Section	Change	2008–2009 Version 2	2009–2010
Section 1 Overview	Revision	1.4 Storage of Attendance Information 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 your district.	1.4 Storage of Attendance Information 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 your district or at a secure offsite location.
Section 2 Audit Requirements	Revision	2.2.1 Paper-Based Attendance Accounting Systems vs. Electronic Attendance Accounting Systems	2.2.1 Paper-Based Attendance Accounting Systems vs. Electronic Attendance Accounting Systems
		Your district	Your district
		The district can, however, store the Student Detail Report, the Campus Summary Reports, and the District Summary Report electronically on a floppy diskette	The district can, however, store the Student Detail Report, the Campus Summary Reports, and the District Summary Report electronically on electronic storage media
Section 2 Audit Requirements	Revision	2.2.2 Automated Data Processing Attendance Accounting Systems	2.2.2 Automated Data Processing Attendance Accounting Systems
		If it chooses, a district using an ADP system may store any attendance accounting record/report electronically on an acceptable medium of storage (e.g., hard disk, diskette, tape, microfiche/film) provided	If it chooses, a district using an ADP system may store any attendance accounting record/report electronically on an acceptable medium of storage (e.g., hard disk, CD , tape, microfiche/film) provided
Section 2 Audit Requirements	Text Appears in New Section	2.2.2 Automated Data Processing Attendance Accounting Systems recommends your district test the procedures for reproducing required audit documentation in an acceptable format before deciding to retain reports or records in an electronic format instead of a paper format.	 2.2.2 Automated Data Processing Attendance Accounting Systems recommends your district test the procedures for reproducing required audit documentation in an acceptable format before deciding to retain reports or records in an electronic format instead of a paper format. If your district uses an ADP accounting system, it must recognize how changes to the ADP hardware and software from year to year affect your 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), your 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 your district's hardware (e.g., your district purchases new hardware), to investigate whether the new hardware is compatible, so that it will access the

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			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. [This requirement appeared in the last version of the handbook in Section 2.2.4 Disaster Recovery.]
Section 2 Audit Requirements	Addition and Revision	2.2.3 "Paperless" Attendance Accounting Systems If your district uses a system that is entirely functional without the use of paper documents , then this system must meet the additional standards established in this subsection, or your 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. Your district should review documentation listed in these sections. In the event attendance data cannot be reproduced . 	 2.2.3 "Paperless" Attendance Accounting Systems If your district uses a system that is virtually entirely functional without the use of paper documents , then this system must meet the additional standards established in this subsection, or your district must generate and retain paper copies of attendance reports/records. These standards apply to all districts that wish to establish and/or maintain an audit trail (source document to final reports) that is almost entirely free from paper. Your district should review documentation listed in these sections. Even with the use of a "paperless" attendance accounting system, some documentation required for audit purposes, such as a doctor's note supporting a student's excused absence or other documentation listed in 2.3.5 Additional Required Documentation, may necessarily need to be kept in paper form. If attendance data cannot be reproduced
Section 2 Audit Requirements	Addition and Revision	 2.3.1 Student Detail Reports Student Detail Reports must contain the following data: 10. Student's — ADA eligibility code (Section 3) special education instructional arrangement/setting code (Section 4) speech therapy indicator code (Section 4) career and technical education code (Section 5) bilingual/ESL participation code (Section 6) gifted/talented indicator code (Section 8) Pregnancy Related Services code (Section 9), where applicable 21. Signature page, signed by persons recording data and persons approving data. This page can be signed 	 2.3.1 Student Detail Reports Student Detail Reports must contain the following data: 10. Student's — ADA eligibility code (Section 3) special education instructional arrangement/setting code (Section 4) speech therapy indicator code (Section 4) career and technical education code (Section 5) bilingual program type code and ESL program type code (Section 6) gifted/talented indicator code (Section 8) Pregnancy Related Services code (Section 9), where applicable 21. Signature page, signed by persons recording data and

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		each 6-week reporting period or each semester at local discretion.	persons approving data. This page can be signed each 6-week reporting period or each semester at local discretion. If your district uses a paperless attendance accounting system, the electronic equivalent of a signature page (e.g., a feature that allows approvers to indicate their approval of data electronically) is acceptable in lieu of a paper signature page.
Section 2 Audit	Addition	2.3.2 Campus Summary Reports	2.3.2 Campus Summary Reports
Requirements		Campus Summary Reports must include the following data:	Campus Summary Reports must include the following data:
		 Signature page, signed by persons recording data and persons approving data. This page can be signed each 6-week reporting period or each semester at local discretion. 	15. Signature page, signed by persons recording data and persons approving data. This page can be signed each 6-week reporting period or each semester at local discretion. If your district uses a paperless attendance accounting system, the electronic equivalent of a signature page (e.g., a feature that allows approvers to indicate their approval of data electronically) is acceptable in lieu of a paper signature page.
Section 2	Addition		
Audit		2.3.3 District Summary Reports	2.3.3 District Summary Reports
Requirements		District Summary Reports must include the following data:	District Summary Reports must include the following data:
		 14. Signature page, signed by persons recording data and persons approving data. This page can be signed each 6-week reporting period or each semester at local discretion. 	 14. Signature page, signed by persons recording data and persons approving data. This page can be signed each 6-week reporting period or each semester at local discretion. If your district uses a paperless attendance accounting system, the electronic equivalent of a signature page (e.g., a feature that allows approvers to indicate their approval of data electronically) is acceptable in lieu of a paper signature page.
Section 2	Addition		
Audit Requirements		2.3.4 Reconciliation of Teacher's Roster Information and Attendance Accounting Records	2.3.4 Reconciliation of Teacher's Roster Information and Attendance Accounting Records
		total number of students in membership is to be reconciled to the total number of students listed in attendance accounting records. The district PEIMS coordinator and his or her supervisor must certify this document with their signatures.	total number of students in membership is to be reconciled to the total number of students listed in attendance accounting records. The district PEIMS coordinator and his or her supervisor must certify this document with their signatures. If your district uses a paperless attendance

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			accounting system, the electronic equivalent of a signature page (e.g., a feature that allows certifiers to indicate their certification of data electronically) is acceptable in lieu of a paper signature page.
Section 3 General Attendance Requirements	Addition and Revision	 3.1 Responsibility As stated in previous sections, ultimately, the district superintendent is responsible By signing the District Summary Report, the superintendent affirms that he or she has taken measures to verify The principal of each campus is responsible for reviewing By signing the Campus Summary Report, a principal affirms that he or she has checked Important: The principal or superintendent affirms the propriety when he or she signs affidavits. The teacher who initially records attests to the validity of the data with his or her signature.¹ The attendance personnel Each person entering data into the attendance accounting system must sign an affidavit attesting that the data he or she has entered are true and correct to the best of his or her knowledge. 	 3.1 Responsibility As stated in previous sections, ultimately, the district superintendent is responsible By signing the District Summary Report—or, in the case of a paperless attendance accounting system, by indicating his or her approval of data electronically—the superintendent affirms that he or she has taken measures to verify The principal of each campus is responsible for reviewing By signing the Campus Summary Report—or, in the case of a paperless attendance accounting system, by indicating his or her approval of data electronically—a principal affirms that he or she has checked Important: The principal or superintendent affirms the propriety when he or she signs affidavits—or, in the case of a paperless attendance accounting system, when he or she indicates electronically that the he or she attests to the validity of the determinations. The teacher who initially records attests to the validity of the data with his or her signature—or, in the case of a paperless attendance accounting system, with his or her entry of those data using the teacher's logon with a distinct secret password.² The attendance personnel Each person entering data into the attendance accounting system must sign an affidavit attesting that the data he or she has entered are true and correct to the best of his or her knowledge—or, in the case of a paperless attendance accounting system, with a data he or she has entered are true and correct to the best of his or her knowledge.

¹ 19 TAC §129.21(a) ² 19 TAC §129.21(a)

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Section 3	Revision		2003-2010
General	TCEVISION	3.2.1 ADA Eligibility Coding	3.2.1 ADA Eligibility Coding
Attendance Requirements		District personnel should use the following coding	District personnel should use the following coding
		3.2.1.1 Code 0 Enrolled, Not in Membership	3.2.1.1 Code 0 Enrolled, Not in Membership
		 Code 0 applies to students who do not meet the 2-through-4-hour-rule but whom your district serves for up to 2 hours per day. Code 0 applies to a child who is scheduled to attend for fewer than 2 hours each school day; child who ; student who is served totally in a federal Head Start program; student who has graduated but returned to school (for less than 2 hours per day) student who has met graduation requirements but has not passed the TAKS. 	 Code 0 applies to students who do not meet the 2-through-4-hour-rule [see 3.2.2 Funding Eligibility] but whom your district provides instruction for fewer than 2 hours per day. Code 0 applies to a — child who is scheduled to attend for fewer than 2 hours of instruction each school day; child who; student who is provided instruction totally in a federal Head Start program; student who has graduated but returned to school (for fewer than 2 hours of instruction per day) student who has met course requirements for graduation but has not passed the TAKS and is attending school to participate in a review program to retake the TAKS (unless the student is an eligible participant in a program such as the OFSDP, in which case code 0 would not apply).
		3.2.1.2 Code 1 Eligible for Full-Day Attendance Code 1 applies to all students entitled to enroll who are served for at least 4 hours each school day.	3.2.1.2 Code 1 Eligible for Full-Day Attendance Code 1 applies to all students entitled to enroll who are provided instruction for at least 4 hours each school day.
		Code 1 also applies to a student served for at least 4 hours each school day who attends an RDSPD for less than 50% of his or her instructional day. The special education instructional arrangement/setting code for such a student 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.	Code 1 also applies to a student provided instruction for at least 4 hours each school day who attends an RDSPD. The special education instructional arrangement/setting code for such a student is based on the student's schedule and the amount of time served in special education.
		 3.2.1.3 Code 2 Eligible for Half-Day Attendance Code 2 applies to all students served for at least 2 hours but fewer than 4 hours	3.2.1.3 Code 2 Eligible for Half-Day Attendance Code 2 applies to all students provided instruction for at least 2 hours but fewer than 4 hours

