in writing, that all such records are true and correct to the best of his or her knowledge and that the records have been prepared in accordance with laws and regulations pertaining to student attendance accounting. Electronic signatures are acceptable. Signature stamps and pencil are not acceptable.

(4-2) Make all entries with ink, and under no circumstances use an eraser or ink eradicator in any attendance records. If errors are made: strike through the error, enter corrections nearby, and initial.

(4-3) When classroom instruction is organized on a departmentalized basis, a centralized attendance accounting system must be used. 19 TAC §129.21(g)

(4-4) If instructional services for special education are provided after school or on Saturday, the contact hours may be counted only if the services cannot be provided or are unavailable at any other time (e.g., speech therapy due to a shortage of speech therapists, orientation and mobility services/vision instruction at night or in periods of darkness, etc.).

(4-5) If selected students are required to attend school on Saturday to make up for absences, the attendance may **not** be counted for funding purposes [see (7-5) for make-up days when all students are required to attend].

(4-6) If standardized achievement tests or final exams are administered during the period designated for attendance, absences should be recorded just before, during, or immediately after the exam.

(4-7) Attendance for students who are not in membership (receiving the minimum two hours of instruction per day) is not required to be recorded. However, the demographic and special program information **must** be maintained in the attendance accounting system in accordance with the applicable coding instructions in Sections III through IX of this *Handbook*.

For example, a 3-year-old special education student is served in speech therapy for 30 minutes each week. Speech therapy is his only service. Attendance for this speech therapy student is not required to be recorded, since he does not receive at least two hours of instruction per day, but demographic and special program information must be reported. Demographic and special program information for all students served in a school district should be reported through PEIMS, Submission 1.

Students who are served outside the home/sending district, but who are reported for all PEIMS submissions by the home/sending district, should not be included in the official attendance reports of the district where the student is served [see (1-9) in Section I].

(4-8) Attendance for all grades must be determined for each campus by the absences recorded at the one particular point in time the roll is taken (a snapshot, e.g., 9:45 a.m.), during the second or fifth instructional hour of the day or its equivalent, unless the local School Board has adopted a district policy for recording absences in an alternate period/hour. The selected time may vary from campus to campus within a district. However, once selected, the time may not be changed during the school year. 19 TAC §129.21(i)

(4-9) With the exception of any reason listed below in (4-12), students who are absent at the time the attendance snapshot is taken are counted absent for funding purposes. Students present at the time the attendance snapshot is taken are counted present for funding purposes. For official attendance accounting purposes, "excused" and/or "unexcused" absences do not exist.
19 TAC §129.21(i)(3)

(4-10) For official attendance accounting and FSP purposes, "Tardies" do not exist. However, locally-designed codes may be implemented which indicate:

1. a student arrived late to class **before** official roll call and was counted **present** for ADA and FSP purposes, or

2. a student arrived late to class **after** official roll call yet was counted **absent** for ADA and FSP purposes.

Adequate documentation must be retained with all other auditable records which indicates the meaning of all locally-designed codes. Proof must be evident that absences for students assigned this code are included in total absences in all attendance reports (Section II).

(4-11) Students who are on campus at the time attendance is taken, but who are not in their assigned classroom, are considered in attendance for FSP purposes

provided they were with a responsible campus official (e.g., nurse's office, counselor's office, principal's office, etc.). Class admit slips or other documentation supporting the claim must be retained for audit purposes (Section II).

(4-12) A student not actually on campus at the time attendance is taken may be considered in attendance for FSP purposes under the following five conditions.

1. The student is participating in an activity which is approved by the local school board and is under the direction of a professional staff member of the school district or an adjunct staff member. This adjunct staff member must have a minimum of a bachelor's degree **and** be eligible for participation in the Teacher Retirement System of Texas.

2. The student is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Distinguished Achievement Program outlined in 19 TAC §74.13(a)(3).

3. The student is a Medicaid-eligible child participating in the Early and Periodic Screening, Diagnosis, and Treatment Programs (EPSDT) implemented by the Texas Department of Human Services with contractual cooperation of the Texas Department of Health. Such students may be excused for up to one day at a time without loss of ADA.

4. The student misses school for the purpose of observing religious holy days, including traveling for that purpose. Travel days for which the student is considered in attendance shall be limited to not more than one day for travel to and one day for travel from the site where the student will observe the holy days. A school district may elect to excuse additional travel days, however, the student would be considered to be absent for the additional travel days for attendance accounting purposes.

5. The student is temporarily absent due to a documented appointment with a health care professional if that student commences classes or returns to school on the same day of the appointment. The appointment should be supported by a document such as a note from the health care professional. 19 TAC §129.21(k), TEC §25.087(b)

   Please note that for the purposes of the above section [(4-12) 5], a student must be in class at least a portion of the day to be considered present.

Adequate documentation must be retained to verify the whereabouts of these students (Section II).

(4-13) Students participating in any activity which is not approved by the local school board and/or without certified district personnel supervision are counted absent [see (4-12)]. To qualify for funding purposes, the certified district staff member/adjunct staff member must be accompanying the students as an official of the school district for the specific purpose of supervising the students and must be approved by the school board to supervise the activity. For example, students would be reported present if they are participating in 4H activities which are supervised solely by a County Extension Service Agent who has been approved by the local school board as an adjunct staff member.
19 TAC §129.21(k)(1)

(4-14) Students cannot be absent on the first day of school or before their entry date [see (2-8)].

(4-15) Effective dates for program changes may be recorded on a day when the student is absent. **However, controls must be in place to ensure that a student does not generate ADA or special program contact hours on any day that he or she is absent**.

In addition, for PEIMS reporting purposes, individual student records are not allowed for a student who was not in attendance during a reporting period. Procedures must be in place to ensure that "0-filled" PEIMS records are **not** created when effective dates for program changes are pre-posted.

(4-16) Regardless of the structure of the actual instructional calendar, the full school year for each instructional track offered by the district must be reported in six approximately equal reporting periods.

(4-17) Students are entitled to attend school in the district in which they reside. TEC §25.001 Districts must serve these students, even if they are in the district for a short time. Students must be served in regular education in addition to other programs (special education, etc.) if the student is eligible and all documentation is on file. Districts cannot refuse to serve students. For example, a student enters a hospital for treatment. The district in which this hospital is located must immediately serve this student in regular education and then in special education once the student is determined to be eligible. This applies not only to students in hospitals but also to students in juvenile detention centers, jails, etc. Additional eligibility provisions apply to students who have established a residence separate and apart from a parent or legal guardian under Section 25.001(d).

(4-18) On enrollment in prekindergarten (PK) or kindergarten, a child shall attend school. TEC §25.085(c) PK and kindergarten students are subject to compulsory school attendance rules while they are enrolled in school. However, if the child has not reached mandatory compulsory attendance age (six years old as of September 1 of the current school year) the parent/guardian may withdraw the student from school and the child will no longer be in violation of compulsory attendance rules.

(4-19) Unless specifically exempted by TEC §25.086, a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 18th birthday shall attend school. TEC §25.085(b)

A person who is 18 or older and is enrolled in public school is required to attend school each day. If the person has more than five unexcused absences in one semester, a school district **may** revoke the person's enrollment for the remainder of the year. TEC §25.085(e)

(4-20) **Optional Extended Year Program (OEYP**): Districts may receive funding for the OEYP for a period not to exceed 30 instructional days for students in grades K-11 who are identified as likely not to be promoted to the next grade level for the succeeding school year or in grade 12 who are identified as likely not to graduate before the beginning of the succeeding school year. TEC §29.082(a)

The Districts must report OEYP data to the agency using **407 OEYP Student Records** according to Section 2 of the PEIMS *Data Standards*.

The three types of OEYP are extended day (before/after school), extended week (Saturdays), and extended year (intercession/summer). A student may participate in one type of OEYP or a combination of OEYP types. See Code Table C168, PEIMS *Data Standards*.

Attendance for OEYP **extended day** students should be recorded in four-hour increments. One day present for an extended day student will consist of a total of 4 hours of OEYP service. **Only extended day students must accumulate four total hours in order to be counted present for one day.** See (11-14) for an example.

Attendance for OEYP **extended week** and **extended year** students should be recorded simply as days present since extended week and extended year OEYP sessions are at least 4 hours in length each day. All OEYP attendance must be reported in full/whole days. No half days (0.5) will be allowed.

All original contact hour records for extended day students and absence slips for extended week and extended year students will be signed by the teacher making the original entries and will be retained locally for audit purposes. These original attendance documents will support/match your OEYP attendance data that you will report on 407 records.

(5) General Eligibility Requirements

(5-1) Any student served by the school district is considered **enrolled** in the district.

(5-2) A student must be enrolled for at least two hours (120 minutes) of daily instruction to be considered in **membership** for one-half day and for at least four hours (240 minutes) of daily instruction to be considered in **membership** for one full day (two-four hour rule). 19 TAC §129.21(h)

(5-3) Students must be in membership before they are **eligible** for attendance for FSP purposes. 19 TAC §129.21(i)

(5-4) All students who are at least 5 years old on September 1 of the current school year, but are less than 21 years old by the same date, are eligible for free attendance for either full-day or half-day attendance for the entire school year in the district in which they **or** their parent(s) reside or are otherwise entitled to attend for FSP benefits, provided they have not previously graduated from high school. For eligibility based solely on the residence of a parent, please see TEC §25.001(b)(2), TEC §25.001, and §42.003.

Students with disabilities become eligible for either half-day or full-day attendance on their **third birthday** if other special education eligibility requirements are met (Section IV). Children with serious visual and/or hearing impairments are eligible from **date of birth through age two** if other special education eligibility requirements are met (Section IV). These students must be

served by certified special education personnel for their full school day;, and the two-four hour rule applies.

A student receiving special education services who is 21 years of age on September 1 of a scholastic year shall be eligible for services through the end of that scholastic year or until graduation, whichever comes first. In addition, students with disabilities who graduated as determined by an IEP [19 TAC §89.1070(c)] and who are still in need of special education services may be served through age 21 inclusive, according to the requirements noted above. 34 CFR 300.122 (a)(3)
Students who graduate under 19 TAC §89.1070(c) may return to school as eligible students (ADA eligibility code 1 or 2) until the maximum age is reached. 19 TAC §89.1035(a) **However, students who graduate under 19 TAC §89.1070(c) and return to school may not be counted on the IDEA-Part B child count.**

NOTE: Students with disabilities who have graduated with a high school diploma under 19 TAC 89.1070(b)(1) or (2) will no longer be eligible to receive services or generate funding.

(5-5) Students who are eligible for state-funded PK classes must meet the age requirement by September 1 of the current school year. These students are eligible only for half-day attendance. Eligible students who attend PK for half of the day and a self-contained Preschool Program for Children with Disabilities (PPCD) for the other half of the day (at least two hours) are eligible for full-day attendance (ADA eligibility code 1), provided all eligibility requirements for both programs are met. The student's grade level should be recorded as PK (see Sections IV and VII). TEC §29.153(c)

NOTE: School districts/campuses who apply and are approved for the PK Expansion Grant Program may report PK eligible students as ADA Eligibility Code 1-Full Day if the students are scheduled for at least six hours (360 minutes) of instruction each day.

(5-6) Students in membership on a half-day basis may earn only one-half day of attendance each school day. Attendance is determined for these students by recording absences for the attendance snapshot in a period during the half day that they are scheduled to be present. 19 TAC §129.21(i)(1)

If a student who is in membership on a full-day basis is not scheduled to attend school during the second or fifth instructional hour, attendance for this student is determined by recording absences for the attendance snapshot in a period during the full day that he or she is scheduled to be present.

(5-7) If the school year starts before the student's birthday, the student is eligible to attend school for the entire year as long as he or she will be the required age on or before September 1. TEC §25.001(a)

(5-8) A child may be enrolled in the first grade if the child is at least six years of age at the beginning of the school year of the district or has been enrolled in the first grade or has completed kindergarten in the public schools in another state before transferring to a public school in this state. TEC §42.003(c) **The term**

"enrolled" means actually receiving instruction by attendance in a public school rather than being registered prior to receiving instruction.

However, any five-year-old child that enrolls in the first grade under TEC §42.003(a) and (c) may be assigned to first grade for the full school term (ADA eligibility code 1). Such assignments are the decision of the local district.

(5-9) A student younger than five years of age is entitled to the benefits of the FSP if the student performs satisfactorily on the assessment instrument administered to students in the third grade **and** the district has adopted a policy for admitting students younger than five years of age. TEC §42.003(d)

(5-10) A public junior college, college, or university may offer a course in which a high school student may enroll and for which the student may simultaneously receive both high school and college credit. Funding eligibility for a student taking a dual credit course will include time instructed in the dual credit course.

In order for a district/charter school to receive FSP funding for a student taking a college course, the district/charter school must have documentation of an agreement between the district/charter school and the college and meet other requirements for dual credit courses specified in 19 TAC Part 1, Chapter 4, Subchapter D and in 19 TAC Part 2, Chapter 74, Subchapter C.

Instructional hours may not be averaged to determine attendance eligibility.

(6) ADA Eligibility Coding

0 Enrolled, Not in Membership

Code 0 applies to children who do not meet the requirements for membership (two-four hour rule) but are served in the district for less than two hours per day. Examples include:

- children who are scheduled to attend for less than two hours each school day;
- children who attend a nonpublic school but receive some services from the district (e.g., speech therapy services only);
- students who are served totally in a federal Head Start program;
- students who have graduated but returned to school (for less than two hours per day) to further their education;
- students who receive all of their service through a special education non-public contract;
- parentally placed private school students with disabilities, ages 5 through 21, receiving special education and related services through a services plan (see, Section IV (5-11)); and
- children who receive child care through the Pregnancy, Education, and Parenting program at a district on-site child care center.

Code 0 also applies to students placed in the Texas School for the Blind and the Visually Impaired or the Texas School for the Deaf by the local district through ARD referral.

1 Eligible for Full-Day Attendance

Code 1 applies to all eligible resident students, including aliens and bona fide exchange program students, who are in membership for at least four hours each school day.

Districts that offer half-day kindergarten programs may not count students who attend both the morning and afternoon half-day sessions for eligible full-day attendance.

Code 1 also applies to students in membership for at least 4 hours each school day; who attend a RDSPD for less than 50% of their instructional day. The special education instructional arrangement/setting code for these students would be 41 or 42, Resource Room/Services, if the student is *pulled out* of the general education class to receive special education services or 40, Mainstream, if the student receives special education services in the general education class.

2 Eligible for Half-Day Attendance

Code 2 applies to all eligible resident students, including aliens and bona fide exchange program students, who are in membership for at least two hours but less than four hours each school day.

Districts that offer half-day kindergarten programs may not count students who attend both the morning and afternoon half-day sessions for eligible full-day attendance.

Code 2 also applies to PK students who meet the requirements for eligibility as defined in Section VII.

3 Eligible Transfer Student Full-Day

This code is used when a student is a non-resident, is legally transferred into the district, and is in membership for at least four hours each school day. This status applies only to students wishing to transfer from one Texas district to another, and these students must meet all the criteria of an eligible student other than residency.

School Districts and charter schools are no longer required to send Student Transfer Form ACC-041BR01 to the home district of a transfer student. The receiving district must complete this form (or create an in-house version of this form that collects all of the same data as form ACC-041BR01) each year on every student transfer. A copy of this document must be maintained for audit purposes for at least five years.

If a non-resident student is not legally transferred into the district, the receiving district cannot claim the attendance [see exception in Section IV, (5-7)]**.**

4 Ineligible Full-Day

These students are not eligible for ADA but are in membership for at least four hours each day. This code includes all students who are served but who do not meet the eligibility criteria for the service they receive. The types of students who are coded ineligible are listed below.

Underage:

- children served in a PPCD who are under the age of 3, except for children with serious visual and/or hearing impairments [see (5-4)];
- children served in PK who are under the age of 3 on September 1 of the current school year; and
- children served in any grade (K-12) who are under the age of 5 on September 1 of the current school year [see (5-9) for exception].

Overage:

- students who are 21 years old on September 1 of the current school year, except for students with disabilities in need of special education and related services [see (5-4)]; and
- students with disabilities who are 22 years old on September 1 of the current school year.

Other:

- non-resident who has not been transferred into the district;
- students enrolled in a RDSPD for 50% or more of the day;
- students who reside outside the boundaries of the state of Texas;
- students served by a juvenile justice alternative education program (JJAEP) on the basis of an expulsion under TEC §37.007(a), (d), or (e), unless specifically authorized in writing by TEA; and
- students placed in residential facilities within the district whose maintenance expenses are paid in whole or in part by another state or the United States. TEC §25.003 (Proposed tuition charges under this section must be submitted to the Commissioner of Education for approval.)

5 Ineligible Half-Day

This code applies to students who are ineligible for ADA (as listed under code 4, Ineligible Full-Day) and attend school on a half-day basis. This code includes all students who are served but who do not meet the eligibility criteria for the service they receive. Examples include:

- students enrolled only in PK who do not meet the qualifications in Section VII;
- students enrolled in locally-funded PK programs offered by the district; and
- students served by a JJAEP on the basis of an expulsion under TEC §37.007(a), (d), or (e), unless specifically authorized in writing by TEA.

6 Eligible Transfer Student Half-Day

This code is used when a student is a non-resident and is legally transferred into the district on a half-day basis. These students must meet all the criteria of an eligible student (including kindergarten and PK), other than residency. Additional information is listed under code 3, Eligible Transfer Student Full-Day.

(7) Calendar

(7-1) Each school district must operate so that the district provides for at least 180 days of instruction for students. TEC §25.081

(7-2) Districts have flexibility in setting their calendar with respect to the starting date, the days in each semester/six-week reporting period, and the dates of the

preparation days. However, the first day of instruction must be scheduled in compliance with TEC §25.0811.

(7-3) The number of days taught shall be the actual number of days instruction is offered. Legal holidays and days the school is closed for local events cannot be counted. Attendance cannot be reported on days when no instruction is offered. (e.g., senior days) When a holiday occurs within an attendance accounting period, the date, name, and/or purpose of the holiday must be documented in all reports required for audit purposes (Section II).

(7-4) A school day shall be at least seven hours each day, including intermissions and recesses. TEC §25.082(a)

(7-5) Schools should build two "make-up days" for school closures into the adopted school calendar. In the event that the district deems it necessary to close school on a scheduled instructional day, the make-up days are to be used to ensure that the minimum days of instruction are provided. If the dates for the designated make-up days have already passed when the school closes on a scheduled instructional day, the school is still required to make up at least two of the scheduled instructional days lost. Additional days missed due to weather, safety or health issues do not need to be made up.

On a make-up day designated to replace a scheduled instructional day lost, the attendance for all students who are present will be counted on that day for funding purposes if all other legal requirements are met. A school day is required to be at least seven hours in length, including intermissions and recesses. No waivers for low attendance on a make-up day will be granted. Schools are encouraged to select practical make-up days (e.g., no national holidays, etc.)

Requests to have an early release day on a make-up day are strongly discouraged. Any such request must be submitted in writing at least 31 days in advance of the target date for the early release. Requests should be sent to the TEA Waivers Office. For audit purposes, a copy of the waiver is to be retained for five years.

On a day when school was held but attendance was at least 10 percentage points below the overall attendance rate of the district (or campus) for the prior year due to weather-related or health/safety issues, the day may be excused for Foundation School Program funding purposes. For audit purposes, specific written TEA approval is required for the day to be excluded from the ADA calculations. Documentation of low attendance for the day (including the reason for the low attendance rate) and the prior year's attendance report (showing the average for the year) for district or campus must be sent to the Division of State Funding for written approval.

(7-6) If a school district is granted a waiver from TEA approving a shortened calendar, the day(s) exempted should not be included as a day(s) of membership or instruction.

(8) Data Submission

(8-1) All districts must record attendance information for the entire school year. Student-level attendance will be reported through the PEIMS according to requirements in the PEIMS *Data Standards*.

(8-2) Districts operating year-round programs will submit attendance records for all students by June 20, 2002, regardless of which track they are attending. Upon completion of all tracks, all records for each student must be resubmitted. In no case will any resubmission occur after September 12, 2002.

(8-3) All districts, regardless of the basis used for student attendance accounting, must submit all the information required in the PEIMS *Data Standards* and must follow all definitions and instructions in the *Student Attendance Accounting Handbook*.

(8-4) When a district other than the student's home/sending district serves a student but the home/sending district reports the student through PEIMS, the student should not be included in any official attendance reports of the district where the student is served [see (1-9) in Section I]. Examples include students served in a special education shared services arrangement when the sending district is reporting the student and students served in an Area Career and Technology School. The sending district must report students served in an Area Career and Technology School.

(9) Documentation

(9-1) Any of the following documents are considered acceptable for proof of identification.

1. Birth Certificate;
2. Driver's license;
3. Passport;
4. School ID card, records, or report card;
5. Military ID;
6. Hospital birth record;
7. Adoption records;
8. Church baptismal record; or
9. Any other legal document that establishes identity.

(9-2) All documentation requirements for audit purposes and the required retention period for such records are outlined in Section II.

(9-3) The required retention period for all records are outlined in *Local Schedule SD* of the *Local Records Retention Schedules*, Texas State Library and Archives Commission.

(10) Quality Control

(10-1) School district attendance records may be audited by the School Financial Audits Division of TEA. Auditors of TEA have the authority to examine attendance records for any year the district is required to retain records (Section II). In the event errors are detected, either an adjustment to subsequent allocations of state funds will be made or the district will be required to refund the total amount of the adjustment when the audit is finalized. TEC §42.255

(10-2) Membership for any full-day student (ADA eligibility codes 1 and 3) cannot exceed the number of days of instruction for the same reporting period for the same instructional track. Membership for any half-day student (ADA eligibility codes 2 and 4) cannot exceed one-half of the number of days of instruction for the same reporting period for the same instructional track.

(10-3) The number of days participation for any student in any special program cannot exceed the number of days present for the same reporting period for the same instructional track.

(10-4) The total of all attendance figures reported by student name in the Student Detail Report must balance with/add up to corresponding totals reported in the respective Campus Summary Report covering the same instructional track in the same six-week period.

(10-5) The total of all attendance figures reported by campus in the Campus Summary Report must balance with/add up to corresponding district totals reported in the District Summary Report covering the same instructional track in the same six-week period.

(10-6) All attendance reports should be balanced **by six-week period** to ensure that all reports match. **If any attendance data is changed in the accounting system for a six-week period that previously balanced, new reports must be generated and balanced**.

(10-7) If any attendance data is changed in the accounting system subsequent to data submission to TEA, such changes must be documented. Record, by name, the students the change affects, the code each student was assigned prior to data submission, the code each student was assigned subsequent to the change, and the effective dates of each change. **New reports reflecting the change should be generated, balanced by six-week period, and retained for audit purposes** (see Section II).

(10-8) Locally-designed internal controls must be established to ensure the accuracy, validity, and security of attendance data, regardless of the type of attendance accounting system the district employs. These internal controls must also protect against unauthorized access to attendance data (e.g., data manipulation by unauthorized individuals), sabotage, and destruction.

(10-9) All corrections to attendance data must be documented and signed/initialed by the individual making the correction. This procedure is especially important when student absences, as documented by the teacher, were not recorded as

absences in the system for funding purposes (because the student was with the nurse, on a board-approved field trip with a teacher of the district, etc.).

(10-10) The propriety of student eligibility is affirmed by the principal and superintendent when the respective reports are signed.

(11) Examples

(11-1) A five-year-old student enrolls in kindergarten in a district that only offers a half-day program. Due to special circumstances, this student attends both the morning and the afternoon sessions.

*This student's ADA eligibility code would be **2 - Eligible for Half-Day Attendance** because a student cannot attend the same program twice and receive twice the funding.*

*If this same student was served in the regular kindergarten classroom by special education personnel for the entire afternoon session (in accordance with the student's ARD/IEP), the student's ADA eligibility code would be **1 - Eligible for Full-Day Attendance** because of the time the student spends with special education personnel. The special education instructional setting would be 40, Mainstream.*

(11-2) A four-year-old student enrolls in a three-hour PK morning program in a district that offers both three- and four-year-old programs. This student qualifies based on limited English proficient (LEP) status. Additionally, the ARD committee identifies this student as a special education student and places him in a self-contained PPCD classroom for a three-hour afternoon session.

*This student's ADA eligibility code would be **1 - Eligible for Full-Day Attendance** with the grade level of PK. The special education instructional setting code is 43, (Self-contained Mild/Moderate/Severe, Regular Campus - At Least 50% and No More than 60%), because the student spends at least 50% and no more than 60% of their school day*; *in special education instruction.*

(11-3) A three-year-old special education student is served in speech therapy for 30 minutes a day. The ARD committee also determines that the student will be placed in a PK classroom for three hours each day, although the student does not qualify for PK.

*This student's ADA eligibility code would be **5 - Ineligible Half-Day** because the student is served for a minimum of two hours per day but is not eligible for the type of service the student is receiving.*

(11-4) A four-year-old student who has started but not completed kindergarten in another state has moved to Texas. This student has already completed PK in another state.

*Since the student was not 5 years old on September 1 of the current school year, the student is not eligible for kindergarten. If the student is enrolled in kindergarten, the ADA eligibility code should be **4 - Ineligible Full-day** or*

5 - Ineligible Half-day, *depending on the whether the district operates a full-day or a half-day kindergarten program.*

If this student who was 4 years old on September 1 of the current school year qualifies for PK, then the ADA eligibility code should be ***2 - Eligible for Half-Day Attendance****. As long as the student qualifies for PK (limited English proficient, eligible to participate in the National Free or Reduced-Price Lunch Program, or homeless), the student may repeat PK in a Texas school district.*

(11-5) A special education student receives special education service through a shared services arrangement with a neighboring district. The superintendents of the two districts agree that the receiving/serving district will claim the ADA and the contact hours for that student.

The receiving district would report this student with an ADA eligibility code ***1 - Eligible for Full-Day Attendance****.*

(11-6) A 21-year-old student who graduated the prior year returns for one class.

Since this student does not attend the two-hour minimum to be included in membership, his ADA eligibility code would be ***0 - Enrolled, Not in Membership.***

(11-7) This same student decides to take five classes the Spring semester.

At the change of semesters, this student's ADA eligibility code would change to ***4 - Ineligible Full-Day****.*

(11-8) A 21-year-old special education student graduated the prior year by meeting the requirements outlined by the ARD committee in his IEP. The ARD committee determines that this student is still in need of special education and related services and places him back in school full-day. 19 TAC §89.1070(c)

Since this student graduated by meeting the requirements in the IEP and since he is receiving a full day of service as required by the ARD committee, his ADA eligibility code would be ***1 - Eligible for Full-Day Attendance****. A student receiving special education and related services should not be graduated until all requirements in 19 TAC §89.1070 have been met.*

(11-9) A student is transferred into the district through meeting all the documentation requirements associated with transfer students.

If this student is a full-day student, his ADA eligibility code would be ***3 - Eligible Transfer Student Full-Day****. If this same student is only served one-half day, his code would be* ***6 - Eligible Transfer Student Half-Day****.*

(11-10) A student who is Auditorially Impaired attends a RDSPD in a neighboring district for the entire school day. The superintendents of the two districts agreed that the sending district will report this student and, as prescribed by rules relating to data submission, must report the student for all student submissions.

The ADA eligibility code for this student would be ***4 - Ineligible Full-Day****. The special education instructional setting code will be determined according to the same procedures used for all special education students (see Section IV).*

(11-11) A campus which uses an Automated Data Processing (ADP) attendance accounting system is storing the required first semester attendance reports, printed by six-week period and reviewed by the appropriate personnel, in a safe in the Administration Office. During the Spring semester, an error in coding a student from the first day of school was discovered and subsequently corrected.

Since changing the student's code will affect attendance totals for the entire first semester, the campus reprints all first semester reports, has the appropriate personnel re-verify the data, destroys the old copies that were being stored for audit purposes, and replaces those copies with the new reports.

Campuses using manual attendance accounting systems must document the change on the Student Detail Report, then recompute the respective Campus Summary Report totals and the respective District Summary Report totals.

(11-12) A student is absent for three days to attend the National Cheerleaders Association convention accompanied by a teacher with school board approval.

Since the student is accompanied by a professional staff member of the district and the school board has approved this activity, the district will receive ADA funding for this student for the days missed to attend the convention.

(11-13) A student is absent for one day to attend College Day at a local university.

Since this student is not on a board-approved activity accompanied by a professional or adjunct staff member of the district, the district cannot receive ADA funds for this student on this day.

(11-14) A third grade student attends an extended day OEYP for one hour on Monday through Thursday for 18 weeks.

Since this student attends the extended day OEYP for one hour each day for four days a week, he will earn one eligible day present each week for a total of 18 eligible days present, assuming the student has perfect attendance.

If this same student also attends the extended year OEYP during the summer, he will continue to earn eligible days present in addition to his extended day attendance for a maximum of 30 days present. A student may not earn more than 30 days present in any combination of OEYP types.

(11-15) A high school exempts students from having to attend finals if the student has not missed any class meetings. On the day of the final, 100 students did not attend school until 1:00 PM. Official attendance was taken at 9:30 AM.

The 100 students are absent for FSP funding purposes since they were not in attendance at the official roll call.

(11-16) A district is planning on having several days of early dismissal during the school year.

The district should apply to the Waivers Unit for approval of a waiver for early dismissals. This will allow the district to have up to six early dismissal days

during the school year. (Early dismissal days are not required to be the same days for all campuses in the district.)

(11-17) A district is planning on having students arrive late on the days of the TAKS exams. Students will not be arriving until after the time of official attendance at 9:30 AM.

The district should apply to the Waivers Unit for approval of a waiver to modify the class schedule of classes for the days of TAKS testing. This will allow the district to take official attendance at an alternate time (5th period) instead of the district's normal official attendance time.

(11-18) A school district decides that they will have an early dismissal day on which they are dismissing classes at noon. The district has morning and afternoon sections of prekindergarten students. The morning section meets; however, the afternoon section does not meet.