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		3.2.1.4 Code 3 Eligible Transfer Student Full-Day Code 3 applies to a student who is a nonresident, is legally transferred into your district, and is served for at least 4 hours 	3.2.1.4 Code 3 Eligible Transfer Student Full-Day Code 3 applies to a student who is a nonresident, is legally transferred into your district, and is provided instruction for at least 4 hours
		3.2.1.5 Code 4 Ineligible Full-Day	3.2.1.5 Code 4 Ineligible Full-Day
		Code 4 applies to students who are not eligible for ADA but are served for at least 4 hours each day. These students include any student who is served but does not meet	Code 4 applies to students who are not eligible for ADA but are provided instruction for at least 4 hours each day. These students include any student who is provided instruction but does not meet
		 3.2.1.5.1 Underage: children served in a PPCD who are under the age of 3, except children served in PK who are under the age of 3 on September 1 of the current school year children served in any grade (K–12) who are under age 5 on September 1 of the current school year are ineligible for full-day funding (see the notes under the table in 3.2.3 Age Eligibility for an exception). However, a 4 year old who is eligible for PK is eligible for half-day funding even if the student is served in a kindergarten classroom 	 3.2.1.5.1 Underage: children provided instruction in a PPCD who are under the age of 3, except children provided instruction in PK who are under the age of 3 on September 1 of the current school year children provided instruction in any grade (K–12) who are under age 5 on September 1 of the current school year are ineligible for full-day funding (see the notes under the table in 3.2.3 Age Eligibility for an exception). However, a 4 year old who is eligible for PK is eligible for half-day funding even if the student is provided instruction in a kindergarten classroom
		 3.2.1.5.3 Other: nonresident students who have not been transferred into your district students enrolled in an RDSPD for 50% or more of the day students who reside outside the boundaries of the state of Texas 	 3.2.1.5.3 Other: nonresident students who have not been transferred into your district students who reside outside the boundaries of the state of Texas 3.2.1.6 Code 5 Ineligible Half-Day
		 3.2.1.6 Code 5 Ineligible Half-Day Code 5 applies to students who are ineligible for ADA and attend school on a half-day basis. These students include any student who is served but Examples include the following: students served by a JJAEP on the basis of an 	Code 5 applies to students who are ineligible for ADA and attend school on a half-day basis. These students include any student who is scheduled for and provided instruction for at least 2 hours but fewer than 4 hours per day but Examples include the following:
		expulsion	 students provided instruction by a JJAEP on the basis of an expulsion
		3.2.1.7 Code 6 Eligible Transfer Student Half-Day	3.2.1.7 Code 6 Eligible Transfer Student Half-Day

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		Code 6 applies to a student who is a nonresident, is legally transferred into your district, and is in membership for at least 2 hours but fewer than 4 hours	Code 6 applies to a student who is a nonresident, is legally transferred into your district, and is provided instruction for at least 2 hours but fewer than 4 hours
		3.2.1.8 Code 7 Eligible—Alternative Attendance Program Participation	3.2.1.8 Code 7 Eligible—Alternative Attendance Program Participation
		Code 7 applies to a student who is served in an alternative attendance program	Code 7 applies to a student who is provided instruction in an alternative attendance program
		3.2.1.9 Code 8 Ineligible—Alternative Attendance Program Participation	3.2.1.9 Code 8 Ineligible—Alternative Attendance Program Participation
		Code 8 applies to a student who is ineligible for participation in an alternative attendance program but is enrolled and served in the program.	Code 8 applies to a student who is ineligible for participation in an alternative attendance program but is enrolled and provided instruction in the program.
Section 3 General	Revision and	3.2.2 Funding Eligibility	3.2.2 Funding Eligibility
Attendance Requirements	Addition	Any student served is considered enrolled in the district. However, to be eligible for attendance for FSP purposes , students must either 1) be served 2 through 4 hours each day or 2) be served in an alternative attendance accounting program The following table explains [First column of table] If the student is served –	Any student provided instruction is considered enrolled in the district. However, to be eligible for attendance for FSP purposes , students must either 1) be scheduled for and provided instruction 2 through 4 hours each day or 2) be scheduled for and provided instruction in an alternative attendance accounting program The following table explains
		fewer than 2 hours (120 minutes) per day	[First column of table]
		at least 4 hours (240 minutes) per day	If the student is scheduled for and provided instruction —
		at least 2 hours (120 minutes) but fewer than 4 hours per day	fewer than 2 hours (120 minutes) per day
		at least 4 hours (240 minutes) per day and meets the at least 4 hours (240 minutes) per day but who do not meet	at least 4 hours (240 minutes) per day at least 2 hours (120 minutes) but fewer than 4 hours per day
		at least 2 hours (120 minutes) per day but who do not meet the	at least 4 hours (240 minutes) per day and meets the
		eligibility requirements	requirements for an eligible student other than residency or an
		at least 2 hours (120 minutes) per day and meets the through an alternative attendance program, such as	alternative basis for eligibility under the TEC, §25.001
		through an alternative attendance program, but not	at least 4 hours (240 minutes) per day but does not meet at least 2 hours (120 minutes) per day but does not meet
			at least 2 hours (120 minutes) per day and meets the
			through an alternative attendance program, such as
			through an alternative attendance program, but not
			3.2.2.1 Study Halls Not Eligible as Instructional Hours
			To be eligible for attendance for FSP purposes, students must either 1) be provided instruction 2 through 4 hours

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			each day or 2) be eligible for, enrolled in, and provided instruction in an alternative attendance accounting program. Study halls are not considered instruction and thus do not count toward the accumulation of attendance hours for FSP funding purposes.
			3.2.2.2 Funding Eligibility of Students Who Have Met All Graduation Requirements Except Passing State-Required Assessments Your school district may serve a student who has met all graduation requirements other than passing state-required assessment tests and who continues to attend school to study for those tests. However, the student is not eligible to generate funding for this attendance, unless the student is eligible for and participating in certain approved programs, such as the OFSDP.
Section 3 General	Revision	3.2.3 Age Eligibility	3.2.3 Age Eligibility
Attendance			
Requirements		** <u>Notes on Maximum Eligible Age</u>	** <u>Notes on Maximum Eligible Age</u>
		Also, students receiving special education services who are at least 21 years of age and under 26 years of age admitted for the purpose of completing the requirements for a high school diploma are not eligible for special education weighted state funding, but are eligible for other weighted state funding.	Also, students receiving special education services who are at least 22 years of age and under 26 years of age on September 1 admitted for the purpose of completing the requirements for a high school diploma are not eligible for special education weighted state funding, but are eligible for other weighted state funding.
		Your school district may serve a student who has already graduated with a regular high school diploma	Your school district may provide instruction to a student who has already graduated with a regular high school diploma
Section 3 General Attendance Requirements	Addition	3.3.3 Student Entitlement to Attend School in District of Residence	3.3.3 Student Entitlement to Attend School in District of Residence
		Additional eligibility provisions apply to students who have established a residence separate and apart from a parent or legal guardian under the TEC, §25.001(d).	Additional eligibility provisions apply to students who have established a residence separate and apart from a parent or legal guardian under the TEC, §25.001(d).
			Under the TEC, §25.001(b), your school district must admit a student who meets age eligibility requirements if the student —
			 and either parent reside in your school district;

Section	Change	2008–2009 Version 2	2009–2010
Section	Change	2008–2009 Version 2	 does not reside in your school district but has a parent who does and that parent is a joint or the sole managing conservator or possessory conservator of the student; and the student's guardian or other person having lawful control of the person under a court order reside within your school district; has established a separate residence under the TEC, §25.001(d); is homeless, regardless of the residence of the student, of either parent, or of the person's guardian or other person having lawful control of the person having lawful control of the person having lawful control of the person is guardian or other person having lawful control of the person; is a foreign exchange student placed with a family that resides in your district by a nationally recognized foreign exchange program³; resides at a residential facility that is in your district; does not reside in your school district but has a grandparent who does and who provides a substantial amount of afterschool care for the student⁴.
1			A student who meets any of the previous residency criteria

 ³ unless the school district has applied for and been granted a waiver by the commissioner under the TEC, §25.001(e)
 ⁴ as determined by the school board
 ⁵ TEC, §25.001(f)
 ⁶ TEC, §25.001(g)

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			is eligible for attendance in your district as a regular student and should not be coded as a transfer student.
			3.3.3.1 Entitlement of Certain Students to Transfer to a District of a Bordering State
			A student who is entitled to attend a public school of a school district that is on the border of Louisiana, Arkansas, Oklahoma, or New Mexico who finds it more convenient to attend public school in a district in the contiguous state may do so. In that case, the state and county available school funds for the student would be paid to the school district of the contiguous state, and any additional tuition, if necessary, would be paid by the district of the student's residence on terms agreed on by the trustees of the receiving district and of the residence district. ⁷
Section 3 General Attendance	Revision	3.3.6 Infants and Toddlers With Auditory or Visual Impairments or Both	3.3.6 Infants and Toddlers With Auditory or Visual Impairments or Both
Requirements		If district services are to be provided through the RDSPD, the RDSPD must inform the home district (see 4.9 Other Special Education Services). Local education agencies should collaborate with the RDSPD to ensure that appropriate services are provided.	If district services are to be provided through the RDSPD, the RDSPD must involve the home district (see 4.9 Other Special Education Services). Local education agencies should collaborate with the RDSPD to ensure that appropriate services are provided.
Section 3 General	Revision	3.4.1 Students 18 Years of Age or Older	3.4.1 Students 18 Years of Age or Older
Attendance Requirements		A student who is removed from school under this provision will be considered a dropout for accountability purposes.	A student who is removed from school under this provision will be considered a dropout for accountability purposes unless the student returns to school during the school-start window the following fall. See the Secondary School Completion and Dropouts in Texas Public Schools annual publication for the current definition of <i>dropout</i> .
			This authority to revoke enrollment does not override your district's responsibility to provide a free appropriate public education to a student who is eligible for special education services.
Section 3 General Attendance	Revision	3.4.4 Information and Record Transfer	3.4.4 Information and Record Transfer

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Requirements		The minimum set of information that must be transferred via the Texas Student Records Exchange (TREx) system with each student moving from one Texas district to another is — • Social Security number or state-approved alternate ID last reported through PEIMS; • current Social Security number or state-approved alternate ID, if different from above; • local student ID number, if used; • county-district-campus number; • campus name and phone number; • first, middle, and last name and generation code; • gender, ethnicity, and date of birth; • current grade level; and • immunization records. ⁸ By law,	 When a student transfers from one Texas public school district or charter school to another, the student record must be transferred via the Texas Student Records Exchange (TREx) within 10 working days of receiving a request. The student record must include the following information at a minimum. Social security number or state-approved alternate ID last reported through PEIMS First, middle, and last name and generation code, if applicable Date of birth Gender Ethnicity and race Current grade level Immunization information⁹ Receipt of special education services and individual education plan, if applicable Academic year Course completion Final grade average Teachers of record Assessment instrument results District ID Campus ID Campus phone number For a high school student transferring from one Texas public school district or charter school to another, the following additional information is required to be sent via TREx for the student's high school transcript. Student's address, including city, state, and zip code District name Exit level assessment and date the exit level requirement was met Advanced measures completed for the distinguished graduation program, if applicable

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			of the student's junior year Graduation program type required by the end of the student's junior year College Board campus code Certification of coursework completion date, if applicable Current and previous coursework including Academic year Session type Campus awarding credit Course category, name, number, abbreviation, semester, grades and credit Course grade average and/or final grade average Special explanation codes, if applicable Pass/fail credit indicator codes, if applicable
Section 3 General Attendance Requirements	Addition	 3.6.3 Requirements for a Student's Being Considered Present or Absent Note: These attendance provisions do not apply to the OFSDP, the eCP, or the TxVSN A student not actually on campus at the time attendance is taken may be considered in attendance for FSP purposes if the student — Important: Absences to meet with probation officers do not qualify for funding but must be excused if they meet the criteria in the TEC, §25.087(b)(1)(B). is temporarily absent because of a documented appointment with a health care professional.¹⁰ To be considered temporarily absent, the student must begin classes or return to school on the same day of the appointment. The appointment should be supported 	By law, 3.6.3 Requirements for a Student's Being Considered Present or Absent Note: These attendance provisions do not apply to the OFSDP or the TxVSN A student not actually on campus at the time attendance is taken may be considered in attendance for FSP purposes if the student — Important: Absences to meet with probation officers do not qualify for funding but must be excused if they meet the criteria in the TEC, §25.087(b)(1)(B). • misses school for the purpose of serving as an election clerk, including traveling for that purpose. ¹² Travel days for which the student is considered in attendance shall be limited to not more than 1 day for travel to and 1 day for travel

Section Change 2008–2009 Version 2 2009-2010 by a document, such as a note from the health care electing clerk. Your school district may elect to professional.¹¹ excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes. To serve as an election clerk, a student must be at least 16 years of age, have the consent of the principal of the school the student attends, be a United States citizen, and have completed any training course required by the entity holding the election. misses school for the purpose of appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship, including traveling for that purpose.¹³ Travel days for which the student is considered in attendance shall be limited to not more than 1 day for travel to and 1 day for travel from the site of the governmental office. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes. misses school for the purpose of taking part in a United States naturalization oath ceremony, including traveling for that purpose.¹⁴ Travel days for which the student is considered in attendance shall be limited to not more than 1 day for travel to and 1 day for travel from the site of the ceremony. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes. is temporarily absent because of a documented appointment with a health care professional.¹⁵ A documented appointment with a health care

¹² TEC, §25.087(b)(1)(C) [SB 1134, 81st Legislature, Regular Session, 2009]

¹¹ 19 TAC §129.21(k), TEC, §25.087(b)(1)(A)

¹³ TEC, §25.087(b)(1)(C) [HB 192, 81st Legislature, Regular Session, 2009]

¹⁴ TEC, §25.087(b)(1)(D) [HB 192, 81st Legislature, Regular Session, 2009]

¹⁵ TEC, §25.087(b)(2)

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			 professional includes an appointment of a student diagnosed with autism spectrum disorder with a health care practitioner¹⁶ to receive a generally recognized service¹⁷ for persons with that disorder.¹⁸ To be considered temporarily absent, the student must begin classes or return 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 is in his or her junior or senior year of high school and misses school for the purpose of visiting an institution of higher education accredited by a generally recognized accrediting organization to determine the student's interest in attending the institution.²⁰ Your district 1) may not excuse for this purpose more than two days during a student's junior year and 2) must adopt a) a policy stating when an absence will be excused for this purpose and b) a procedure for verifying students'
Section 3	Revision		visits to institutions of higher education.
General Attendance	Revision	3.6.4 Instruction Provided Outside of the Regular School Day	3.6.4 Instruction Provided Outside of the Regular School Day
Requirements		If selected students are required to attend school on Saturday to make up for absences, their attendance may not be counted for funding purposes (see 3.8.2 Makeup Days for makeup days when all students are required to attend).	If selected students are required to attend school on Saturday to make up for absences, their attendance may not be counted for funding purposes (see 3.8.2 Makeup Days for makeup days when all students are required to attend). Also, a student's attending school on a Saturday does not nullify any previously recorded absence.
Section 3	Revision		
General		3.7.2.1 GEH Committee Documentation Responsibilities	3.7.2.1 GEH Committee Documentation Responsibilities
Attendance Requirements		In qualifying a student for and providing the student GEH services, the following documentation is required:	In qualifying a student for and providing the student GEH services, the following documentation is required:
		 the teacher's homebound instruction log. 	 the teacher's homebound instruction log.

 ¹⁶ See the Texas Insurance Code, §1355.015(b), for a description of the term *health care practitioner*.
 ¹⁷ Generally recognized services include, but are not limited to, applied behavioral analysis, speech therapy, and occupational therapy.
 ¹⁸ TEC, §25.087(b-3) [HB 192, 81st Legislature, Regular Session, 2009]
 ¹⁹ 19 TAC §129.21(k), TEC, §25.087(b)(1)(A)
 ²⁰ TEC, §25.087(b-2)

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			The minimum documentation required in homebound logs (the attendance record maintained by a homebound teacher) is —
			 the name of the homebound teacher, the student name and identification or social security number, the date that the homebound teacher visited the homebound student, and the actual time per visit that the student was served (e.g., 10:00 a.m. until 12:00 p.m.) Additional documentation may be maintained as part of this record at the discretion of the local education agency. This documentation may include, but is not limited to, mileage records for the homebound teacher and information on subjects that were taught as part of
Section 3 General Attendance	Addition	None.	the homebound instruction. 3.7.3 GEH Services for Students With Chronic Illness/Acute Health Problems
Requirements			The federal definition for OHI found in 34 CFR, §300.8(c)(9)(i)(ii), states, "Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that — 1. is due to chronic or acute health problems
			such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and 2. adversely affects a child's educational performance.
Section 3	Addition		· · · · ·
General Attendance		None.	3.7.6 Transitioning Students With Chronic Illness Between Homebound and the Classroom
Requirements			A student with a chronic illness or acute health problem that is a long-term condition that requires the student to be in the GEH program for at least 4 weeks will generate

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			 contact hours based on the following: Students transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the Homebound Funding Chart. The length of the transition period must be determined by the GEH committee based on current medical information.
			During the transition period, students are to be served through the GEH program for the period of time each week as specified by the GEH committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on instruction the Homebound Funding Chart.
			ADA eligibility shifts back to the requirements of the 2- through-4-hour rule once the student has completed the transition period as determined by the GEH committee.
Section 3 General Attendance	Addition	None.	3.7.7 Students With a Recurring Chronic or Acute Health Condition
Requirements			 A student with a chronic illness or acute health problem that is a recurring condition that requires the student to be in the GEH program for a period of time (which can be in daily or weekly increments) totaling at least 4 weeks throughout the school year will generate contact hours based on the following: Students moving back and forth between the GEH program and a school-based placement generate eligible days present for those days they are served through the GEH program subject to the Homebound Funding Chart. Students with a recurring condition generally do not require a transition period. Use the following chart to determine how to record attendance information for students with a recurring condition.
			For any week in which the student with the recurring condition —the student earns contact hours and/or attendance —

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			is served solely at home/hospital bedside through the GEH program,	according to the requirements of the Homebound Funding Chart.
			is served for at least 4 hours at home/hospital bedside through the GEH program and attends school at his or her campus,	according to the requirements of the Homebound Funding Chart.
			is served from 1 to 3 hours at home/hospital bedside through the GEH program and attends school at his or her campus,	according to the requirements of the Homebound Funding Chart for those days the student is provided instruction at home/hospital bedside through the GEH program and according to the 2-through-4- hour rule for those days the student attends school at his or her campus, as long as the student is present during the official attendance-taking period.
			Regardless of how many ho student is provided or how attendance at his or her can generate more than the equi	many days that student is in npus, the student may not
			If the student fully transition ADA eligibility shifts back to through-4-hour rule.	
			the changing instructional a students with a recurring co reporting and auditing purp keep a log of the student's a	ondition for attendance oses, district personnel must
			The eligible days present sh district's student attendance not accounted for should be	e accounting system. Any time
Section 3 General Attendance	Revision	3.8 Calendar Your school district must operate so that it provides for at least	3.8 Calendar Your school district must oper	ate so that it provides for at least

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Requirements		180 days of instruction for students (minus any days waived by the TEA in writing). ²¹ However, your district has flexibility in structuring its calendar with	180 days of instruction for students (minus any days waived by the TEA in writing [see 3.8.2 Makeup Days and Waivers]), unless your district has been approved to provide fewer instructional days to certain students through a program such as the Optional Flexible Year Program (OFYP). ²² However, even if your district has been approved to provide fewer instructional days through such a program, under no circumstances may it offer fewer than 170 instructional days.
Section 3	Revision		Your district has flexibility in structuring its calendar with
General	Revision	3.8.2 Makeup Days	3.8.2 Makeup Days and Waivers
Attendance Requirements		Your school district should build 2 "makeup days" for school closures into its adopted school calendar. In the event that your lost. Additional days missed because of weather or safety or health issues do not need to be made up. However, your school district must apply to the TEA for waivers for any missed instructional days beyond the 2 days that can be made up with the 2 makeup days built into its calendar. A waiver application can be accessed	Your district must build 2 "makeup days" for school closures into its adopted school calendar. If your lost. If your district misses additional instructional days beyond the 2 days scheduled because of weather, safety, or health issues, your school district must apply to the TEA for a missed instructional day waiver. A missed instructional day waiver application may be found The TEA Send requests to the TEA State Waivers Unit
Continu 2	A al al it i a ra	The TEA Send requests to the TEA Waivers Office	
Section 3 General Attendance Requirements	Addition	None.	3.8.3 Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs) With Calendars of Fewer Than 180 Days
			If district students are taking dual credit courses at an IHE with a calendar of fewer than 180 days, your district may apply for a waiver of the 180-day-calendar requirement. Send requests for a waiver to the TEA State Waivers Unit.
Section 3	Addition		
General Attendance Requirements		None.	3.8.4 Waivers Related to Students Taking Dual Credit Courses at IHEs With Calendars Beginning Before the Fourth Monday in August
			If district students are taking dual credit courses at an IHE with a calendar that begins before the fourth Monday in August, your district may apply for a waiver of the start date requirement. Send requests for a waiver to the TEA

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			State Waivers Unit.
Section 3 General	Revision	3.8.4 Summer School and State Funding	3.8.6 Summer School and State Funding
Attendance Requirements		Summer school programs are not eligible for state fundingz except for specific programs authorized by statute, such as the Optional Extended Year Program (OEYP)	Summer school programs are not eligible for state funding except for specific programs authorized by statute, such as the OFSDP or the Optional Extended Year Program (OEYP)
		The TEA will adjust the state funding Note that the TEA will not make such adjustments when additional attendance is reported through the OEYP or another authorized program.	The TEA will adjust the state funding Note that the TEA will not make such adjustments when additional attendance is reported through the OFSDP or the OEYP or another authorized program.
Section 3 General Attendance	Revision and Addition	3.11 Examples	3.11 Examples
Requirements	Addition	3.11.9 Example 9	3.11.9 Example 9
		A student who is auditorily impaired attends an RDSPD in a neighboring school district. The student is in self-contained classes for more than 50% of the day. The superintendents .	A student who is auditorily impaired attends an RDSPD in a neighboring school district. The student is in self-contained classes. The superintendents
		 The ADA eligibility code for this student would be 4 - Ineligible Full-Day 	The ADA eligibility code for this student would be <i>1 - Eligible Full-Day</i>
		3.11.10 Example 10 A student who is auditorily impaired attends an RDSPD in a neighboring school district. The student receives special education and related services in general education classes for more than 50% of the day. The superintendents	3.11.10 Example 10 A student who is auditorily impaired attends an RDSPD in a neighboring school district. The student receives special education and related services in general education classes. The superintendents
		None.	
			3.11.11 Example 11
			A student attends school for 4 hours each day. The student receives instruction for 3 of those hours and is in a study hall for 1 of those hours.
			The ADA eligibility code for this student would be 2 - Eligible Half-Day. Time spent in study hall does not count as instructional time. To generate full eligible days present, a student must be provided <i>instruction</i> for at least 4 hours each day.