The district personnel will need to determine what course of action they will take:

1. *they can count the afternoon section of prekindergarten students as absent, since they received no instruction on that school day,*
2. *they can make up the day on an alternate day, and report the afternoon prekindergarten section with an alternate calendar, or*
3. *they could bring in the afternoon prekindergarten students in for instruction with the morning section.*

(11-19) A student is required to go to court on a school day. The student is not present at 9:30 AM (the school's official attendance time).

The student is absent for FSP funding purposes, since he/she was not present at the school's official snapshot. Absences due to court appearances are not one of the five reasons that a student can be absent from class, but considered present for the day.

In accordance with TAC §129.22, the student should receive excused absences for the court appearances as long as requirements of that section are met.

(11-20) A district determines that the best educational placement for a five-year-old student is first grade, but the parent wants the student to attend kindergarten with same-age peers.

Although consideration of parental concerns is always important, the district has authority to place the student at the grade level the district determines is appropriate for the student. A parent may request a change in assignment pursuant to TEC §26.003. Under that section, the board of trustees has authority for the final determination of appropriate placement.

(11-21) A student qualifies for prekindergarten based on being educationally disadvantaged (the student qualifies for free/reduced lunch). Several weeks later, the parent/guardian withdraws the student because they feel that the child is not ready to attend school.

Since this student is not of compulsory attendance age (ages 6 through 18 years of age as of September 1 of the current school year), unless specifically exempted by law [TEC §25.085(b),(c))] and not currently in membership at the school, compulsory attendance rules do not apply.

(11-22) Happy Trails ISD administration decides that they would like to begin school on August 13.

Since TEC §25.0811, prohibits instruction from beginning prior to the week that August 21 falls on, the school district administration decides to apply for a waiver. At least sixty days prior to applying for the waiver, the district must:

Publish notice in a newspaper that has general circulation in the district, stating that the district is intending to apply for a waiver of the prohibition concerning the date of the first day of instruction for students. The district must specify the date on which they intend to begin instruction for students and they must hold a public hearing concerning the date of the first day of instruction for the students. (Please see TEC §25.0811)

Section IV
Special Education

(1) Responsibility

(1-1) List in the space provided below the name and phone number of the district personnel to whom all special education coding questions should be directed:

Name:_____

Phone Number:_____

(1-2) Special education staff and/or teachers should provide attendance personnel with names and coding information of students who are eligible, whose documentation is in order, and who are being served in accordance with the Individualized Education Program (IEP). **In no case should attendance personnel be responsible for determining a student's instructional arrangement/setting code or speech therapy indicator code**. Special education staff are also responsible for ensuring that attendance personnel are aware of any changes in a student's services and the effective dates of such changes. The attendance personnel are then responsible for entering the changes in the detailed student attendance accounting system (manual or automated). **At the end of each six-week reporting period, special education staff should verify the Student Detail Report for any coding errors.**

(1-3) Principals must ensure that reports from the Texas Education Agency (TEA), which reflect actual Public Education Management System (PEIMS) data, are compared to locally produced reports for reasonableness and accuracy.

(1-4) This section addresses unique provisions for Special Education. They must be applied in conjunction with the general rules in Section I, II, and III. If students are served by multiple programs, review and apply the provisions of each applicable program.

(2) Enrollment Procedure

(2-1) **Student in district; not previously in special education:**

1. The Admission, Review and Dismissal (ARD) committee meets and develops the IEP. The ARD committee also must determine the correct instructional arrangement/setting code and/or speech therapy indicator code for students receiving special education services [see (4) *General Rules* later in this section].

2. These codes should be recorded in the attendance accounting system.

3. Effective date of service is recorded in the IEP and the attendance accounting system. **The effective date is the date service begins, not the ARD committee meeting date.**

(2-2) **Student in district; changing instructional arrangement/setting:**

1. The ARD committee meets and revises the IEP. The ARD committee also must determine the instructional arrangement/setting code and/or speech therapy indicator code for students receiving special education services [see (4) *General Rules* later in this section].

2. These new codes should be recorded in the attendance accounting system.

3. Effective date of service change is recorded in the IEP and the attendance accounting system. **The effective date is the first date student receives new service, not the ARD committee meeting date.**

(2-3) **Student new to district; previously in special education:**

1. When a student transfers within the state, the ARD committee **may, but is not required to, meet** when the student enrolls; **AND**

   a. a copy of the student's IEP is available; **AND**

   b. the parent(s) indicate IN WRITING that they are satisfied with the current IEP; **AND**

   c. the district determines that the current IEP is appropriate and can be implemented as written 19 TAC 89.1050(f)(1);

   OR

2. If the conditions above, (2-3)(1)(a)(b)(c), **ARE NOT MET** then the ARD committee **MUST** meet to determine that the student is eligible for special education and to plan for services. If all required information is available, the ARD may make final decisions and determine permanent placement at the initial ARD. If all required data are not immediately available, placement in special education is temporary, contingent upon either receipt of valid evaluation and other data from the previous school district or the collection of new evaluation data and other information. Temporary eligibility may be determined by:

   a. the parent(s) verifying that the student is disabled and was receiving special education services in the previous school district, or

   b. the previous school district verifying in writing or by telephone that the student was receiving special education and related services.

3. The ARD committee also must determine the instructional arrangement/ setting code and/or speech therapy indicator code according to the ARD committee's temporary or final placement for the student receiving special education and related services.

4. These codes should be recorded in the attendance accounting system.

5. Effective date of the service is recorded in the IEP and the attendance accounting system.

6. After a temporary placement, a second ARD committee meeting is held within 30 school days; to develop an IEP based on the assessment data.

7. Any necessary changes in codes are recorded in the attendance accounting system along with the effective date of the change.

(2-4) **Student new to district; not previously in special education:**

1. - 3. Follow (2-1).

4. A student cannot be absent on the initial date of entry on the campus.

(3) Withdrawal Procedure

(3-1) Student withdraws from school, or the ARD committee meets and dismisses the student from special education.

(3-2) Effective date of dismissal is recorded in the attendance accounting system. **The effective date, which is stated in the IEP, is the date the ARD committee dismisses the student from the special education program.**

(3-3) Special Education contact hours may not be claimed when students with disabilities are placed in disciplinary settings [i.e., In School Suspension (ISS), Disciplinary Alternative Education Program (DAEP)] if the special education services prescribed in the IEP are not provided while the student is in the disciplinary setting. This includes short-term removals of not more than 10 consecutive or cumulative school days.

While, in some circumstances, federal law and rules allow for short-term disciplinary removals of students with disabilities without a removal determination being made by the ARD committee, districts cannot claim special education contact hours/funds during these periods if the student's prescribed special education services are not provided.

See Section X, Non-Traditional Schools, for information related to students with disabilities expelled from school.

(4) General Rules

(4-1) **Instructional Arrangement/Setting Codes:** The guiding principle for determining the appropriate instructional arrangement/setting must be the needs of each individual student together with the appropriate support services. If the support services prescribed for the student are over and above what is provided to all students and the ARD committee has determined that these special

support services are necessary for the student to succeed in his or her educational program, these services are special education services and the instructional arrangement/setting code should be classified accordingly. If these support services are provided in the general education classroom, the instructional setting would be *mainstream*. However, if these special education support services are provided outside the general classroom, the instructional setting would be based on the amount of time or the place where these services are provided.

Students with disabilities whose only service is transportation are not considered to be eligible for special education since federal regulations require that, in order to be eligible under the IDEA, a student with a disability must need special education. Therefore, if a child does not need special education, there can be no related service such as transportation. The child is not a child with a disability under IDEA and is therefore not covered under IDEA. 34 CFR 300.24(a)

Student Detail Reports must contain an Instructional Arrangement/Setting Code for all students receiving special education and related services. A student may be funded for only one instructional setting for special education at any given time, except for speech therapy. Speech therapy may be combined with any other instructional setting. The following definitions should be used in determining the appropriate Instructional Arrangement/Setting Code (Code Table C035, PEIMS *Data Standards*).

NOTE: The basis of determination for instructional arrangement/setting codes and related percentages is the instructional portion of the school day.

1. **No Instructional Arrangement/Setting - Code 00**
   This code indicates that although the student receives some special education service (such as **speech therapy**), an instructional setting is not appropriate. Students receiving speech therapy services must have the speech therapy indicator code recorded on the Student Detail Report. See (4-3) for the definitions of Speech Therapy Indicator Code.

2. **Homebound - Code 01**
   This instructional arrangement/setting is for providing special education and related services to eligible students with disabilities who are served **at home or hospital bedside**. Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician licensed to practice in the United States.

   Homebound instruction may also be used for infants and toddlers (birth-two) with visual and/or auditory impairments for whom the IFSP team has determined that the district auditory impairment or visual impairment, and/or O & M services are to be delivered at home, in day care, or non-district center-based programs. See (4-11) and (4-12) later in this section for more information.

   Homebound instruction may also be used for students ages 3 through 5 for whom the ARD committee has determined that homebound is the appropriate instructional placement. See (4-13) later in this section for more information. 19 TAC §89.63(c)(2)(B)

Determination of the amount of services to be provided must be based on the individual needs of the student as determined by the student's ARD committee and must be calculated to provide a free, appropriate public education to the student. The amount of service cannot be arbitrarily limited to 4 hours a week as it relates to current attendance accounting and funding rules. The chart below is provided for determining instructional arrangements/setting and eligible days only and is not to be used for the purpose of determining the appropriate amount of educational services. The student's ARD committee shall determine the amount of services to be provided to the student in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations.

Students served in the homebound instructional arrangement/setting must be served two to four hours each week in order to generate eligible days present. A student who is served for at least two hours but less than four hours a week will earn two and one-half days present (in a five-day week). A student who is served four or **more** hours a week will earn five days present (in a five-day week). Any certified teachers providing these services must keep a log of the amount of time spent serving the student at home or the hospital bedside.

Homebound or hospital bedside instruction may, as provided by local district policy, also be provided to **chronically ill students** who are expected to be confined for any period of time totaling at least four weeks throughout the school year, as documented by a physician licensed to practice in the United States. 19 TAC §89.63(c)(2)(A)

Chronically ill students who are not homebound for four consecutive weeks will earn eligible days present (for those days the student is absent and served at home) based on the number of hours the student is served at home by a certified teacher each week. Use the following chart to determine whether or not a chronically ill student should be counted present each time the student is absent one or more days.

Amount of Time Served per Week:	Eligible Days Present Earned per Week:
one hour	one day present
two hours	two days present
three hours	three days present
four <u>or more</u> hours	four days present (4-day week) five days present (5-day week)

Chronically ill students should only be coded with the 01 instructional arrangement/setting code on the days the student is absent from school but counted present because the student received homebound services.

If a student who previously has been served in the homebound instructional setting is transitioning back to a school-based placement, the student may continue to be coded homebound during the transition period subject to the two-four hour per week requirement for homebound services. The length

of the transition period must be determined by the ARD committee based on current medical information.

An ARD committee should not place a student not previously identified as a student with a disability who has routinely delivered a baby in the homebound instructional setting. This student should be served through Compensatory Education Home Instruction) during the six week postpartum period. See (4-4) in Section IX.

In order for a homebound or hospital bedside student to earn career and technology contact hours, the student must continue to receive the same amount and type of career and technology service that he or she was receiving before being placed in the homebound instructional setting. Career and technology education teachers must maintain a log to verify all contact hours with homebound/hospital bedside students.

3. **Hospital Class - Code 02**
This instructional arrangement/setting is for providing special education instruction to students in a classroom **in a hospital facility or a residential care and treatment facility** not operated by the school district. Students with disabilities served, but not residing, in the facility are considered to be in an *off home campus* instructional setting. If the students residing in the facility are provided special education services on a school campus, they are not considered to be in a hospital class. 19 TAC §89.63(c)(3) See (4-1), 9. Residential Care and Treatment Facility later in this section.

For more information related to special coding situations for students residing in residential care and treatment facilities, refer to the Agency letter dated February 14, 2001 (Subject: Instructional Arrangement Coding).

In order for a hospital class student to earn career and technology contact hours, the student must continue to receive the same amount and type of career and technology service that he or she was receiving before being placed in the hospital class instructional setting. Career and technology education teachers must maintain a log to verify all contact hours with hospital class students.

4. **Resource Room/Services**
This instructional arrangement/setting is for providing special education and related services to a student in a setting other than general education for **less than 50 percent of the student's school day.** 19 TAC 89.63(c)(5)

A student receiving related services in the special education class should have an instructional arrangement/setting code of resource room provided the student is *pulled out* of the general education class to receive the related services. Related services include but are not limited to physical therapy, occupational therapy, and counseling by a certified or licensed counselor on a regularly scheduled basis. These related services must be documented in the IEP and they must be required to assist a child with a disability to benefit from special education.

A student receiving special education service in the general education class should not be coded as resource room. If the student is pulled out of the general education class to receive special education services, he or she should be coded as resource room. If the student is pulled out of general education classes to receive special education services and speech therapy, he or she should be coded as resource room and speech therapy.

A student whose only special education service is speech therapy should be coded with an instructional arrangement/setting code of 00 and a speech therapy indicator code of 1. See (9-30) and (9-31).

The categories for this instructional arrangement/setting are:

- **41, resource room/services - less than 21%; and,**
- **42, resource room/services - at least 21% and less than 50%.**

A student receiving resource room/services for less than 21% of the student's total instructional day should have an instructional arrangement/ setting code of **41, resource room/services - less than 21%**.

A student receiving resource room/services for at least 21% and less than 50% of the student's total instructional day should have an instructional arrangement/setting code of **42, resource room/services - at least 21% and less than 50%**.

5. **Self-Contained, Mild/Moderate/Severe, Regular Campus**
This instructional arrangement/setting is for providing special education and related services to a student who is in a self-contained program for **50 percent or more of the student's school day**; on a regular school campus. 19 TAC §89.63(c)(6)

The categories for this instructional arrangement/setting are:

- **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%; and,**
- **44, self-contained, mild/moderate/severe, regular campus - more than 60%.**

A student receiving self-contained services for at least 50% and no more than 60% of the student's total instructional day should have an instructional arrangement/setting code of **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**.

A student receiving self-contained services for more than 60% of the student's total instructional day should have an instructional arrangement/setting code of **44, self-contained, mild/moderate/severe, regular campus - more than 60%**.

6. **Vocational Adjustment Class (VAC) - Code 08**
This instructional arrangement/setting is 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. 19 TAC §89.63(c)(9)

This instructional arrangement/setting shall be used in conjunction with the student's individual transition plan and only after the school district's career and technology classes have been considered and determined inappropriate for the student.

This instructional arrangement/setting applies to students in full-time or part-time **employment**, as documented in the IEP. This instructional setting should not be confused with general career and technology education classes that are offered by the district.

Students with disabilities may participate in other occupational preparation programs (which do not generate special education funds) including general career and technology education and career and technology education for the disabled (CTED) classes. However, the student must be employed, receiving special education services as required in the IEP, and coded VAC (08) to claim special education contact hours.

7. **Off Home Campus**
This instructional arrangement/setting is for providing special education and related services to the following:

a. a student who is one of a group of students from more than one school district served in a single location when a free appropriate public education is not available in the respective sending district (sending district records/reports this code in PEIMS) [19 TAC §89.63(c)(7)(A)];

b. a student whose instruction is provided by school district personnel in a facility (other than a non-public day school) not operated by a school district [19 TAC §89.63(c)(7)(B)]; or

c. a student in a self-contained program at a separate campus operated by the school district that provides only special education and related services [19 TAC §89.63(c)(7)(C)].

The categories for this instructional arrangement/setting are:

- **91, off home campus - mainstream;**
- **92, off home campus - resource room/services - less than 21%;**
- **93, off home campus - resource room/services - at least 21% and less than 50%;**
- **94, off home campus - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%;**
- **95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%;**
- **96, off home campus - separate campus;**

- **97, off home campus - community class; and**
- **98, off home campus - full-time early childhood special education setting.**

A student receiving mainstream services in an off home campus setting should have an instructional arrangement/setting code of **91, off home campus - mainstream**.

A student receiving resource room/services for less than 21% of the student's total instructional day in an off home campus setting should have an instructional arrangement/setting code of **92, off home campus - resource room/services - less than 21%**.

A student receiving resource room/services for at least 21% and less than 50% of the student's total instructional day in an off home campus setting should have an instructional arrangement/setting code of **93, off home campus - resource room/services - at least 21% and less than 50%**.

A student receiving self-contained services for at least 50% and no more than 60% of the student's total instructional day in an off home campus setting should have an instructional arrangement /setting code of **94, off home campus - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**.

A student receiving self-contained services for more than 60% of the student's total instructional day in an off home campus setting should have an instructional arrangement/setting code of **95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%**.

A student receiving special education and related services in a self-contained program at a separate campus operated by the school district should have an instructional arrangement/setting code of **96, off home campus - separate campus**. This instructional arrangement/setting code also applies to students **ages 3 - 5** who receive special education and related services in a self-contained classroom on a separate campus.

A student receiving special education and related services by school district personnel in a facility (other than a non-public day school) not operated by a school district (including sheltered workshops) should have an instructional arrangement/setting code of **97, off home campus - community class**. This instructional arrangement/setting code also applies to students **ages 3 - 5** who receive special education and related services in a community setting.

A student **3 - 5 years of age** receiving full-time special education and related services in educational programs designed primarily for children with disabilities in a multi-district classroom located on a regular campus should have an instructional arrangement/setting code of **98, off home campus - full-time early childhood special education setting**.

The off home campus instructional arrangement/setting code should not be used when a LEA establishes a program on a regular campus to serve

students from a single district in a central setting (e.g. a centralized class on a regular campus to serve young children with disabilities, not a separate campus). These students would be coded based on the amount of general education and special education services received at a centralized location on a regular campus.

This instructional arrangement/setting code **must not** be used for students with disabilities placed by school districts in non-public day school settings. See (4-8).

8. **State School for Persons with Mental Retardation - Code 30**
This instructional arrangement/setting is for providing special education and related services to a student who **currently resides at a state school** when the services are provided at a state school location. If services are provided on a local district campus, the student is coded residential care and treatment facility. 19 TAC §89.63(c)(11)

Students coded in this setting may also generate special education contact hours in speech therapy.

The thirteen state schools in Texas currently serving students 0 – 21 years of age are listed below:

- Rio Grande State Center
- Corpus Christi State School
- Richmond State School
- El Paso State Center
- Brenham State School
- Lufkin State School
- Denton State School
- Mexia State School
- Austin State School
- Abilene State School
- San Angelo State School
- San Antonio State School
- Lubbock State School

In order for a state school student to earn career and technology contact hours, the student must continue to receive the same amount and type of career and technology service that he or she was receiving before being placed in the state school instructional setting. Career and technology education teachers must maintain a log to verify all contact hours with state school students.

9. **Residential Care and Treatment Facility (Not school district resident)**
This instructional arrangement/setting is for providing special education and related services to eligible students with disabilities who **reside in care and treatment facilities** (including licensed foster homes) and whose parents do not reside within the boundaries of the school district providing educational services to the students. **In order to be considered in this instructional arrangement/setting, the services must be provided on a local district campus. If the instruction is provided at the facility rather than on a school district campus, the instructional**

arrangement/setting is considered to be *hospital class* (Code 02).
19 TAC §89.63(c)(10)

For more information related to special coding situations for students residing in residential care and treatment facilities, refer to the Agency letter dated February 14, 2001 (Subject: Instructional Arrangement Coding).

Placement/Residence of a student at the facility for care/treatment does not automatically qualify the student for special education. Students must meet special education eligibility requirements in order to assign this code.

A student residing in a facility who receives **only speech therapy** services should be coded with instructional arrangement/setting code 00 and this student is **not eligible** for a residential care and treatment facility instructional arrangement/setting code.

The categories for this instructional arrangement/setting are:

- **81, residential care and treatment facility - mainstream;**
- **82, residential care and treatment facility - resource room/services - less than 21%;**
- **83, residential care and treatment facility - resource room/services - at least 21% and less than 50%;**
- **84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%;**
- **85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%;**
- **86, residential care and treatment facility - separate campus;**
- **87, residential care and treatment facility - community class;**
- **88, residential care and treatment facility - vocational adjustment class; and**
- **89, residential care and treatment facility - full-time early childhood special education setting.**

A student residing in a facility who receives mainstream services on a local school district campus should have an instructional arrangement/setting code of **81, residential care and treatment facility - mainstream**.

A student residing in a facility who receives resource room/services for less than 21% of the student's total instructional day on a local school district campus should have an instructional arrangement/setting code of **82, residential care and treatment facility - resource room/services - less than 21%**.

A student residing in a facility who receives resource room/services for at least 21% and less than 50% of the student's total instructional day on a local school district campus should have an instructional arrangement/ setting code of **83, residential care and treatment facility - resource room/services - at least 21% and less than 50%**.

A student residing in a facility who receives self-contained services for at least 50% and no more than 60% of the student's total instructional day on a local school district campus should have an instructional arrangement/ setting code of **84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**.

A student residing in a facility who receives self-contained services for more than 60% of the student's total instructional day on a local school district campus should have an instructional arrangement/setting code of **85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%**.

A student residing in a facility who receives special education and related services on a local school district campus in a self-contained program at a separate campus operated by the school district should have an instructional arrangement/setting code of **86, residential care and treatment facility - separate campus**.

A student residing in a facility who receives special education and related services by school district personnel in a facility (other than a non-public day school) not operated by a school district should have an instructional arrangement/setting code of **87, residential care and treatment facility - community class**. This setting includes sheltered workshops.

A student residing in a facility who receives VAC services should have an instructional arrangement/setting code of **88, residential care and treatment facility - vocational adjustment class.**

A student **3 - 5 years of age** residing in a facility who receives full-time special education and related services in educational programs designed primarily for children with disabilities on a local school district campus (other than a separate campus) should have an instructional arrangement/setting code of **89, residential care and treatment facility - full-time early childhood special education setting**.

10. **Special Education Mainstream - Code 40**
This instructional arrangement/setting is 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 classroom and enable student success. The student's IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP. Examples of services provided in this instructional

arrangement/setting include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications/accommodations, special materials/equipment, consultation with the student and his/her general classroom teacher(s) regarding the student's progress in general education classes, staff development, and reduction of ratio of students to instructional staff. 19 TAC §89.63(c)(1)

Students with disabilities who receive special education service in the general education class should be coded as mainstream.

Mainstream students can receive speech therapy. If a student receives special education services in the general education class and the student also receives speech therapy, he or she should be coded as mainstream and speech therapy, regardless of the location in which speech therapy is provided (general education class or pull-out). If a student's only special education service is speech therapy and the student receives speech therapy services in the general education classroom, he or she should be coded for speech therapy only. 19 TAC §89.63

A student receiving special education **and** related services (not speech therapy) in the general education class **should** have an instructional setting code of mainstream. Related services include but are not limited to physical therapy, occupational therapy, and counseling by a certified or licensed counselor on a regularly scheduled basis. These related services must be documented in the IEP and they must be required to assist a child with a disability to benefit from special education.

Special education students who also meet eligibility requirements for prekindergarten (PK) and are receiving special education services in the PK classroom may be coded mainstream. Special education students who are receiving their special education services in a licensed childcare facility working in a collaborative partnership with a school district also may be coded mainstream. Special education students who do not meet eligibility requirements for PK and are receiving special education services in the PK classroom may **not** be coded mainstream. See subsequent paragraphs and (5-12) later in this section when determining special education coding for students 3 - 5 years of age.

11. **Full-Time Early Childhood Special Education Setting - Code 45**
This setting includes children **ages 3 - 5** who receive full-time special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses. **Students in this setting receive only special education and related services.** No special education or related services are provided in mainstream early childhood settings. This may include, but is not limited to self-contained special education classes located on regular school campuses. If **any** instructional or related services are delivered in a mainstream early childhood setting, this instructional arrangement/setting code is not applicable.

Off home campus should be used when a child is placed in a multi-district classroom (located on a regular campus), separate campus, or community

class to receive full-time early childhood special education and related services.

(4-2) **Additional Guidelines for Instructional Setting Codes:** The following additional guidelines may be helpful in determining the appropriate instructional arrangement/setting code for a student receiving special education and related services.

1. **The basis of determination for instructional arrangement/setting codes and related percentages is the instructional portion of the school day.**

2. Instructional arrangement/settings resource room/services and self-contained, mild/moderate/severe, regular campus are to be based on the percentage of time or number of periods that the student receives direct, regularly scheduled special education and related services as required in the IEP, not on the student's disabling condition.

   For example, if a student is enrolled to attend:

   a. less than 50% of the student's instructional day in special education classes in a setting other than general education, the student's instructional arrangement/setting code would be 41 or 42.

   b. 50% or more of the student's instructional day in special education classes, the student's instructional arrangement/setting code would be 43 or 44.

   c. full-time early childhood special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses, the instructional arrangement/ setting code would be 45 for students ages 3 - 5.

3. When deciding on the instructional arrangement/setting code for students who attend school less than a full day, the student's instructional day is the number of hours he or she attends as determined by the ARD committee. Then, review the number of hours in the instructional day that the student receives special education services to determine the student's instructional setting.

4. The following chart illustrates the instructional arrangement/setting codes for departmentalized classrooms. This chart is based on fixed instructional periods (all periods are the same length of time each day). For example, an eight period instructional day consists of eight periods, each being equal in length.

Number of Periods of Special Education Instruction Per Day	8-Period Instructional Day	7-Period Instructional Day	6-Period Instructional Day	5-Period Instructional Day
One Spec Ed Period	Resource (41)	Resource (41)	Resource (41)	Resource (41)
Two Spec Ed Periods	Resource (42)	Resource (42)	Resource (42)	Resource (42)
Three Spec Ed Periods	Resource (42)	Resource (42)	Mild/Mod/Sev (43)	Mild/Mod/Sev (43)
Four Spec Ed Periods	Mild/Mod/Sev (43)	Mild/Mod/Sev (43)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)
Five Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)
Six Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	
Seven Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)		
Eight Spec Ed Periods	Mild/Mod/Sev (44)			

5. If a district operates semester block scheduling, use the chart above to convert a 4-period instructional day to an 8-period instructional day and code students accordingly (assuming periods are equal in length). Coding for students on a semester block schedule must be determined separately for each semester. Districts must consider the individual needs of students with disabilities when scheduling courses in a semester block.

   For example, in the first semester a student attends 2 general education classes and 2 special education classes. After converting this student's 4-period instructional day to an 8-period instructional day, the student would attend 4 general education classes and 4 special education classes. According to the chart, the student's instructional arrangement/setting code would be 43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%. Apply this conversion to each semester class schedule.

6. Students in AB block scheduling should be coded based on a review of the entire instructional block. For example, if a child attends 4 instructional periods on Monday and 4 different instructional periods on Tuesday, and these 8 classes structure the instructional configuration, then coding determinations are based on the 8-period instructional day. (See previous chart).

7. If instructional periods are **not equal in length**, a calculation of special education and related services instructional minutes divided by the total

number of instructional minutes (general and special education and related services) is necessary in order to make coding determinations.

$$\frac{\text{\# of special education and related services instructional minutes}}{\text{\# of total instructional minutes}}$$

(4-3) **Speech Therapy Indicator Code**: Student Detail Reports must contain a Speech Therapy Indicator Code for all students receiving speech therapy services. When the only special education service provided to a student is speech therapy, then this instructional arrangement/setting may not be combined with any other instructional arrangement/setting. 19 TAC §89.63(c)(4)

The following instructions should be used in determining the appropriate Speech Therapy Indicator Code:

1. **Speech Therapy Only** - student must have Instructional Arrangement/ Setting Code 00 and Speech Therapy Indicator Code 1 on the Student Detail Report.

   Speech Therapy Indicator Code 1 indicates that the student receives speech therapy only (Code Table C095, PEIMS *Data Standards*).

   NOTE: Students whose only special educational service is speech therapy and who are served for less than two hours (120 minutes) each day are <u>NOT</u> in membership (ADA eligibility code 0).

2. **Speech Therapy with Other Services** - student must have an Instructional Setting Code other than 00 and a Speech Therapy Indicator Code of 2 on the Student Detail Report.

   Speech Therapy Indicator Code 2 indicates that the student receives speech therapy along with service through another special education instructional setting (Code Table C095, PEIMS *Data Standards*).

   The time spent in speech therapy services must be included/considered when determining the primary instructional arrangement/setting code, including percentage determinations, for a student.

3. **No Speech Therapy** - student must have a Speech Therapy Indicator Code of 0 on the Student Detail Report.

   Speech Therapy Indicator Code 0 indicates that the student does not receive speech therapy (Code Table C095, PEIMS *Data Standards*).

(4-4) **Excess Contact Hours**: For funding purposes, a student may receive a maximum of six contact hours per day. An excess of six contact hours per day, earned by any combination of special education and career and technology education classes must be deducted from the student's primary special education instructional arrangement/setting. The only time excess contact hours are deducted from speech therapy is if there are no other special education contact hours. See (9-35), (9-36), and (9-37) for examples.

(4-5) **Regional Day School Programs for the Deaf (RDSPD):** Students in the RDSPD must be served a minimum of 45 minutes per week by an RDSPD

teacher. Only one district may report PEIMS data for RDSPD students. An agreement should be made between sending and receiving districts regarding the reporting of PEIMS and attendance information for students in the program. It is best if PEIMS data are reported by the district where the student attends classes, thereby generating ADA for students in the RDSPD for less than 50% of the day. **Only part-time RDSPD students are eligible for ADA**. The district which reports these students must report the same students for all data submissions.

Students in the RDSPD should have an ADA eligibility code of:

1 Eligible for full-day attendance - the student is enrolled in the RDSPD for less than 50% of the day (**part-time RDSPD student**) and the student is a full-day student (served for at least 4 hours/240 minutes); or

2 Eligible for half-day attendance - the student is enrolled in the RDSPD for less than 50% of the day (**part-time RDSPD student**) and the student is a half-day student (served for at least 2 hours/120 minutes); or

4 Ineligible full-day - the student is enrolled in the RDSPD for 50% or more of the day (**full-time RDSPD student**) and the student is a full-day student (served for at least 4 hours/240 minutes); or

5 Ineligible half-day - the student is enrolled in the RDSPD for 50% or more of the day (**full-time RDSPD student**) and the student is a half-day student (served for at least 2 hours/120 minutes).