Section	Change	2008–2009 Version 2	2009–2010
Section	Change	2008–2009 Version 2 3.11.13 Example 13 A student is absent for 1 day to attend College Day at a local university. Since the student is not on a board-approved activity accompanied by a professional or adjunct staff member of your district, your district cannot receive ADA funds for this student on this day.	2009–2010 3.11.14 Example 14 A high school student who is a junior is absent for 1 day to attend College Day at a local university to determine if she would like to attend the university. The university is accredited by a generally recognized accrediting organization, and your school district has adopted a policy on such absences and a procedure for verifying students' visits to institutions of higher education. Since the student's absence and your district's policies meet the requirements of the TEC, §25.087, your district will receive ADA funds for this student on this day. Your district may not receive ADA funds for more than two days per school year for each student who is absent for this
		 None.	 3.11.23 Example 23 A student who is absent for this current year transfers to your district from a school district in another state. The student completed kindergarten in the previous district. The student's parents would like to enroll the student in first grade in your district.
			Your district may enroll the student in the first grade. A student who is 5 years of age on or before September 1 of the current school year is automatically eligible for the first grade for the full school term (ADA eligibility code 1) if the student has completed public school kindergarten or has been enrolled in the first grade in a public school in another state before transferring to a Texas public school. ²³
		None.	3.11.26 Example 26 A student with a chronic, recurring illness normally receives GEH program services at home. The student's doctor has

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			provided documentation stating that the student may attend school when able.
			On Tuesday, the student is served at home through the GEH program for 3 hours. On Friday of the same week, the student feels well enough to attend 5 hours of school at the student's campus. The student is present when attendance is taken and is recorded present .
			The student earns 3 eligible days present for the time the student was served on Tuesday, per the Homebound Funding Chart. The student also earns 1 additional day of attendance for attending school on Friday, per the 2-through-4-hour rule and the student's being present at the time attendance was taken.
Section 4 Special Education	Revision	4.2 Special Education and Eligibility/Eligible Days Present	4.2 Special Education and Eligibility/Eligible Days Present
		Students from birth through age 2 who have visual or auditory impairments shall be considered eligible for ADA on the same basis as other students in special education. Note, however, that students in the RDSPD for 50% or more of the	Students from birth through age 2 who have visual or auditory impairments shall be considered eligible for ADA on the same basis as other students in special education.
		school day are ineligible for ADA.	To be eligible for special education
		To be eligible for special education	
Section 4 Special Education	Revision	4.2.10 PEIMS Coding Charts for Students with Disabilities	4.2.10 PEIMS Coding Charts for Students <i>W</i> ith Disabilities
			[In the "PK and Special Education Services" chart, the instructional setting code descriptors (fourth column) have been removed.
			In footnote 4 below the table, <i>PK Expansion Grant Program</i> has been changed to <i>PK Early Start Grant Program</i> . The incorrect section reference in footnote 6 has been corrected.
			In the "Kindergarten and Special Education Services" chart, the instructional setting code descriptors (fourth column) have been removed.
			The incorrect section reference in footnote 6 below the

Section	Change	2008–2009 Version 2	2009–2010
			table has been corrected.]
Section 4 Special Education	Addition	4.6 Instructional Arrangement/Setting Codes The ARD committee's	4.6 Instructional Arrangement/Setting Codes The ARD committee's
		Student Detail Reports	Requirements Related to Teachers Providing Instruction in Mainstream Settings: A student with disabilities must receive specially designed instruction (as defined in 4.6.11 Code 40 – Special Education Mainstream), which may include accommodations and modifications. While accommodations and modifications may be provided by general education teachers under the direction of special education personnel, other specially designed instruction documented in the IEP must be provided by special education personnel. One teacher, even if dually certified, may not serve in both a general education and a special education role simultaneously when serving students in Grades K–12. Students with disabilities who are ages 3 or 4 may have an instructional arrangement/setting code of 40, mainstream, if special education services are provided in classroom settings with nondisabled peers. The only context in which a dually certified teacher may serve in both a general education and a special education role is in an Early Childhood Program for students ages 3 or 4.
			Student Detail Reports
Section 4 Special Education	Addition	4.6.2.7 Homebound Funding and Documentation Requirements	4.6.2.7 Homebound Funding and Documentation Requirements
		The certified special education teachers and related service staff providing services must keep a log of the amount of time spent serving the student.	The certified special education teachers and related service staff providing services must keep a log of the amount of time spent serving the student.
			The minimum documentation required in homebound logs (the attendance record maintained by a homebound teacher) is —

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			 the name of the homebound teacher, the student name and identification or social security number, the date that the homebound teacher visited the homebound student, and the actual time per visit that the student was served (e.g., 10:00 a.m. until 12:00 p.m.)
			Additional documentation may be maintained as part of this record at the discretion of the local education agency. This documentation may include, but is not limited to, mileage records for the homebound teacher and information on subjects that were taught as part of the homebound instruction.
Section 4 Special Education	Addition	None	4.6.2.8 Test Administration and the Homebound Instructional Arrangement/Setting
			A student receiving services in the special education homebound instructional setting may earn eligible days present as stated in the chart above when a certified special education instructor administers routine quizzes, daily or weekly classroom exams, etc., that are required as part of the instructional requirements of a class.
			A student being administered standardized, 6-weeks, semester, and final exams and the TAKS is limited to earning 1 day present for a minimum of 1 hour or more of testing in 1 calendar day. When it takes the student more than 1 hour to complete the exam, the additional contact hours cannot be credited as attendance.
			If the routine, standardized, six-weeks, semester, or final exam administration or TAKS testing requires less than one hour, then the certified special education instructor must complete the hour with homebound instruction for the student to earn the 1 day present. For example, say a student is administered a final exam, and it takes her 30 minutes to complete the exam. The student must receive 30 minutes of homebound instruction to earn 1 day present.
			A student receiving services in the special education homebound instructional setting who returns to his or her

Section	Change	2008–2009 Version 2	2009–2010
			campus to take a state-required assessment instrument (e.g., TAKS) must have a medical release from a medical or nurse practitioner licensed to practice in the United States to do so.
			See 4.14.1 Code 01 – Homebound Examples.
Section 4 Special Education	Revision and Addition	4.6.2.9 Transitioning Students with Chronic Illness Between Homebound and the Classroom A student with	4.6.2.10 Transitioning Students With Chronic Illness Between Homebound and the Classroom A student with
		 During the transition period, for funding purposes due to the fact that funding will be based on instruction in the homebound setting. ADA eligibility shifts by the ARD committee. A student with a chronic illness or acute health problem that is a recurring condition that requires the student to be in the homebound instructional setting for a period of time (which can be in daily or weekly increments) totaling at least 4 weeks throughout the school year will generate contact hours based on the following: Students moving back and forth Students with a recurring condition ADA eligibility shifts back to the requirements of the 2-through-4-hour rule once the student returns to the classroom placement. For those weeks that the student is served in both the homebound instructional setting and the classroom placement, contact hours can be generated in both settings, subject to the requirements of the 2-through-4-hour rule and the Homebound Funding Chart. To document the changing instructional arrangements/settings for students with a recurring condition for attendance reporting purposes, it is recommended that attendance clerks accumulate the attendance information for the entire 6-week reporting period and summarize the information for the eligible 	 A student with During the transition period, for funding purposes because funding will be based on instruction in the homebound setting. ADA eligibility shifts by the ARD committee. 4.6.2.11 Students With a Recurring Chronic or Acute Health Condition A student with a chronic illness or acute health problem that is a recurring condition that requires the student to be in the homebound instructional setting for a period of time (which can be in daily or weekly increments) totaling at least 4 weeks throughout the school year will generate contact hours based on the following: Students moving back and forth Students with a recurring condition Use the following chart to determine how to record attendance and instructional arrangement/setting condition. [NEW CHART] Regardless of how many hours of homebound instruction a student is provided or how many days that student is in attendance at his or her campus, the student may not generate more than the equivalent of one ADA. If the student fully transitions to classroom placement, ADA eligibility shifts back to the requirements of the 2-through-4-hour rule.
		days of attendance and contact hours served. The eligible days present	See the last example in 4.14.1 Code 01 – Homebound

Section	Change	2008–2009 Version 2	2009–2010
			Examples.
			Attendance Accounting and Documentation: To document the changing instructional arrangements/settings for students with a recurring condition for attendance reporting and auditing purposes, district personnel must keep a log of the student's attendance information. See 4.6.2.7 Homebound Funding and Documentation Requirements.
			The eligible days present
Section 4 Special	Revision	4.6.7 Code 41 or 42 - Resource Room/Services	4.6.7 Code 41 or 42 - Resource Room/Services
Education		This instructional arrangement/setting code is used for a student who is provided special education and related services in a setting other than general education for less than 50% of the student's school day. ²⁴	This instructional arrangement/setting code is used for a student who is provided special education and related services in a setting other than general education for less than 50% of the student's school day. ²⁵ This code is also used to report a 3- or 4-year-old student with a disability who is receiving educational services in a PK setting but is ineligible for PK services.
		Code 41 indicates	Code 41 indicates
		Code 42 at least 21% but less than 50% of the student's school day.	Code 42 at least 21% but less than 50% of the student's school day. Code 42 is also used to report a 3- or 4-year-old student in a PK classroom who is ineligible for PK services, regardless of the percentage of time served in general education.
		Code 41 or 42 student is <i>pulled out</i> of the general education class to receive the related services	Code 41 or 42 student is <i>pulled out</i> of the general education class to receive the related services For more information about related services, refer to <u>http://ritter.tea.state.tx.us/special.ed/resources/relserv.html</u> .
		Note that if a student is pulled out of general education classes to receive special education services and speech therapy, both a resource room code and a speech therapy code should be used for the student.	Note that if a student is pulled out of general education classes to receive special education services and speech therapy, both a resource room code and a speech therapy code should be used for the student. If the student is a 3- or 4-year-old student in a PK classroom and is ineligible for PK services, code 42 is used even if the student is not pulled out of the classroom to receive special education and

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				related services.	
		This code should not be used for education services in the generation		Codes 41 and 42 should not be special education services sole with the exception of 3- and 4 above related to code 42.	ly in a general education class,
Section 4	Revision				
Special Education		4.9.7 Regional Day School (RDSPD)	Programs for the Deaf	4.9.7 Regional Day School (RDSPD)	Programs for the Deaf
		Students in the RDSPD must be minutes per week by an RDSPE		Students in the RDSPD must be minutes per week by an RDSPD receive instructional services	D teacher. All students who
		Only one districts should mather reporting of PEIMS and attend students in the program. Only pare eligible for ADA . The distri	ndance information for part-time RDSPD students	minimum time indicated shou 163 (Student Data - Special Education Attendance Data - (Reg-Day-Sch-Prog-Deaf) cod	Id be reported on the PEIMS ducation) and 405 (Special Student) records using C067
		The following table	1		ake an agreement regarding the
		If a student is enrolled in the RDSPD for —	Then use ADA eligibility code —	reporting of PEIMS and attenda the program. The district	nce information for students in
		less than 50% of the day		The following table	
		(part-time RDSPD student) and the student is a full-day student (served for at least 4	1 —Eligible for Full-Day Attendance	If a student is enrolled in the RDSPD —	then use ADA eligibility code —
		hours/240 minutes) 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)	1—Eligible for Full-Day Attendance
		and the student is a half-day student (served for at least 2 hours/120 minutes)	2 —Eligible for Half-Day Attendance	and the student is a half-day student (served for at least 2 hours/120 minutes)	2 —Eligible for Half-Day Attendance
		50% or more of the day (full- time RDSPD student) and the student is a full-day	4 —Ineligible Full-Day		
		student (served for at least 4 hours/240 minutes)			
		50% or more of the day (full- time RDSPD student) and the student is a half-day	5 —Ineligible Half-Day		
		student (served for at least 2 hours/120 minutes)			

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Section 4 Special	Addition	4.14.1 Code 01 – Homebound Examples	4.14.1 Code 01 – Homebound Examples
Education		To document at the end of the second 6-week reporting period.	To document at the end of the second 6-week reporting period.
			A certified special education teacher administers the math TAKS to a student confined to the home on a Tuesday. It takes the student 2 hours to complete the math TAKS. The teacher returns on Wednesday and administers the reading TAKS. It takes the student 2 hours to complete the reading TAKS.
			The student earns only 1 eligible day present for Tuesday and only 1 eligible day present for Wednesday. The certified special education teacher must schedule 2 more hours of homebound instruction during the week so the student can earn an entire week of attendance credit. The additional homebound instruction may be any day of the same week, Sunday to Saturday, including the same calendar day that the test was administered. In all cases, the homebound instruction must be in addition to the time the student was tested.
			A certified special education teacher administers a final exam to a student confined to the home, and it takes the student 30 minutes to complete the exam.
			The student must receive 30 minutes of homebound instruction to earn 1 day present.
			A student with a chronic, recurring illness normally receives special education and related services in the special education homebound instructional setting. The student's doctor has provided documentation stating that the student may attend school when able. The student's ARD committee has specified that the student is to be served in the special education mainstream instructional setting when the student is well enough to attend school.
			On Tuesday, the student is served at home by a certified special education teacher for 3 hours. On Friday of the same week, the student feels well enough to attend 5 hours of school at the student's campus. The student is present when

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			attendance is taken and is recorded present.
			The student earns 3 eligible days present for the time the student was served on Tuesday, per the Homebound Funding Chart. The student's instructional arrangement/setting code for that day should be recorded as 01- homebound. The student also earns 1 additional day present for attending school on Friday, per the 2-through-4-hour rule and the student's being present at the time attendance was taken. The student's instructional arrangement/setting code for Friday should be recorded as 40 - mainstream.
Section 5	Revision		
Career and Technical		5.2.3.2 Earning CTE Contact Hours While Receiving PRS	5.2.3.2 Earning CTE Contact Hours While Receiving PRS
Education		(See 9.15 PRS and Career and Technical Education and 9.19.4 Example 4 in Section 9.)	(See 9.15 PRS and Career and Technical Education and 9.19.4 Example 4 in Section 9. See 9.17 Documentation for requirements related to the homebound instructor's log.)
Section 5	Revision		
Career and Technical	and Addition	5.5.1 PEIMS 101 Record	5.5.1 PEIMS 101 Record
Education	Addition	Your district must code CTE student participation correctly on the PEIMS 101 record, as shown in the following chart.	Your district must code CTE student participation correctly on the PEIMS 101 record in the fall and summer reporting , as shown in the following chart.
			Use the following fall and summer decision charts to determine appropriate coding for CTE student participation.
			[Two charts have been added.]
Section 6 Bilingual/English	Revision	6.2 Eligibility	6.2 Eligibility
as a Second			
Language		Each student The LPAC must designate, subject to	Each student The LPAC must designate, subject to
		parental approval, the initial instructional placement of each	parental approval, the initial instructional placement of each
		LEP student in the required program; classify the student as	LEP student in the required program; classify the student's
		English proficient according to appropriate tests; and	level of English proficiency according to the results of appropriate tests; and
		Important: Students served only in the Preschool Program for	
		Children with Disabilities (PPCD) cannot generate bilingual/ ESL ADA.	Important: Students who are under age 3 and served only in the Preschool Program for Children with Disabilities (PPCD) cannot generate bilingual/ESL ADA.
Section 6	Revision		
Bilingual/English as a Second		6.2.1 Students Who Are Eligible to Be Served in the Bilingual/ESL Program but Are <u>Not Eligible for</u>	6.2.1 Students Who Are Eligible to Be Served in the Bilingual/ESL Program but Are <u>Not Eligible for</u>

Section	Change	2008–2009 Version 2	2009–2010
Language		 Funding The following students may be served by your district's bilingual education or ESL program. However, these students are not eligible for bilingual education or ESL program funding and must not have bilingual/ESL indicator codes recorded on their Student Detail Reports. Students in PK through Grade 1 who Students in Grades 2 through 12 who Students — who have exited/been transitioned out of the bilingual/ESL program, whose parents approve of the students' continuing to participate in the program, and whose schools wish to continue to provide bilingual/ESL program services to the students Important: For these students, be sure to enter the appropriate parental permission code in the parental permission code in the parental permission code table (code table C093) in the PEIMS. Please see the PEIMS Data Standards for guidance. 	 Funding The following students may be served by your district's bilingual education or ESL program. However, these students are not eligible for bilingual education or ESL program funding and must not have bilingual or ESL program type codes recorded on their Student Detail Reports. Students in PK through Grade 1 who Students in Grades 2 through 12 who Students — who have exited/been transitioned out of the bilingual/ESL program, whose parents approve of the students' continuing to participate in the program, and whose schools wish to continue to provide bilingual/ESL program services to the students
Section 6 Bilingual/English as a Second Language	Revision	 6.3 Enrollment Procedures A student (see 6.11.1 Home Language Survey Requirements for requirements) 3. The LPAC places the student in either the bilingual education program or the ESL program, but district personnel do not yet assign the student a bilingual/ESL indicator code of 1 5. Once parental approval has been received, district personnel assign the student a bilingual/ESL indicator code of 2, 3, 4, and 5 for bilingual and 2 or 3 for ESL in the attendance accounting system. 	 6.3 Enrollment Procedures A student (see 6.11.1 Home Language Survey Requirements) 3. The LPAC places the student in either the bilingual education program or the ESL program, but district personnel do not yet assign the student a bilingual or ESL program type code 5. Once parental approval has been received, district personnel assign the student the appropriate bilingual or ESL program type code²⁶ [footnote is new] in the attendance accounting system.

²⁶ To find the appropriate code to use, please consult the program type code tables available at the following link: <u>http://ritter.tea.state.tx.us/peims/standards/0910/ds4.doc</u>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

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Section 6 Bilingual/English	Revision	6.3.1 Students Who Transfer Into Your District	6.3.1 Students Who Transfer Into Your District
as a Second Language		Within However, coded with he bilingual/ESL indicator unless all documentation is on file	Within However, coded with the bilingual or ESL program type code ²⁷ [footnote is new] unless all documentation is on file
Section 6 Bilingual/English as a Second Language Section 6 Bilingual/English as a Second Language	Revision	 6.4.2 Exit Criteria The following chart 6.4.3 Exit Procedures and Criteria for LEP Students Receiving Special Education Services The following flowchart 	 6.4.2 Exit Criteria The following chart [Chart has been updated with current-year information.] 6.4.3 Exit Procedures and Criteria for LEP Students Receiving Special Education Services Information is available in a flowchart at
Quality Q	Devision		http://ritter.tea.state.tx.us/curriculum/biling/LEP_SPED_Exi t_Flow_Chart.pdf.
Section 6 Bilingual/English as a Second Language	Revision and Addition	 6.9 Teacher Certification Requirements 6.9.1 Students in Grades PK Through 8 Students in Grades PK through 8 must be served by bilingual/ESL-certified staff. 6.9.2 Students in Grades 9 Through 12 Students in Grades 9 through 12 	 6.9 Teacher Certification Requirements 6.9.1 Students in Grades PK Through 5 Students in Grades PK through 5 (or through 6, if Grade 6 is clustered with elementary grades) must be served by bilingual/ESL-certified staff. 6.9.2 Students in Grades 6 Through 8 Students in Grades 6 through 8 (if Grade 6 is not clustered with elementary grades [PK-5]) must be served by at least one teacher who is certified in ESL for that grade level and is responsible for meeting the linguistic needs of the LEP students. 6.9.3 Students in Grades 9 Through 12 Students in Grades 9 through 12
Section 6 Bilingual/English as a Second Language	Revision	 6.10 Eligible Days Present District personnel must — identify each student who is being served with a bilingual/ESL indicator code of 2, 3, 4, and 5 for bilingual 	 6.10 Eligible Days Present District personnel must — identify each student who is being served with the

²⁷ To find the appropriate code to use, please consult the program type code tables available at the following link: <u>http://ritter.tea.state.tx.us/peims/standards/0910/ds4.doc</u>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

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		and 2 or 3 for ESL in	appropriate bilingual or ESL program type code ²⁸ [footnote is new] in
Section 6 Bilingual/English as a Second Language	Revision	6.12 Quality Control Your district should record a bilingual/ESL indicator code for As soon as no longer have a bilingual/ESL indicator code.	6.12 Quality Control Your district should record a bilingual or ESL program type code ²⁹ [footnote is new] for As soon as no longer have a bilingual or ESL program
			type code
Section 6 Bilingual/English as a Second Language	Revision	6.13.6 Example 6 The only	6.13.6 Example 6 The only
		The student may not assigned a bilingual/ESL indicator code	The student may not assigned a bilingual or ESL program type code
Section 7 Prekindergarten	Revision	7.2 Eligibility To be eligible for enrollment in a PK class, a child must be 3 or 4 years of age on September 1 of the current school year and must ³⁰ :	7.2 Eligibility To be eligible for enrollment in a PK class, a child must be 3 or 4 years of age on September 1 of the current school year and must ³¹ :
		 be the child of an active duty member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who is ordered to active duty by proper authority; or 	4. be the child ³² of an active duty member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who is ordered to active duty by proper authority; or
		5. be the child of a member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who was injured or killed while serving on active duty; or	 be the child³³ of a member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who was injured or killed while serving on active duty; or [Footnotes for "child" are new.]
Section 7 Prekindergarten	Addition	7.2.3 PK Eligibility Based on Being Educationally Disadvantaged (Eligible for the National School	7.2.3 PK Eligibility Based on Being Educationally Disadvantaged (Eligible for the National School

²⁸ To find the appropriate code to use, please consult the program type code tables available at the following link: <u>http://ritter.tea.state.tx.us/peims/standards/0910/ds4.doc</u>. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes. ²⁹ To find the appropriate code to use, please consult the program type code table for bilingual program type codes and the C176 code table for ESL program type codes.
 ³⁰ TEC, §29.153(b)
 ³¹ TEC, §29.153(b)
 ³² "Child" includes a stepchild.