(4-6) **Texas School for the Blind and Visually Impaired**: This setting is for those students who are provided special education and related services at the Texas School for the Blind and Visually Impaired (TSBVI). This setting does **not** generate ADA or contact hours. Students served by the Texas School for the Blind and Visually Impaired should be reported by the TSBVI with an ADA eligibility code of **0 - Enrolled, Not in Membership** and an instructional setting code of **70, Texas School for the Blind and Visually Impaired.** Local school districts will **not** report students who are served by the TSBVI. Districts should follow student enrollment and withdrawal procedures as applicable under Sections III and IV of the Student Attendance Accounting Handbook. **THIS IS A CHANGE FOR 2004-2005.**

(4-7) **Texas School for the Deaf**: This setting is for those students who are provided special education and related services at the Texas School for the Deaf (TSD). This setting does **not** generate ADA or contact hours. Students served by the Texas School for the Deaf should be reported by the TSD with an ADA eligibility code of **0 - Enrolled, Not in Membership** and an instructional setting code of **71, Texas School for the Deaf.** TSD will report students who are referred to the school by their parents/guardians with the student attribution code of “10” (on the PEIMS 101 Student Data – Demographic record). Local school districts will **not** report students who are served by the TSD. Districts should follow student enrollment and withdrawal procedures as applicable under Sections III and IV of the Student Attendance Accounting Handbook. **THIS IS A CHANGE FOR 2004-2005.**

(4-8) **Nonpublic Day School**: This setting is for providing special education and related services to students through a contractual agreement with a nonpublic

school approved for special education. 19 TAC §89.63(c)(8); 34 CFR 300.401; 34 CFR 300.402 This setting does **not** generate ADA or contact hours. Nonpublic Day School students should be reported with an ADA eligibility code of **0 - Enrolled, Not in Membership** and an instructional setting code of **60, nonpublic day school.** For funding purposes, these students are reported on the SPE-106, Nonpublic Day School Report.

(4-9) **Residential Nonpublic School**: This setting is for providing special education and related services to students through a contractual agreement with an approved residential nonpublic school. Students are placed in a residential nonpublic school through the ARD process. This setting does **not** generate ADA or contact hours. Residential Nonpublic School students should be reported with an ADA eligibility code of **0 - Enrolled, Not in Membership** and an instructional setting code of **50, residential nonpublic school program.** For funding purposes, these students are reported on the SAS-A111, Application for Approval of Funding for Residential Placement.

(4-10) **Extended School Year (ESY) Services**: Districts will be funded for ESY services for special education students for the summer of 2004. Each student must be recommended for ESY services by the ARD committee (as documented in the student's IEP) based on the justification that, without participation in ESY services, the student may regress over the summer months. TEC §42.151(k), 19 TAC §89.1065

Instructions for ESY services are as follows.

1. The student must be reported in the same instructional arrangement/setting in which the student was served during the 2003-2004 school year.

2. **Mainstream is ineligible for state funding through ESY services**. This does not mean that districts should not or cannot administer mainstream services as an ESY service. If a student who received mainstream services during the regular school year needs mainstream services through the summer, then the school district should serve the student accordingly. However, funding for this mainstream service will have to come from sources other than ESY services.

3. Each special education ESY services teacher and speech therapist is responsible for maintaining a record/register of actual instructional eye-to-eye contact hours that each student receives throughout the summer. This ESY services record/register must contain the following data.

    a. The name of the district and the campus.
    b. The County-District-Campus number.
    c. Beginning and ending dates of each week of ESY services.
    d. Grade Level of each student as shown in the attendance system for the regular school year.
    e. Student's Name as shown in the attendance system for the regular school year.
    f. Instructional Arrangement/Setting Code of each student as shown in the attendance system for the regular school year.
    g. Total actual contact hours served. Each teacher must record in 30 minute increments the actual number of contact hours each student

was served in class each day. Increments of less than 30 minutes are not counted.

h. Total contact hours by instructional arrangement/setting code in order to sum the total ESY services contact hours for each instructional setting.

4. At the end of the summer, all original contact hour records/registers will be signed by the teacher making the original entries and forwarded to the superintendent (or the superintendent's designee) for safekeeping. The ESY services contact hour records/registers will be retained locally for audit purposes. Districts must report ESY services data to the agency using **408 ESY Services Student Records** according to Section 2 of the PEIMS *Data Standards*.

(4-11) **Infants Receiving District Visual Impairment and/or Orientation and Mobility (O & M) Services**: All infants (birth through two years of age) receiving district visual impairment and/or O & M services **at home, in day care, or in a non-district center-based program** should be reported with:

1. a grade level of Early Education (EE);
2. an instructional arrangement/setting code of 01, homebound (a doctor's statement is not needed); and
3. an ADA eligibility code of 0 - Enrolled, Not in Membership if the infant is served less than 2 hours per week; 2 - Eligible for Half-Day Attendance if served at least 2 hours but less than 4 hours per week; or 1 - Eligible for Full-Day Attendance if served at least 4 hours per week.

All infants receiving district visual impairment and/or O & M services **in district center-based programs** [not an Early Childhood Intervention (ECI) program] should be reported with:

1. a grade level of EE;
2. an instructional arrangement/setting code of self-contained, mild/moderate/severe, regular campus (code 44) or off home campus (code 97) depending on the actual location of the services; and
3. an ADA eligibility code of 0 - Enrolled, Not in Membership if the infant is served less than 2 hours per day; 2 - Eligible for Half-Day Attendance if served at least 2 hours but less than 4 hours per day; or 1 - Eligible for Full-Day Attendance if served at least 4 hours per day.

(4-12) **Infants Receiving District/RDSPD Auditory Impairment (Deaf) Services**: All infants (birth through two years of age) receiving district auditory impairment (deaf) services **at home or in day care** should be reported with:

1. a grade level of EE;
2. an instructional arrangement/setting code of 01, homebound (a doctor's statement is not needed); and
3. an ADA eligibility code of 0 - Enrolled, Not in Membership if the infant is served less than 2 hours per week; 2 - Eligible for Half-Day Attendance if served at least 2 hours but less than 4 hours per week; or 1 - Eligible for Full-Day Attendance if served at least 4 hours per week.

All infants receiving district/RDSPD auditory impairment (deaf) services **in a school district or in non-school district centers** should be reported with:

1. a grade level of EE;
2. an instructional arrangement/setting code of self-contained, mild/moderate/severe, regular campus (code 44) or off home campus (code 97) depending on the actual location of the services; and
3. an ADA eligibility code of 0 - Enrolled, Not in Membership if the infant is served less than 2 hours per day; 2 - Eligible for Half-Day Attendance if served at least 2 hours but less than 4 hours per day; or 1 - Eligible for Full-Day Attendance if served at least 4 hours per day.

(4-13) **Students Ages Three Through Five Receiving Homebound Services Home Instruction**: Students ages three through five for whom the ARD committee has determined that homebound is the appropriate instructional placement/setting should be reported with:

1. a grade level of EE;
2. an instructional arrangement/setting code of 01, homebound (a doctor's statement is not needed); and
3. an ADA eligibility code of 0 - Enrolled, Not in Membership if the child is served less than 2 hours per week; 2 - Eligible for Half-Day Attendance if served at least 2 hours but less than 4 hours per week; or 1 - Eligible for Full-Day Attendance if served at least 4 hours per week. 19 TAC §89.63(c)(2)(B)

(4-14) **Infants (birth through two years of age) Receiving Home-Based Instruction:** This setting is to be used <u>only</u> by districts which operate ECI programs through a contract with the Interagency Council on Early Childhood Intervention (ECI). Specifically, it is used when providing early intervention services in the home of the client. Both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider shall also receive training. This instructional setting does **not** generate contact hours or ADA. Home-based instruction students should be reported with a grade level of EE, an ADA eligibility code of **0 - Enrolled, Not in Membership**, and an instructional arrangement/setting code of **31, home-based instruction**.

(4-15) **Infants (birth through two years of age) Receiving Center-Based Instruction:** This setting is for providing early intervention services through ECI programs operated through the Interagency Council on Early Childhood Intervention. Specifically it is used when providing early intervention services to a child and family in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional setting does **not** generate contact hours or ADA. Center-based instruction students should be reported with a grade level of EE, an ADA eligibility code of **0 - Enrolled, Not in Membership**, and an instructional arrangement/setting code of **32, center-based instruction.**

(4-16) **Infants (birth through two years of age) Receiving Services in an Other Environment:** This setting is to be used <u>only</u> by districts which operate ECI programs through a contract with the Interagency Council on Early Childhood Intervention (ECI). It is used when providing early intervention services to a child and family in other environments. This instructional setting does **not** generate contact hours or ADA. Other environment students should be reported with a grade level of EE, an ADA eligibility code of **0 - Enrolled, Not in Membership**, and an instructional arrangement/setting code of **34, other environment.**

(5) Eligibility/Eligible Days Present

(5-1) Special education services shall be available to all eligible students beginning on their third birthday and to all eligible students who have not reached their 22nd birthday on September 1 of the current scholastic year and have not received a regular high school diploma.

(5-2) In accordance with TEC §30.002 and §30.081, a free appropriate public education shall be available from birth to students with visual or auditory impairments. Students from birth through age two who have visual and/or auditory impairments and who are served by the district shall be considered eligible for ADA on the same basis as other students in special education. Students in the RDSPD for 50% or more of the school day; are ineligible for ADA.

(5-3) For every eligible day present, a student earns special education contact hours for the instructional setting the student is assigned, even if the student does not attend all scheduled classes. For example:

1. A student was scheduled for speech therapy only twice a week. The student was present at the time attendance was taken all five days that week. The student earns contact hours for speech therapy all five days.

2. A student has a special education class at 1:00 p.m. each day. The student leaves school for the day after attendance is taken (10:30 a.m.) and does not attend the 1:00 class. The student was present at the time attendance was taken; therefore, he or she earns contact hours for the special education class that day even though he or she did not actually attend.

3. A student has a scheduled special education class at 1:00 p.m. The student arrives at school at 11:00 a.m., after attendance is taken. The student was absent at the time attendance was taken; therefore, he or she earns no contact hours for the special education class that day even though he or she attended the class.

(5-4) If instructional services for special education are provided after school or on Saturday, the contact hours may be counted only if the services cannot be provided or are unavailable at any other time (e.g., speech therapy due to a shortage of speech therapists, orientation and mobility services/vision instruction at night or in periods of darkness, etc.).

(5-5) Students attending a Preschool Program for Children with Disabilities (PPCD) must meet the same eligibility requirements as other special education students. An ARD committee must meet and document in each student's IEP that the student is eligible to receive services through this program. In order to meet ADA eligibility criteria, these students must be scheduled for at least two hours of instruction daily (120 minutes) to be coded as half-day students (ADA eligibility code 2) or at least four hours of instruction daily (240 minutes) to be coded as full-day students (ADA eligibility code 1). These students' instructional

arrangement/setting codes and speech therapy indicator codes should be determined according to the criteria defined in (4-1) and (4-3) of this section.

(5-6) A student who attends the PK program for half of the day and PPCD for the other half of the day (at least 2 hours/120 minutes in each program) should have an ADA eligibility code of 1 (Eligible for full-day attendance) if the student is eligible for both programs. This student's grade level should be recorded as PK. In most cases, this student's special education instructional arrangement/setting code would be recorded as 43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%.

(5-7) Students who are attending a shared services arrangement, such as the RDSPD, may be reported by the receiving district without requiring a legal transfer. The decision of which district is to report the students is pursuant to an agreement between the superintendents of the districts involved. The same district reports the student for **all** PEIMS reporting. Eligibility codes 3 and 6 are not valid for students reported by the receiving district without a legal transfer. The instructional arrangement/setting off home campus is valid only for students who are reported by the home district but receive instruction in another district. This may also be used for students who attend classes in a non-district facility.

(5-8) A student should be enrolled in only one district at a time, thus eliminating duplicate PEIMS reporting for a student.

(5-9) Effective dates for program changes may be recorded on a day when the student is absent. **However, controls must be in place to ensure a student does not generate ADA or special program contact hours on any day that the student is absent.**

In addition, for PEIMS reporting purposes, individual student records are not allowed for a student who was not in attendance during a reporting period. Procedures must be in place to ensure "0-filled" PEIMS records are **not** created when effective dates for program changes are pre-posted.

(5-10) Students reported in the Student Detail Report with an ADA eligibility code of 2 (Eligible for half-day attendance) should **not** have full-day special education attendance reported. The special education days present must be reported as half days.

(5-11) **Students Ages 3 - 4:** If the ARD committee determines that a private or home school student is eligible and in need of special education instruction and/or related services, the parent may enroll the student full-time in the public school. If the parent does not do this, for students ages 3 - 4, the school district shall make the special education and related services available on the basis of dual enrollment (the student is enrolled in a private or home school and a public school). Parents of an eligible student have the right to “dual enroll” their student beginning on the student’s third birthday and continuing until the end of the school year in which the student turns 5 or until the student is eligible to attend a district’s public school kindergarten program, whichever comes first. Based on the services and amount of time needed to provide those services as set forth in each student's IEP and when parents choose to enroll a child under the dual enrollment provision, school districts should use the following guidelines for dual enrollment students.

1. • enroll the student for at least four hours per day,
   • count the student as eligible for full-day attendance (ADA eligibility code 1),
   • record an instructional arrangement/setting code for contact hours based on the student's special education service, and
   • count the student on the annual federal child count indicator through PEIMS;

2. • enroll the student for at least two hours but less than four hours per day,
   • count the student as eligible for half-day attendance (ADA eligibility code 2),
   • record an instructional arrangement/setting code for contact hours based on the student's special education service, and
   • count the student on the annual federal child count indicator through PEIMS; or

3. • enroll the student for less than two hours per day,
   • count the student as enrolled but not in membership (ADA eligibility code 0), and
   • count the student on the annual federal child count indicator through PEIMS but **not** for ADA or contact hours.

Students Ages 5 - 21: If the ARD committee determines that a private or home school student is eligible and in need of special education instruction and/or related services, the parent may enroll the student full-time in the public school. If the parent does not do this, for students ages 5 - 21, the school district shall make the special education and related services available on the basis of 19 TAC §89.1096.

Outlined in the **Provision of Services for Students Placed by their Parents in Private Schools or Facilities (19 TAC §89.1096),** the amount and type, if any, of special education and related services made available to students with disabilities placed in private schools or facilities is determined based on consultation with representatives of the private school students with disabilities and a proportionate share calculation. (34 CFR 300.450-300.462) Since the obligation of the LEA to provide special education and related services is limited, and any services provided will be under a services plan, not an IEP, these students will not generate ADA. However, students receiving services under a services plan should be entered into PEIMS with an **ADA eligibility code of 0 - Enrolled, Not in Membership** and counted on the **October 29, 2004**, child count snapshot for data reporting purposes.

Use the following charts on the next pages as frameworks for determining ADA, special education, and grade level coding for students with disabilities.

STUDENTS WITH DISABILITIES – PEIMS CODING CHART

Services for Students with Disabilities – Exceptions to the Norm	Actual Age	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind	ECI Ind	Child Count
District Visual Impairment & / or O & M Services:							
Home/day care/ non-district center-based program	0-2	2-4/hr/*week* rule	01	EE	0	0[1]	0
In district center-based program	0-2	2-4 hr/*day* rule	44 or 97	EE	0	0[1]	0
District or RDSPD Auditory Impairment (Deaf) Services[2]:							
At home or in day care	0-2	2-4 hr/*week* rule	01	EE	0	0[1]	0
In district or non-school district centers	0-2	2-4 hr/*day* rule	44 or 97	EE	0	0[1]	0
Interagency Council on Early Childhood ECI Program--Operated by a School District[3] (Service ends on 3rd birthday)							
Home-based instruction	0-2	0	31	EE	0	1	0
Center-based instruction	0-2	0	32	EE	0	1	0
Other environment	0-2	0	34	EE	0	1	0
Head Start Programs (Eligibility depends on amount of time with special ed teacher)							
School-based Head Start – (see PK chart on next page)	3-4	2-4 hr/*day* rule	Based on service	EE/PK	1	0	3
Community-based Head Start – (see services in a childcare facility on next page)	3-4	2-4 hr/*day* rule	40/97	EE	1	0	3
Private School Students							
Where served not relevant (dual enrolled)	3-4	2-4 hr/*day* rule	Per IEP	EE	1	0	3
Where served not relevant	5-21	0	Per ISP	Approp	0	0	3
Indirect Services – Students not reported to PEIMS	3-21						
Overage Student	**Age on 09/01**						
In public school	21	2-4 hr/*day* rule	Per IEP	12	0	0	3
Student graduated under IEP & returned – Graduation Type Codes 04 – 07	21	2-4 hr/*day* rule	Per IEP	12	0	0	0
Student graduated with regular high school diploma & returned	21	0	Per IEP	12	0	0	0

Note: The examples in this chart related to PK programs assume that the district provides both a 3-year old PK program and a 4-year-old PK program.
ADA eligibility code rules:

General: 0 = enrolled less than 2 hours per *day*, 2 = enrolled 2+ but less than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*
Homebound: 0 = enrolled less than 2 hours per *week*, 2 = enrolled 2+ but less than 4 hours per *week*, 1 = enrolled at least 4 hours per *week*
Students whose only special education service is speech therapy and who are served less than 2 hours each day are coded ADA eligible = 0.

[1] ECI Indicator code "0" is used for children (0-2) who jointly receive district and ECI services under the ECI TEA AI/VI MOU from an ECI Program not operated by the district.

[2] Districts and Regional Day School Programs for the Deaf (RDSPD) should have an agreement related to the reporting of PEIMS data for these students.

[3] Only districts which operate an ECI program under the auspices of the Interagency Council for Early Childhood Intervention should report children 0-2 using the ECI indicator code 1. Districts without district-operated ECI programs must report children jointly served under the ECI TEA AI/VI MOU using the ECI Indicator Code 0.

STUDENTS WITH DISABILITIES – PEIMS CODING CHART

PK and Special Education Services	Age 09/01	ADA Elig. Code[4]	Instructional Setting Code	Grade Level	PPCD Ind	ECI Ind	Child Count
PK-only services – regular ed students-not a student with a disability							
A student eligible for PK services served in the PK classroom by a PK teacher for ½ day	3 or 4	2 Half-day	N/A	PK	0	0	0
A student eligible for PK services served in the PK classroom by a PK teacher for the full day	3 or 4	2 Half-day	N/A	PK	0	0	0
A student ineligible for PK services served in the PK classroom by a PK teacher for ½ day[5]	3 or 4	5 Ineligible Half-day	N/A	PK	0	0	0
A student ineligible for PK services served in the PK classroom by a PK teacher for the full day[5]	3 or 4	4 Ineligible Full-day	N/A	PK	0	0	0
A student eligible for special education AND PK services …							
… served in the PK classroom for ½ day & in a self-contained (S-C) classroom for the other ½ day	3 or 4	1 Full-day	43 SC at least 50% and no more than 60%	PK	1	0	3
… served in the PK classroom by PK & special education teachers for ½ day	3 or 4	2 Half-day	40 Mainstream	PK	1	0	3
… served in the PK classroom by PK & special education teachers for the full day	3 or 4	1 Full-day	40 Mainstream	PK	1	0	3
… served in the PK classroom by PK for ½ day but leaves for special education and related services in a self-contained environment less than 21% of the day	3 or 4	2 Half-day	41 Resource /Services	PK	1	0	3
… served in the PK classroom by PK for ½ day but leaves for special education and related services in a self-contained environment at least 21% and less than 50% of the day	3 or 4	2 Half-day	42 Resource /Services	PK	1	0	3
… served in the ½ day PK classroom and leaves for special education and related services in a self-contained environment at least 50% and less than 60% of the day	3 or 4	2 Half-day	43 SC at least 50% and no more than 60%	PK	1	0	3
… served in the ½ day PK classroom and leaves for special education and related services in a self-contained environment more than 60% of the day	3 or 4	2 Half-day	44 SC more than 60% of the day	PK	1	0	3
… served in the PK classroom for ½ day and the student receives 1 hour of speech therapy each week	3 or 4	2 Half-day	00 Speech therapy	PK	1	0	3
… served in a self-contained special education classroom by a special education teacher all day (Students in this setting receive only special education and related services)[6]	3 or 4	1 Full-day	45 Full time Early Childhood SPED	EE	0	0	3
A student eligible for special education services AND ineligible for PK services…							
… served in the PK classroom for ½ day and in a self-contained classroom for the other ½ day[5]	3 or 4	2 Half-day	43 SC at least 50% and no more than 60%	EE	1	0	3
… served in the PK classroom by PK and special education teachers for ½ day[5]	3 or 4	2 Half-day	42 Resource at least 21% and less than 50%	EE	1	0	3
… served in the PK classroom by PK and special education teachers for the full day[5]	3 or 4	1 Full-day	42 Resource at least 21% and less than 50%	EE	1	0	3
… served in a self-contained classroom by a special education teacher for at least 2 hours, but less than 4 hours each day (Students in this setting receive only special education and related services)[6]	3 or 4	2 Half-day	45 Full time Early Childhood SPED	EE	1	0	3
… served in a self-contained classroom by a special education teacher for at least 4 hours each day (Students in this setting receive only special education and related services)[6]	3 or 4	1 Full-day	45 Full time Early Childhood SPED	EE	1	0	3

Note: The examples in this chart related to PK programs assume that the district provides both a 3-year old PK program and a 4-year-old PK program.
ADA eligibility code rules:

General: 0 = enrolled less than 2 hours per *day*, 2 = enrolled 2+ but less than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*
Homebound: 0 = enrolled less than 2 hours per *week*, 2 = enrolled 2+ but less than 4 hours per *week*, 1 = enrolled at least 4 hours per *week*
Students whose only special education service is speech therapy and who are served less than 2 hours each day are coded ADA eligible = 0.

[4] School districts/campuses which apply and are approved for the PK Expansion Grant Program code eligible students as ADA Eligibility Code 1 – Full Day if the students are scheduled for at least six hours of instruction each day.

[5] Ineligible PK students may only be served in the PK classroom if space is available and other eligible PK students are not denied enrollment.

[6] Refer to Instructional Arrangement/Setting Full-Time Early Childhood Special Education Setting, Code 45.

STUDENTS WITH DISABILITIES – PEIMS CODING CHART

PK and Special Education Services (cont.)	Age 09/01	ADA Elig. Code[4]	Instructional Setting Code	Grade Level	PPCD Ind	ECI Ind	Child Count
A student eligible for special education services receiving services in a childcare facility…							
… served (in a collaborative effort with childcare personnel) by a special education teacher for at least 2 hours, but less than 4 hours each day	3 or 4	2 Half-day	40 Mainstream	EE	1	0	3
… served (in a collaborative effort with childcare personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 Full-day	40 Mainstream	EE	1	0	3
… served in a self-contained classroom within a childcare facility by a special education teacher for at least 2 hours, but less than 4 hours each day	3 or 4	2 Half-day	97 OHC-Comm Class	EE	1	0	3
… served in a self-contained classroom within a childcare facility by a special education teacher for more than 4 hours each day	3 or 4	1 Full-day	97 OHC-Comm Class	EE	1	0	3
A student eligible for special education services in a district with no available childcare setting within the community, receiving services in a multidistrict childcare facility…							
… served (in a collaborative effort with childcare personnel) by a special education teacher for at least 2 hours, but less than 4 hours each day	3 or 4	2 Half-day	40 Mainstream	EE	1	0	3
… served (in a collaborative effort with childcare personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 Full-day	40 Mainstream	EE	1	0	3
… served in a self-contained classroom within a childcare facility by a special education teacher for at least 2 hours, but less than 4 hours each day	3 or 4	2 Half-day	97 OHC-Comm Class	EE	1	0	3
… served in a self-contained classroom within a childcare facility by a special education teacher for more than 4 hours each day	3 or 4	1 Full-day	97 OHC-Comm Class	EE	1	0	3

Note: The examples in this chart related to PK programs assume that the district provides both a 3-year old PK program and a 4-year-old PK program.
ADA eligibility code rules:

General: 0 = enrolled less than 2 hours per *day*, 2 = enrolled 2+ but less than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*
Homebound: 0 = enrolled less than 2 hours per *week*, 2 = enrolled 2+ but less than 4 hours per *week*, 1 = enrolled at least 4 hours per *week*
Students whose only special education service is speech therapy and who are served less than 2 hours each day are coded ADA eligible = 0.

[4] School districts/campuses which apply and are approved for the PK Expansion Grant Program code eligible students as ADA Eligibility Code 1 – Full Day if the students are scheduled for at least six hours of instruction each day.

STUDENTS WITH DISABILITIES – PEIMS CODING CHART

Kindergarten and Special Education Services:	Age 09/01	On as of date	ADA Elig. Code	Instructional Arrangement	Grade Level	PPCD Ind	ECI Ind	Child Count
A student eligible for special education services AND kindergarten services…								
…attending a kindergarten classroom for their entire school day; and receives special education services in the kindergarten classroom	5	5	1 Full-day or 2 Half-day	40 Mainstream	KG	1	0	3
… attending a kindergarten classroom for their entire school day and receives special education services in the kindergarten classroom	5	6	1 Full-day or 2 Half-day	40 Mainstream	KG	0	0	3
… attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	5	1 Full-day or 2 Half-day	41 Resource /Services less than 21%	KG	1	0	3
… attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	6	1 Full-day or 2 Half-day	41 Resource /Services less than 21%	KG	0	0	3
… attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% and less than 50% of the day	5	5	1 Full-day or 2 Half-day	42 Resource /Services at least 21% and less than 50%	KG	1	0	3
… attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% and less than 50% of the day	5	6	1 Full-day or 2 Half-day	42 Resource /Services at least 21% and less than 50%	KG	0	0	3
… attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% and less than 60% of the day	5	5	1 Full-day or 2 Half-day	43 SC at least 50% and no more than 60%	KG	1	0	3
… attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% and less than 60% of the day	5	6	1 Full-day or 2 Half-day	43 SC at least 50% and no more than 60%	KG	0	0	3
… attending a kindergarten classroom & receives special education & related services in a special ed setting for more than 60% of the day	5	5	1 Full-day or 2 Half-day	44 SC more than 60%	KG	1	0	3
… attending a kindergarten classroom and receives special education and related services in a special ed setting for more than 60% of the day	5	6	1 Full-day or 2 Half-day	44 SC more than 60%	KG	0	0	3
… served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services) [6]	5	5	1 Full-day or 2 Half-day	45 Full-time early childhood special education	KG	1	0	3
… served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services)	5	6	1 Full-day or 2 Half-day	44 SC more than 60%	KG	0	0	3

Note: The examples in this chart related to PK programs assume that the district provides both a 3-year old PK program and a 4-year-old PK program.
ADA eligibility code rules:

General: 0 = enrolled less than 2 hours per *day*, 2 = enrolled 2+ but less than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*

Homebound: 0 = enrolled less than 2 hours per *week*, 2 = enrolled 2+ but less than 4 hours per *week*, 1 = enrolled at least 4 hours per *week*

Students whose only special education service is speech therapy and who are served less than 2 hours each day are coded ADA eligible = 0.

[6] Refer to Instructional Arrangement/Setting Full-Time Early Childhood Special Education Setting, Code 45.

Head Start
For students with disabilities served in a school-based Head Start program, refer to the PK information on the previous chart to make coding determinations for grade level, instructional setting code, and PPCD indicator.

For students with disabilities served in a community-based Head Start program, refer to childcare facility information on the previous chart to make coding determinations.

ADA eligibility for these arrangements would depend on the amount of time served directly by special education staff since Head Start does not generate ADA.

School-Based Preschool (3 - 5) open to community
If the school district establishes an education program to serve all 3 and/or 4-year olds regardless of eligibility or other criteria, the mainstream code may be used when special education services (other than speech therapy) are provided in the general classroom. The two-four hour membership rule applies to special education students who are served by special education personnel to support the IEP. Refer to Section III (5).

Funding
When a special education eligible student who is not eligible for PK is served in a PK classroom, a special education teacher must be in the classroom for the entire half or full day in order for funds to be generated.

When a special education eligible student who also is eligible for PK is served in a PK classroom, students will be coded to the appropriate instructional arrangement/setting based on the location, amount, and type of special education services provided to the student.

When a special education eligible student is served in a childcare facility, a special education teacher must provide services at the facility for the entire half or full day in order for funds to be generated.

(6) Contact Hours

(6-1) No matter what instructional arrangement/setting code is assigned, the total number of eligible days present for that instructional setting must be recorded for each student for each six-week reporting period in the Student Detail Report. When computing the Campus Summary Report (Section II), contact hours for each instructional setting must be recorded. To compute contact hours, multiply total eligible days present for that instructional setting by the corresponding contact hour multiplier. Each instructional setting has a different contact hour multiplier. Use the following chart, on the next page, when computing special education contact hours.

Instructional Arrangement/Setting Codes	Contact Hour Multiplier
Speech Therapy - Code 00	.25
Homebound - Code 01	1.00
Hospital Class - Code 02	4.50
VAC - Code 08	5.50
State School - Code 30	5.50
Resource Room - Codes 41 and 42	2.859
Mild/Moderate/Severe - Codes 43 and 44	2.859
Full-Time Early Childhood - Code 45	2.859
Off Home Campus - Codes 91 - 98	4.25
Residential Care/Treatment - Codes 81 - 89	5.50

The Student Detail Report should reflect eligible special education days present for each eligible student receiving special education services. Campus Summary Reports and District Summary Reports should document **total** eligible special education days and total special education contact hours by instructional arrangement/setting code by six-week reporting period.

Total Special Education Contact Hours = Eligible Special Education Days x Contact Hour Multiplier.

Excess contact hours should also be totaled for each instructional setting. For funding purposes, a student may receive a maximum of six contact hours per day [see (4-4)]. Anything in excess of six contact hours per day earned by a combination of special education and career and technology education classes must be deducted from the student's primary special education instructional setting. The only time excess contact hours are deducted from speech therapy is if there are no other special education contact hours. See (9-35), (9-36), and (9-37) for examples.

(6-2) Contact hours are **not** reported for the instructional arrangement/setting code 40, mainstream. The total number of mainstream eligible days present must be recorded for each six-week reporting period in the Student Detail Report for every student coded 40, mainstream. At the end of each six-week reporting period, the Campus Summary Report must be computed. Total mainstream eligible days present, for every student coded mainstream, must be summarized by grade level on this report.

There will be a separate Campus Summary Report for each instructional track for each campus in the district. At the end of each six-week reporting period, a District Summary Report must be computed. Campus Summary Reports and District Summary Reports must include Eligible Mainstream Days Present for each grade level, Total Eligible Mainstream Days Present for all grades, and Campus or District Mainstream ADA. At no time are mainstream eligible days present converted to contact hours.

(7) Documentation

In order to claim special education contact hours for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating special education eligible days present and/or every student reflecting a speech therapy indicator code on the Student Detail Report. Documentation requirements are as follows.

(7-1) Documentation to support the ARD committee findings and a copy of the IEP must be maintained in the student's eligibility folder.

(7-2) Documentation to support the amount of time teachers served students in the homebound instructional arrangement/setting each week should be retained.

(7-3) The following statements, where applicable, should be retained in the student's eligibility folder.

1. **Homebound** Physician's statement confirming the need for a student to be placed in the homebound instructional arrangement/setting for a minimum of four consecutive weeks. See (4-11) through (4-13) of this section for exceptions.

2. **Hospital Class** Documentation from a proper authority confirming the need for a student to reside in the facility.

3. **Residential Care and Treatment Facility** Documentation from a proper authority confirming the placement for a student to reside in the facility.

(7-4) The propriety of student eligibility is affirmed by the principal or superintendent when affidavits are signed.

(8) Quality Control

(8-1) A student should be coded with the appropriate special education codes as soon as all documentation is in order and the student is receiving services.

(8-2) As soon as the student has been dismissed from special education, as documented by the ARD committee, the student should be withdrawn from special education in the attendance accounting system.

(8-3) At the beginning of each school year, the appropriate special education staff should verify the Student Detail Reports to ensure initial coding is correct and agrees with the IEP.

(8-4) At the end of each six-week reporting period, the appropriate special education staff should verify the Student Detail Reports to ensure coding is correct and agrees with the IEP.

(8-5) To be eligible for special education contact hours, students must be served by qualified special education staff and meet the requirements in (5) *Eligibility/Eligible Days Present* earlier in this section.

(8-6) The student's primary instructional setting is based on the percentage of time served during the instructional day. Refer to (4) *General Rules* earlier in this section for coding instructions.

(8-7) Students in speech therapy receive credit for each day of attendance even though they may be scheduled to be served in speech therapy only once a week [see (5-3)].

(8-8) The PPCD is a special education service to children ages 3 - 5. Only those students who meet the minimum two-hour membership rule are eligible for attendance and contact hours. Attendance for these students is included in the attendance accounting system. If the PPCD student is receiving only special education instruction, the grade level is reported as EE.

All PPCD students must be receiving special education services and must have ARD committee documentation and an IEP on file. A student can also receive speech therapy contact hours in combination with his or her primary instructional setting if the student's IEP includes speech therapy.

(8-9) Students with disabilities may not be assigned a special education instructional setting for the purpose of contact hours prior to all documentation being on file and actual service beginning.

(8-10) Eligible students who receive special education services in addition to attending a half-day kindergarten or prekindergarten program are eligible for a full day of attendance if they attend school for at least four hours of instruction each day.

(9) Examples

Homebound - Code 01

(9-1) A general education student develops a health impairment, and the school obtains a physician's statement affirming that the health impairment will prevent him from attending school for at least four consecutive weeks.

1. *On the date the ARD committee meets placing this student in the homebound instructional setting, the instructional arrangement/setting code for this student should be recorded as 01 in the attendance accounting system. (Physician's note and ARD committee documentation must be on file before a student can be coded homebound.)*

2. *At the end of the week, special education staff should inform the attendance clerk of the amount of time the student received service from the certified teacher and the number of absences that should be recorded in the attendance accounting system.*

For example, if the student was served four or more hours that week, the student should be recorded present every day that week. If the student was served two to four hours that week, the student should be recorded absent for half of the week (in a 5-day week, the student would earn 2 1/2 eligible days present and in a 4-day week, the student would earn 2 eligible days present).

If the student does not receive any service during the week, absences must be recorded every day of that week, resulting in 0 eligible days present.

3. *As of the date the student returns to school and the ARD committee dismisses the student from special education, the student should no longer be coded 01 for the instructional arrangement/setting code. The effective date of this change should also be recorded.*

(9-2) A special education student (instructional arrangement/setting code 41) develops a health impairment, and the school obtains a physician's statement affirming that the health impairment will prevent him from attending school for at least four consecutive weeks.

1. *On the date the ARD committee meets placing this student in the homebound instructional setting, the student's instructional arrangement /setting code should change from 41 to 01 in the attendance accounting system. (Physician's statement and ARD committee documentation must be on file before a student can be coded homebound.)*

2. *At the end of the week, special education staff should inform the attendance clerk of the amount of time the student received service from the certified teacher and the number of absences that should be recorded in the attendance accounting system.*

   For example, if the student was served four or more hours that week, the student should be recorded present every day that week. If the student was served two to four hours that week, the student should be recorded absent for half of the week (in a 5-day week, the student would earn 2 1/2 eligible days present and in a 4-day week, the student would earn 2 eligible days present).

   If the student does not receive any service during the week, absences must be recorded every day of that week, resulting in 0 eligible days present.

3. *The date the student returns to school and the ARD committee dismisses the student from the homebound instructional setting and readmits the student under their original IEP, the student's instructional arrangement/ setting code should change back to 41 in the attendance accounting system. The effective date of this change should also be recorded.*

(9-3) A student is, as documented by a licensed physician, a chronically ill student who will be absent from school for at least four weeks over the entire school year. During the time of absence, the student will be served through the homebound instructional setting. The first week of the second six-week reporting period, the student was absent three days and was served two hours at home by a certified teacher. The fourth week of the second six-week reporting period, the student

was absent all five days and was served four hours at home by a certified teacher.

During the first week of the second six-week reporting period, the instructional arrangement/setting code for this student should be entered as 01 in the attendance accounting system for two of the three days the student was absent. The student should also earn eligible days present on these two days.

During the fourth week of the second six-week reporting period, the instructional arrangement/setting code for this student should be entered as 01 in the attendance accounting system for all five days of the week. The student should also earn eligible days present on these five days.

Hospital Class - Code 02

(9-4) A student in special education has been confined to a hospital. While at the hospital, the student attends class at the hospital taught by a teacher from the district's high school campus.

The instructional arrangement/setting code for this student should be recorded as 02 in the attendance accounting system. Standard attendance accounting rules apply for recording student absences for students in the hospital class instructional arrangement/setting.

Resource Room/Services - Codes 41 and 42

(9-5) A student attends four general education classes and three special education classes a day. The student attends the three special education classes in the resource room.

*The instructional arrangement/setting code for this student should be entered as **42, resource room/services - at least 21% and less than 50%,** in the attendance accounting system because the student is pulled out of the general education class to receive special education services in the resource room and the student receives special education services for at least 21% and less than 50% (3/7 = 43%) of the student's total instructional day.*

*If this student attended six general education classes and one special education class a day, then this student should be entered as **41, resource room/services - less than 21%,** because the student is pulled out of the general education class to receive special education services and the student receives special education services for less than 21% (1/7 = 14%) of the student's total instructional day.*

(9-6) A student attends all general classes, except for one hour a week, as documented in the IEP, this student is pulled out to receive physical therapy.

*The instructional arrangement/setting code for this student should be entered as **41, resource room/services - less than 21%,** in the attendance accounting system because the student receives regularly scheduled related services in the special education class but is otherwise served in general education.*

(9-7) A student attends all general classes, except for one hour a week, as documented in the IEP, this student receives support services in a resource room by a certified special education teacher.

*The instructional arrangement/setting code for this student should be entered as **41, resource room/services - less than 21%,** in the attendance accounting system because the student receives direct, regularly scheduled special education support services in a resource room.*

Self-Contained, Mild/Moderate/Severe, Regular Campus - Codes 43 and 44

(9-8) A student, on a departmentalized campus, attends four special education classes and three general education classes each day.

*The instructional arrangement/setting code for this student should be entered as **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%,** in the attendance accounting system because the student receives special education services for at least 50% and no more than 60% (4/7 = 57%) of the student's total instructional day.*

(9-9) A student, on an elementary campus, spends three out of six instructional hours in the special education classroom.

*The instructional arrangement/setting code for this student should be entered as **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%,** in the attendance accounting system (180 minutes/360 minutes = 50%).*

(9-10) A student, on an elementary campus, spends 200 minutes out of 300 instructional minutes in the special education classroom. The 200 minutes of general education instruction include math, art/music/physical education, and social studies.

*The instructional arrangement/setting code for this student should be entered as **44, self-contained, mild/moderate/severe, regular campus - more than 60%,** in the attendance accounting system because 67% (200/300 = 67%) of the student's instructional day is spent in special education.*

(9-11) A student, on an elementary campus, spends 145 minutes out of 300 instructional minutes in the special education classroom and receives 30 minutes (an average of 6 minutes/day) of speech (or any related service). The 149 remainder minutes of general education instruction include math, art/music/physical education, and social studies.

*The instructional arrangement/setting code for this student should be entered as **43, self-contained, mild/ moderate/severe, regular campus - at least 50% and no more than 60%,** in the attendance accounting system because 50% (151/300 = 50%) of the student's instructional day is spent in special education.*

Vocational Adjustment Class (VAC) - Code 08

(9-12) A student works half of the school day; and attends classes the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTED classes. After three weeks,

the student loses his job but remains in the special education job training class he has been enrolled in from the beginning of the school year.

For the time the student is gainfully employed, the instructional arrangement/ setting code for this student should be 08 and V2 (see Section V - Career and Technology Education). As soon as the student loses his job, the student's instructional arrangement/setting code will be changed to reflect the appropriate code for the interim placement determined by the ARD committee, but the career and technology code will remain V2 if the student remains enrolled in 2 vocational classes. Note that CTED classes are career and technology education classes and not special education classes.

A student who loses a job must be provided with a full instructional day during the time he or she is without a job. A student may not stay at home during the time in which he or she was previously on the job.

Off Home Campus - Codes 91 - 98

(9-13) A student attends special education classes on a campus designated as a campus that only serves special education students.

The instructional arrangement/setting code for this student should be entered as ***96, off home campus - separate campus,*** *in the attendance accounting system.*

(9-14) A student attends the entire instructional day in another school district because the home district does not offer the special education services the ARD committee prescribed for the student.

There should be an agreement between the home district and the receiving district regarding the reporting of PEIMS and attendance data for this student. Only one district can report PEIMS data for an individual student. If the home district reports this data, they may report this student as being enrolled in the home district, even though the student attends the entire instructional day in the serving/receiving district. However, it is possible that the receiving district may report this student in PEIMS, instead of the home district. Absences must be reported by the serving district and either submitted to the home district (if responsible for reporting PEIMS data) or entered by the serving district (if responsible for reporting PEIMS data for the student). The district which reports PEIMS data is responsible for recording student absences and attendance.

If the student attends three general education classes and three special education classes, the instructional arrangement/setting would be determined according to which entity reports PEIMS/attendance data for the student. If reported by the home district, the instructional arrangement/setting code for this student should be entered as 94, off home campus - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%, (3/6 = 50%) in the attendance accounting system. If reported by the receiving district, the instructional arrangement/setting code for this student should be 43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%, in the attendance accounting system.

If the student attends five special education classes and one general education class in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports PEIMS for the student, then the instructional arrangement/setting code for this student should be entered as 95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%, (5/6 = 83%) in the attendance accounting system. If the receiving district reports PEIMS data for the student, the instructional arrangement/setting code should be 44, self-contained, mild/moderate/severe, regular campus - more than 60%.

If the student receives special education services and supports in mainstream classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district enters PEIMS data for this student, then the instructional arrangement/setting code for this student should be entered as 91, off home campus - mainstream, in the attendance accounting system. If the receiving district reports PEIMS for this student, the instructional arrangement/setting code should be 40, mainstream.

If the student attends three special education classes and four general education classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports PEIMS for this student, then the instructional arrangement/setting code for this student should be entered as 93, off home campus - resource room/services - at least 21% and less than 50%, (3/7 = 43%) in the attendance accounting system. If the receiving district reports PEIMS for this student, the instructional setting code should be 42, resource room/services - at least 21% and less than 50%.

(9-15) A student legally transferred into the serving district attends classes for the entire school day; in the special education classroom that serves students from other districts.

The instructional arrangement/setting code for this student should be entered as ***44, self-contained, mild/moderate/severe, regular campus - more than 60%,*** *in the attendance accounting system since the student is in the special education classroom for more than 60% of the student's instructional day. All absences and eligible days present will be recorded in the serving district's attendance accounting system. For students with disabilities, ages 3 - 5, the instructional arrangement/setting code is* ***45, full-time early childhood special education setting.***

(9-16) A student in special education attends a special education class at the nearby Mental Health Mental Retardation (MHMR) Center (sheltered workshop). School district personnel teach this class.

The instructional arrangement/setting code for this student should be recorded as ***97, off home campus - community class,*** *in the attendance accounting system.*

(9-17) A special education student (age 3 - 5) with a disability receives full-time special education and related services in a multi-district PPCD educational program.

The instructional arrangement/setting code for this student should be entered as ***98, off home campus - full-time early childhood special education setting,*** *in the attendance accounting system.*

(9-18) A special education student (age 3 - 5) with a disability receives special education and related services in a self-contained special education classroom within a childcare facility.

The instructional arrangement/setting code for this student should be entered as ***97, off home campus - community class,*** *in the attendance accounting system.*

If the services were provided in a self-contained special education class within an agency in the community, then the instructional arrangement/setting code for this student also should be entered as ***97, off home campus - community class.***

Residential Care and Treatment Facility (Non-Resident) - Codes 81 - 89

(9-19) Within the boundaries of the school district, there is a residential care and treatment facility. Several special education students who reside in the facility attend school and receive special education services at a school campus. These students' parents do not reside within the boundaries of the local district.

If the special education student who resides in the residential care and treatment facility receives all special education and related services in ***mainstream*** *classes at the elementary campus, then the instructional arrangement/setting code for this student should be entered as* ***81, residential care and treatment facility - mainstream,*** *in the attendance accounting system.*

If the special education student who resides in the residential care and treatment facility attends ***one special education class and six general education classes*** *at the high school campus, then the instructional arrangement/setting code for this student should be entered as* ***82, residential care and treatment facility - resource room/services - less than 21%,*** *(1/7 = 14%) in the attendance accounting system.*

If the special education student who resides in the residential care and treatment facility attends ***three special education classes and four general education classes*** *at the high school campus, then the instructional arrangement/setting code for this student should be entered as* ***83, residential care and treatment facility - resource room/services - at least 21% and less than 50%,*** *(3/7 = 43%) in the attendance accounting system.*

If a special education student who resides in the residential care and treatment facility attends ***three special education classes and three general education classes*** *at the high school campus, then the instructional arrangement/setting code for this student should be entered as* ***84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%,*** *(3/6 = 50%) in the attendance accounting system.*

If the special education student who resides in the residential care and treatment facility attends ***five special education classes and one general education class*** *at the middle school campus, then the instructional setting code for this*

student should be entered as ***85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%,*** *(5/6 = 83%) in the attendance accounting system.*

If the special education student who resides in the residential care and treatment facility receives ***speech therapy services only****, then the instructional arrangement/setting code for this student should be entered as* ***00*** *in the attendance accounting system.*

(9-20) A special education student who resides in a residential care and treatment facility within the district's boundaries attends special education classes on a campus designated as a campus that only serves special education students.

The instructional arrangement/setting code for this student should be entered as ***86, residential care and treatment facility - separate campus,*** *in the attendance accounting system*

(9-21) A special education student (age 3 - 5) with a disability who resides in a residential care and treatment facility within the district's boundaries receives special education and related services in a self-contained special education classroom within a childcare facility.

The instructional arrangement/setting code for this student should be entered as ***87, residential care and treatment facility - community class,*** *in the attendance accounting system.*

If the services were provided in a self-contained special education class within an agency in the community (such as a community based Head Start Program), then the instructional arrangement/setting code for this student also should be entered as ***87, residential care and treatment facility - community class.***

(9-22) A special education student who resides in a residential care and treatment facility within the district's boundaries works half of the school day; and attends classes at the high school campus the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two career and technology education for the disabled (CTED) classes.

The instructional arrangement/setting code for this student should be ***88, residential care and treatment facility - vocational adjustment class.*** *The student should also be coded V2 (see Section V - Career and Technology Education). Note that CTED classes are career and technology education classes and not special education classes.*

(9-23) A special education student (age 3 - 5) with a disability who resides in a residential care and treatment facility within the district's boundaries receives full-time special education and related services in the PPCD educational program on the elementary campus.

The instructional arrangement/setting code for this student should be entered as ***89, residential care and treatment facility - full-time early childhood special education setting,*** *in the attendance accounting system.*

(9-24) A special education student who resides in a residential care and treatment facility within the district's boundaries receives special education instruction and related services at the facility rather than on a school district campus.

*The instructional arrangement/setting code for this student should be entered as **02**, **hospital class**, in the attendance accounting system.*

For more information related to special coding situations for students residing in residential care and treatment facilities, refer to the Agency letter dated February 14, 2001 (Subject: Instructional Arrangement Coding).

Mainstream - Code 40

(9-25) A student attends all general education classes. However, this student has not been dismissed from special education. Qualified special education personnel are 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 classroom and enable student success. The student's IEP specifies the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP.

*The instructional arrangement/setting code for this student should be recorded as **40, mainstream,** in the attendance accounting system.*

(9-26) A student attends six general education classes a day; in five of the six general classes the student receives special education services by certified special education personnel.

*The instructional arrangement/setting code for this student should be recorded as **40, mainstream,** in the attendance accounting system because the student receives special education services in the general education class.*

(9-27) A student attends all general education classes. For one hour a week, as documented in the IEP, this student receives physical therapy in the general education classroom.

*The instructional arrangement/setting code for this student should be entered as **40, mainstream,** in the attendance accounting system because the student receives related services in the general education class. (If this student receives physical therapy as a pull-out service, then the instructional arrangement/setting code is 41, resource room/services - less than 21%).*

(9-28) A student attends all general education classes with an interpreter from the RDSPD.

*The instructional arrangement/setting code for this student should be entered as **40, mainstream,** in the attendance accounting system because the student receives special education services in the general education class. Regardless of the amount of time the interpreter spends with the student, the instructional arrangement/setting code must still be **40, mainstream**.*

Full-Time Early Childhood Special Education Setting (FT EC SPED) - Code 45

(9-29) A special education student (age 3 - 5) with a disability receives full-time special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses. **No education or related services are provided in the mainstream early childhood settings.** This may include, but is not limited to, self-contained special education classes located on regular school campuses.

*The instructional arrangement/setting code for this student should be entered as **45, full-time early childhood special education setting,** in the attendance accounting system. If **any** education and/or related services are provided in mainstream early childhood settings, then this instructional arrangement/setting code is **not applicable**.*

Speech Therapy - Indicator Code 1

(9-30) A student sees the speech therapist 30 minutes a week and attends all general education classes.

*The instructional arrangement/setting code for this student should be recorded as **00** in the attendance accounting system, and the speech therapy indicator code should be recorded as **1**.*

(9-31) A student receives direct speech therapy services <u>and</u> indirect support from the speech therapy program through services provided by a speech therapist.

*Regardless of whether these services and supports are provided in a general education or pull-out setting, the instructional arrangement/setting code for this student should be recorded as **00** in the attendance accounting system, and the speech therapy indicator code should be recorded as **1**.*

Speech Therapy - Indicator Code 2

(9-32) A student attends one special education class and five general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes.

*The instructional arrangement/setting code for this student should be recorded as **41, resource room/services - less than 21%,** in the attendance accounting system, and the **speech therapy indicator code** should be recorded as **2**.*

(9-33) A student attends one special education class and four general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist (or any related service) once a week for 30 minutes.

The instructional arrangement/*setting code for this student should be recorded as **42, resource room/services - at least 21% and less than 50%,** in the attendance accounting system, and the **speech therapy indicator code** should be recorded as **2** (78/360=21.6%).*

(9-34) Based on ARD committee determination, a student with both learning disabilities and speech impairment receives services and support from a special education teacher in the general education classroom (outside of any services and supports provided through the speech therapy program). The student also receives direct speech therapy services.

*The instructional arrangement/setting code for this student should be recorded as **40, mainstream,** in the attendance accounting system, and the **speech therapy indicator code** should be recorded as **2**. The 40 coding can be used regardless of whether the direct speech therapy services are provided in the general education classroom or a pull-out setting.*

Calculation of Excess Contact Hours

(9-35) A student attends six career and technology education classes (V6) and speech therapy (.25 contact hour multiplier), for a total of 6.25 contact hours a day.

Since this is over the 6.00 hour per day maximum, .25 contact hours must be subtracted from the speech therapy setting (instructional arrangement/setting code 00) for every eligible day present the student accumulates.

(9-36) A student attends two special education classes and four general education classes a day. All four of the general education classes are career and technology education classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional arrangement/setting code 42, resource room/services - at least 21% and less than 50%) and 4.00 contact hours for career and technology education (V4), totaling 6.859 contact hours a day. The first six-week reporting period has 30 days taught. Of those 30 days, this student was present 28 days.

Since this is over the 6.00 hour per day maximum, 0.859 contact hours must be subtracted from the resource room instructional arrangement/setting for every eligible day present the student accumulates.

The excess contact hours for the first six-week reporting period for this student would be calculated as follows:

Calculate Special Education Contact Hours:	
Eligible Days Present	28.0
x Special Education CH multiplier	x 2.859
Total Special Education Contact Hours	**80.052**
Calculate Career & Technology Ed Contact Hours:	
Eligible Days Present	28.0
x Career & Technology Ed CH multiplier	x 4.00
Total Career & Tech Ed Contact Hours	**112.00**
Calculate Total Contact Hours:	
Career & Technology Ed Contact Hours	112.000
+ Special Education Contact Hours	+ 80.052
Total Contact Hours	**192.052**
Calculate Maximum Contact Hours Allowed:	
Number Days Present	28.0
x Maximum Hours per Day	x 6.00
Total Maximum Contact Hours Allowed	**168.00**
Calculate Total Excess Contact Hours:	
Total Contact Hours	192.052
- Maximum Contact Hours Allowed	- 168.000
Total Excess Contact Hours for First Six-Weeks	**24.052**

OR

Calculate Excess Contact Hours per Day:	
Total Contact Hours per Day	6.859
- Maximum Hours per Day	- 6.000
Total Excess Contact Hours per Day	**0.859**
Calculate Total Excess Contact Hours:	
Total Excess Contact Hours per Day	0.859
x Eligible Days Present	x 28.0
Total Excess Contact Hours for First Six-Weeks	**24.052**

(9-37) A student attends two special education classes and four general education classes a day. All of the general education classes are career and technology education classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional arrangement/setting code 42, resource room/services - at least 21% and less than 50%) and 4.00 contact hours for career and technology education (V4), totaling 6.859 contact hours a day. On the eleventh instructional day of the first six weeks, the ARD committee meets and changes the student's schedule. The student now attends one special education class and five general education classes a day. All five of the general education classes are career and technology education classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional arrangement/setting code 41, resource room/services - less than 21%) and 5.00 contact hours for career and technology education (V5), totaling 7.859 contact hours a day. The first six-week reporting period has 30 days taught, and this student was present every day.

The excess contact hours for the first six-week reporting period for this student would be calculated as follows:

Calculate Special Education Contact Hours for First 10 Days:	
Eligible Days Present	10.0
x Special Education CH multiplier	x 2.859
Total Special Education Contact Hours	**28.590**
Calculate Career & Tech Ed Contact Hours for First 10 Days:	
Eligible Days Present	10.0
x Career & Tech Ed CH multiplier	x 4.00
Total Career & Tech Ed Contact Hours	**40.00**
Calculate Total Contact Hours for First 10 Days:	
Career & Tech Ed Contact Hours	40.000
+ Special Education Contact Hours	+ 28.590
Total Contact Hours for First 10 Days	**68.590**
Calculate Maximum Contact Hours Allowed for First 10 Days:	
Number Days Present	10.0
x Maximum Hours per Day	x 6.00
Total Maximum Contact Hours Allowed	**60.00**
Calculate Excess Contact Hours for First 10 Days:	
Total Contact Hours	68.590
- Maximum Contact Hours Allowed	- 60.000
Total Excess Contact Hours for First 10 Days	**8.590**
Calculate Special Education Contact Hours for Last 20 Days:	
Eligible Days Present	20.0
x Special Education CH multiplier	x 2.859
Total Special Education Contact Hours	**57.180**
Calculate Career & Tech Ed Contact Hours for Last 20 Days:	
Eligible Days Present	20.0
x Career & Tech Ed CH multiplier	x 5.00
Total Career & Tech Ed Contact Hours	**100.00**

Calculate Total Contact Hours for Last 20 Days:	
Career & Tech Ed Contact Hours	100.000
+ Special Education Contact Hours	+ 57.180
Total Contact Hours for Last 20 Days	**157.180**
Calculate Maximum Contact Hours Allowed for Last 20 Days:	
Number Days Present	20.0
x Maximum Hours per Day	x 6.00
Total Maximum Contact Hours Allowed	**120.00**
Calculate Excess Contact Hours for Last 20 Days:	
Total Contact Hours	157.180
- Maximum Contact Hours Allowed	- 120.000
Total Excess Contact Hours for Last 20 Days	**37.180**
Calculate Total Excess Contact Hours:	
Excess Contact Hours Last 20 Days	37.180
+ Excess Contact Hours First 10 Days	+ 8.590
Total Excess Contact Hours for First Six-Weeks	**45.770**

OR

Calculate Excess Contact Hours per Day for First 10 Days:	
Total Contact Hours per Day	6.859
- Maximum Hours per Day	- 6.000
Total Excess Contact Hours per Day	**0.859**
Calculate Total Excess Contact Hours for First 10 Days:	
Total Excess Contact Hours per Day	0.859
x Eligible Days Present	x 10.0
Total Excess Contact Hours for First 10 Days	**8.590**
Calculate Excess Contact Hours per Day for Last 20 Days:	
Total Contact Hours per Day	7.859
- Maximum Hours per Day	- 6.000
Total Excess Contact Hours per Day	**1.859**
Calculate Total Excess Contact Hours for Last 20 Days:	
Total Excess Contact Hours per Day	1.859
x Eligible Days Present	x 20.0
Total Excess Contact Hours for Last 20 Days	**37.180**
Calculate Total Excess Contact Hours:	
Excess Contact Hours for Last 20 Days	37.180
+ Excess Contact Hours for First 10 Days	+ 8.590
Total Excess Contact Hours for First Six-Weeks	**45.770**

Section V
Career and Technology Education

(1) Responsibility

(1-1) List in the space provided below the name and phone number of the district personnel to whom all career and technology education coding questions should be directed:

Name:_____

Phone Number:_____

(1-2) Career and technology education staff and/or teachers should provide attendance personnel with names and coding information of students who are eligible, whose documentation is in order, and who are being served. **In no case should attendance personnel be responsible for determining a student's career and technology code.** Career and technology education staff are also responsible for ensuring that attendance personnel are aware of changes in a student's services and the effective dates of such changes. The attendance personnel are then responsible for entering the changes in the detailed student attendance accounting system (manual or automated). At the end of each reporting period, career and technology education staff should verify the Student Detail Report for any coding errors.

(1-3) Principals must ensure that reports from the Texas Education Agency (TEA), which reflect actual Public Education Information Management System (PEIMS) data, are compared to locally-produced reports for reasonableness and accuracy.

(1-4) In order to receive contact hours, a district should ensure that the appropriate resources, labs, and technology are provided to teach the knowledge and skills for the courses offered.

(1-5) This section addresses unique provisions for Career and Technology Education. They must be applied in conjunction with the general rules in Section I, II, and III. If students are served by multiple programs, review and apply the provisions of each applicable program.

(2) Enrollment Procedure

(2-1) Student enrolls in school, and the student's class schedule is determined.

(2-2) Appropriate career and technology education staff review the student's schedule and determine the correct career and technology code.

(2-3) The career and technology code is recorded in the attendance accounting system by attendance personnel.

(2-4) Changes in the student's schedule are reviewed. If career and technology courses are added or dropped, the career and technology code could change. Changes will occur most often at the beginning of a new semester. Districts operating block schedules may need to review student schedules more often, depending on the type of block schedule. The effective date of any change in a student's career and technology code should be recorded in the attendance accounting system. The effective date is the date the student's schedule changed.

(2-5) Students enrolled in a career and technology course for the entire semester must be reported on the PEIMS 415 course record in order to be reported for Career and Technology Education contact hours on the PEIMS 410 record.

(3) Withdrawal Procedure

(3-1) Student withdraws from school, or student's class schedule changes, and the student is no longer enrolled in a given career and technology class.

(3-2) The effective date of withdrawal is recorded in the attendance accounting system, and eligible career and technology education days are no longer accumulated from that date forward for the class from which the student withdrew.

(3-3) Career and Technology Education contact hours may not be claimed when students receiving Career and Technology Education services are placed in disciplinary settings [(i.e., In-School Suspension (ISS) or Disciplinary Alternative Education Program (DAEP)] for more than 5 consecutive days if the same amount and type of Career and Technology Education services are not provided by a Career and Technology Education teacher. After 5 consecutive days without Career and Technology Education services being provided, the student should be removed from the PEIMS 410 record for Career and Technology Education contact hours effective the first day of placement in the disciplinary setting. In other words, a district may place a student in a disciplinary setting for up to and including 5 consecutive days and continue to claim Career and Technology Education contact hours even though no Career and Technology Education services are provided to the student. Students may earn state credit for a Career and Technology Education course if the student continues to work on the course even though direct career and technology instruction is not provided during periods of disciplinary removal.

(4) General Rules

(4-1) Each career and technology course taught for contact hours must be included in the approved list of courses in Section 4, Code Table C022 of the PEIMS *Data Standards*. Courses with two or five asterisk service ID notations have not been approved for the additional state career and technology education funding weight and should not be coded in the attendance accounting system as a V1, V2, etc.