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	Lunch Program [NSLP])	Lunch Program [NSLP])
Section Change		
		categorically eligible by being enrolled in a HSP. For the other preexisting bases for automatic NSLP eligibility, see 42 USC, §1758. For additional

³⁴ Public Law 110-134, which amended 42 USC, §1758, expanded automatic eligibility for the NSLP to include all children who meet any eligibility criteria for Head Start, not only those who meet the lowincome eligibility criteria for Head Start. Consequently, all children who are eligible for Head Start are eligible for free prekindergarten, based on their eligibility for the NSLP. For the other preexisting bases for automatic NSLP eligibility, see 42 USC, §1758. For additional information concerning the NSLP at the state level, please contact the Texas Department of Agriculture.

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			information concerning the NSLP at the state level, please contact the Texas Department of Agriculture.
			or
			2) the student's family must provide your school district with current income level documentation showing that the income level meets requirements for the student's participation in the NSLP.
			 Many districts preregister 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 NSLP, districts will verify income level documentation no more than 2 months before the student's first day of membership. On reverification of income, if the family's income level has changed and they are not educationally disadvantaged (eligible for the NSLP), then the student is not eligible for PK funding. If a student qualifies for PK on the basis of being educationally
			disadvantaged (eligible to participate in the NSLP), and then moves out of your district, the student must requalify for the PK program in the new district.
			[Most changes to this subsection have to do with formatting, not content. The bolded paragraph within item 1 is the only new text.]
Section 7 Prekindergarten	Revision	7.2.5 PK Eligibility Based on a Parent's Membership in the Armed Forces	7.2.5 PK Eligibility Based on a Parent's Membership in the Armed Forces
		The following definitions apply when determining a student's PK eligibility based on a parent's membership in the armed forces:	The following definitions apply when determining a student's PK eligibility based on the membership of a parent ³⁵ in the armed forces: [footnote for <i>parent</i> added]
		The term "member of the armed forces" includes:	The term "member of the armed forces" includes:
		a. active duty uniformed members (parents or official guardians) of the or Coast Guard who are	a. active duty uniformed members (parents or official guardians) of the Coast Guar d w ho have

³⁵ "Parent" includes a stepparent. A stepchild is eligible for PK enrollment whether or not the child resides in the same household as the stepparent.

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		 assigned to duty stations in Texas or who are Texans who have eligible children residing in Texas. b. activated/mobilized uniformed members of the or Coast Guard who are Texas residents regardless of the location of the reserve unit. 	 eligible children residing in Texas. b. activated/mobilized uniformed members of the or Coast Guard who have eligible children residing in Texas. c. uniformed who are missing in action (MIA).
		 c. uniformed who are missing in action (MIA). Also, child of a member of the armed forces if: a. the child is the biological or adopted child of the member of the armed forces, regardless of whether the child lives with that parent; or 	 Also, child of a member of the armed forces if: a. the child is the biological or adopted child of the member of the armed forces; or b. the child is a stepchild of the member of the armed forces.
		 b. the child is a step-child of the member of the armed forces and lives in the household of the member of the armed forces. If a student 	If a student
Section 7 Prekindergarten	Revision	7.2.6 PK Eligibility Based on a Child's Having Been in Foster Care In July 2008 the DPFS and Child Protective Services mailed verification letters of prekindergarten eligibility to the parents and caregivers of 15,000 eligible children.	7.2.6 PK Eligibility Based on a Child's Having Been in Foster Care In April 2009 the DFPS and Child Protective Services mailed verification letters of prekindergarten eligibility to the parents
Section 7 Prekindergarten	Revision	7.5.1 PK Expansion Grant Program and Eligible Days Present School districts/campuses that apply and are approved for the	and caregivers of eligible children. 7.5.1 PK <i>Early Start</i> Grant Program and Eligible Days Present School districts/campuses that apply and are approved for the
Section 7 Prekindergarten	Revision	PK Expansion Grant Program 7.7.2 Example 2 Your A student is served in both classes The ADA eligibility code for this student would be 2—Eligible	PK Early Start Grant Program 7.7.2 Example 2 Your A student is served in both classes The ADA eligibility code for this student should 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	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

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		<i>is half-day.</i> Note:	is half-day (unless the PK student receives special education services and receives instruction for at least 4 hours per day or unless the student is served through a PK Early Start Grant program).
			Note:
Section 7 Prekindergarten	Revision	7.7.7 Example 7	[Example deleted.]
		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.	
Section 8	Revision		
Gifted/Talented		Section 8 Gifted and Talented	Section 8 Gifted/Talented
			[The format change that was made to the heading was made throughout Section 8.]
Section 8 Gifted/Talented	Revision	8.2 Eligibility was previously served.	8.2 Eligibility was previously served.
		The gifted and talented indicator code must reflect the student's participation in the gifted and talented program for each 6-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 the student returns to the gifted and talented program during that subsequent period. ³⁶	The gifted/talented indicator code must reflect the student's services in the gifted/talented program for each 6-week reporting period. If a student stops being served during a reporting period, he or she is shown with a 0 indicator code in the subsequent period unless the gifted/talented program services are resumed for the student during that subsequent period. ³⁷
		Your district should	Your district should
Section 8 Gifted/Talented	Revision	8.6 Coding of Gifted and Talented Students Your district should code a student who is participating in a state-approved gifted and talented program	8.6 Coding of Gifted/Talented Students Your district should code a student who is receiving services through a state-approved gifted/talented program
Section 8 Gifted/Talented	Revision	8.7 Documentation	8.7 Documentation

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		Your district must keep on file a class roster of all students who participated, or who are participating, in the gifted and talented program	Your district must keep on file a class roster of all students who are served in the gifted/talented program
Section 8 Gifted/Talented	Revision	8.9 Examples	8.9 Examples
		8.9.1 Example 1 A third-grade student attends the gifted and talented program .	8.9.1 Example 1 A third-grade student is served through the gifted/talented program
		8.9.2 Example 2	8.9.2 Example 2
		A seventh-grade student attends the gifted and talented program	A seventh-grade student is served through the gifted/talented program
		8.9.3 Example 3	8.9.3 Example 3
		The student attended the gifted and talented program at both schools.	The student was served through the gifted/talented program at both schools.
		The gifted and talented indicator code The student attended the gifted and talented program at both schools during the fourth	The gifted/talented indicator code The student was served through the gifted/talented program at both schools during the fourth
Section 9 Pregnancy Related Services	Revision	9.16 Test Administration During CEHI (See 9.19.16 Example 16.)	9.16 Test Administration During CEHI (See 9.19.16 Example 16.)
			A PRS student receiving CEHI services who returns to his or her campus to take a state-required assessment instrument (e.g., TAKS) must have a medical release from a medical or nurse practitioner licensed to practice in the United States to do so.
Section 9 Pregnancy Related Services	Revision	9.17 Documentation requirements are as follows:	9.17 Documentation requirements are as follows:
		 12. The certified teacher's log of the actual amount of home instruction each student received for each week the student received CEHI (applies to both prenatal and postpartum periods). 	12. The certified teacher's log of the actual amount of home instruction each student received for each week the student received CEHI (applies to both prenatal and postpartum periods).
		Discharge papers	The minimum documentation required in homebound logs (the attendance record maintained by a homebound teacher) is —

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			 the name of the homebound teacher, the student name and identification or social security number, the date that the homebound teacher visited the homebound student, and the actual time per visit that the student was served (e.g., 10:00 a.m. until 12:00 p.m.) Additional documentation may be maintained as part of this record at the
			discretion of the local education agency. This documentation may include, but is not limited to, mileage records for the homebound teacher and information on subjects that were taught as part of the homebound instruction.
Section 10 Nontraditional Schools	Revision	Section 10 Nontraditional Schools ³⁸	Section 10 Nontraditional Schools ³⁹ [Footnote updated.]
Section 10 Nontraditional Schools	Revision	10.2.3 Student 21 Years of Age or Older and DAEP or JJAEP Placement	10.2.3 DAEP or JJAEP Placement for Students 21 Years of Age or Older
		A student who is 21 years of age or older who is admitted for the purpose of completing the requirements of a high school diploma is not eligible for placement in a DAEP or JJAEP if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in conduct that would otherwise require such placement, your district must revoke admission of the student into the public schools of the district. The leaver code would be reported as '98' on the PEIMS 203 record.	A student who is 21 (or older) and admitted to a Texas public school to complete high school graduation requirements is not eligible for placement in a DAEP or JJAEP if he or she engages in the same type of misconduct that would require such placement for a student under the age of 21. In this instance, your district must revoke admission of the student. [Paragraph reworded.]

³⁸ Some types of alternative education campuses are described in the annual alternative education accountability (AEA) procedures *Accountability Manual*. Others, such as Chapter 37 discipline programs, are described in this publication.

³⁹ Some types of alternative education campuses are described in *Part 2 – Alternative Education Accountability (AEA) Procedures* of the 2009 Accountability Manual. Others, such as Chapter 37 discipline programs, are described in this publication.

CHANGE DOCUMENT

Section	Change	2008–2009 Version 2	2009–2010
Section 10 Nontraditional Schools	Revision	10.7.2 Evaluation of DAEPs and JJAEPs Statute or statutory intent prohibits the assignment of performance ratings to DAEPs and JJAEPs	10.7.2 Evaluation of DAEPs and JJAEPs Statute or statutory intent prohibits the assignment of accountability ratings to DAEPs and JJAEPs
Section 10 Nontraditional Schools	Revision	 10.9 Disciplinary Alternative Education Programs (DAEPs) Your school district must provide for a DAEP that: is provided in a setting other than a student's regular classroom; requires each teacher who teaches in an off-campus DAEP to meet all certification requirements established under the TEC, Chapter 21, Subchapter B; provides not less than 	 10.9 Disciplinary Alternative Education Programs (DAEPs) Your school district must provide for a DAEP that: is provided in a setting other than a student's regular classroom; employs only teachers who meet all certification requirements established under the TEC, Chapter 21, Subchapter B; and 8. provides not less than
Section 10 Nontraditional Schools	Revision	10.9.4 DAEPs and Students Under the Age of 6 Students or out-of-school suspension. As	10.9.4 DAEPs and Students Under the Age of 6 Students or out-of-school suspension. (An out-of-school suspension may not exceed 3 school days. ⁴⁰) As
Section 10 Nontraditional Schools	Revision	10.11 Juvenile Justice Alternative Education Programs (JJAEPs) ⁴¹ Academically, enable students to perform at grade level. 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, A school district cannot develop or create a JJAEP. ⁴²	 10.11 Juvenile Justice Alternative Education Programs (JJAEPs)⁴³ Academically, enable students to perform at grade level. If a school district is in a county with a population greater than 125,000⁴⁴ [footnote is new], the county juvenile board is required to develop a JJAEP, A school district cannot develop or create a JJAEP.⁴⁵ JJAEPs are provided in preadjudication secure detention and postadjudication secure correctional facilities. A preadjudication secure detention facility is a secure facility

⁴⁰ TEC, §37.005(b)

42 TEC §37.011(a)

⁴¹ For further program information on JJAEPs, contact the Chapter 37/Safe Schools Division at (512) 463-9982.