Career and technology education courses not approved for weighted funding are reported as PEIMS Program Intent Code 11. (Program Intent Code 22 is reserved for career and technology education courses eligible for weighted funding.) 90% of a districts career and technology education allotment funding must be spent in support of courses with Program Intent Code 22; career and technology courses with Program Intent Code 11 may receive support from the remaining 10% of a district's career and technology allotment as well as other funding sources.

(4-2) School districts may receive weighted funding for all approved career and technology innovative courses for students in grades 9-12. To receive weighted funding, the district must have applied and received written approval from TEA or other authorized approval entity to offer the innovative course.

(4-3) Students who are enrolled in career and technology courses approved for weighted funding must be coded in the attendance accounting system on the PEIMS 410 record as either V1, V2, V3, V4, V5, or V6.

The career and technology education code must equal the total number of one-hour approved career and technology class periods in which the student is enrolled. (Successful completion of a course is **not** required to receive funding.) For example, a student enrolled in a one-credit career and technology course should be coded V1. A student enrolled in three one-credit career and technology courses should be coded V3. A student enrolled in a three-credit career and technology course should be coded V3. For exceptions to this rule see (4-4) on block scheduling.

For career and technology purposes, "one-hour" refers to a class period ranging in time from 45 minutes up to 89 minutes. Usually, a half-credit career and technology course is taught for one class period for one semester. A two-credit career and technology course would be taught for four 45-89 minute class periods for one-half of the year or two 45-89 minute class periods for the entire year.

"Career preparation" work-based learning experiences consist of time spent at an approved training site, as well as time spent in the classroom. See (5-7) for instructions on coding students enrolled in career preparation programs.

(4-4) Districts that operate block schedules in which class periods are not in one-hour increments should use the following chart when determining career and technology education codes for students.

Career and Technology Education Code	Average minutes per day in career and technology class
V1	45 - 89
V2	90 - 149
V3	150 - 180+

Each career and technology class must be examined separately to determine the average minutes per day students attend that class. Average minutes per day must be computed by reviewing a complete cycle of classes. For example, if a class meets on even-numbered days of the month, a two-week cycle must be reviewed. One week the class will meet on Monday, Wednesday, and Friday, and the next week the class will meet on Tuesday and Thursday. Once average minutes are determined, the applicable code is assigned to each career and technology class. Then all students attending that career and technology class are assigned the corresponding career and technology education code.

For students who are enrolled in more than one career and technology course, career and technology education codes are combined to determine the correct career and technology education code assigned to each student. For example, a student is enrolled in a career and technology course that averages 50 minutes per day (V1) and a career and technology course that averages 150 minutes per day (V3). When the V1 and the V3 class codes are combined, the student is assigned a code of V4 in the attendance accounting system. Three contact hours is the maximum a district can claim for a course.

(4-5) Students may enroll simultaneously in as many career and technology courses as their schedules permit. For funding purposes, however, students may receive no more than six contact hours per day [see (6-1) in Section IV].

(4-6) Work-based instruction opportunities must be planned and supervised cooperatively by the local education agency and the training sponsor. Students receive instruction by participating in occupationally specific classroom instruction and work-based learning experiences. See (5-7) for contact hour eligibility.

Written training agreements must be on file for students participating in either paid or unpaid work-based learning opportunities. A student in paid work-based instruction may be counted for contact hours on the first day of enrollment, provided a training plan for the student is on file within 15 instructional days of the student's employment date. A student participating in unpaid work-based experiences may be counted for contact hours on the first day of enrollment; a written training agreement must be completed and filed before the student begins participating in training at the work-based learning site.

For a student participating in paid work-based learning experiences, employment must begin within 15 instructional days of the student's enrollment date. If a student's employment at an approved work site does not begin by the 16th instructional day after enrollment, the student may be placed at an unpaid work site. If a student's employment ends prior to the end of the school year, contact

hours may be counted without interruption provided the student's paid work-based training resumes within 15 instructional days and a written training agreement is on file within 15 instructional days of employment.

Teachers assigned to career preparation work-based learning experiences shall visit each student training site at least six times each school year. Teachers should be provided time within their schedules to visit the training sites. Whether the district has 6-week or 9-week grading periods, at least one training site visit during each student grading period is required in order to earn contact hours for that reporting period. Districts with four 9-week grading periods are required to provide a minimum of 2 training site visits scheduled as needed in addition to the required visit each grading period. See (5-7) for instructions on coding students enrolled in career preparation programs.

Time spent at the training site is instructionally engaged time. Up to 120 minutes per day required time at the training station counts toward meeting full-time and half-time attendance requirements.

(4-7) Career and technology independent study instruction opportunities must be cooperatively planned by the student and teacher, continuously supervised by the teacher, and conducted by the student with the guidance and support of a mentor or interdisciplinary team.

Written project plans must be on file in the students' folders for students participating in a career and technology independent study course. A student in an independent study course may be counted for contact hours on the first day of enrollment, provided the student's project plans are on file in the student's folder within 15 instructional days of the student's enrollment date. A student whose project plans are not on file in their folder within this time period may be counted for contact hours beginning on the first day the project plans are filed.

Career and technology independent study courses provide a combination of classroom instruction and supervised research equivalent to an average of five class periods per week. The student and teacher must meet in classroom instruction at least once each week for the purpose of project planning, reporting, evaluation, and supervision/coordination. Remaining class time must be utilized by the student to conduct school-based or work-based research, work with the project mentor or interdisciplinary team, analyze and interpret project data and information, and compile project presentation and evaluation results. A project progress evaluation for each student grading period is required in order to earn contact hours for that reporting period. A student may receive contact hours for a maximum of one unit of credit for a career and technology education independent study during the year. **For a student in Agricultural Science to receive 1 credit, it is necessary for the district to apply and receive a state waiver as this is a ½ credit course.**

(4-8) School districts may contract with other entities to provide career and technology education instruction for students enrolled in district to receive high school credit. These contracts may be with another entity, such as a school district, a community college, the Texas State Technical College System, or a proprietary school. Proprietary school teachers must have a Texas teaching certificate for the teaching assignment. In all cases the home (sending) district must report the

student's attendance when it is a high school only course. See (8-1) for quality control instructions.

Attendance in contracted career and technology education courses must be reported by the serving (receiving) district to the home district. The student will not be reported in the serving district's student attendance accounting records, regardless of the time spent in the serving district. All attendance will be kept in the home district's records and reported in the home district's Student Detail Report, Campus Summary Report, and District Summary Report [see (1-9) in Section I].

Students absent at the time attendance is taken are counted absent for the entire day. Students present at the time attendance is taken are counted present for the entire day. Therefore, if a student is enrolled in courses in the morning at the student's home district and career and technology education courses in the afternoon at a contracted school and the student is absent in the morning but attends the afternoon career and technology courses, the student is counted absent for the entire day and does not generate career and technology contact hours on that day.

(4-9) Any career and technology course may be taught as a Career and Technology Education for the Disabled (CTED) course, but only students with disabilities who are in grades 7-12 may enroll in CTED courses. **CTED classes must be self-contained and must serve special education students only.** CTED courses earn career and technology contact hours for students in grades 7-12. For students enrolled in a CTED course, the Admission, Review and Dismissal (ARD) committee shall determine that services available through regular career and technology education are insufficient for the student to make satisfactory progress and shall ensure that the specialized services the student needs can only be provided in the specialized, self-contained CTED classroom.

(4-10) To be eligible for career and technology contact hours, each student enrolled in Agricultural Science and Technology must accumulate at least 110 Supervised Agricultural Experience Program (SAEP) hours per semester, per course. The 110 hours can be obtained through an approved Supervised Agricultural Experience Program (SAEP) and completion of the course. Upon completion of the course, the student may obtain 75 of the 110 hours. The remaining 35 hours may be obtained by the student completing suggested activities for outside classroom hours, or a combination of outside classroom hours and SAEP's. SAEP records must be on file to document each student's successful completion of this requirement.

(4-11) To be eligible for career and technology contact hours, each student enrolled in Comprehensive or Technical Family and Consumer Sciences Education courses must carry out an approved Supervised Career Connections Experience each semester. Records must be kept to document student participation and achievement.

(4-12) In order for a student to earn career and technology contact hours while also being served in special education homebound (01), hospital class (02), and/or state school (30), the student must continue to receive the same amount and type of career and technology service that he or she was receiving before being placed in special education homebound, hospital class, and/or state school and

must be in addition to the hours served in any of these instructional arrangements [see (4-1) in Section IV].

(4-13) Students may earn career and technology contact hours while they are being served in Pregnancy Related Services (PRS) Compensatory Education Home Instruction (CEHI) [see (4-9), (5-5), and (9-4) in Section IX].

(4-14) Only students in grades 9-12 are eligible for contact hours, except for CTED courses [see (4-9)]. Students in grades below 9 are not eligible for contact hours even if they take a high school course.

(4-15) Self-paced career and technology education is not eligible for contact hour funding.

(4-16) If the school district/charter school and the college meet all Texas Administrative Code requirements for dual credit courses, students enrolled in a course resulting in dual credit for both a college course and an approved secondary career and technology education course are eligible to be counted for career and technology contact hour funding. Eligibility of the school district/charter school for secondary contact hour funding does not preclude the college from also being funded through post-secondary sources for the instruction. (See (5-10) in Section III, General Requirements; 19 TAC Part 1, Chapter 4, Subchapter D; and 19 TAC Part 2, Chapter 74, Subchapter C).

(5) Eligibility/Eligible Days Present

(5-1) Career and Technology Education is designed to serve students in grades 6-12. Students in grades 7-8 can be reported only for contact hours in CTED courses [see (4-9) earlier in this section]. No other students in grades 7-8 may earn contact hours, even if they are enrolled in a grade 9-12 career and technology education course.

(5-2) There are many career and technology courses listed in Section 4, Code Table C022 of the PEIMS *Data Standards*. **Courses with two or five asterisk service ID notations have not been approved for the additional state career and technology education funding weight and should not be coded in the attendance accounting system as a V1, V2, etc.**.

Districts that offer instruction in career and technology education courses that are **not** approved for the additional state career and technology education funding weight do **not** report students served in these courses on the 410 Record **(Career & Technology Education (C&TE) - Student)**. However, the course will be reported on the student's 170 Record on the Fall Snapshot date. Students enrolled in grade 9-12 courses that are not approved for weighted funding must be reported on the 415 Record in Submission 3. See the PEIMS *Data Standards.*

Career and technology education courses not approved for weighted funding are reported as PEIMS Program Intent Code 11. (Program Intent Code 22 is reserved for career and technology education courses eligible for weighted funding.) 90% of a districts career and technology education allotment funding

must be spent in support of courses with Program Intent Code 22; career and technology courses with Program Intent Code 11 may receive support from the remaining 10% of a district's career and technology allotment as well as other funding sources.

(5-3) A student is **not** eligible to receive any career and technology contact hours for participating one hour in a two-hour course or for one or two hours in a three-hour course.

(5-4) In order for a student to earn career and technology contact hours while also being served in special education homebound (01), hospital class (02), and/or state school (30), the student must continue to receive the same amount and type of career and technology service that he or she was receiving before being placed in special education homebound, hospital class, and/or state school [see (4-1) in Section IV].

In order for a PRS student to earn career and technology education contact hours while also being served in CEHI**)**, the student must continue to receive the same amount and type of career and technology service that she was receiving before being placed in CEHI. The career and technology instruction that a PRS student receives at home would be **in addition** to the four hours necessary for CEHI. The teacher providing the career and technology instruction must maintain a log to verify all contact hours with PRS students [see (4-9), (5-5), and (9-4) in Section IX].

(5-5) Effective dates for program changes may be recorded on a day when the student is absent. **However, controls must be in place to ensure that students do not generate ADA or special program contact hours on any day that a student is absent.**

In addition, for PEIMS reporting purposes, individual student records are not allowed for a student who was not in attendance during a reporting period. Procedures must be in place to ensure that "0-filled" PEIMS records are **not** created when effective dates for program changes are pre-posted.

(5-6) Students reported in the Student Detail Report with an ADA eligibility code of 2 (eligible for half-day attendance) should **not** have full-day career and technology education attendance reported. The career and technology education days present must be reported as half days.

(5-7) Career and Technology Education Career Preparation eligibility requirements are below. Refer to (4-6) for General Rules and to the Glossary for definitions.

1. Each career preparation class utilizing the <u>paid</u> work-based learning delivery arrangement must consist of student participation in work-based training appropriate to the instructional program plus participation in related Career and Technology Education classroom instruction. Classroom instruction must average one class period each day for every school week and <u>span the entire school year</u>.

2. The work-based training component, whether paid or unpaid, must address the TEKS for the course and provide the student with a variety of learning

experiences that will give the student the broadest possible understanding of the business or industry.

3. Students must be a minimum age of 16 in order to enroll in career preparation work-based learning experiences that have a paid career preparation component.

(5-8) Use the following chart to determine the career and technology education code for **unpaid** students in career and technology education "career preparation".

Classroom and/or Work-based Instruction	Units of Credit	Career and Technology Education Code
2 hours per day (average)	2	V2
3 hours per day (average)	3	V3

(5-9) Use the following chart to determine the career and technology education code for **paid** students in career and technology education "career preparation".

Classroom Instruction	Work-based Instruction	Units of Credit	Career and Technology Education Code
1 hour per day (average)	10 hours per week (average)	2	V2
1 hour per day (average)	15 hours per week (average)	3	V3

(6) Contact Hours

No matter what career and technology education code is assigned, the total number of eligible days present for that code must be recorded for each student for each six-week reporting period in the Student Detail Report. When computing the Campus Summary Report (Section II), contact hours for each career and technology code must be recorded. The number of eligible days present for each career and technology code is multiplied by the corresponding contact hour multiplier to derive contact hours. Each career and technology code has a different contact hour multiplier. Use the following chart when computing career and technology education contact hours.

Career and Technology Education Code	Contact Hour Multiplier
V1	1.00
V2	2.00
V3	3.00
V4	4.00
V5	5.00
V6	6.00

The Student Detail Report should reflect eligible career and technology education days present for each eligible student enrolled in a state-approved and state-funded career and technology class. Campus Summary Reports and the District Summary Report should have total eligible career and technology education days and total career and

technology education contact hours by career and technology code, by six-week reporting period.

Total career and technology contact hours = eligible career and technology days x contact hour multiplier.

(7) Documentation

In order to claim career and technology education contact hours for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating career and technology education eligible days present on the Student Detail Report. Documentation requirements are as follows.

(7-1) Adequate documentation of a student's **entry** into the program, **service** in the program, and **withdrawal** from the program must be available.

(7-2) Documentation acceptable to establish (7-1) is as follows.

1. The career and technology education teacher's gradebook documenting the student's attendance and participation in the career and technology class;

2. The student's official grade report, indicating the grade obtained in the career and technology course. Successful completion of the course is **not** required to receive funding;

3. The student's official schedule change document, if the student changed schedules during the semester; and

4. The student's withdrawal form and documentation of the student's schedule at the time of withdrawal, if the student withdraws from school during the semester.

5. The student must be reported on the PEIMS 415 record when the student completes each semester of the course.

(7-3) A letter of approval to the district from TEA or authorized approval entity for magnet courses or innovative courses must be on file in order to obtain career and technology education funding for these courses.

(7-4) The propriety of student eligibility is affirmed by the principal or superintendent when affidavits are signed.

(8) Quality Control

(8-1) A student should be coded with the appropriate career and technology education code as soon as the student is enrolled in a state-approved and state-funded career and technology education course for which the student is eligible for state credit.

(8-2) As soon as a student changes his or her schedule or withdraws from school, the student's career and technology code should be revised.

(8-3) At the beginning of each school year, the appropriate career and technology education staff should verify the Student Detail Report to ensure that initial coding of career and technology education students is correct.

(8-4) At the end of each six-week reporting period, the appropriate career and technology education staff should verify the Student Detail Report to ensure that coding of career and technology education students is correct.

(8-5) Students who are enrolled in career and technology courses must be coded in the attendance accounting system as either V1, V2, V3, V4, V5, or V6 according to (4) *General Rules* and (5) *Eligibility/Eligible Days Present* earlier in this section. Districts operating traditional schedules must assign career and technology codes equal to the total number of one-hour approved career and technology class periods in which the student is enrolled. Districts operating block schedules must assign career and technology codes according to the guidelines described in (4-4). Successful completion of a course is **not** required to receive funding.

(8-6) A student's career and technology education code must be changed in the attendance accounting system when the student's class schedule has changed. Controls must be established to ensure the code does not change prior to the date the service changed.

(8-7) Students must be reported on the PEIMS 415 record for each semester of a Career and Technology Education course to be eligible for Career and Technology Education contact hours. This rule does not apply for students who did not complete the semester. Students who do not complete the course still receive contact hours for the time spent in a Career and Technology Education course.

(9) Examples

(9-1) A student is enrolled in Preparation for Parenting for the first semester and in Individual and Family Life for the second semester.

The career and technology code for this student would be entered as V1 for both semesters in the attendance accounting system because each course is taught in a one-hour class period (each class is a 1/2-credit course).

(9-2) A student is enrolled in Preparation for Parenting and in Management for the first semester and in Individual and Family Life for the second semester.

The career and technology code for this student would be entered in the attendance accounting system as V2 for the first semester and V1 for the second semester. The student is coded as V2 for the first semester because the student is enrolled in two one-hour career and technology class periods (two 1/2-credit classes).

(9-3) An eighth grade student is enrolled in Introduction to World Agricultural Science and Technology (a grade 9-12 course) for the first semester.

This student will not have a career and technology education code in the attendance accounting system because the student is in the eighth grade and cannot earn contact hours. The student may earn high school credit for successful completion of the grade 9-12 course. The course will be reported on the student's 170 Record on the Fall Snapshot date. See the PEIMS Data Standards*.*

(9-4) A student is enrolled in PL/Child Care and Guidance, Management, and Services I and in Personal Skill Development in Agriculture for the first semester and in PL/Child Care and Guidance, Management, and Services I for the second semester.

The career and technology code for this student would be entered as V3 for the first semester and V2 for the second semester in the attendance accounting system. The student is coded as V3 for the first semester because the student is enrolled in one career and technology course that is taught for two one-hour class periods and one career and technology course that is taught for a one-hour class period (one one-credit and one 1/2-credit class). The student would be coded as V2 for the second semester because PL/Child Care and Guidance, Management, and Services I (taught for two one-hour class periods) generates one (1) credit in the second semester.

(9-5) A student in the Trade and Industrial Education Career Preparation program is employed as an automotive machinist for the entire school year. The student is employed 20 hours a week from 1:00 p.m. until 5:00 p.m., and is enrolled in the career preparation class during fourth period.

The career and technology code for this student would be entered as V3 for the entire school year in the attendance accounting system because the student attends the one-hour career preparation career and technology education class period and works a minimum of 15 hours a week (one and one-half credits would be earned each semester).

(9-6) A student wants to take Business Computer Information Systems I. However, this class is not offered at the student's home district. The student's home district contracts with a nearby district for the student to attend the nearby district's Business Computer Information Systems I class, which is taught for two one-hour class periods.

The home district should enter this student's career and technology code as V2 in the attendance accounting system [see (4-8)].

(9-7) A student in the seventh grade is taking Introduction to Keyboarding.

This student will not have a career and technology education code in the attendance accounting system. However, the course will be reported on the student's 170 Record on the Fall Snapshot date. See the PEIMS Data Standards*.*

(9-8) A student enrolled in Interior Design on the first day of school. After two weeks in this class the student decided to take Automotive Technician I, a two-hour career and technology course, instead of Interior Design and a regular education elective.

The career and technology code for this student would be entered as V1 for the first two weeks of school and V2 for the remainder of the semester in the attendance accounting system. The student is coded as V1 for the first two weeks because the student is enrolled in one one-hour career and technology class period (one 1/2-credit class). The student is coded as V2 for the remainder of the semester because the student is enrolled in one career and technology class that is taught for two one-hour class periods (one one-credit class). Documentation of the student's schedule change should be maintained.

(9-9) A student attends school at the high school campus, which operates on a modified block schedule. The student is enrolled in Nutrition and Food Science in the first semester. This class meets for two hours on even-numbered days of the month.

The career and technology code for this student would be entered in the attendance accounting system as V1 for the first semester. To illustrate, over a two-week period this student will receive 10 hours of instruction in Nutrition and Food Science. One week the class will meet on Monday, Wednesday, and Friday, for a total of six hours, and the next week the class will meet on Tuesday and Thursday, for a total of four hours. This is the same amount of instruction a student on a traditional schedule (one hour each day) would receive. The student is coded as V1 for the first semester because the student is enrolled in one 1/2-credit career and technology class.

(9-10) A student is enrolled in Health Science Technology I (V1). The student develops a health impairment and the school obtains a physician's statement affirming that the health impairment will prevent him from attending school for at least four consecutive weeks.

In order for a student to earn career and technology contact hours while he is also being served in special education homebound, hospital class, and/or state school instructional settings, he must continue to receive the same amount and type of career and technology service that he was receiving before being placed in special education homebound, hospital class, and/or state school [see (4-1) in Section IV]. Upon returning to school, the student will earn career and technology contact hours, provided he remains enrolled in the career and technology course.

(9-11) A student is enrolled in 3 hours of high school credit courses, including a 1-hour career and technology education course. The student is also enrolled in a 2-hour career and technology course provided by a college and meeting all secondary and postsecondary Texas Administrative Code requirements for dual credit.

The district would receive 1 career and technology education contact hour for the high school career and technology class plus 2 contact hours for the approved career and technology/college course taught for dual credit (V3). The high school student would also be eligible to be counted by the community college for state funding for post-secondary programs. The school district/charter school would be eligible for full ADA funding for the student provided there is a written dual credit agreement with the college (see (5-10) in Section III, General Requirements; 19 TAC Part 1, Chapter 4, Subchapter D; and 19 TAC Part 2, Chapter 74, Subchapter C).

In the above example, contact hour funding would be contingent upon the college course corresponding to a secondary career and technology education course approved by the State Board of Education or approved as an innovative course for the district/charter school. Instruction must include 100% of the TEKS in the equivalent high school course plus include advanced academic instruction beyond or in greater depth than prescribed by the high school course TEKS.

(9-12) If a PRS student is receiving CEHI services during the postpartum period and the student is also enrolled in a C&TE course, how is the C&TE time to be reported?

PRS students receiving CEHI services are to remain enrolled in C&TE courses during the period of time that they are receiving CEHI services. However, unless the student is being served by a certified career and technology teacher providing the same type and level of C&TE instruction the student received at school, the student must be reported in the summer submission as ineligible for weighted C&TE funding for the period of time that the student is receiving CEHI services. In the event that this situation occurred during the Fall Snapshot, the student must still be reported on the applicable C&TE PEIMS records.

Section VI
Bilingual/ESL

(1) Responsibility

(1-1) List in the space provided below the name and phone number of the district personnel to whom all bilingual education and/or English as a second language (ESL) coding questions should be directed:

Name:_____

Phone Number:_____

(1-2) Bilingual/ESL staff and/or teachers should provide attendance personnel with names and coding information of students who are eligible, whose documentation is in order, and who are being served. **In no case should attendance personnel be responsible for determining a student's bilingual/ESL code.** Bilingual/ESL staff are also responsible for ensuring that attendance personnel are aware of changes in student's services and effective dates of such changes. The attendance personnel are then responsible for entering changes in the detailed student attendance accounting system (manual or automated). At the end of each six-week reporting period, bilingual/ESL staff should verify the Student Detail Report for any coding errors.

(1-3) Principals must ensure that reports from the Texas Education Agency (TEA), which reflect actual Public Education Information Management System (PEIMS) data, are compared to locally-produced reports for reasonableness and accuracy.

(1-4) This section addresses unique provisions for Bilingual/ESL. They must be applied in conjunction with the general rules in Section I, II, and III. If students are served by multiple programs, review and apply the provisions of each applicable program.

(2) Enrollment Procedure

(2-1) Student enrolls in district, and parent completes a Home Language Survey. If a language other than English is indicated on any portion of the survey, the student must be tested for English proficiency. Students in grades 9-12 may complete the Home Language Survey.

(2-2) Student is tested for English proficiency.

1. If the student is in **prekindergarten (PK), kindergarten or first grade** the Oral Language Proficiency Test (OLPT) is administered in English. If the

student tests below the cut-off score (determined by the exam instrument used), the student is considered limited English proficient (LEP).

Districts that provide a bilingual education program shall administer an OLPT in the home language of the students who are eligible for being served in the bilingual education program. If the home language of the students is Spanish, the district shall administer the Spanish version of the TEA-approved OLPT, which is administered in English. If the home language of the students is other than Spanish, the district shall determine the students' level of proficiency using informal oral language assessment measures.

2. If the student is in **second through twelfth grade:**

   a. the OLPT is administered. If the student tests below the cut-off score (determined by the exam instrument used), the student is considered LEP; and

   b. the standardized achievement test is administered. If the student scores below the 40th percentile on either the reading or the language arts section of the test, the student is considered LEP. The standardized achievement test should not be administered if the student's ability in English is so limited that the test is not valid. 19 TAC §89.1225(f)

If the student is considered LEP, continue to the next enrollment step. If the student is not considered LEP, the student does not qualify for bilingual/ESL funding.

(2-3) The Language Proficiency Assessment Committee (LPAC) places the student in either the bilingual education program or the ESL program.

(2-4) Approval to place the student in the appropriate program is obtained from the parent. This parental approval form should contain a "date completed by parent" or "date received by district".

(2-5) If a bilingual/ESL student transfers between school districts, the receiving district should immediately enroll the student in the bilingual/ESL program, pending receipt of documentation (LPAC records and assessment information) from the sending district. If this documentation is not received within four weeks of transfer, the receiving district must go through the standard identification and assessment procedures in order for the student to be coded LEP, ESL, and/or bilingual.

(3) Withdrawal Procedure

(3-1) A student is withdrawn from the bilingual/ESL program if:

1. the LPAC classifies the student as English proficient when the student attains the required exit criteria as stated in 19 TAC §89.1225(h); or

2. the parent requests in writing to remove his or her child from the program and place the child in a regular English classroom; or

3. the student withdraws from the district (not exits from the bilingual/ESL program).

(3-2) The district notifies the student's parent of the student's reclassification as English proficient and his or her exit from the bilingual education or ESL program. 19 TAC §89.1240(b)

(3-3) The date a student withdraws from the district or is exited from the bilingual education or ESL program is considered the effective date of change. The effective date is recorded in the attendance accounting system, and eligible bilingual/ESL days are no longer accumulated from that date forward.

(4) General Rules

(4-1) Within four weeks of his or her initial enrollment in the district, a student shall be identified as LEP and enrolled into the required bilingual or ESL program. 19 TAC §89.1225(g) However, even though the student may be served in the bilingual/ESL program, the student should not be coded with the bilingual/ESL indicator unless all documentation is on file. Funds for bilingual/ESL students cannot be claimed until all documentation is in place.

(4-2) Student Detail Reports must contain a bilingual/ESL indicator code for all students who are being served in the bilingual education or ESL program and are eligible for state funding [see (5) *Eligibility* later in this Section].

(4-3) Students in PK through first grade who score at or above the cut-off on the OLPT and students in second through twelfth grade who score at or above the cut-off on the OLPT and at or above the 40th percentile on the reading and language arts sections of a standardized achievement test may be served in the bilingual or ESL program; however, these students are **not** eligible for bilingual/ESL funds and must **not** have a bilingual/ESL indicator code recorded on the Student Detail Report.

(4-4) The following guidelines must be followed to determine if a student is being served in a state-funded bilingual education or ESL program.

1. Student is served in a full-time bilingual instructional program by staff certified or on permit to teach bilingual education. The amount of instruction in each language (the student's home language and English) shall be commensurate with the student's level of proficiency in both languages and the student's level of academic achievement;

2. Student is provided instruction in ESL by staff certified or on permit to teach ESL or bilingual education. In PK through grade 8, instruction in ESL may vary from the amount of time accorded to instruction in English language arts in the regular program for nonlimited English proficient students to a full-time instructional setting utilizing second language methods. In high school, the ESL program must be consistent with graduation requirements

under Chapter 74. The LPAC may recommend appropriate services that may include content courses provided through sheltered instructional approaches by trained teachers, enrollment in ESL courses, additional state elective English courses, and special assistance provided through locally determined programs.

3. Student is served in a program approved by the Agency under an Exception or a Waiver. 19 TAC §89.1205(g),(h)

(4-5) Upon their initial enrollment and at the end of each school year, the LPAC shall review all pertinent information on all LEP students so identified through testing. The LPAC shall designate, subject to parental approval, the initial instructional placement of each LEP student in the required program; classify students as English proficient according to appropriate tests; and recommend their exit from the bilingual education or ESL program. 19 TAC §1220(g) A student may not be exited from the bilingual education or ESL program in grades PK through one. 19 TAC §89.1225(i)

(4-6) The LPAC shall give written notice to the student's parent advising that the student has been classified as LEP and requesting approval to place the student in the required bilingual education or ESL program. The notice shall include information about the benefits of the bilingual education or ESL program for which the student has been recommended and state that it is an integral part of the school program. 19 TAC §89.1220(j)

(4-7) The student must be placed in a bilingual education or ESL program as soon as the student is identified as LEP (through the home language survey and test scores) and the LPAC has recommended such placement, regardless of whether or not parental approval has been received. The district shall place the student in the bilingual or ESL program on the date the LPAC recommends that service begin but **may count the student for bilingual education funding only <u>after parental approval</u> <u>is received</u> (along with home language survey, test scores, and documentation of LPAC recommendation)** 19 TAC §89.1220(k). If a parental denial is received, then the district must discontinue serving the student.

(4-8) Each district that is required to offer bilingual education and special language programs shall offer the following for students of limited English proficiency:

1. bilingual education in PK through the elementary grades;

2. bilingual education, instruction in English as a second language, or other transitional language instruction approved by the agency in middle school; and

3. instruction according to LPAC recommendation.

For LEP students in grades 9-12 that are immigrants, enrollment in English I for Speakers of Other Languages and/or English II for Speakers of Other Languages is appropriate.

For all other LEP students in grades 9-12, LPAC documentation must reflect appropriate services to meet the student's needs. For example, LPAC documentation may indicate that a student will enroll in state elective

English courses to strengthen their English skills, enroll in ESL courses for local credit, participate in tutorials, or be assigned to teachers with training in sheltered English or training in ESL methods.

All LEP students in grades 9-12 that are served according to LPAC recommendations are to be coded ESL for funding purposes.

(4-9) Students served only in the Preschool Program for Children with Disabilities (PPCD) cannot generate bilingual/ESL ADA.

(4-10) A student may be recorded absent on the effective date of a program change. However, as with all other students who are absent, no bilingual/ESL ADA can be earned.

(5) Eligibility

A student being served in the bilingual education or ESL program must meet the following requirements in order to be eligible for state funding.

(5-1) A language other than English is indicated on the home language survey.

(5-2) The student is considered LEP because the student tested below the cut-off scores on the test appropriately administered for the student's grade level. The following guidelines should be used for testing. 19 TAC §89.1225(f)

1. Grades PK-1, scores below cut-off on an approved OLPT, and

2. Grades 2-12:

   a. scores below cut-off on an approved OLPT and/or

   b. scores below cut-off in the English reading and English language arts sections of an approved student assessment instrument.

(5-3) The LPAC has recommended the student for placement in the program.

(5-4) There is record of parental approval to place the LEP student in a bilingual education or ESL program. For LEP students in grades nine through twelve, check LPAC documentation for services recommended by the LPAC to meet student needs (services may be something other than ESL).

(5-5) The student is served according to the guidelines in (4-5).

(6) Eligible Days Present

Students who are being served in the bilingual education or ESL program and are eligible for funding, according to (4) *General Rules* and (5) *Eligibility* earlier in this section, will be identified by a bilingual/ESL indicator code of 1 in the attendance accounting system. The total number of eligible bilingual/ESL days present must be

recorded for each six-week reporting period in the Student Detail Report for every student eligible for the program.

At the end of each six-week reporting period, a Campus Summary Report (Section II) must be computed. Total eligible bilingual/ESL days present, for every student in the program, must be summarized by grade level on this report. There will be a separate Campus Summary Report for each instructional track for each campus in the district. Total Eligible Bilingual/ESL Days Present for each grade level on that campus, Total Eligible Bilingual/ESL Days Present for all grades, and Campus Bilingual/ESL ADA must be included on the Campus Summary Report.

At the end of each six-week reporting period, a District Summary Report (Section II) must be computed. The information from all Campus Summary Reports for each track in the district would be added to comprise the District Summary Report for each track. This report must include Eligible Bilingual/ESL Days Present for each grade level in that district, Total Eligible Bilingual/ESL Days Present for all grades, and District Bilingual/ESL ADA.

(7) Documentation

In order to claim bilingual/ESL eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible bilingual/ESL days present on the Student Detail Report. The documentation requirements are as follows.

(7-1) Districts shall conduct only one home language survey for each student. The home language survey shall be administered to each student new to the district, and to students previously enrolled in a district in Texas that was not surveyed in the past. Districts shall require that the survey be signed by the student's parent or guardian for students in grades prekindergarten through Grade 8, or by the student in Grades 9-12. The original copy of the survey shall be kept in the student's permanent record.

The home language survey shall be administered in English and Spanish; for students of other language groups, the home language survey shall be translated into the home language whenever possible. The home language survey shall contain the following questions:

1. "What language is spoken in your home most of the time?"

2. "What language does your child (do you) speak most of the time?"

[19 TAC §89.1215(a)(b)]

(7-2) Proof of a qualifying score on an approved OLPT, and/or qualifying scores in the English reading and English language arts sections of an approved student assessment instrument. The official scores must be documented in the student's records.

(7-3) Written documentation of the recommendation for placement by the LPAC.

(7-4) Record of parental approval to place the LEP student in a bilingual education or ESL program. This record must include the parent's signature and should contain a "date completed by parent" or "date received by district".

(7-5) Written documentation of the annual review and recommendation of the LPAC.

(7-6) Proof that a student is:

1. served in a full-time bilingual instructional program by staff on permit or certified in bilingual education,

2. provided instruction in ESL by staff on permit or certified in ESL or bilingual education for the amount of time accorded to English language arts in the regular instructional program,

3. provided instruction as recommended by the LPAC (students in grades nine through twelve may receive services other than ESL), or

4. served in a program approved by the Agency under an Exception or a Waiver.

Gradebooks, students' Academic Achievement Records (AAR), and/or class rosters would be acceptable documentation.

(7-7) The student's permanent record shall contain documentation of all actions impacting the LEP student. This documentation shall include [19 TAC §89.1220(m)]:

1. the identification of the student as LEP;

2. the designation of the student's level of language proficiency;

3. the recommendation of program placement;

4. parental approval of entry or placement into the program;

5. parental denial, if applicable;

6. the dates of entry into, and placement within, the program;

7. the dates of exemptions from the criterion-referenced test, criteria used for this determination in accordance with 19 TAC §101 Subchapter AA. Commissioner’s Rules Concerning the Participation of Limited English Proficient Students in State Assessments, and additional instructional interventions provided to students to ensure adequate yearly progress;

8. the date of exit from the program and parent notification; and

9. the results of monitoring academic success.

(7-8) The propriety of student eligibility is affirmed by the principal or superintendent when affidavits are signed.

(8) Quality Control

(8-1) A student should have a bilingual/ESL indicator code recorded in the attendance accounting system as soon as all eligibility requirements have been met. All documentation must be on file before the indicator is recorded. The sooner documentation is on file, the sooner funds may be earned for serving the student.

(8-2) As soon as a student withdraws from school or the LPAC classifies a student as English proficient according to appropriate tests and recommends the student's exit from the bilingual education or ESL program, the student should no longer have a bilingual/ESL indicator code. The effective date of this change should be recorded in the attendance accounting system.

(8-3) At the beginning of each semester, the appropriate bilingual/ESL staff should verify the Student Detail Report to ensure that initial coding is correct.

(8-4) At the end of each six-week reporting period, the appropriate bilingual/ESL staff should verify the Student Detail Report to ensure that coding is correct.

(8-5) Students in grades PK through eight who are counted for funding in the bilingual/ESL program must be served by bilingual/ESL certified staff. Students in grades nine through twelve may be counted for funding in a bilingual/ESL program even if they are served by staff that are not bilingual/ESL certified. However, English I for Speakers of Other Languages and English II for Speakers of Other Languages must be taught by ESL endorsed teachers. LPAC's recommendation of services must be documented in the student's permanent record folder. Students not served in a state required program must be served in a program approved by the Agency under an Exception or a Waiver.

(8-6) Students who are counted for funding in the bilingual/ESL program must have all documentation on file.

(8-7) When a student is exited from the bilingual/ESL program, the indicator code in the attendance accounting system must be removed. Not removing the indicator code will result in bilingual/ESL days accumulating when the student has been exited from the program and is no longer being served.

(9) Examples

(9-1) A student's home language survey indicates that Spanish is spoken in the student's home most of the time. The student's test scores on an approved OLPT are below the cut-off score, and the LPAC recommends placement in the bilingual education program. However, the student's parent has denied placing the student in the bilingual education program or the ESL only program.

The school district cannot serve the student in either program and cannot claim the student for bilingual/ESL state funds.

(9-2) A student's home language survey indicates "English" to all questions asked on the survey. The student's test scores on an approved OLPT are below the cut-off score, and the LPAC recommends placement in the ESL program.

Upon parental approval, the student may be served in the program. However, the district cannot claim the student for bilingual/ESL state funds because the home language survey does not indicate a language other than English.

(9-3) A student in third grade has a home language survey on file that indicates Spanish is spoken in the student's home most of the time. The student's test scores on the standardized achievement test are in the 42nd percentile in Reading and in the 45th percentile in Language Arts. The LPAC has recommended placement in the ESL program.

If the student's parent approves, the district can now serve the student in the ESL program; however, the district cannot claim the student for bilingual/ESL state funds. Funds cannot be collected even though the LPAC recommended placement in the program and the home language survey indicates a language other than English because the student has scored above the cut-off score.

(9-4) A LEP student is assessed in March to determine if he/she could be reclassified as English proficient. The LPAC meets in April to recommend that the student be classified as non-LEP. A school district will continue to receive funding for this student until the end of the school year.

A school district should not pull a student from a classroom before the end of the school year. The student continues to be served in the bilingual and/or ESL program until the end of the school year. The student is placed in an all-English classroom at the beginning of the following school year.

(9-5) A LEP student is assessed in September to determine if he/she could be reclassified as English proficient. The LPAC meets in October to recommend that the student be reclassified as non-LEP. The LPAC did not review the student in the prior year. The school district will not be able to claim Bilingual/ESL funding for the current school year.

Although a school district should not pull a student from a classroom before the end of the school year, the school district was required to review the student's LEP status in spring of the prior school year. The student's attendance in the bilingual/ESL program should be removed from PEIMS attendance for the current year and the student should be placed in an all-English classroom as soon as possible. (At the end of each school year LPAC's must ensure that they are correctly reclassifying students to avert this mistake in the future.)

(9-6) A student's parent denies placement of their child into a bilingual and/or ESL program therefore the student is entered into PEIMS as LEP with parental denial. The following school year the student is still considered as LEP with parental denial.

The school district does not change the status of the student as LEP with parental denial until the student passes the reading subtest of the TAKS (and writing if available) or the student scores at or above the 40th percentile on both the Reading and Language Arts subtests of an English achievement test from the list of State-Approved Tests. The student continues as LEP with the parental denial until the TAKS or English achievement test criteria is met.

Section VII
Prekindergarten

(1) Responsibility

(1-1) List in the space provided below the name and phone number of the district personnel to whom all prekindergarten (PK) coding questions should be directed:

Name:_____

Phone Number:_____

(1-2) PK staff and/or teachers should provide attendance personnel with names and coding information of students who are being served in the PK program. **In no case should attendance personnel be responsible for determining whether a student is eligible for PK.** PK staff are also responsible for ensuring that attendance personnel are aware of changes in a student's services and effective dates of such changes. The attendance personnel are then responsible for entering changes in the detailed student attendance accounting system (manual or automated). At the end of each six-week reporting period, PK staff should verify the Student Detail Report for any coding errors.

(1-3) Principals must ensure that reports from the Texas Education Agency (TEA), which reflect actual Public Education Information Management System (PEIMS) data, are compared to locally-produced reports for reasonableness and accuracy.

(1-4) This section addresses unique provisions for Prekindergarten. They must be applied in conjunction with the general rules in Section I, II, and III. If students are served by multiple programs, review and apply the provisions of each applicable program.

(2) Enrollment Procedure

(2-1) Obtain proof that the student enrolling is three or four years old as of September 1 of the current school year. Documents acceptable for proof of identification and age are outlined in (7-4).

(2-2) A student is eligible for PK by meeting the following criteria in 1, 2, or 3.

1. Appropriate PK staff determines eligibility for students who do not speak and comprehend the English language, by:

    a. administering the home language survey (if a language other than English is indicated on any portion of the survey, then the student must be tested for English proficiency); and

b. testing students using oral instruments from the list of state approved tests for assessment of limited English proficient students.

2. Appropriate PK staff determines eligibility for students who are educationally disadvantaged. Educationally disadvantaged students are eligible to participate in the National Free or Reduced-Price Lunch Program; or

3. Appropriate PK staff determines eligibility for students who are homeless, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child.

   The definition in 42 U.S.C. §11302 is similar, but not identical, to the new definition of "homeless children and youths" enacted in the No Child Left Behind (NCLB) legislation enacted by Congress . As the new definition in the NCLB legislation applies specifically under federal law to the enrollment of homeless children and youth, the Texas Education Agency advises that school districts apply the NCLB definition, in addition to the definition in 42 U.S.C. §11302, when determining if a student is eligible for enrollment.

   42 U.S.C. §11434(a) provides:

   a. the term "homeless children and youths",

   b. includes;

      1. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

      2. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) of this title);

      3. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

      4. migratory children (as such term is defined in section 6399 of Title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (1) through (3).

(3) Withdrawal Procedure

(3-1) A student should be withdrawn from the attendance accounting system on the date the district becomes aware the student is no longer a member of the district. With proof of enrollment in a different district/campus, retroactive withdrawals will be permitted to the day the student enrolled in the other school. All attendance accounting records affected by this change must be updated.

(3-2) A student who is temporarily absent (i.e., illness, suspension, etc.) but is still a member of the district may not be withdrawn.

(3-3) The withdrawal date for a student who never officially withdrew from school but whose whereabouts can no longer be determined should be decided according to applicable local policies.

(3-4) If the student withdraws before official attendance is taken, the withdrawal date is that day. If the student withdraws after official attendance is taken, the withdrawal date is the next school day.

(4) General Rules

(4-1) Any school district may offer PK classes, but a district must offer PK classes if the district identifies 15 or more eligible children who are at least 4 years of age on or before September 1 of the current school year. TEC §29.153(a) The commissioner of education may exempt a district from this requirement if the district would be required to construct classroom facilities in order to provide PK classes. TEC §29.153(d)

Students of both ages (three and four years old) can be served in the same class.

(5) Eligibility

(5-1) To be eligible for enrollment in a PK class, a child must be three or four years of age on September 1 of the current school year and must be [TEC §29.153(b)]:

1. unable to speak and comprehend the English language; or
2. educationally disadvantaged (eligible to participate in the National Free or Reduced-Price Lunch Program); or
3. homeless.

A child who is three years old is eligible for PK only if the district operates a three-year-old PK program. A child who is five years of age on September 1 of the current school year is **not** eligible for enrollment in a PK class.

It is the agency's position that children who reach age five on September 1 are most appropriately served in kindergarten, and that the law specifically established the PK program to serve students who have not reached age five. In that context, if a district enrolls a five-year-old student in the PK program, the student must be reported as ineligible for ADA (ADA eligibility code 4 or 5).

(5-2) PK classes shall operate on a half-day basis. TEC §29.153(c) Students who meet eligibility requirements for the PK program should be coded eligible half-day (ADA eligibility code 2). Students in PK are also eligible for special programs such as special education and bilingual/ESL, provided they meet the requirements for these programs. Program requirements are in Sections IV and VI.

NOTE: School districts/campuses who apply and are approved for the PK Expansion Grant Program may report PK eligible students as ADA Eligibility Code 1-Full Day if the students are scheduled for at least six hours (360 minutes) of instruction each day.

(5-3) Students who do not meet eligibility requirements but are still served in the PK program should be coded ineligible half-day (ADA eligibility code 5). Districts should ensure that serving students who are not eligible for the program does not interfere with serving students who are eligible for the program.

(5-4) Once a student is determined to be eligible for PK, the student remains eligible for the remainder of the current school year in the district in which he or she resides or is otherwise entitled to attend for Foundation School Program benefits.

For example, a student who qualifies for PK because the student is eligible to participate in the National Free or Reduced-Price Lunch Program (educationally disadvantaged) is eligible for PK the entire school year even if the family's annual income increases above the subsistence level during the school year.

In order for a student to qualify for the National Free or Reduced-Price Lunch Program, the student’s family is required to provide the school district with current income level documentation. Many districts pre-register PK students in an attempt to plan for and to determine the size of the following school year’s PK program. Since income level documentation must be current to qualify for the National Free or Reduced-Price Lunch Program, districts will verify income level documentation no more than two (2) months prior to the student’s first day of membership. Upon re-verification of income, if the family’s income level has changed and they are not educationally disadvantaged (eligible for the National Free or Reduced-Price Lunch Program) , then the student is not eligible for PK funding.

(5-5) If a student qualifies for PK on the basis of being educationally disadvantaged (eligible to participate in the National Free or Reduced-Price Lunch Program), and then moves out of the district, the student would have to requalify for the PK program in the new district.

If a student qualifies for PK on the basis of being limited English proficient (LEP) and then moves out of the district, the student would be qualified to attend PK in the new district provided documentation of the home language survey and testing are made available to the new district.

(5-6) It is not necessary for the student to participate in the free lunch program in order to qualify for PK.

(5-7) The only time a PK student may be eligible for a full day of attendance is if the student attends the PK program for half of the day and the Preschool Program for Children with Disabilities (PPCD) for the other half of the day. The student must meet the qualifications of both programs to be coded eligible full-day (ADA eligibility code 1).

(5-8) Students who attend the PK program for half of the day and PPCD for the other half of the day and do not qualify for the PK program are coded as eligible students only for the time spent in PPCD. The two-four hour membership rule applies for the time the student is served through special education.

(6) Eligible Days Present

Students who are being served in the PK program and are eligible for funding, according to (4) *General Rules* and (5) *Eligibility* earlier in this section, will be identified by a Grade Level Code of PK and an ADA Eligibility Code of 2 (eligible for half-day attendance) in the attendance accounting system. The total number of eligible half-days present must be recorded for each six-week reporting period in the Student Detail Report for every student eligible for the program.

Students who are being served in the PK program but are not eligible for funding will be identified by a Grade Level Code of PK and an ADA Eligibility Code of 5 (ineligible half-day) in the attendance accounting system. Total number of ineligible half-days present must be recorded for each six-week reporting period in the Student Detail Report for every student that is served in the program but did not meet the eligibility requirements.

Students who are being served in the PK program for half of the day and PPCD for the other half of the day will be identified by a Grade Level Code of PK and an ADA Eligibility Code of 1 (eligible for full-day attendance) in the attendance accounting system [see (5-6)]. The total number of eligible days present must be recorded for each six-week reporting period in the Student Detail Report for every student eligible for both programs.

At the end of each six-week reporting period, a Campus Summary Report (Section II) must be computed. Total eligible days present and ineligible days present for the PK grade level must be summarized on this report. There will be a separate Campus Summary Report for each instructional track for each campus in the district, but only those campuses with a PK program will report PK eligible and ineligible days present.

At the end of each six-week reporting period, a District Summary Report (Section II) must be computed. Total eligible days present and ineligible days present for the PK grade level from all Campus Summary Reports for each track in the district must be summarized on this report.

The fields required on the Student Detail Report for students in the PK program are the same as students in all other grade levels. Refer to (3-1) in Section II for a list of all data elements required on the Student Detail Report.

(7) Documentation

In order to claim PK eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible PK days present on the Student Detail Report. The documentation requirements are as follows.

(7-1) If the student is eligible for PK because the student does not speak and comprehend the English language, the following documentation must be on file.

1. Home language survey. The home language survey shall be administered in English and Spanish; for students of other language groups, the home language survey shall be translated into the home language whenever possible. The home language survey shall contain the following questions [19 TAC §89.1215(b)]:

   a. "What language is spoken in your home most of the time?"

   b. "What language does your child (do you) speak most of the time?"

2. Proof of a qualifying score on an approved Oral Language Proficiency Test. The official scores must be documented in the student's records.

(7-2) If the student is eligible for PK because the student is educationally disadvantaged, the district must document and have on file evidence that the student is eligible to participate in the National Free or Reduced-Price Lunch Program.

(7-3) If the student is eligible for PK because the student is homeless, the student must fit the definition of homeless as defined by 42 USC §11302 and 42 USC §11434(a). [See (2-2), 3. earlier in this section.]

(7-4) The documents considered acceptable for proof of identification and age are:

1. Birth Certificate;
2. Passport;
3. School ID card, records, or report card;
4. Military ID;
5. Hospital birth record;
6. Adoption records;
7. Church baptismal record; or
8. Any other legal document that establishes identity.

(7-5) The propriety of student eligibility is affirmed by the principal or superintendent when affidavits are signed.

(8) Quality Control

(8-1) At the beginning of each semester, the appropriate PK staff should verify the Student Detail Report to ensure that initial coding is correct.

(8-2) At the end of each six-week reporting period, the appropriate PK staff should verify the Student Detail Report to ensure that coding is correct.

(8-3) Students who are counted for funding in the PK program must have all documentation on file.

(8-4) PK is only funded as a half-day program. TEC §29.153(c) Students eligible for the PK program are coded with the ADA eligibility code of 2 (eligible for half-day attendance) and not the ADA eligibility code of 1 (eligible for full-day attendance).

(8-5) Students who are served in the PK program but who do not meet the eligibility requirements for the PK program and who are also served through the special education program are coded as eligible students only when the student is served through special education for two or more hours a day. These students are subject to the two-four hour membership rule.

(9) Examples

(9-1) A student is served in the PK program but is not considered LEP, is not eligible to participate in the National Free or Reduced-Price Lunch Program, and is not homeless.

*The ADA eligibility code for this student would be **5-Ineligible Half-Day**, and the grade level should be entered as PK in the attendance accounting system.*

(9-2) The school district has two PK classes. One class is held in the morning and the other class is held in the afternoon. A student is served in both classes for the entire day. The student meets the eligibility requirements for the PK program.

*The ADA eligibility code for this student would be **2-Eligible for Half-Day Attendance**, and the grade level should be entered as PK in the attendance accounting system. The maximum attendance a student can receive in the PK program is half-day.*

(9-3) A student is served in PPCD for half of the day and in PK for the other half of the day. The student meets the eligibility requirements for the PK program.

*The ADA eligibility code for this student would be **1-Eligible for Full-Day Attendance**, and the grade level should be entered as PK in the attendance accounting system. The instructional setting code for this student should be entered as 43 (self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%). See Section IV for instructional setting coding guidelines.*

(9-4) A student is served in PPCD for half of the day and in PK for the other half of the day. The student **does not** meet the eligibility requirements for the PK program.

*The ADA eligibility code for this student would be **2-Eligible for Half-Day Attendance**, and the grade level should be entered as EE in the attendance accounting system. The instructional setting code for this student should be entered as 43 (self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%). See Section IV for instructional setting coding guidelines.*

(9-5) A student is served in the PK program for half of the day. The student meets the eligibility requirements for the PK program. The student is also served by a speech therapist for one hour a week.

*The ADA eligibility code for this student would be **2-Eligible for Half-Day Attendance**, and the grade level should be entered as PK in the attendance accounting system. The instructional setting code for this student should be recorded as 00, and the speech therapy indicator code should be recorded as 1. See Section IV for instructional setting coding guidelines.*

(9-6) A student is served in the PK program for half of the day. The student **does not** meet the eligibility requirements for the PK program. The student is also served by a speech therapist for one hour a week.

*The ADA eligibility code for this student would be **5-Ineligible Half-Day**, and the grade level should be entered as PK in the attendance accounting system. The instructional setting code for this student should be recorded as 00, and the speech therapy indicator code should be recorded as 1, even though the student will not earn eligible days present for special education. If the same student is served by a speech therapist for one hour a day, the coding would be the same. See Section IV for instructional setting coding guidelines.*

(9-7) A student is served in the PK program for half of the day and the federal Head Start program for the other half of the day. The student meets the eligibility requirements for the PK program.

*The ADA eligibility code for this student would be **2-Eligible for Half-Day Attendance**, and the grade level should be entered as PK in the attendance accounting system.*

(9-8) A student is served in the PK program for half of the day. The student is eligible for the PK program because she is LEP. The district in which the student attends PK does not have a PK teacher certified or on permit to teach bilingual education or ESL. The district does not have a bilingual/ESL program under an exception or waiver.

*The ADA eligibility code for this student would be **2-Eligible for Half-Day Attendance** in the attendance accounting system. Even though this student is classified as LEP, she is not eligible for bilingual/ESL eligible days present because she is not served by staff certified or on permit to teach bilingual education or ESL.*

(9-9) A student is served in the PK program for half of the day. The student is eligible for the PK program because he is limited English proficient. The district in which the student attends PK has a certified bilingual teacher teaching the PK class.

*The ADA eligibility code for this student would be **2-Eligible for Half-Day Attendance**, and the bilingual/ESL indicator should entered as 1 in the attendance accounting system. This student should accumulate bilingual/ESL days present, as well as half-day eligible days present.*

(9-10) A student qualifies for prekindergarten based on being educationally disadvantaged (the student qualifies for free/reduced lunch.) In instances where a prekindergarten student transfers from one district to another district and back to the original district the following scenario applies. The prekindergarten student is withdrawn by the student's parents from district A. The student is then enrolled in district B, where the student qualifies for the prekindergarten program based on being educationally disadvantaged. Two months later, the student is withdrawn by the student's parents and moves back to district A, because one of the parents has gotten a new job. The student no longer qualifies for free/reduced lunch because of the parents' income level.

The student must re-qualify for the prekindergarten program each time the student enters another school district or charter school. Since the student no longer qualifies for the prekindergarten program, the student would be coded as ineligible for the remainder of the school year if the district allows the student to re-enroll.

(9-11) A student qualifies for prekindergarten based on testing that showed that the child does not comprehend the English language. The prekindergarten student is withdrawn by the student's parents who do not enroll the student in another school district or charter school. After two weeks, the parents decide to re-enroll the student in the district's prekindergarten program.

As long as the child has been withdrawn for less than 30 regular calendar days, the school district does not need to requalify the student for the prekindergarten program. If the child has been withdrawn for more than 30 regular calendar days, the school district will be required to requalify the student to allow the student back into the program.

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Section VIII
Gifted and Talented

(1) Responsibility

(1-1) List in the space provided below the name of the person and phone number of the district personnel to whom all gifted and talented coding questions should be directed:

Name:_____

Phone Number:_____

(1-2) Gifted and talented staff and/or teachers should provide attendance personnel with names and coding information of students who are eligible, whose documentation is in order, and who are being served. **In no case should attendance personnel be responsible for determining a student's gifted and talented indicator code.** Gifted and talented staff are also responsible for ensuring that attendance personnel are aware of changes in student's services and effective dates of such changes. The attendance personnel are then responsible for entering changes in the detailed student attendance accounting system (manual or automated). At the end of each six-week reporting period, gifted and talented staff should verify the Student Detail Report for any coding errors.

(1-3) Principals must ensure that reports from the Texas Education Agency (TEA), which reflect actual Public Education Information Management System (PEIMS) data, are compared to locally-produced reports for reasonableness and accuracy.

(1-4) This section addresses unique provisions for Gifted and Talented. They must be applied in conjunction with the general rules in Section I, II, and III. If students are served by multiple programs, review and apply the provisions of each applicable program.

(2) Enrollment Procedure

(2-1) Appropriate gifted and talented program staff determine that the student requires educational experiences beyond those normally provided by the regular school program.

(2-2) The gifted and talented indicator code is recorded in the attendance accounting system by attendance personnel.

(3) Withdrawal Procedure

(3-1) A student is withdrawn from the gifted and talented program if:

1. the student withdraws from the district,

2. the district decides the student must be withdrawn from the program according to the local board approved exit policy, or

3. the parent requests that the student no longer be served in the program.

(3-2) The gifted and talented indicator code is removed from the attendance accounting system by attendance personnel. Effective date of dismissal should be recorded.

(4) General Rules

(4-1) Gifted and talented student means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. exhibits high performance capability in an intellectual, creative, or artistic area;

2. possesses an unusual capacity for leadership; or

3. excels in a specific academic field. TEC §29.121

(4-2) School districts shall develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. These policies must:

1. include provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in TEC §29.121;

2. include assessment measures collected from multiple sources according to each area defined in *The Texas State Plan for the Education of Gifted/Talented Students*;

3. include data and procedures designed to ensure that students from all populations in the district have access to assessment and, if identified, services for the gifted/talented program; and

4. include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement. 19 TAC §89.1(1-3, 5)

(4-3) The gifted and talented program should be included in the Campus Improvement Plan.

(5) Eligibility

(5-1) Final selection of students shall be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students. 19 TAC §89.1(4)

(5-2) Students in kindergarten must be identified and placed in a program before March 1 of the current school year to be eligible for funding unless they are transferring from another district where they were previously served.

(5-3) The gifted and talented indicator code must reflect the student's participation in the gifted and talented program for each six-week reporting period. If a student leaves the program during a reporting period, he or she is shown with a 0 indicator code in the subsequent period unless he or she returns to the gifted and talented program during that subsequent period. PEIMS *Data Standards*

(5-4) A district should include a student identified and served in the gifted and talented program as part of their gifted and talented enrollment. However, not more than five percent of a district's students in average daily attendance are eligible for gifted and talented funding. TEC §42.156(c)

(6) Indicator Code

(6-1) Students who are participating in a state-approved gifted and talented program are coded with a gifted and talented indicator code in the Student Detail Report.

(6-2) Students who are served on more than one campus in the district should be counted only once for gifted and talented funds.

(7) Documentation

In order to claim gifted and talented enrollment for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student with a gifted and talented indicator of 1 on the Student Detail Report. Documentation requirements are as follows.

(7-1) A class roster of all students who participated, or who are participating, in the gifted and talented program in each school year must be on file. The district may include a student in the gifted and talented enrollment if the student is identified and served in the program.

(7-2) The propriety of student eligibility is affirmed by the principal or superintendent when affidavits are signed.

(8) Quality Control

(8-1) Controls must be in place to ensure that a student is included in only one campus gifted and talented count. If the student changes campuses during a six-week reporting period or attends another campus to receive gifted and talented instruction, the student's participation in the program should only be counted once.

(8-2) At the beginning of each school year, the appropriate gifted and talented program staff should verify the Student Detail Report to ensure that initial coding is correct.

(8-3) At the end of each six-week reporting period, the appropriate gifted and talented program staff should verify the Student Detail Report to ensure that coding is correct.

(9) Examples

(9-1) A third-grade student attends the gifted and talented program at Sunshine Elementary for the entire school year.

The gifted and talented indicator code for this student should be entered as 1 for the entire school year in the attendance accounting system.

(9-2) A seventh-grade student attends the gifted and talented program at Moonlight Middle School for the first and second six-week reporting periods. During the fourth week of the third six-week reporting period, the student's parent requests that the child not be served in the gifted and talented program any longer.

The gifted and talented indicator code for this student should be entered as 1 for the first, second, and third six-week reporting periods in the attendance accounting system. There should not be a gifted and talented indicator in the fourth six-week reporting period for this student.

(9-3) A second-grade student attended Sunshine Elementary from the beginning of school until the second week of the fourth six-week reporting period. During that second week, the student transferred to Raindrop Elementary. The student attended the gifted and talented program at both schools.