⁴³ For further program information on JJAEPs, contact the Chapter 37/Safe Schools Division at (512) 463-9982.

⁴⁴ For purposes of JJAEP requirements, a county with a population greater than 125,000 is considered a county with a population of 125,000 or less if the county had a population of 125,000 or less according to the 2000 federal census and the county's juvenile board enters into, with the approval of the Texas Juvenile Probation Commission, an MOU with each school district in the county that outlines the responsibilities of the board and the districts in minimizing the number of students expelled without receiving alternative educational services and includes the coordination procedures required by the TEC, §37.013. Per the TEC, §37.011(a-1) [HB 1425, 81st Legislature, Regular Session, 2009]

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			administered by a governing board that is designed to physically restrict the movements and activities of persons held in lawful custody in the facility and is used for the temporary placement of an individual who is accused of having committed an offense and is awaiting court action, an administrative hearing, or other transfer action. A postadjudication secure correctional facility is a secure facility administered by a governing board or the TYC that is designed to physically restrict the movements and activities of residents and is intended for the treatment and rehabilitation of youth who have been adjudicated. It does not include a nonsecure residential program operating under the authority of a juvenile board.
Section 10	Revision		
Nontraditional Schools		10.11.3 JJAEP Eligibility and ADA Eligibility Coding for JJAEP Students	10.11.3 JJAEP Eligibility and ADA Eligibility Coding for JJAEP Students
		For a student to be placed in or attend a JJAEP, the student must be —	For a student to be placed in or attend a JJAEP, the student must be —
		 found by the school district to have engaged in expellable conduct other than conduct under the TEC, §37.007(a), (d), or (e), and eligible for placement under the terms of the MOU under the TEC, §37.011(k)⁴⁶; or 	 found by the school district to have engaged in expellable conduct other than conduct under the TEC, §37.007(a), (d), or (e), and eligible for placement under the TEC, §37.0081(a-1)(1)⁴⁷ [footnote is new] or under the terms of the MOU under the TEC, §37.011(k)⁴⁸; or
Section 10 Nontraditional	Addition	None.	
Schools			10.11.4 Enrollment Preadjudication Secure Detention Facility: The school district providing educational services in a preadjudication secure detention facility must ensure that a student arriving at the facility is enrolled in its school district or, by local agreement, in the student's locally assigned school district on the first school day after the student's arrival unless the student will return to a different district within 10 school days. The school district that maintains a student's enrollment is responsible for ensuring that appropriate education services are provided to each of its

 ⁴⁶ The school district provides funding in an amount determined by the MOU. TEC, §37.012(a)
 ⁴⁷ The school district provides funding in an amount determined under the TEC, §37.0081(g).
 ⁴⁸ The school district provides funding in an amount determined by the MOU. TEC, §37.012(a)

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			students while in the facility.
			Postadjudication Secure Correctional Facility: The school district providing educational services in a postadjudication secure correctional facility must ensure that a student is enrolled in its school district or, by local agreement, in the student's locally assigned school district on the student's first school day in the facility as a court- committed juvenile.
			<i>Transfer of Records:</i> The school district providing educational services in either type of facility must coordinate with a student's previous locally assigned campus to ensure that appropriate academic records are received within 10 school days of the student's enrollment.
Section 10 Nontraditional	Revision	10.11.4 Required Hours and Days of Operation for	10.11.5 Required Hours and Days of Operation for
Schools		JJAEPs	JJAEPs
		A JJAEP must operate at least 7 hours per day and at least 180 days per year program. ⁴⁹	A JJAEP must operate at least 7 hours per day, with at least 5.5 hours consisting of required secondary curriculum, and at least 180 days per year program. ⁵⁰
			The school district providing educational services in a preadjudication secure detention facility or postadjudication secure correctional facility must ensure that students with disabilities are provided instructional days commensurate with those provided to students without disabilities in accordance with 19 TAC §89.1075(d).
Section 11 Nontraditional Programs	Revision	11.3 Dual Credit (High School and College/University)	11.3 Dual Credit (High School and College/University)
		Funding eligibility for a student taking a dual credit course will include time instructed in the dual credit course. For the 2008–2009 school year , your district may count the time that students spend in dual credit courses for state funding purposes even if students are required to pay tuition, fees, or textbook costs for those courses,	Funding eligibility for a student taking a dual credit course will include time instructed in the dual credit course. For the 2009–2010 and 2010–2011 school years, your district may count the time that students spend in dual credit courses for state funding purposes even if students are required to pay tuition, fees, or textbook costs for those courses,

Section Change	2008–2009 Version 2	2009–2010
Section 11 Revision		
Nontraditional Programs	11.3.2 Types of Dual Credit Programs Your District May Offer	11.3.2 Types of <i>College</i> Credit Programs Your District May Offer
	The chart on the following two pages provides information on the different types of dual credit programs your district may offer.	The chart on the following two pages provides information on the different types of college credit programs your district may offer.
	[CHART HAS BEEN MODIFIED SLIGHTLY. See the cell for the row labeled <i>Dual Credit TAC</i> §74.25 TAC §§4.81–4.85 and the column labeled <i>Eligibility for Foundation School</i> <i>Funds</i> :	[CHART HAS BEEN MODIFIED SLIGHTLY. See the cell for the row labeled <i>Dual Credit TAC</i> §74.25 TAC §§4.81–4.85 and the column labeled <i>Eligibility for Foundation School Funds</i> :
	Eligible for the 2008–09 school year, whether or not course and textbook are available free to the student]	Eligible for the 2009–10 and 2010–11 school years, whether or not course and textbook are available free to the student]
Section 11 Nontraditional Programs	 11.5 Optional Flexible School Day Program (OFSDP) The OFSDP is a program that your district may offer to provide flexible hours and days of attendance for students in grades 9–12 who are at risk of not graduating, are participating in an approved early college high school plan, or are attending a campus implementing an innovative redesign under a plan approved by the commissioner of education. The goal of the program is to target those students who are unable to attend school in a traditional setting Typical OFSDP instructional arrangements include the following: Weekend or night classes Extended day classes Classes offered throughout the year Flexible schedules 11.5.1 Student Eligibility A student is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if — the student is enrolled in grades 9–12 at the beginning of the school year or semester; and the student meets one of the following conditions: the student is at risk of dropping out of school, as defined by the TEC, §29.081, the student is attending a school 	 11.5 Optional Flexible School Day Program (OFSDP) The OFSDP is a program that your district may offer to provide flexible hours and days of attendance for students who have dropped out of school or are at risk of dropping out; are participating in an approved early college high school plan; are attending a campus implementing an innovative redesign under a plan approved by the commissioner of education; or as a result of attendance requirements under §25.092, will be denied credit for one or more classes in which the students have been enrolled. One goal of the program is to target those students who are unable to attend school in a traditional setting The second goal of the program is to offer students who are at risk of being denied credit for classes because of failure to meet attendance requirements the opportunity to recover that credit. Typical OFSDP instructional arrangements include the following: Weekend or night classes Extended day classes Classes offered throughout the year Flexible schedules Credit recovery classes (These classes can be offered during the summer recess for students who have not earned a full ADA during the school year. A student cannot earn more than the equivalent of one ADA in a year.)

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	 implementing an approved innovative campus plan, or the student is attending a school with an approved early college high school program designation; and the student 	 11.5.1 Student Eligibility A student is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if — the student meets one of the following conditions: the student is at risk of dropping out of school, as defined by the TEC, §29.081, the student is attending a school implementing an approved innovative campus plan, the student is attending a school with an approved early college high school program designation, or the student, as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the student has been enrolled; and
	11.5.2 OFSDP Funding The OFSDP program provides an alternate method of attendance accounting. The standard attendance rule requiring students to receive A student must receive instruction in the OFSDP at least 45 minutes on a given day for instructional contact time to be recorded.	 11.5.2 OFSDP Funding The OFSDP program provides an alternate method of attendance accounting. The standard attendance rule requiring students to be scheduled to receive A student must receive instruction in the OFSDP (or in the OFSDP and traditional attendance program courses) at least 45 minutes on a given day for instructional contact time to be recorded. The maximum number of instructional minutes allowed each school day, including any instructional time accounted for in traditional courses toward graduation requirements, is 600 minutes, or 10 hours. Instructional contact time for the OFSDP is funded at the same rate under the FSP formulas as attendance for a full-time equivalent student. A full-time equivalent student is expected to have 1,080 contact hours per year. For an eligible OFSDP student attending summer school OFSDP courses for credit recovery, funding is limited to only funding for the attendance necessary for the student to recover class credit. For funding purposes, OFSDP attendance for a student for
	Change	 implementing an approved innovative campus plan, or the student is attending a school with an approved early college high school program designation; and the student the student

Section	Change	2008–2009 Version 2	2009–2010
		11.5.3 Participation in the OFSDP and the Regular Attendance Program A student may receive However, from the OFSDP. Note: The sum	 a 12-consecutive-month school year cannot exceed the equivalent of one student in average daily attendance (ADA) with perfect attendance. 11.5.3 Participation in the OFSDP and the Regular Attendance Program A student may receive However, from the OFSDP. A student's attendance program (OFSDP or regular) may not be changed in the middle of a 6 week reporting period. Note: The sum
		11.5.4 Application Process	11.5.4 Application Process
		11.5.5 Increase in Age Requirements for FSP Funding Eligibility Note that	11.5.5 FSP Funding Eligibility for Students 21–25 Years of Age Note that
		A student receiving special education services who is at least 21 years of age and under 26 years of age admitted for the purpose of completing the requirements for a high school diploma is not eligible for special education weighted state funding, but is eligible for other weighted state funding.	A student receiving special education services who is at least 22 years of age and under 26 years of age on September 1 admitted for the purpose of completing the requirements for a high school diploma is not eligible for special education weighted state funding, but is eligible for other weighted state funding.
		11.5.6 Reporting Requirements Beginning with the 2008–2009 school year, your district will be able to report OFSDP attendance data using the PEIMS	11.5.6 Reporting Requirements Your district should report OFSDP attendance data using the PEIMS
Section 11 Nontraditional Programs	Revision	11.7.1 HSEP Eligibility Requirements A student is eligible to participate in an HSEP if —	11.7.1 HSEP Eligibility Requirements A student is eligible to participate in an HSEP if —
		 the following conditions are satisfied: the student is at risk of dropping out of school, as defined by the TEC, §29.081; 	 the following conditions are satisfied: the student is at risk of dropping out of school, as defined by the TEC, §29.081(d);

Section	Change	2008–2009 Version 2	2009–2010
		11.7.2 HSEP Attendance Accounting and Funding	11.7.2 HSEP Attendance Accounting and Funding
		For a student enrolled only in an HSEP, the following funding rules apply.	The HSEP provides alternatives to the traditional attendance program and provides flexible attendance schedules. Students in the program are still subject to
		A student is counted as in attendance based on number of hours A student must receive instruction in the HSEP	minimum attendance requirements (TEC, §25.092).
		at least 2 hours on a given day for instructional contact time to be recorded. If actual instructional contact time in the HSEP . does not equal at least 2 hours, your district must record 0 hours of instructional contact time for that day. Instructional	District personnel must maintain a separate log of program instructional contact time for each student participating in the HSEP.
		contact time is to be recorded in increments of 30 minutes (e.g., 2 hours and 30 minutes will equate to 2.5 instructional	A student is counted as in attendance based on daily contact minutes. A student must receive instruction in the
		contact hours, 2 hours and 29 minutes will equate to 2.0	HSEP at least 45 minutes on a given day for instructional
		instructional contact hours).	contact time to be recorded. If actual instructional contact time in the HSEP does not equal at least 45 minutes on a
		District personnel must maintain a separate log of program instructional contact time for each student participating in the HSEP.	given day, your district must record 0 minutes of instructional contact time for that day. The maximum number of instructional contact minutes allowed each school day,
		Your school district may designate a student who receives	including any instructional time accounted for in traditional courses toward graduation requirements, is 600
		instruction in an HSEP as either full-day eligible or half-day eligible for purposes of determining the number of days absent	minutes.
		and the related attendance rate for accountability purposes.	HSEP attendance is reported using the 500 series PEIMS
		The maximum number of instructional contact hours allowed each school day, including any instructional time accounted	records. For students in grades 9–12 who are ADA eligible, create at least one record for PEIMS reporting for each
		for in traditional courses toward graduation requirements, shall be 6 hours for students designated as full-day eligible and 3 hours for students designated as half-day eligible.	student who attends at least 45 minutes in the HSEP within the indicated reporting period.
			A district must report all minutes of instruction attended
		During the time a student receives instruction in the HSEP, any time in attendance in courses that may be counted toward graduation credit will also be measured as instructional	by a student for each six-week reporting period. However, no student may generate more than one ADA for FSP funding purposes for a school year within a district and/or
		contact time, but must be separately recorded. To determine attendance for Public Education Information Management	campus. If a student participates in both the HSEP and the traditional attendance program, the student may not
		System (PEIMS) reporting and Foundation School Program	generate more than one ADA for FSP funding purposes for
		(FSP) funding purposes, instructional contact time recorded for the HSEP will be summed with attendance time in courses	a six-week reporting period within a district and/or campus.
		that may be counted toward graduation each 6-week reporting period. The sum will be divided by six and rounded down to	
		determine the number of days to be reported as present for	Note: Attendance reporting
		that reporting period for students who are designated as full- day eligible. For a student reported as full-day eligible, the	
		number of days absent must be reported as the difference	

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		between the days of instruction and the number of days of attendance that will be reported as described in this paragraph. For students reported as half-day eligible, the sum of instructional contact time recorded for the HSEP program and attendance time in courses toward graduation must be divided by six and rounded down to the nearest number evenly divisible by 0.5 to determine the number of days present. For a student reported as half-day eligible, the number of days absent must be reported as the difference between half the number of days of instruction and the number of days of attendance that will be reported as described in this paragraph.	
		Instructional contact time is funded at the same rate under the FSP formulas as attendance for a full-time equivalent student. A full-time equivalent student is expected to have 1,080 contact hours per year.	
		Attendance in an HSEP that is not authorized or does not meet the requirements of the TEC, §29.087, or 19 TAC Chapter 89, Subchapter DD, is not eligible for state funding.	
		HSEP attendance is reported using the 500 series PEIMS records. Note: Attendance reporting	
Section 11 Nontraditional Programs	Deletion	11.8 Electronic Course Pilot (eCP) Through the Electronic Course Pilot (eCP), districts and open- enrollment charters selected to participate	Section deleted. The statute authorizing the eCP (TEC, §29.909) was repealed by House Bill 3646, 81st Legislature, Regular Session.
Section 11 Nontraditional Programs	Revision	11.9 Texas Virtual School Network (TxVSN) The (TxVSN) is a state virtual school network that will provide students throughout the state with access to online courses The TEC, §30A, which established the TxVSN,	11.8 Texas Virtual School Network (TxVSN) The (TxVSN) is a state virtual school network that provides students throughout the state with access to online courses . The TEC, Chapter 30A, which established the TxVSN,
		A limited number of courses approved through the TxVSN review process will be available for Grades 9 through 12 beginning in spring of the 2008–2009 school year.	Courses approved through the TxVSN review process first became available for Grades 9–12 in the 2008–2009 school year.
		TxVSN online	TxVSN online
		For more information on the TxVSN, visit the TxVSN website at http://www.txvsn.org/ .	For more information on the TxVSN and to view the list of available courses in the TxVSN course catalog, visit the TxVSN website at <u>http://www.txvsn.org/</u> .

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Section	Change	 2008–2009 Version 2 11.9.1 Student Eligibility for the TxVSN A student is eligible to enroll in a course provided by the TxVSN only if the student — is younger than 21 years of age on September 1 of the school year, has not graduated from high school, and is otherwise eligible to enroll in a public school in Texas. A student may enroll in courses full-time only if the student — was enrolled in a public school in the state of Texas the preceding year or is a dependent of a member of the United States military and was previously enrolled in a high school in the state of Texas and 	 2009–2010 11.8.1 Student Eligibility for the TxVSN A student is eligible to enroll in a course provided by the TxVSN only if the student — is younger than 21 years of age on September 1 of the school year, has not graduated from high school, and is otherwise eligible to enroll in a public school in Texas. A student may enroll in courses full-time only if the student was enrolled in a public school in the state of Texas the preceding year. A student may enroll in one or more courses provided through the TxVSN or enroll full-time in courses provided through the network if —
		 does not reside in the state as a result of military deployment or transfer. 	 the student — is a dependent of a member of the United States military, was previously enrolled in a high school in the state of Texas, and does not reside in the state as a result of military deployment or transfer or the student has been placed in substitute care in Texas, regardless of whether the student was enrolled in a Texas public school in the preceding year. A student who has begun enrollment in an electronic course and transfers from one educational setting to another is entitled to continue enrollment in the course. <i>11.8.1.1 Students in Grades 3–9</i> For the 2009–10 school year, only those students in certain districts and charters that participated in the Electronic Course Pilot (eCP) program (Houston Independent School District, Southwest Schools, and Responsive Education Solutions) are eligible to participate in the TxVSN, serving Grades 3–9.

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			program rather than individual content areas. For the 2009–10 school year, these districts/charters will not be offering their virtual programs through the TxVSN course catalog.
		11.9.2 TxVSN and FSP Funding for 2008–09 If an eligible student , the student is eligible to generate ADA and thus FSP funding as an enrolled student in that district. If the student does not meet the normal attendance accounting rules, the student is not eligible to generate ADA and thus FSP funding. If an	 11.8.2 TxVSN FSP Funding and Fees If an eligible student , the student is eligible to generate FSP funding as an enrolled student in that district. If the student does not meet the normal attendance accounting rules, the student is not eligible to generate FSP funding. If an Funding for eligible TxVSN participants in Grades 3–8 will be calculated based on the ADA of those students. Funding for eligible TxVSN participation in Grades 9–12 will be based on successful course completion. Districts providing TxVSN courses receive an allotment of \$400 for each TxVSN course a student successfully completes. Districts in which students taking a TxVSN course are enrolled receive \$80 for administrative costs for each TxVSN course an eligible enrolled student successfully completes. A district may charge a fee for TxVSN courses offered in the summer or for TxVSN courses that are in excess of the normal course load for a student but may not receive
		11.9.3 Options for Providers and Students A TxVSN provider school district or school may offer electronic courses provided through the network to — • students who reside in this state and	allotments for any TxVSN courses for which the district charges a fee. The fee for a TxVSN course may not exceed the lesser of the cost of providing the course or \$400. Your school district or open-enrollment charter school shall charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in this state and is not enrolled in a school district or open- enrollment charter school as a full-time student. 11.8.3 Options for Providers and Students A TxVSN provider school district or school may offer electronic

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		 students who reside outside this state and who meet the eligibility requirements under the TEC, §30A.002(b). A student who is enrolled in a school district or open- enrollment charter school in this state as a full-time student may take one or more electronic courses through the state virtual school network. 	 courses provided through the network to — students who reside in this state and students who reside outside this state and who meet the eligibility requirements under the TEC, §30A.002(c) (students who are dependents of members of the U.S. military, were previously enrolled in a Texas high school, and do not reside in Texas as a result of military transfer). A student who is enrolled in a school district or open-enrollment charter school in this state as a full-time student may take one or more electronic courses through the TxVSN. A student who is enrolled in a school district or open-enrollment charter school that participated in the eCP may attend Grades 3–9 full-time.
		A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state may ⁵¹ enroll in electronic courses through the state virtual school network. A student	A student who is in substitute care in this state may take courses full-time through the TxVSN. Notwithstanding those students who are in substitute care, a student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may ⁵² enroll in electronic courses through the TxVSN. A student [Information on fees is incorporated in subsection 11.8.2.]
Section 12		is not enrolled in a school district or open-enrollment charter school as a full-time student.	
Appendix			
Section 13 Glossary	Addition and Revision		2-through-4-hour rule – The shortened name for the requirement that a student, other than a student who is eligible for, enrolled in, and scheduled for and provided instruction in an alternative attendance accounting program, must be scheduled for and provided instruction 2 through 4 hours each day to be eligible for attendance for FSP purposes (eligible to generate ADA and thus funding).

⁵¹ subject to TEC, §30A.155 ⁵² subject to TEC, §30A.155

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	At-Risk – At risk of dropping out of school according to state criteria defined in the TEC, §29.081.	At-Risk – At risk of dropping out of school according to state criteria defined in the TEC, §29.081(d).
	 High School Equivalency Program (HSEP) – Also known as the "In-School GED Program," a program that provides an alternative for high school students age 16 and over who are at risk of not graduating from high school and earning a high school diploma. The purpose of the program is to prepare eligible students to take a high school equivalency examination (GED). Optional Flexible School Day Program (OFSDP) – A program providing flexible hours and days of attendance for students in Grades 9 through 12 who are at risk of not graduating, are participating in an approved early college high school plan, or are attending a campus implementing an innovative redesign plan. School districts apply 	 High School Equivalency Program (HSEP) – Also known as the "In-School GED Program," a program that provides an alternative for high school students ages 16 through 21 years of age (22 year of age if qualified for special education) who are at risk of not graduating from high school and earning a high school diploma. The purpose of the program is to prepare eligible students to take a high school equivalency examination (GED). Optional Flexible School Day Program (OFSDP) – A program providing flexible hours and days of attendance for students who have dropped out of school or are at risk of dropping out; are participating in an approved early college high school plan; are attending a campus implementing an innovative redesign under a plan approved by the commissioner of education; or as a result of attendance requirements under §25.092, will be denied credit for one or more classes in which the students have been enrolled. School districts apply