The gifted and talented indicator code for this student should be entered as 1 in the first, second, and third six-week reporting periods in Sunshine Elementary's attendance accounting system. The gifted and talented indicator code for this student should be entered as 1 in the fourth six-week reporting period in Raindrop Elementary's attendance accounting system. The student attended the gifted and talented program at both schools during the fourth six-week reporting period, so caution should be taken to ensure that the student is reported in only one campus's gifted and talented enrollment.

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Section IX
Pregnancy Related Services

Introduction

Pregnancy Related Services (PRS) are support services including Compensatory Education Home Instruction (CEHI) the pregnant student receives during the pregnancy prenatal and postpartum periods to help her adjust and stay in school. These services are delivered to the student when:

- the student is pregnant and attending classes on a district campus;
- the pregnancy prenatal period prevents the student from attending classes on a district campus; and
- the pregnancy postpartum period prevents the student from attending classes on a district campus.

The district may choose to offer both support services and CEHI services or only the CEHI services in a PRS Program. Districts may not code any student as PRS in the attendance accounting system unless CEHI is included as one of the services provided by the district's PRS program.

The district receives 2.41 PRS weighted funding while support services are being provided to the student during the prenatal and/or postpartum periods.

A description of the PRS program, as well as the services offered under the program, must be included in the campus and district improvement plans.

Compensatory Education Home Instruction (CEHI) is the mandatory support service component districts offer in a PRS program. CEHI provides academic services to the student at home or hospital bedside when a valid *medical necessity for confinement* during the **pregnancy** prenatal or postpartum periods prevent the student from attending classes on a district campus. CEHI must consist of face-to-face contact with a certified teacher of the district. When students are provided CEHI, the district will continue to receive the 2.41 PRS weighted funding (i.e., student should continue to be coded in the attendance accounting system as receiving PRS while being served at home). Students who do not come to school and who do not receive CEHI **must** be counted absent.

Districts may not code students as PRS in the attendance accounting system in order to receive 2.41 PRS weighted funding unless CEHI is included as one of the services provided by the district's PRS program. (for exceptions, see 9-12, 9-13)

Support Services are optional components of a PRS program. Districts offering support services with CEHI may code students as PRS in the attendance accounting system in order to receive the 2.41 PRS weighted funding beginning on the date support services are provided to pregnant students. Examples of Support Services that a district may choose to offer are:

1. counseling services;

2. health services;

3. transportation for the student and/or the student's child(ren) to school, child care facility, community service agencies, etc.;

4. instruction related to parenting knowledge and skills, including child development, home and family living, and appropriate job readiness training;

5. child care for the student's child(ren); and

6. case management and service coordination (assistance in obtaining services from government agencies and community service organizations).

(1) Responsibility

(1-1) List in the space provided below the name and phone number of the district personnel to whom all PRS coding questions should be directed:

Name:_____

Phone Number:_____

(1-2) PRS program staff and/or teachers:

a. Provide attendance personnel with names and coding information of students who are being served in the PRS program.

b. Are responsible for ensuring that attendance personnel are aware of changes in a student's services and effective dates of such changes.

(1-3) The attendance personnel:

a. Are responsible for entering changes in the detailed student attendance accounting system (manual or automated).

b. Verify the Student Detail Report for any coding errors at the end of each six-week reporting period.

NOTE: In no case should attendance personnel be responsible for determining whether a student is eligible for the PRS program.

(1-4) Principals must ensure that reports from the Texas Education Agency (TEA), which reflect actual Public Education Information Management Systems (PEIMS) data, are compared to locally-produced reports for reasonableness and accuracy.

(1-5) This section addresses unique provisions for Pregnancy Related Services. They must be applied in conjunction with the general rules in Section I, II, and III. If students are served by multiple programs, review and apply the provisions of each applicable program.

(2) Enrollment Procedure

(2-1) Any school age female student may be enrolled in the PRS program if they are eligible for Average Daily Attendance (ADA) and in the prenatal or postpartum periods of pregnancy. **(see 4-3, 4-4)**

(2-2) The student's eligibility to receive PRS is verified by either:

1. a responsible campus official;
2. a medical practitioner or nurse midwife licensed to practice in the United States; or
3. an advanced nurse practitioner.

(2-3) The date the student begins receiving services is considered the entrance date (enrollment) into the PRS program.

(3) Withdrawal Procedure

A student is no longer eligible and must be withdrawn from the PRS program on either of the following, whichever comes first:

1. the date PRS stopped and the student no longer receives services through the PRS program;
2. the date during the pregnancy postpartum period when the student returns early after delivery to attend her regular services on a school campus;
3. the date during the pregnancy postpartum period when no postpartum extension of services was authorized by a medical practitioner and the student reached the first day of the seventh week after delivery;
4. the date during the pregnancy postpartum period when a postpartum extension was authorized by a medical practitioner and the student reaches the first day of the eleventh week after delivery.
5. the date it is determined that the student was never pregnant. In this case, all coding for this student must be removed from the system even if the district provided the student PRS.

(4) General Rules

(4-1) A description of the district's PRS program and the specific services available to the student must be included in the district and campus improvement plans. The use of the compensatory education allotment for PRS must be described in the strategies that are listed in the district and campus improvement plans.

(4-2) Student Detail Reports must contain a PRS Indicator Code for all students who are being served in the PRS program and who are eligible for state funding [see (5) *Eligibility* later in this section].

(4-3) **Prenatal CEHI:** When a student is unable to attend classes and is required to be at home or in the hospital during the pregnancy **prenatal** period:

1. documentation from a medical practitioner licensed to practice in the United States must be obtained. The medical practitioner's recommendation must include both the *medical necessity for confinement* and the period of confinement. Districts may define *a medical necessity for confinement* as either a "medical diagnosis" or "a valid medical reason" when requesting documentation from a medical practitioner licensed to practice in the United States.; and

2. the district must provide CEHI during the confinement period.

3. There is no limit for CEHI services during the prenatal period. The amount of time the student receives services is dependent on the medical practitioner's note.

4. Regular education students should not be referred to special education for instructional services, but should be provided CEHI through the PRS program.

(4-4) **Postpartum CEHI:** During the **postpartum** period, CEHI must be offered. The student may be served six calendar weeks after delivery. The district may begin the six-week postpartum period on the day of delivery or the day after delivery. Districts must select one beginning date for the district (day of delivery or the day after delivery), must consistently use the same beginning date for all students through out the school year, and cannot alternate between the beginning date options. If there are complications from the pregnancy and/or delivery, documentation stating the *medical necessity for confinement* from a medical practitioner licensed to practice in the United States may extend the postpartum period beyond the six-week period for an additional period of up to four calendar weeks. This postpartum extension may be for complications with the student mother's health or with her newborn infant's health. Districts may define *a medical necessity for confinement* as either a "medical diagnosis" or "a valid medical reason" when requesting documentation from a medical practitioner licensed to practice in the United States.

Under no circumstances will a student remain eligible for PRS beginning on the first day of the eleventh week after the delivery date.

A student in the postpartum period of pregnancy and receiving **CEHI** may receive limited services at a school campus to supplement CEHI or other services and to help with the transition from home back to school. The student may not return and attend a class or classes on a regular, routine basis until she is withdrawn from PRS. If the student attends school for limited services, for example testing (six-weeks, final, TAKS, etc.), tutoring, or receiving supplemental instruction, etc.; the amount of time spent taking the test, being tutored, or receiving supplemental instruction, etc.will not count as part of the time required for CEHI.

The student in the postpartum period of pregnancy is no longer eligible for the additional 2.41 weighted allotment under the PRS program when she returns to her regular service at a school campus.

(4-5) **Students with disabilities who are also receiving PRS**. For an example of serving students with disabilities who also receive PRS, see (9-9) later in this section. Students with disabilities who are receiving instructional services through the special education program may also be coded as PRS provided the student receives at least two hours (120 minutes) of other services through the PRS program, such as counseling, instructional services for elective courses, parenting instruction, etc. The additional two hours of other services may be provided by a certified teacher, nurse, counselor, or social worker.

(4-6) Students served through CEHI will earn eligible days present based on the number of hours a student is served at home by a certified teacher. Use the following chart to determine the eligible days present.

Amount of Time Served per Week:	Eligible Days Present Earned per Week:
One hour	One day present
Two hours	Two days present
Three hours	Three days present
Four hours	Four days present (4-day week) Five days present (5-day week)

Students who are enrolled in the district on a half-time basis will earn two and one half days attendance when two hours of CEHI are provided.

(4-7) CEHI requirements and eligible days present are determined each week. CEHI service hours may not be accumulated and carried forward from one week to the next, nor can service hours be applied to a previous week.

(4-8) A student may be recorded absent on the effective date of a program change. However, as with all other students, PRS students cannot earn eligible days present on days they are absent.

(4-9) A calendar week refers to the 52-week traditional calendar, not the 180-day scholastic calendar.

(4-10) In order for a PRS student to earn career and technology education contact hours while also being served in CEHI, the student must continue to receive the

same amount and type of career and technology service that she was receiving before being placed in CEHI. The career and technology instruction that a PRS student receives at home would be **in addition** to the four hours necessary for CEHI. The CEHI teacher providing the additional hours for the career and technology courses must maintain a log to verify all contact hours with PRS students [see (9-4) in this section and also (4-13) and (5-4) in Section V].

(5) Eligibility

(5-1) Any school age **female** student who is in the prenatal or postpartum period of pregnancy is eligible for **services** under the PRS program.

(5-2) Students who are eligible for ADA and who are in the prenatal or postpartum period of pregnancy are eligible for **funding** under the PRS program beginning on the date services begin.

(5-3) Eligibility for PRS ends for the student in the postpartum period of pregnancy upon the student's return to her regular service at a school campus.

(5-4) When a student in the prenatal or postpartum periods of pregnancy is receiving **CEHI** (a required service of the PRS program), the student will remain eligible and continue to generate the additional 2.41 PRS funding allotment.

(5-5) During the prenatal and postpartum periods of pregnancy, a student is absent if:

1. **CEHI** is **not** provided, or
2. the student does not come to school.

(5-6) PRS students may simultaneously participate in other state funded programs [Pregnancy, Education, and Parenting (PEP); special education; career and technology education; bilingual/ESL], provided all eligibility requirements of the other programs are met (Sections IV, V, and VI). During CEHI, a student may remain coded and continue to generate special program funding as long as the student continues to receive, at home, services as designated by the individual program requirements. See (4-9) and (9-4).

(5-7) Districts which apply for and receive a grant to offer services under the PEP program may simultaneously offer services under the compensatory education PRS program, provided all requirements for both programs are met. Students being served through both PEP and PRS should be coded in the PEIMS attendance accounting system as participating in both programs.

(5-8) Use the following timeline when determining PRS coding for eligible students.

Date	Activity:	Is student eligible for PRS funding?	Should student be provided CEHI?
9/1	District receives notification of pregnancy and completes intake documentation.	Yes, if services are initiated at this time.	No
11/10	Doctor recommends two-week confinement at home.	Yes, if receiving CEHI while at home.	Yes
11/24	Student returns to school and continues PRS.	Yes	No
1/3	Doctor recommends five-week confinement at home due to complications.	Yes, if receiving CEHI while at home.	Yes
2/1	Student returns to school and continues PRS.	Yes	No
3/1	Student delivers baby; six-week postpartum period begins.	Yes, if receiving CEHI while at home.	Yes
4/15	Doctor recommends additional two-week confinement at home.	Yes, if receiving CEHI while at home.	Yes
5/1	Doctor recommends that student remain at home until end of school (five weeks).	Yes, if receiving CEHI for the remaining two weeks of her PRS eligibility. After 10 weeks of PRS services have ended, the student is no longer eligible for services and must be counted absent if she does not return to school.	Yes, but student must be counted absent and student must be exited from PRS the 10th week after delivery.

See (9-9) for an example of serving students with disabilities who also receive PRS.

(6) Eligible Days Present

Students who are being served in the PRS program and who are eligible for funding, according to (4) *General Rules* and (5) *Eligibility* earlier in this section, must be identified as PRS in the attendance accounting system. The total number of PRS eligible days present must be recorded for each six-week reporting period in the Student Detail Report (Section II) for every student served through the program. Entry dates into and withdrawal dates from the program (if applicable) for each student receiving PRS must also be documented.

At the end of each six-week reporting period, a Campus Summary Report (Section II) must be computed. Total PRS eligible days present, for every student in the program,

must be summarized by grade level on this report. There will be a separate Campus Summary Report for each instructional track, for each campus in the district. Total Eligible PRS Days Present for all grades, as well as PRS ADA for the campus, must be included on each campus report.

The information from all Campus Summary Reports for each track in the district is then added to comprise a District Summary Report for each track. This report must include Eligible PRS Days Present for each grade level in that district, Total Eligible PRS Days Present for all grades, and district PRS ADA.

(7) Documentation

In order to claim PRS eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible PRS days present in the Student Detail Report. The documentation requirements are as follows.

(7-1) Description of the PRS program and the services offered under the program in the district and campus improvement plans.

(7-2) Intake documentation recording date of initial contact with student regarding pregnancy.

(7-3) Affirmation (by a responsible campus official, a medical practitioner or nurse midwife licensed to practice in the United States, or an advanced nurse practitioner) verifying the student's eligibility to receive PRS.

(7-4) Certified teacher's log of actual amount of home instruction each student received for each week the student received **CEHI** (applies to both prenatal and postpartum periods).

(7-5) For each student whose postpartum period was extended [see (4-4)], documentation from a medical practitioner licensed to practice in the United States verifying that the student was anticipated to be confined for an **additional** period of up to four calendar weeks.

(7-6) Documentation of the date when the student's pregnancy ended (e.g., date of delivery).

(7-7) A note from a medical practitioner for each period of confinement must be obtained stating a *medical necessity for confinement* that requires the pregnant student to remain at home or in the hospital during the prenatal period.

(7-8) A copy of the ARD/IEP, including modifications, for each special education student receiving CEHI.

(7-9) The propriety of student eligibility is affirmed by the principal or superintendent when affidavits are signed.

(8) Quality Control

(8-1) A student should be identified as receiving PRS in the attendance accounting system as soon as services under the PRS program begin. All documentation must be obtained in an expeditious manner and retained for audit purposes so that eligibility requirements will be met.

(8-2) During the prenatal period, the student should no longer be identified as receiving PRS if, for any reason, the services stop.

(8-3) During the postpartum period, the student should no longer be identified as receiving PRS when the student returns to her regular service at her campus or at the end of the allowable postpartum period, whichever comes first.

(8-4) At the beginning of each school year, the appropriate PRS program staff should verify the Student Detail Report to ensure that initial coding of PRS students is correct.

(8-5) At the end of each six-week reporting period, the appropriate PRS program staff should verify the Student Detail Report to ensure that coding of PRS students is correct.

(8-6) Schedule modifications are an eligible service under the PRS program. However, these modifications must adhere to general attendance rules in order for PRS students to remain eligible for ADA (Section III). These requirements include attendance for at least two hours, but less than four hours each day to be eligible for half-day ADA or at least four hours each day to be eligible for full-day ADA.

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(8-7) No student should be coded PRS unless CEHI is one of the services provided by the district. In the event that CEHI is offered but not provided to a student, documentation must be maintained to explain why the student was not provided CEHI.

(9) Examples

(9-1) A school district decides to implement a PRS program, but will offer only CEHI. A student informs the counselor that she is pregnant on October 1. The student receives no additional services while she is attending her regular classes on her campus. When she delivers on February 15, the district begins CEHI. The first day the CEHI teacher sees the student is on Monday, February 19. CEHI continues for her six-week postpartum period, and the student returns to school on March 30.

The student should be coded with a PRS indicator on February 19. This would be her entrance date into the PRS program. Her exit date would be March 30.

(9-2) On August 16, the first day of school, an ADA eligible student who was pre-registered for grade 11 informs the high school counselor that she is pregnant. The district completes all the required documentation and begins providing PRS on August 23.

The student should be coded with a PRS indicator in the Student Detail Report when PRS began, August 23. This is the date she will begin accumulating eligible PRS days present.

(9-3) An ADA eligible PRS student begins experiencing difficulties associated with the pregnancy three weeks after beginning service under the PRS program. The doctor expects her to be confined to her home for two consecutive weeks. The certified teacher who is assigned to administer CEHI sees the student three hours the first week and five hours the second week. As expected, the student returns to school full-time after the end of the second week and resumes PRS at school.

Since the student receives CEHI, she should remain coded PRS during the entire confinement period. The student may only accumulate three days present for the first week. For the second week, however, the student will accumulate five days present since the teacher saw her at least four hours that week.

(9-4) An ADA eligible PRS student, during the prenatal period, is simultaneously taking a one-hour career and technology education course (code V1). She begins CEHI, since she is expected to be confined for five consecutive weeks. The district provides the four hours of CEHI instruction, but chooses not to provide the additional career and technology hours while the student is on CEHI.

The student may generate career and technology education contact hours if a certified teacher provides the same amount and type of career and technology instruction the student received at school. This career and technology education instruction is in addition to the four hour requirement for CEHI. Since the student receives CEHI, she should remain coded PRS during the entire confinement period. Since the district is not providing the additional hours for career and technology, the career and technology indicator should be removed. The student, however, should not be withdrawn from the career and technology class. She remains enrolled in the class and is assisted in her class assignments by the CEHI teacher. During this period of time, the student would not be reported eligible for career and technology contact hours on the 410 PEIMS record; however, the student would be reported on the 169 and 170 PEIMS records if the time period falls during the fall snapshot.

(9-5) An ADA eligible PRS student receives CEHI for the entire six-week postpartum period. Before the end of the six-week postpartum period, the student's medical practitioner determines that an additional two weeks of confinement are required.

The student will remain coded PRS for all eight weeks of the postpartum period, and she will accumulate eligible days present each week based on the amount of instruction she receives at home from the certified teacher. The district must continue to provide CEHI during the entire confinement period and for audit purposes must obtain an additional written statement from the physician which prescribes the extended postpartum period.

(9-6) An ADA eligible PRS student is scheduled to receive CEHI for the entire six-week postpartum period. However, she returns to her regular service on her campus on the first day of the third week.

Since the student receives CEHI while at home, she should remain coded PRS during the entire confinement period. The student will accumulate eligible days present each week based on the amount of instruction she receives at home from the certified teacher. On the first day of the third week, she must be withdrawn from the PRS program since she returned to school early. Regular attendance rules now apply (Section III).

(9-7) An ADA eligible PRS student receives CEHI for the entire six-week postpartum period. She receives at least four hours of instruction at home from a certified teacher during each of the first five weeks. Each of these five weeks contains five days of instruction. During the sixth week, which only contains four days of instruction due to a holiday, the student receives two hours of instruction at home.

Since the student receives CEHI while at home, she should remain coded PRS during the entire six-week postpartum period. The student will accumulate five eligible days present each week for the first five weeks because the teacher provided at least four hours of instruction each week. During the sixth week, which only consists of four days of instruction, the student sees the teacher for only two hours. Therefore, she will only accumulate two eligible days present.

(9-8) On August 21, the first day of school, an ADA eligible student informs the high school counselor that she is pregnant. The district completes all the required documentation and begins serving the student on August 28. The district has both a PRS program and a PEP program. The district also serves the student in the PEP program. On January 4, the first day of the second semester, the student delivers her baby. On February 16, after six calendar weeks of CEHI, the student returns to school and continues to receive instruction through the PEP program.

The student should be coded with both a PRS indicator in the Student Detail Report and a PEP indicator code. The PRS entry date (effective date of program change) of August 28 is the date she will begin accumulating eligible PRS days present. The student must be withdrawn from the PRS program on February 16, the first day that she returns to school. Although she continues to receive services through the PEP program, she is no longer eligible to receive PRS funding.

(9-9) A student with disabilities becomes pregnant and is eligible for PRS. During her prenatal period, a medical practitioner sends a note recommending bed rest.

A student with disabilities who becomes pregnant is eligible to be served through both the PRS program and the special education program during periods of confinement. Upon receiving the prescription from the medical practitioner, the Admission, Review, and Dismissal (ARD) committee must meet to review the student's placement and make determinations on services to be provided during the period of confinement.

A teacher who provides special education services to a student with disabilities in the homebound setting must have the appropriate certifications (see State Board

of Educator Certification rules, Subchapter U. Assignment of Public School Personnel, Section 230.601).

If the student is served instructionally through the special education homebound program, the district must provide a minimum of two hours of PRS in addition to the four hours that the student is being served through special education homebound in order to retain the PRS coding and PRS funding for the student. The two hours should be used to provide instruction in the elective courses, parenting instruction, and any other PRS that may be needed. If a student receives only special education homebound services during the period of confinement, the student must be exited from the PRS program.

If the ARD committee determines that PRS CEHI should provide the instructional services to the special education student, PRS would follow time requirements as for any other PRS student. If the PRS program provides the instructional services to the student, the special education instructional setting code would be 00.

(9-10) A student delivers her baby on August 2. The school district's first day of school is August 15.

While schools are not obligated to provide PRS services to students outside of the normal school year, the student's six-week postpartum eligibility for CEHI extends into the school year. Therefore, the student would be eligible for PRS/CEHI through September 14. Her first day of school enrollment and attendance would be the date of the initial visit to the student's home by the CEHI teacher.

(9-11) CEHI is one of the PRS services provided by a district. However, one of the students does not receive CEHI during her postpartum period due to an extenuating circumstance (for example, the student or baby is in a hospital in a different town, the parents refuse the service).

Since PRS rules require that CEHI be provided, the district must maintain documentation explaining the reasons for not providing CEHI to a student.

(9-12) CEHI is one of the PRS provided by a district. One of the prenatal pregnant students is coded PRS during the school year and provided support services while she is attending her regular classes, but she delivers in June after the end of the school year. Therefore, CEHI is never provided to this student.

Although the PRS rules require a district that implements a PRS program to provide CEHI, districts are not required to provide services outside the regular school year. Therefore, this student may remain coded PRS, but there is not a requirement to provide her PRS CEHI services during the summer months.

(9-13) A student delivers her baby on March 1. The six-week postpartum period begins the day after delivery and continues six consecutive calendar weeks. If a one-week Spring Break holiday falls within the student's six-week postpartum period, then a maximum of five weeks would be funded for PRS since one of the postpartum weeks was not a scholastic calendar week.

Section X
Non-Traditional Schools

(1) Responsibility

(1-1) List in the space provided below the name and phone number of the district personnel to whom all alternative education and discipline questions should be directed:

Name:_____

Phone Number:_____

(1-2) For purposes of discipline data reported to TEA, the **attendance/PEIMS data personnel** are only responsible for entering that information that has been provided to them by the Superintendent or their designee(s) who are responsible for applying the Student Code of Conduct to student behavior. **In no case should attendance/PEIMS data personnel be responsible for determining a student's coding information for discipline actions taken.**

(1-3) This section addresses unique provisions for Non-Traditional Schools. They must be applied in conjunction with the general rules in Section I, II, and III. If students are served by multiple programs, review and apply the provisions of each applicable program.

(2) General Requirements

(2-1) Many different situations occur in which students are being educated during non-traditional hours, days of the week, or locations within the district. These settings include but are not limited to: alternative accountability alternative education programs, juvenile justice alternative education programs (JJAEPs), discipline alternative education programs (DAEPs), in-school suspension (ISS) programs, and education programs for incarcerated youth/students. Although it may be determined that a non-traditional education setting is required to better serve the needs of a particular student, for funding purposes that student must meet all the eligibility requirements of the Foundation School Program (FSP). See (5) *General Eligibility Requirements* in Section III and any requirements contained herein.

(2-2) The attendance of students served in a non-traditional setting is subject to requirements associated with the non-traditional setting. Eligibility information is located later in this section. Generally students in a non-traditional setting will be eligible for ADA funding in the district in which they reside or are otherwise entitled to attend for FSP purposes [see (2-1) in Section III].

(2-3) Regardless of the non-traditional way in which a student is served, that student's attendance must be reported according to the traditional rules of the standardized attendance accounting system required by the *PEIMS Data Standards*. TEC §42.006

(2-4) The attendance of all students is subject to the two-four hour membership rule [see (5-2) in Section III].

(2-5) The school calendar for alternative education programs must follow the same regulations as those stated for the regular school, unless a waiver is received which alters this requirement. Generally, a school calendar must provide for 180 days of instruction at each campus that is identified by a separate campus number [see (7-1) in Section III]. TEC §25.081

(2-6) Generally, all students reported for FSP funding must be served by school district certified teachers or be served under a contract negotiated by the local district. Additional information on contracting educational services may be obtained by contacting the specific program division(s) at TEA.

(2-7) A student may not be counted for more than one ADA by attending both the regular school program and a non-traditional education program. However, the total amount of time a student is served each day in the district should be taken into consideration when determining a student's ADA eligibility code.

(2-8) The rules and regulations of the FSP, documented in this *Handbook*, apply regardless of the non-traditional education program that is implemented.

(2-9) Basic attendance accounting records for students served in an alternative education setting must meet the same standards established in this *Handbook* for the regular school program.

(2-10) Some types of non-traditional alternative education programs are described in the *Alternative Education Accountability Procedures Manual*. Others, such as Chapter 37 discipline programs, are described in this publication.

(2-11) Students who are being served in non-traditional education programs are eligible for special program (special education, career and technology education, bilingual/ESL, etc.) funding provided all requirements of the special programs are met, including service by certified special program teachers.

(3) Waivers

(3-1) See (2) *General Requirements* earlier in this section.

(3-2) The commissioner of education is extended the authority to waive certain requirements established by state law or State Board of Education rule when it is determined the students' education will benefit directly by waiving the law/rule. TEC §7.056

(3-3) Many times, waiving certain laws/rules associated with education indirectly affect other areas of education. Before applying for a waiver, the district should

investigate how the reporting of attendance and/or the funding of students will be affected if the waiver is received.

(3-4) All rules and regulations of student eligibility and attendance reporting are applicable unless specifically waived.

(4) Year-Round Schools

(4-1) See (2) *General Requirements* earlier in this section.

(4-2) Regardless of beginning/ending dates, or dates of intercessions, the attendance of students participating on year-round instructional tracks must be reported in six approximately equal reporting periods.

(4-3) In many cases, year-round instructional tracks are not completed by the PEIMS due date for submission of attendance data. When this situation occurs, the attendance records for students attending year-round programs must be submitted before the final six-week reporting period is completed. Report only the actual number of days of instruction completed as of the date the attendance records are extracted. Report the completed year in the resubmission.

(4-4) Students who switch instructional tracks remain eligible for all days of attendance, provided all other eligibility requirements are met.

(5) Compensatory and Accelerated Instruction for At-Risk Students (Regular Accountability At-Risk Alternative Education Programs)

(5-1) Each school district shall provide appropriate compensatory and accelerated services for at-risk students. Refer to TEC §29.081 for information on at-risk students.

(5-2) An alternative campus for at-risk students must serve one or more of the following student populations.

1. students in at-risk situations,
2. recovered dropouts, or
3. pregnant or parenting students.

For accountability information, refer to the *Alternative Education Accountability Procedures Manual*.

(5-3) For program information on alternative schools for students in at-risk situations, contact the Division of Accountability Development and Support at (512) 463-9642.

(6) At-Risk Alternative Accountability Alternative Education Programs

(6-1) The services made available to students under this program may include those services identified in the above category **Compensatory and Accelerated Instruction for At-Risk Students.** Chapter 37 disciplinary programs may **not** be operated under the Alternative Education Accountability Procedures.

(6-2) An alternative campus is defined as a separate program within its own building, having its own administration, campus identification number, budget, core instructional staff, student body, and non-traditional curriculum and/or instructional program.

(6-3) To register alternative campuses and for program information on alternative schools, contact the Division of Accountability Development and Support at (512) 463-9642.

For accountability information, refer to the *Alternative Education Accountability Procedures Manual.*

(7) Residential Alternative Education Programs for Incarcerated/Housed Students

(7-1) The programs covered under this category include, but are not limited to: juvenile detention centers, residential treatment facilities operated under contract to a public agency such as Texas Youth Commission, and residential treatment facilities operated for purposes such as substance and alcohol abuse. The services made available to students under this program may include those services identified in the above category **Compensatory and Accelerated Instruction for At-Risk Students**.

(7-2) Students residing in these kinds of facilities are eligible for and are entitled to receive the educational services available from a public school district. While some programs under this category provide an education program for their participants, many will call on the district of residence to fulfill the educational needs/requirements of the students participating in the program.

(7-3) These kinds of programs are subject to all attendance accounting rules contained in this publication.

(7-4) To register alternative campuses and for program information on alternative schools, contact the Division of Accountability Development and Support at (512) 463-9642.

For accountability information, refer to the *Alternative Education Accountability Procedures Manual.*

(8) Discipline Alternative Education Programs (DAEPs)

(8-1) Each school district shall provide for a DAEP that:

1. is provided in a setting other than a student's regular classroom;
2. is located on or off of a regular school campus;
3. provides for students who are assigned to the DAEP to be separated from students who are not assigned to the DAEP;
4. focuses on English, math, science, history, and self-discipline;
5. provides for students' educational and behavioral needs;
6. provides supervision and counseling;
7. requires that to teach in an off-campus disciplinary alternative education program, each teacher meet all certification requirements established under Subchapter B, Chapter 21;
8. notwithstanding Subdivision (7), requires that to teach in a disciplinary alternative education program of any kind, each teacher employed by a school district during the 2003-2004 school year or an earlier school year meet, not later than the beginning of the 2005-2006 school year, all certification requirements established under Subchapter B, Chapter 21, [TEC §37.008(a)];
9. and separates elementary students from non-elementary students. TEC §37.006(f)

An off-campus or on-campus DAEP should be a "mirror image" of the regular education program that is provided by a school district. There should be teacher and student instructional interaction. The significant difference between a DAEP and the regular education program is the type of students housed in the program and the fact that elective courses may not be available. A DAEP serves only students who are removed from a regular education setting because of a disciplinary assignment.

In the event that a school district/campus does not currently have any students assigned to a DAEP, a **contingency plan must exist** to provide for any placement to a DAEP that might occur during the school year as required under TEC Chapter 37 and the Student Code of Conduct. This is especially significant for elementary schools that typically have fewer students committing behaviors that require placement to a DAEP.

Students who are **under the age of six (6)** and commit behaviors that require a DAEP placement may not be placed in the DAEP. This does not prevent the district from assigning the student to in-school suspension or out-of-school suspension. As another option, the district may place the student in another regular education classroom to solve the discipline problem.

(8-2) An **off-campus** DAEP under TEC §37.008(a):

1. has its own **campus identification number**;
2. has its own **building** (is **not** a program on a regular campus or an at-risk alternative education campus);
3. has its own **budget**;
4. has its own **administrator**;

5. only serves students removed under TEC Chapter 37, (no other non-discipline program may be operated on the campus);
6. must use the services of certified teachers to the extent required above in (8-1);
7. must provide for a **180 day school year** (TEC §25.081); and
8. must provide for a **seven (7) hour school day**; (TEC §25.082).

School districts or charter schools that have chosen to operate or participate in, through a shared services arrangement (SSA), an off-campus DAEP (s) must register those campuses with the Texas Education Agency (TEA) as a DAEP instructional campus(es).

(8-3) An **on-campus** DAEP under TEC §37.008(a) is defined as a DAEP that **may have it's own campus** identification number. If an on-campus DAEP **has its own campus number**, then the campus must:

1. have an **administrator** (administrator can serve more than one campus);
2. have its own **budget**;
3. use the services of certified teachers for delivering educational and behavioral instruction to the students assigned to the on-campus DAEP;
4. provide for students who are assigned to the DAEP to be separated from students who are not assigned to the DAEP ("sight and sound barrier" should exist in order to provide adequate separation);
5. provide for a seven (7) hour school day; (TEC §25.082);
6. provide for a **180 day school year** (TEC §25.081); and
7. **share a facility** with a non-disciplinary program.

School districts or charter schools that have chosen to operate or participate in, through an SSA, an on-campus DAEP (s) must register those campuses with the TEA as a DAEP instructional campus(es).

If an **on-campus** DAEP **does not have its own campus number**, then a student should remain enrolled at the campus on which the student was enrolled when the student was removed.

(9) Expulsion

(9-1) Each school district must adopt, in accordance with TEC §37.001, a Student Code of Conduct that outlines the conditions under which a student will be expelled and must be in compliance with TEC §37.007.

(9-2) School districts must adopt consistent procedures for determining **serious or persistent misbehavior** (DISCIPLINARY-ACTION-REASON-CODE 20) for the purposes of expelling students from a DAEP for this reason. TEC §37.007(c)

(9-3) If a student commits a **mandatory expellable offense** in one of the 26 Mandatory JJAEP counties, after the due process hearing the student must be referred to the juvenile court for adjudication. At that time the juvenile court must order the student to immediately attend (on the next school day;) the JJAEP.

If a student commits a **mandatory expellable offense** in one of the Non-Mandatory JJAEP counties, the district must hold a due process hearing and expel the student in accordance with the local student code of conduct.

(9-4) If a student commits a **discretionary expellable offense** in one of the 26 Mandatory JJAEP counties, and the local student code of conduct requires an expulsion, then the student must be placed in a disciplinary educational setting in accordance with the local Student Code of Conduct and/or the Memorandum of Understanding (MOU).

If a student commits a **discretionary expellable offense** in one of the Non-Mandatory JJAEP counties, and the local student code of conduct requires an expulsion, then the student may be placed in a disciplinary educational setting in accordance with the local Student Code of Conduct and/or the Memorandum of Understanding (MOU).

(9-5) Expulsion from a DAEP can result in JJAEP placement if the conduct or expulsion warrants such placement and depending on the local Student Code of Conduct and the MOU.

(9-6) Students who are less than 10 years of age and commit an expellable offense must be **expelled with placement** to a DAEP (DISCIPLINARY-ACTION-REASON-CODEs 03 and 04).

(9-7) Refer to the 425 Disciplinary Action Record in Section 2 and Appendix E of the PEIMS *Data Standards* for more information related to the expulsion of students.

(9-8) Students with disabilities expelled from school must continue to be provided a free, appropriate public education (FAPE) by the local education agency (LEA). 34 CFR 300.121(d) LEAs providing FAPE to expelled students may claim ADA on the students based on the two-four hour rule **related to daily instruction**.

(10) Juvenile Justice Alternative Education Programs (JJAEPs)

(10-1) If a school district is in a county with a population greater than 125,000, the county juvenile board is required to develop a JJAEP in coordination with the school boards of the county, subject to the approval of the Texas Juvenile Probation Commission (TJPC). TEC §37.011(a) If a county has a population of at least 72,000, the juvenile board of the county and the school districts may develop a JJAEP, subject to the approval of the TJPC. If a county has 125,000 or less in population, the County Juvenile Board may develop and operate a JJAEP independent of TJPC. A school district cannot develop or create a JJAEP.

Under TEC §37.011(k), an MOU is an **annual written agreement** between a school district(s) and the county juvenile board in a particular county that:

1. outlines the responsibilities of the juvenile board concerning the establishment and operation of a JJAEP under this section;
2. defines the amount and conditions on payments from the school district to the juvenile board for students of the school district served in the JJAEP

whose placement was not made on the basis of an expulsion under TEC §37.007(a), (d), or (e);

3. identifies those categories of conduct that the school district has defined in its Student Code of Conduct as constituting serious or persistent misbehavior for which a student may be placed in the JJAEP;
4. identifies and requires a timely placement and specifies a term of placement for expelled students for whom the school district has received a notice under TEC §52.041(d), Family Code;
5. establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the JJAEP;
6. **establishes a plan that provides transportation services** for students placed in the JJAEP;
7. establishes the circumstances and conditions under which a juvenile may be allowed to remain in the JJAEP setting once the juvenile is no longer under juvenile court jurisdiction; and
8. **establishes a plan to address special education services required by law**.

All school districts in the following counties are required to participate in a JJAEP and thus have in place an MOU: Bell, Bexar, Brazoria, Brazos, Cameron, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Hidalgo, Jefferson, Johnson, Lubbock, McLennan, Montgomery, Nueces, Smith, Tarrant, Taylor, Travis, Webb, Wichita, and Williamson.

(10-2) According to TEC §37.011(h), "a student enrolled in a JJAEP is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program."

In accordance with TEC §37.011(h) and in order to properly attribute JJAEP students for accountability purposes, TEA requires that **all districts required to participate in a JJAEP establish a separate campus** to track their JJAEP students. This campus must be registered with TEA as JJAEP instructional. Once the district has been issued a registered JJAEP campus number, the district must enroll all JJAEP students on this JJAEP campus for the duration of the JJAEP assignment. Some JJAEP students are ineligible for ADA even though they are enrolled on your district's JJAEP campus and must be reported through all applicable PEIMS submissions regardless of the eligibility status.

Use the following chart when determining ADA eligibility coding for JJAEP students and refer to (6) *ADA Eligibility Coding* in Section III.

Why is student being served by a JJAEP?	Population of county in which district is located	Is student eligible for ADA?
On the basis of a **mandatory expulsion** under TEC §37.007 (a), (d), or (e)	Greater than 125,000	No, unless specifically authorized in writing by TEA (ADA codes 0, 4, or 5 unless otherwise authorized)
On the basis of a **mandatory expulsion** under TEC §37.007 (a), (d), or (e)	At least 72,000 but less than 125,001	Yes, (ADA codes 0, 1, or 2), **unless the county has created a JJAEP approved by TJPC**, then use ADA codes 0, 4, or 5
On the basis of a **mandatory expulsion** under TEC §37.007 (a), (d), or (e)	Less than 72,000	Yes, (ADA codes 0, 1, or 2)
On the basis of a **discretionary expulsion** under TEC §37.007 (b), (c), or (f)	Greater than 125,000	Yes, (ADA codes 0, 1, or 2)
On the basis of a **discretionary expulsion** under TEC §37.007 (b), (c), or (f)	At least 72,000 but less than 125,001	Yes, (ADA codes 0, 1, or 2)
On the basis of a **discretionary expulsion** under TEC §37.007 (b), (c), or (f)	Less than 72,000	Yes, (ADA codes 0, 1, or 2)

(10-3) In order for a student to be placed in or attend a JJAEP, the student must be:

1. found by the school district to have engaged in expellable conduct as described in TEC §37.007;
2. found by a juvenile court to have engaged in delinquent conduct via an adjudication hearing [TEC §37.011(b)]; and
3. ordered by the juvenile court to attend the JJAEP under the terms of agreement identified in the MOU.

(10-4) A JJAEP must operate at least seven hours per day and at least 180 days per year unless a JJAEP has applied to the TJPC for a waiver of the 180-day requirement.

Any waiver granted under this provision may not exceed the highest number of instructional days waived by the commissioner during the same school year for a regular school district program. TEC §37.011(f)

(10-5) For further program information on JJAEPs, contact the Chapter 37/Safe Schools Division at (512) 463-9982.

(10-6) Students with disabilities expelled from school must continue to be provided a free, appropriate public education (FAPE) by the local education agency (LEA). 34 CFR 300.121(d) LEAs providing FAPE to expelled students may claim ADA on the students based on the two-four hour rule **related to daily instruction**.

(For information regarding funding and expulsion to a JJAEP, see the chart on the previous page.)

(11) Out-of-School Suspension (OSS)

(11-1) Each school district must adopt, in accordance with TEC §37.001, a Student Code of Conduct that outlines the conditions under which a student may be suspended. For definitions of in-school suspension and out-of-school suspension, refer to the Glossary of this publication.

(11-2) Under TEC §37.005, the principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be suspended. In addition, if the student was suspended as a preliminary action for a behavior that is identified in TEC §37.007 as a mandatory expellable offense, then the student must be provided **"due process"** through a formal expulsion hearing.

(11-3) An OSS may not exceed three school days. For purposes of this rule, a partial day suspension counts as one day toward the three-day limit. A suspended student **must be counted absent** if student does not meet ADA requirements for attendance accounting purposes.

(12) In-School Suspension (ISS)

Under TEC §37.002(c), ISS is identified as a valid action to deal with student behavior. Each school district must adopt, in accordance with TEC §37.001, a Student Code of Conduct that identifies the conditions under which a student may be placed in ISS.

(13) Examples

(13-1) A district received a waiver for five additional days of staff development. This waiver allows the district to offer an instructional track which contains only 175 days of instruction. The only rule associated with attendance accounting that is affected by this particular waiver is the requirement that all instructional tracks must consist of at least 180 days.

The attendance of all students who attend this instructional track must be reported in six approximately equal reporting periods. The total number of days of instruction, if added together from all reporting periods, must equal the actual number of instructional days offered over the full year (in this case, 175).

(13-2) The year-round track of the middle school was not completed as of the date the attendance data for the district was due at the education service center. The students met for 21 days, yet ten days remained at the time the district extracted the attendance data for these students. The district submitted the data to meet the due date.

Regardless of whether the district must resubmit the data to correct errors in the initial submission, a resubmission of all attendance data is required to report the now completed year-round instructional track. The ten days that were not included for students on the year-round track will now be reported in the resubmission.

(13-3) A district operates a DAEP for behavior management on a separate campus. A student has been transferred to this alternative campus because of severe discipline problems. The student attends the alternative campus from 8:15 a.m. to 3:00 p.m.

*This student would be coded with an ADA eligibility code of **1 - Eligible for Full-Day Attendance**.*

(13-4) A district offers evening school for eligible students who are identified as at-risk of dropping out of high school. Classes meet for two and one-half hours from 7:00 p.m. to 9:30 p.m. Monday through Friday. The calendar consists of 180 days of instruction.

*All students who attend this calendar would be coded with an ADA eligibility code of **2 - Eligible for Half-Day Attendance** since these students attend less than four hours per day. The attendance for these students is reported in six approximately equal reporting periods.*

*If the district offered evening school from 6:00 p.m. to 10:00 p.m., all students attending four hours per day would be eligible for full-day attendance and would be coded with an ADA eligibility code of **1 - Eligible for Full-Day Attendance**.*

(13-5) A student commits an expellable offense while on school property. The district calls the police and the student is arrested. The juvenile court finds that the student engaged in delinquent conduct and places the student in the county JJAEP for the remainder of the school year.

The district should contact TEA to establish a separate campus for their JJAEP students and enroll students at this JJAEP campus as the students are placed at the JJAEP facility.

If this student was placed at the JJAEP for only a few months, the district should withdraw the student from the JJAEP campus and re-enroll the student on his regular campus after he fulfills the JJAEP placement requirements.

(13-6) A student is suspended for three days because the student violated the district's Student Code of Conduct.

While at home, the student should be coded absent. If this student had been expelled, the school district should still not claim ADA for this student since the district is not serving the student. See (8) Expulsion *earlier in this section for additional information.*

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Section XI
Glossary

ADA Eligible Student - A student who is coded as eligible in the attendance accounting system. Students coded with ADA Eligibility Code 1, 2, 3, or 6.

Admission, Review and Dismissal (ARD) Committee - Each school district or special education shared services arrangement shall establish at least one ARD committee which shall make decisions concerning the educational program of a student referred for special education. All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the Individualized Education Program (IEP).

Age - Age is always calculated as of September 1 of the current school year for the purposes of establishing eligibility. However, children with disabilities may become eligible for services from the date of birth if other special education requirements are met.

If school starts before the student's birth date, the attendance is eligible for the entire school year as long as the student will be the required age on or before September 1 of the current school year.

At-Risk - Students who are at risk of dropping out of school according to state criteria defined in TEC §29.081.

Attendance Snapshot - The moment when official attendance is determined for all students. At the moment the snapshot is taken, a student is either present or absent.

Average Daily Attendance (ADA) - Average daily attendance is based on the number of days of instruction in the school year. The aggregate days attendance is divided by the number of days of instruction to compute average daily attendance. ADA is used in the formula to distribute funding to Texas public school districts.

Bilingual/ESL Eligible Days - This term is used to describe the days that bilingual or ESL students were in attendance. Only students who meet eligibility requirements and are served by staff certified or on permit to teach bilingual education and/or ESL or students who are served in a program approved by the Agency under an Exception or a Waiver should be counted (Section VI).

Campus Summary Report - This report summarizes the attendance data of all students on the campus, aggregated by six-week reporting period by instructional track (if applicable) (Section II).

Career and Technology Education Career Preparation - A teacher and student assignment designation for instruction which develops essential knowledge and skills through a combination of classroom-based technical instruction and work-based training (paid or unpaid) in career and technology education occupationally-specific training areas. The work-based training

components (paid or unpaid) can be provided through cooperative education, internships, job-shadowing, apprenticeships (BAT approved), clinical rotation, preceptorships, etc. This arrangement of providing coordinated classroom, work-based training, and education should provide the student with a variety of learning experiences that will give the student the broadest possible understanding of all aspects of the business or industry.

Center-Based Instruction - This setting is for providing early intervention services through Early Childhood Intervention (ECI) programs operated through the Interagency Council on Early Childhood Intervention to children and their families in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional setting does **not** generate contact hours or ADA.

Central Attendance Accounting - This is a system where teachers must submit a report of student absences, based on the required classroom period of instruction, to the central office. The absence reports are then posted to the attendance system records by central office personnel.

Combination Program - This setting is for providing special education services through Early Childhood Intervention (ECI) programs operated through the Interagency Council on Early Childhood Intervention to children and families both in their home and in a service facility. This instructional setting does **not** generate contact hours or ADA.

Community-Based Dropout Recovery Education Program - This is a private or public education program to serve students who are at risk of dropping out of school. The attendance of the students in the program is eligible in the district in which they reside or are otherwise entitled to attend for Foundation School Program (FSP) fund benefits (Section III). TEC §29.081(e),(f)

Compensatory Education Home Instruction (CEHI) - Academic services provided at home or hospital bedside to students being served under the Pregnancy Related Services program. Students receiving CEHI are counted present for FSP purposes based on the amount of service they receive at home each week by a certified teacher (Section IX).

Compulsory School Age - Unless specifically exempted by law, those children at least 6 years of age and those who have not yet reached their 18th birthday are required to attend school. A student enrolled in prekindergarten or kindergarten shall attend school. TEC §25.085(b),(c)

Departmentalized Instruction - This is a method of instruction where students do not remain in the presence of the same teacher for all or a major portion of the school day. Central attendance accounting is required for departmentalized instruction.

Direct, Regularly Scheduled - This term is used when referring to time a student is served through special education as documented in the IEP. The special education service must be direct, eye-to-eye contact between certified special education staff and the student. The special education services must be regularly scheduled in that a specific amount of time is scheduled at least weekly in the IEP. Services must not be scheduled on an as-needed basis.

Disciplinary Alternative Education Program (DAEP) - Instruction is provided in a setting other than a student's regular classroom; is located on or off of a regular school campus; provides for students who are assigned to the DAEP to be separated from students who are not

assigned to the DAEP; focuses on English, math, science, history, and self-discipline; provides for students' educational and behavioral needs; provides supervision and counseling; separates elementary students from non-elementary students; provides educational instructional services for students who are at least 6 years old and have committed on offense that requires a removal from the regular education program to a DAEP; and provides educational instructional services for students who are less than 10 years old and have committed expellable offenses. TEC §37.006, 37.007, and 37.008

District Summary Report - This report summarizes the attendance data of all students in the district, aggregated by six-week reporting period by instructional track (if applicable) (Section II).

Early Childhood Intervention (ECI))- Once a child is three years old, he or she is ineligible for ECI services. The school district should evaluate the child to establish eligibility for services under IDEA-B and provide these services appropriately. Under no circumstances is a three-year-old eligible to continue in ECI.

Early Education (EE) - This is a grade level for students between the ages of zero and five who have not been placed in prekindergarten or kindergarten. This includes students receiving special education services who do not meet the two hours of instruction per day requirement for membership and students in a Head Start program which does not meet the requirements for state funds. This also includes students served by PPCD teachers in a licensed childcare facility working in a collaborative partnership with a school district.

Educationally Disadvantaged [Carl D. Perkins Vocational Education Act (Public Law 101-392)] - A student who scores at or below the 25th percentile on a standardized achievement test or who fails to attain minimal general competencies. This does not include students with learning disabilities. At the secondary level, failure to attain minimal general competencies means:

1. having failed to be promoted at least once in grades 1 - 6 and continued inability to master the essential elements in grade 7 or higher;
2. being two or more years below grade level in reading and math;
3. having failed at least two courses in one or more semesters and not expected to graduate within four years of 9th grade entrance; or
4. having failed one or more of the reading, writing, or math, sections of the most recent TAAS test, beginning with grade 7.

Educationally Disadvantaged [Prekindergarten] - A student who is eligible to participate in the National Free or Reduced-Price Lunch Program established under 42 U.S.C. §1751 et seq. TEC §5.001(4)

Eligible Days - The eligible days are the days that eligible students were in attendance. This figure is calculated by subtracting absences and ineligible days of attendance from days of membership. Funding is based on the number of eligible days for each student.

Eligible Transfer - This is a non-resident student who has been legally transferred into the district. This student is eligible for ADA funds in the receiving district. Transfers apply only to students wishing to transfer from one Texas school district to another and do not apply to students who reside in another state.

Enrollment - Enrollment means actually receiving instruction by attendance in a public school, as opposed to being registered prior to receiving instruction.

Excess Contact Hours - Any combination of career and technology education and special education services that exceeds six hours per day is called excess contact hours. Those hours exceeding six must be subtracted from the primary special education instructional setting.

For example, a student in a resource room instructional setting (codes 41 and 42) earns 2.859 contact hours per day. If that student is also enrolled in four one-hour career and technology courses, the total contact hours per day equals 6.859. The excess 0.859 contact hour for each day must be subtracted from the special education contact hours.

The only time excess contact hours are subtracted from speech is when speech is the only special education service, [e.g., a student with six hours of career and technology education and speech (.25 contact hours per day)].

Expulsion – Expulsion involves a due process hearing that results in the student being removed to either no educational setting, or a disciplinary alternative educational setting. A student must be expelled from school according to TEC §37.007, Expulsion For Serious Offenses, for certain offenses and may be expelled for others. The student is generally withdrawn from the school they were attending on the date that expulsion takes effect. In many circumstances the student is then enrolled in a disciplinary alternative education setting such as a DAEP or JJAEP. If a student who has been expelled enrolls in another school district before the period of expulsion is ended, the receiving district may continue a legal expulsion or may allow the student to enroll and attend classes. See (9) *Expulsion* in Section X and **Out-of-School Suspension** later in this section.

Foundation School Program (FSP) - The program under which Texas public school districts receive resources to provide a basic instructional program and facilities to eligible students.

Home-Based Instruction - This setting is for providing early intervention services through ECI programs operated through the Interagency Council on Early Childhood Intervention in the home of the client. Both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider shall also receive training. This instructional setting does **not** generate contact hours or ADA.

Homebound - Students provided services under this special education instructional setting receive services at home or hospital bedside from a certified teacher and are counted present for FSP purposes based on the amount of service they receive at home or hospital bedside each week. Students served under this setting must meet all special education eligibility requirements to be counted eligible.

Homeless Students - As defined by NCLB, Title X, Part C, Section 725(2), the term “homeless children and youths” —

(A) means individuals who lack a fixed, regular, and adequate nighttime residence [within the meaning of section 103(a)(1)]; and

(B) includes —

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are

living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings [within the meaning of section 103(a)(2)(C)];
(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

Individualized Education Program (IEP) - The IEP is developed by the ARD committee for each student served in special education. The amount of time to be spent in each instructional setting should be documented in the IEP. This information is necessary for proper coding of special education students in the attendance accounting system.

Ineligible Days - Ineligible days are the days the student, while ineligible for ADA funds, was present and in membership.

In-School Suspension - A student is removed from their regular education setting to an alternative setting (not DAEP). TEC §37.005 As long as the student continues to come to school, the attendance in the program may be counted in computing the district's ADA.

Instructional Day - That portion of the school day; in which instruction takes place. This does not include lunch, recess, passing periods, etc.

Juvenile Justice Alternative Education Program (JJAEP) - The juvenile board of a county with a population greater than 125,000 shall develop a JJAEP subject to the approval of the Texas Juvenile Probation Commission (TJPC). Counties with a population of at least 72,000 but less than 125,001 may develop a JJAEP subject to the approval of the TJPC. Counties with a population of less than 125,000 may choose to develop a JJAEP that is not subject to the approval of the TJPC. See TEC §37.011 and 37.012 for additional information.

Membership - The number of students on the current roll of a class, school, or district as of a given date (including ineligible students) is called membership. Membership is obtained by subtracting the withdrawals from the entries.

A student is counted in membership from the date he or she is present at school and is placed on the current roll until he or she leaves the class or school. The date of withdrawal is the date on which it is officially known that the student has left school, not necessarily the first day after the last day of attendance.

All students, including special education students, must be enrolled to receive at least two hours of instruction per day to be eligible for membership. Students enrolled at least two but less than four hours of instruction per day are eligible for half-day attendance (ADA eligibility code 2). Students enrolled for four or more hours of instruction per day are eligible for full-day attendance (ADA eligibility code 1).

Multitrack - Multiple tracks (groups of students and teachers on the same calendar) with staggered instructional blocks and vacation periods are called multitracks.

Noncategorical Early Childhood - Students ages three through five who meet the eligibility criteria for mental retardation, emotional disturbance, learning disability, or autism may be identified as noncategorical early childhood.

Nonpublic Day School - This setting is for providing special education instruction to students through a contractual agreement with a nonpublic school approved for special education. This instructional setting does **not** generate ADA or contact hours. For funding purposes, these students are reported on the SPE-106, *Nonpublic Day School Report*.

Non-resident - A student whose parent or guardian does not live within the district boundaries is a non-resident.

Optional Extended Year Program (OEYP) - Instructional services for students in kindergarten through grade 11 who are identified as likely not to be promoted to the next grade level for the succeeding school year or in grade 12 who are identified as likely not to graduate before the beginning of the succeeding school year. OEYP students do not meet district standards or policies for academic achievement and/or have not demonstrated proficiency of the subject matter of the course or grade level. Therefore, student eligibility criteria must be based on the criteria the school district uses for retention. Unless the district policy or state law requires that students who do not pass TAKS must be retained, TAKS may not be used as the sole academic criteria for determining OEYP student eligibility. The purpose of the OEYP is to provide students with additional time to master the state's challenging content standards and student performance standards. OEYP must comply with TEC §29.082.

Original Entry Date - The initial date that a student is physically present during the school year. Original entry dates apply to both regular school and special programs.

Out-of-School Suspension - A student is removed from school according to TEC §37.005, Suspension. If the suspension causes the student to be absent at the official attendance time, the student is counted absent for attendance accounting purposes. The use of out-of school suspension is limited, without exception, to three (3) school days; per offense event. A partial day of suspension counts as one of the three allowed under TEC §37.005. (See **Expulsion** earlier in this section.)

Pregnancy Related Services (PRS) - Support services provided to pregnant students during the pregnancy and postpartum periods which qualify them for the special weight assigned to pregnancy in the formula used to calculate the district's compensatory education allotment. These services are provided to assist the female student in adjusting to her pregnancy, thereby increasing her chances of staying in school (Section IX).

Prekindergarten (PK) - This is a grade level for children aged three and four. This includes students in a state-funded PK program or a locally-funded PK program.

The state-funded PK is operated for a half day. Attendance in PK is eligible for half-day (ADA eligibility code 2). A PK student with disabilities may be eligible for full-day (ADA eligibility code 1) if the student is served through a combination of PK and special education and all eligibility requirements are met (Sections VII and IV).

Students in a state-funded PK program that is coordinated with a Head Start program to provide a full-day program are only counted as half-day for attendance accounting purposes (ADA eligibility code 2).

Preschool Program for Children with Disabilities (PPCD) - Special education services for children with disabilities ages three through five. These students may have any disability recognized under IDEA-B in Texas including noncategorical early childhood (see definition). Developmental delay is not a recognized disability for children over age three in Texas. These students are subject to the two hours of instruction per day rule for membership (Section III and Section IV).

Re-entry Date - The initial date a student physically returns during the school year after a prior withdrawal. The re-entry date applies to both regular school and special programs.

Refined Average Daily Attendance (RADA) - RADA is based on the number of days of instruction in the school year. The aggregate eligible days attendance is divided by the number of days of instruction to compute the RADA.

Regularly Scheduled - To be considered "regularly scheduled", the service must be scheduled to be administered at least on a weekly basis for a specified amount of time.

Reporting Period - A reporting period is generally described as six weeks, although it does not necessarily consist of six weeks. For reporting purposes, the full school year must be divided into six approximately equal reporting periods.

Residency - The board of trustees is responsible for establishing guidelines for determining whether a student resides within the district, according to TEC §25.001.

Residential Nonpublic School - This setting is for providing special education services to students through a contractual agreement with an approved residential nonpublic school. Students are placed in a residential nonpublic school through the ARD process. This setting does not generate ADA or contact hours. For funding purposes, these students are reported on the SAS-111, *Application for Approval of Funding for Residential Placement*.

Scholastic Year - Each school district must operate so that the district provides for at least 180 days of instruction for students. TEC §25.081

School-Community Guidance Center - School districts or a cooperative of school districts may establish a school-community guidance center to locate and assist children with problems that interfere with education, including juvenile offenders and children with severe behavioral problems or character disorders according to TEC § 37.051-37.056, School-Community Guidance Centers. The attendance of students placed in school-community guidance centers is eligible in the district in which they reside or are otherwise entitled to attend for FSP benefits.

School Day - A school day shall be at least seven hours each day, including intermissions and recesses. TEC §25.082

Semester System - Each school district shall operate for either two or three semesters during the school year except as provided under TEC §25.084, Year-Round System.

State-Assigned Alternative ID Number - On March 16, 1990, all students attending public school in Texas who had not submitted Social Security numbers were assigned alternative numbers from the district's range of numbers which was assigned by the state.

When a student withdraws, either this number or the SSN must be sent to the receiving school. Any student entering a Texas public school since that date must bring an SSN or the alternative ID number.

Districts must not assign the student a new number. It is important that the student carry the same number as long as he or she is in a Texas public school. Only students new to Texas public schools will be assigned numbers in the future.

Student Detail Report - A district-generated report that reflects the codification of each individual student for the entire school year. This report also summarizes, by six-week reporting period, the attendance data of each student (Section II).

Suspension - See **In-School Suspension** and **Out-of-School Suspension**.

Texas Administrative Code (TAC) - Rules adopted by the State Board of Education or the Commissioner of Education under authority granted by state law.

Texas Education Code (TEC) - Statutes governing public education in Texas.

Track - A group of students and teachers scheduled to attend school and take vacations on the same schedule is called a track.

Withdrawal Date - The initial date that a student no longer participates. Guidelines for determining a student's withdrawal date are outlined in Section III.

Year-Round Education (YRE) Program - A program that operates school during a portion of, at a minimum, eleven calendar months to twelve calendar months. Furthermore, the YRE calendar will have intercessions scheduled throughout the year that may be used for additional educational activities, such as remediation or enrichment. The YRE calendar may be a single track arrangement whereby all students on the YRE calendar are attending school or are on intercession at the same time or the calendar may be a multi-track arrangement whereby students attend school or are on intercessions at staggered times.

Zero-Filled Records - Any record that contains zeros for all fields in the record, that require quantitative numerical values.

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TEXAS EDUCATION AGENCY TELEPHONE NUMBERS

Accountability Development and Support (Non-Traditional Schools)	(512) 463-9322
Gifted and Talented	(512) 463-9581
Bilingual/ESL	(512) 463-9581
Career and Technology Education	(512) 463-9581
Chapter 37/Safe Schools	(512) 463-9982
PEIMS Division (Attendance Accounting and PEIMS)	(512) 936-7346
Pregnancy Related Services	(512) 463-9283
Prekindergarten	(512) 463-9581
School Financial Audits	(512) 463-9095
Special Education	(512) 463-9414

COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a nonsegregated basis;

(3) nondiscrimination in extracurricular activities and the use of school facilities;

(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;

(6) nondiscriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 113275; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1991.

The Texas Education shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Employment Opportunity/Affirmative Action employer.

Texas Education Agency
Austin, Texas
July 2004